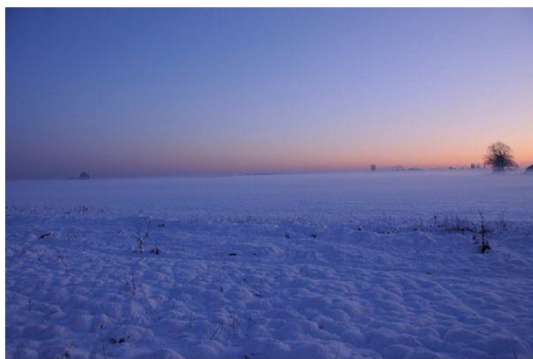


Parkside Action Group  
Response to Parkside Link Road Planning Application  
Legal Aspects  
April 2019



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## ERRATA

In the attached response document:

“PAG (R Ward) Response to Parkside Phase 1 Planning Application P\_2018\_0048\_OUP Jan 2019.pdf”

that accompanies this document.

Where in the response document on pages 6, 11, 12 and 13 reads:

*“Clean Air Strategy 2019”, by The Department for the Environment, Food and Rural Affairs, published 14 January 2018.*

should read:

*“Clean Air Strategy 2019”, by The Department for the Environment, Food and Rural Affairs, published 14 January 2019.*

## 1. Purpose

This document provides a response to the St Helens Council (SHC) Local Planning Authority on the submission made by the applicant St Helens Council for the Parkside Link Road Planning Application, for the legal public consultation notification period, between Thursday 04 April 2019 and ending on Sunday 05 May 2019, application ref. P/2018/0249/FUL.

*“Proposal: Formation of a new link road between A49 (Winwick Road) and M6 Junction 22 including the re-alignment of Parkside Road and other associated works.....*

*Location: Land Between A49 Winwick Road To A573 Parkside Road, Including A Portion Of The Former Parkside Colliery Site And Then From A573 Parkside Road To A579 Winwick Lane Connecting To M6 Junction 22.....*

*This letter is to inform you that the Council has received further information relating to the Environmental Statement that accompanied the above application, as well as other information including amended plans....”*

It is to this proposal this document addresses.

## 2. Introduction

### 2.1. Respondent

I am Richard Ward, Hermitage Green Lodge, Hermitage Green Lane, Winwick, Warrington, WA2 8SJ, email address: richard\_h\_ward@compuserve.com, member of the Parkside Action Group, and I submit the following document in response to the above application for the development known as Parkside Link Road (PLR). This document is an objection to this proposed development.

### 2.2. Documentation

In the attached appendix at the end of this document, I refer to my response to the submission made by the applicant St Helens Council for the Parkside Link Road application description proposal to Warrington Borough Council (WBC) Development Management Committee under reference 2018/32514.

In my response to WBC I refer to several documents that complement the response document, as follows:

- Parkside Link Road Application 2018\_32514 (Major) Document 1 of 6.pdf
- Parkside Link Road Application 2018\_32514 (Major) Document 2 of 6.pdf
- Parkside Link Road Application 2018\_32514 (Major) Document 3 of 6.pdf
- Parkside Link Road Application 2018\_32514 (Major) Document 4 of 6.pdf
- Parkside Link Road Application 2018\_32514 (Major) Document 5 of 6.pdf
- Parkside Link Road Application 2018\_32514 (Major) Document 6 of 6.pdf
- 1. WBC Application\_2018\_32247 last minute DMC response June2018.pdf
- PAG (R Ward) Response to Parkside Phase 1 Planning Application P\_2018\_0048\_OUP Jan 2019.pdf
- PAG (R Ward) Response to Parkside Phase 1 Planning Application P\_2018\_0048\_OUP January 2019 – Heritage rider final.pdf

Therefore, I also submit these said documents to compliment this document to SHC.

### 3. Legal Aspects

#### 3.1. Environmental Impact Assessments

The Applicant, St Helens Council, submitted to St Helens Council (SHC) Local Planning Authority, a planning application proposal and Environmental Impact Assessment in 2018 under SHC reference P/2018/0249/FUL to construct a new road known as the Parkside Link Road (PLR) for public consultation. Subsequently, in 2019, under the same reference P/2018/0249/FUL, a second Environmental Impact Assessment for the same proposed development was submitted to construct a new road known as the PLR for a second public consultation.

3.1.1. But due to the applicants proposed PLR proposal route, this crosses the boundary of the SHC borough boundary and requires a second Local Planning Authority, namely Warrington Borough Council (WBC) Development Management Committee, to assess the same planning application proposal and Environmental Impact Assessment in 2018 under WBC reference 2018/32514 to construct a new road known as the PLR for public consultation.

This cross boundary of the proposed PLR gives rise to substantial cross boundary issues not just with WBC but also with Wigan Council to which the proposed PLR proposal also has serious impacts within the borough of Wigan. These substantial cross boundary have significant and serious impacts and effect beyond the immediate locality of the proposed PLR proposal.

3.1.2. The main purpose of the PLR as detailed in the applicants submitted documentation is to facilitate the PRD (Parkside Regeneration Development), the applicants of the PRD being St Helens Council and Langtree plc which consists of the developments known as Phase 1, Phase 2, Phase 3(SRFI). The PLR documentation gives details of the PRD that will consist of 16 separate warehouses/sheds together with the rail terminal. The SHC update Local Plan Draft submitted in 2019 states the time-scale of the PRD, Phase 1, Phase 2, Phase 3(SRFI) as **ALL** being operational in 2028, all being developed within a 5 year time-scale.

3.1.3. Therefore, the PLR main purpose is to facilitate the PRD, the proposal must be taken as a whole project as the PLR and PRD are interlinked. The developments can not be brought forward as stand-alone developments.

3.1.4. Before the PLR application(s) were submitted to SHC and WBC respectively in 2018, the PRD applicants submitted the Phase 1 proposal and Environmental Impact Assessment to SHC Local Planning Authority under reference P/2018/0048/OUP for public consultation. Under this consultation in 2018 the statutory stakeholder WBC Development Management Committee, under planning application reference 2018/32247, made on 06 June 2018 the official public decision to object to the SHC P/2018/0048/OUP.

3.1.5. It must also be noted that the PRD applicants re-submitted under the same planning application Phase 1 proposal and a second Environmental Impact Assessment under reference P/2018/0048/OUP to SHC Local Planning Authority in 2019, the same application reference as submitted as statutory stakeholder to WBC Development Management Committee in 2018. The public decision made by WBC Development Management Committee under planning application reference 2018/32247 to object to the SHC P/2018/0048/OUP on 06 June 2018, subsequently can not be over-ruled by re-submitting under the same application reference at a later date.

3.1.6. The consequence of the respective applicant(s) for the PLR and the PRD Phase 1 application description of the proposal, all state the same area in all three applications: SHC P/2018/0048/OUP; SHC P/2018/0249/FUL; and WBC 2018/32514, have three separate Environmental Impact Assessments propose to carry out work on the A49 junction and associated road within the Phase 1 boundary. Making three individual and separate planning applications Environmental Impact Assessments for the same area at the same time is against the Directive 2011/92/EU, amended by Directive 2014/52/EU: only one Environmental Impact Assessments for

the area can be performed. By doing so this method, named salami-slicing, is forbidden by European Directives and various judgements, among others [Ecologistas].

The PLR application proposal WBC 2018/32514 and the PLR application proposal SHC P/2018/0249/FUL is solely required to facilitate the whole PRD.

The Phase 1 application proposal SHC P/2018/0048/OUP masterplan(s) is required to facilitate the PLR, Phase 2 and Phase 3(SRFI), being developed.

The Environmental Impact Assessment documentation for either the PLR application or the Phase 1 application fails to show the full assessment as required by the Directive 2011/92/EU amended by Directive 2014/52/EU Article 2(1) and under Annex II Projects Referred to in Article 4(2):

*10. INFRASTRUCTURE PROJECTS;*

*(b) Urban development projects, including the construction of shopping centres and car parks;*

*(c) Construction of railways and intermodal transshipment facilities, and of intermodal terminals (projects not included in Annex I);*

*(e) Construction of roads, harbours and port installations, including fishing harbours (projects not included in Annex I);*

and

*13. (a) Any change or extension of projects listed in Annex I or this Annex, already authorised, executed or in the process of being executed, which may have significant adverse effects on the environment (change or extension not included in Annex I);*

Therefore this is to salami-slice the applications so as to subvert the proper operation of planning controls and the SHC Local Planning Authority and the WBC Development Management Committee must refuse the respective applications description of the proposal before them (SHC P/2018/0048/OUP; SHC P/2018/0249/FUL and WBC 2018/32514), or submit the application(s) to the Secretary of State for a ministerial decision.

### **3.2. Aarhus Convention**

3.2.1. The “CONVENTION ON ACCESS TO INFORMATION, PUBLIC PARTICIPATION IN DECISION-MAKING AND ACCESS TO JUSTICE IN ENVIRONMENTAL MATTERS”, done at Aarhus, Denmark, on 25 June 1998, known as the Aarhus Convention.

The proposed development(s) at the former Parkside colliery and associated lands either side of the motorway M6 known as Parkside East and Parkside West, all have been identified as requiring an Environmental Impact Assessment under the Directive 2011/92/EU amended by Directive 2014/52/EU under Annex II Projects Referred to in Article 4(2).

If a project has significant effects on the environment by virtue, inter alia, of their nature, size or location and nevertheless split in to smaller development applications, it is against Directive 2011/92/EU amended by Directive 2014/52/EU Article 2(1) for projects under Annex II and detailed in the European Court of Justice Case number 142/07 [Ecologistas] judgment among other judgments.

3.2.2. The applicant SHC, two PLR application proposals and the re-submitted Environmental Impact Assessment(s) to WBC and SHC respectively in 2019 (SHC P/2018/0249/FUL and WBC 2018/32514), the applicant submitted documentation to the respective local authorities for public consultation, have references to the Environmental Impact Assessment documents that are not present for the public to assess the proposed development in the consultation.

This is in direct conflict with the **Aarhus Convention** Article 6 under Annex 20 for the public to legally consult on the applications. Therefore, as there are differences between the two PLR application Environmental Impact Assessments, then SHC Local Planning Authority and WBC Development Management Committee must refuse the respective applications description of the proposal before them (SHC P/2018/0249/FUL and WBC 2018/32514), or submit the application to the Secretary of State for a ministerial decision.

3.2.3. The PLR application proposal Environmental Impact Assessments with WBC and SHC in 2019, also reference the PRD, Phase 1, Phase 2, Phase 3(SRFI), as the PLR will facilitate the PRD (16 warehouses/sheds and rail terminal in the respective Environmental Impact Assessment(s)), the applicant SHC fail to provide for public consultation the associated criteria for assessment for these PLR declared 16 warehouses/sheds and rail terminal, as stated in the Directive 2011/92/EU amended by Directive 2014/52/EU.

This is in direct conflict with the **Aarhus Convention** Article 6 under Annex 20 for the public to legally consult on the applications. Therefore, the SHC Local Planning Authority and the WBC Development Management Committee must refuse the respective applications description of the proposal before them (SHC P/2018/0249/FUL and WBC 2018/32514), or submit the application to the Secretary of State for a ministerial decision.

3.2.4. Further, as both SHC Local Planning Authority and WBC Development Management Committee have before them the Phase 1 application P/2018/0048/OUP Environmental Impact Assessment due to the inter-relationship of the A49 junction and associated roads the with the PLR applications.

Also, the Environmental Impact Assessment Phase 1 masterplan(s) show there is an inter-relationship with Phase 2 and the Phase 3(SRFI) but fails to show the full impact of these in the Phase 1 assessment of these developments. This is in direct conflict with the **Aarhus Convention** Article 6 under Annex 20 for the public to legally consult on the application proposal P/2018/0048/OUP, therefore, the SHC Local Planning Authority and the WBC Development Management Committee must be refused or submit the application to the Secretary of State for a ministerial decision.

3.2.5. Due to the Phase 1 application proposal Environmental Impact Assessment with SHC in 2019 also reference the PRD, Phase 2, Phase 3(SRFI) and PLR. The PRD Phase 1 application proposal show the Listed Buildings Newton Park Farmhouse and Barn and associated other dwellings are seriously affected by the all Phase 1, Phase 2, Phase 3(SRFI) and the PLR. But the Phase 1 application proposal Environmental Impact Assessment documentation fails to show the effects as a whole project and the likely significant effects on the environment by virtue, inter alia, of their nature, size or location on the Listed Buildings Newton Park Farmhouse and Barn and associated other dwellings.

The Phase 3 (SRFI) Rail spur line located on Parkside West is a fundamental key component that is required for the SRFI terminal on Parkside East. Therefore as the Listed Buildings Newton Park Farmhouse and Barn and associated other dwellings is required to be altered to enable the SRFI Rail Spur line on Parkside West to be developed. As Phase 1 masterplan(s) clearly show the Listed Buildings Newton Park Farmhouse and Barn and associated other dwellings have been altered (Newton Park Drive has been removed and a new road connected to the Phase 1/PLR entrance on the A49 Winwick Road) to accommodate the Phase 3 (SRFI) Rail Spur Line.

The Phase 1 masterplan seriously impacts on the Listed Buildings Newton Park Farmhouse and Barn and associated other dwellings setting under the Planning (Listed Buildings and Conservation Areas) Act 1990.

The Phase 1 masterplan clearly shows the Drainage and road infrastructure (which must include the associated utilities) to accommodate the Listed Buildings Newton Park Farmhouse and Barn and associated other dwellings.

The Phase 1 application (and the PLR applications) fails to show the documentation of the whole Environmental Impact Assessment for the whole Phase 1, Phase 2, Phase 3 (SRFI) and the PLR development upon the Listed Buildings Newton Park Farmhouse and Barn and associated other dwellings.

The public have been legally denied the full documentation to assess the Phase 1 application (and the PLR applications) as required under the **Aarhus Convention**. Therefore, the SHC Local Planning Authority and the WBC Development Management Committee must refuse the application SHC P/2018/048/OUP description of the proposal before them, or submit the application to the Secretary of State for a ministerial decision.

3.2.6. The Designated Heritage Asset Registered Battlefield Environmental Impact Assessment for the PLR clearly shows that the assessment does not include the Phase 1 application. The PLR assessment is only concerned with the PLR boundary on the Parkside West even though part of the PLR boundary is situated on and inside the Phase 1 boundary. To the point that the PLR assessment states the areas to be used by the surface water drainage that runs through the Registered Battlefield will be restored so as to not affect the battlefield, without any recognition that the Phase 1 development application proposal will destroy the battlefield area by raised earthworks and warehouse/sheds and associated road and hardstandings.

The omission of the full Environmental Impact Assessment in the PLR application by the serious impact effects of the Phase 1 application is in direct conflict with the **Aarhus Convention** Article 6 under Annex 20 for the public to legally consult on the applications. Therefore, SHC Local Planning Authority and WBC Development Management Committee must refuse the respective applications description of the proposal before them (SHC P/2018/0249/FUL and WBC 2018/32514), or submit the application to the Secretary of State for a ministerial decision.

#### **4. Air Quality and Climate Change Rider**

4.1. After the House of Commons debate in Parliament on 01 May 2019 on “The Environment and Climate Change”, To which can be read in the Commons Hansard at the following web links:

part1:

<https://hansard.parliament.uk/Commons/2019-05-01/debates/3C133E25-D670-4F2B-B245-33968D0228D2/EnvironmentAndClimateChange>

Part2:

<https://hansard.parliament.uk/Commons/2019-05-01/debates/85FE0864-18D1-42BA-9D3C-CB2D0958D067/EnvironmentAndClimateChange>

After the debate the move to closure was made and the whole House of Commons to the question: “agreed” and “resolved”:

**Mr Nicholas Brown (Newcastle upon Tyne East) (Lab)**

*claimed to move the closure (Standing Order No. 36).*

*Question put forthwith, That the Question be now put.*

*Question agreed to.*

*Main Question accordingly put and agreed to.*

*Resolved,*

That this House declares an environment and climate emergency following the finding of the Inter-governmental Panel on Climate Change that to avoid a more than 1.5°C rise in global warming,

global emissions would need to fall by around 45 per cent from 2010 levels by 2030, reaching net zero by around 2050; recognises the devastating impact that volatile and extreme weather will have on UK food production, water availability, public health and through flooding and wildfire damage; notes that the UK is currently missing almost all of its biodiversity targets, with an alarming trend in species decline, and that cuts of 50 per cent to the funding of Natural England are counterproductive to tackling those problems; calls on the Government to increase the ambition of the UK's climate change targets under the Climate Change Act 2008 to achieve net zero emissions before 2050, to increase support for and set ambitious, short-term targets for the roll-out of renewable and low carbon energy and transport, and to move swiftly to capture economic opportunities and green jobs in the low carbon economy while managing risks for workers and communities currently reliant on carbon intensive sectors; and further calls on the Government to lay before the House within the next six months urgent proposals to restore the UK's natural environment and to deliver a circular, zero waste economy.

Extract from the above Hansard Part 2 web link.

4.2. During the Commons debate on "The Environment and Climate Change", several members of Parliament who spoke, mentioned the forthcoming climate change report to be published on 02 May 2019. The report was published on 02 May 2019 titled: "*Net Zero The UK's contribution to stopping global warming*", by the Committee on Climate Change. This report can be found at the following web links:

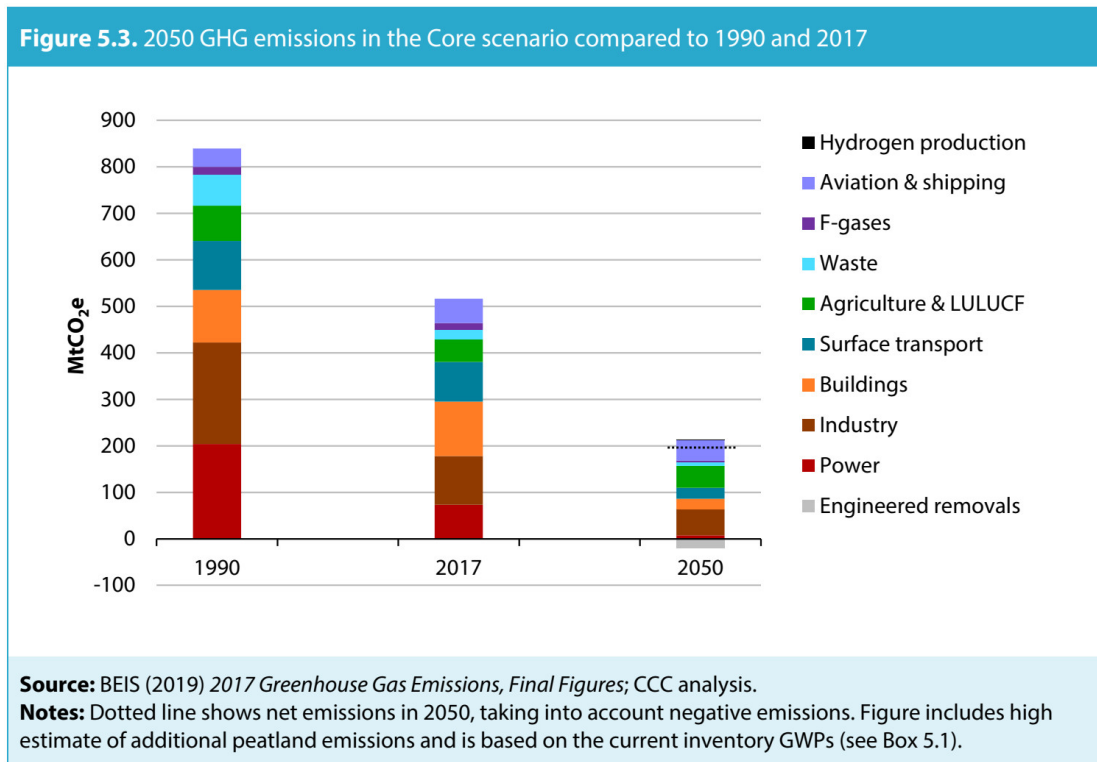
<https://www.theccc.org.uk/publication/net-zero-the-uks-contribution-to-stopping-global-warming/>

<https://www.theccc.org.uk/wp-content/uploads/2019/05/Net-Zero-The-UKs-contribution-to-stopping-global-warming.pdf>

The "*Net Zero The UK's contribution to stopping global warming*" report states:



Page 143 states:



This shows that from 1990 to 2017 the contribution from building construction by the use of steel, cement and lime has not changed in usage and can be seen to be a major contributor to pollution. Especially as the construction of buildings and industry are directly linked to surface transport.

Page 145 states:

**“Surface transport.** The Further Ambition options we have identified for reducing emissions in surface transport lead to emissions of 2 MtCO<sub>2</sub>e in 2050. This will need all cars and vans to be electric by 2050, and for the vast majority of HGVs to be either electric or hydrogen powered. These changes are likely to be cost saving overall. Remaining emissions in 2050 are largely from a small level of conventionally powered HGVs and rail freight.

– HGVs are harder to decarbonise. Our new research suggests that it is possible to get to very-low emissions by 2050 by switching most of these vehicles to hydrogen power or electrification. A hydrogen-based switchover would require 800 refuelling stations to be built by 2050 and electrification would need 90,000 depot-based chargers for overnight charging....”

Page 161 states:

“The ETC focused on ways to reach net-zero CO<sub>2</sub> emissions by mid-century in harder-to-abate sectors such as industry, freight transport and aviation. They identified a three-pronged approach: demand reduction for high-carbon goods such as steel....”

Page 163 states:

**Box 5.7. Consumption-based emissions**

Emissions associated with the activities of UK residents can be measured in two main ways: on a territorial basis, which includes emissions produced solely within the UK's borders, or on a consumption basis which aims to cover emissions associated with UK activity and expenditure wherever it occurs in the world (and does not include the emissions from producing the UK's exports).

Consumption-based emissions were estimated to be around 70% higher than territorial-based emissions in 2016 (see Box 3.3 in Chapter 3). Consumption-based emissions have a higher uncertainty than territorial estimates given the need to estimate emissions across international supply chains.

The UK should ensure that action to reduce emissions within its own borders does not result in an increase in the imported part of its consumption emissions. Such an increase could occur due to either an increase in total UK consumption, or a transfer of activity to overseas (known as 'offshoring').

The Committee will continue to monitor emissions on a consumption basis as part of our regular progress monitoring. The Government should consider the cost-effectiveness of measures to cut emissions based on their effect on all emissions, not just those included in the UK territorial account.

Our Further Ambition options include a number of demand reduction measures, such as resource efficiency and dietary change, which target goods and services whose production may be more difficult to decarbonise. These include: fossil fuels, industrial products (steel, cement, and lime) and foods such as red meat and dairy products. This approach is taken primarily because these measures are a relatively low-cost way for the UK to achieve net-zero territorial emissions. However, the substantial import dependency of these goods and services means that these actions are also likely to reduce total UK consumption-based emissions. The UK's progress towards net-zero emissions on a territorial basis will contribute additionally towards reducing global emissions, since the carbon content of the UK's exported goods and services will be lower. Furthermore, the lower UK territorial emissions will reduce the consumption emission footprints of countries that import from the UK.

Figure B5.7 shows the estimated reduction due to our Further Ambition options, from 2016 to 2050, in the imported part of the UK's consumption-based emissions for the goods and services listed above. The total reduction is 18 MtCO<sub>2</sub>e, or a 27% reduction compared to the level (64 MtCO<sub>2</sub>e) in 2016. The drivers of this reduction are:<sup>153</sup>

- A 30% reduction in the tonnage of iron and steel, and a 26% reduction in cement, lime and plaster, consumed in the UK between 2016 and 2050. See Chapter 4 of the Technical Report for details.
- A 20% reduction in the amount of beef, lamb and dairy produce consumed in the UK between 2016 and 2050. Beef and lamb consumption are assumed to be replaced by pork and poultry products; dairy products by legumes and pulses. See Chapter 7 of the Technical Report for details.
- Lower consumption of fossil fuels<sup>154</sup> and imported bioenergy as a result of all Further Ambition options in aggregate. These reduce emissions from extraction and production of these fuels.
- We do not include additional emissions reductions from reduced growth in UK aviation. Only the departing flights are included in the UK's territorial emissions, but clearly fewer departing flights will also be associated with fewer arriving flights. These will be counted in the territorial emissions of the countries from which they depart and will help to reduce global emissions but may not count in the UK's consumption emissions.

Page 237 states:

***“Low-carbon production inputs. Deeper decarbonisation of industries like steel and cement will be needed in the UK to achieve net-zero emissions. Greater international demand for low-carbon industrial products could be an opportunity for UK firms, if they start to decarbonise their manufacturing processes sooner.*”**

Page 274 states:

*“In setting a net-zero target, these actions must be supplemented by stronger approaches to policy for industry, land use, HGVs, aviation and shipping, and GHG removals:*

- **Industry.** Government must implement an approach to incentivise industries to reduce their emissions through energy and resource efficiency, electrification, hydrogen and CCS in ways that do not adversely affect their competitiveness. In the short-term, this is likely to imply a role for Exchequer funding. Longer term, it could involve international sectoral agreements (e.g. for industries like steel where there are relatively few global companies), procurement and product standards that drive change by requiring consumers to buy or use low-carbon products (e.g. where UK consumption is a large part of an industry’s market) or through border-tariff adjustments that reflect the carbon content of imports. Wider infrastructure developments to support CCS and hydrogen roll-out will support industry to make the required changes.*
- **Land use.** Consumer-facing policies should be used to support shifts to healthier diets with lower beef, lamb and dairy consumption. These would allow changes in UK land use without increasing reliance on imports. Forest cover should increase from 13% of UK land to 17% by 2050. Policy must support land managers with skills, training and information.*
- **HGVs.** The Government will need to make a decision on the required infrastructure for zero emission HGVs, with international coordination, in the mid-2020s ready for deployment in the late 2020s and throughout the 2030s. To help prepare for that, trials of zero emission HGVs and associated refuelling infrastructure are now needed. Vehicle and fuel taxation from the 2020s onwards should be designed to incentivise commercial operators to purchase and operate zero-emission HGVs.*
- **Aviation and shipping.** ICAO and IMO, the international agencies for aviation and shipping, have adopted targets to tackle emissions. The scenarios in this report go beyond those targets, suggesting increased ambition and stronger levers will be required in the long run. We will write to the Government later this year on its approach to aviation, building on the advice in this report.*
- **GHG removals.** The Government should expand support for early-stage research across the range of GHG removal options, including trials and demonstration projects. It should also signal the longer-term market, which is clearly needed to meet a net-zero target, by developing the governance rules and market mechanisms to pay for emissions removals. Aviation stands out as an obvious sector that could require removals to offset its emissions – either through CORSIA (the international aviation industry’s planned trading scheme), the EU ETS or unilaterally the UK could support a net-zero target for aviation, requiring that all emissions are offset by removals.”*

4.3. The above highlights from the report “*Net Zero The UK’s contribution to stopping global warming*”, published on 02 May 2019 by the Committee on Climate Change, are points that the three application development proposals for the former Parkside colliery area on the east and west of the motorway M6, **will not achieve, but only contribute to CO<sub>2</sub> emissions and associated Greenhouse Gases (PPM’s, NO<sub>x</sub>, SO<sub>x</sub>, etc)**, as also detailed in the recent Government document with regards to Air Quality or pollution the “Clean Air Strategy 2019”, by The Department for the Environment, Food and Rural Affairs, published 14 January 2019.

To construct a mainly Road Transportation usage to accommodate 16 massive warehouse/sheds on Parkside East and Parkside West will require vast amounts of steel and cement as detailed in calculations in my previous response submissions.

Where the contribution to off-set these initial irreversible emissions during construction along with the associated road transport emissions, by stating there will be a Rail terminal to transport the freight.

Note: **ALL** the imported freight in to Parkside East and Parkside West during manufacture will have an associated climate change emission factor that Parkside East and Parkside West must also address as part of the Parkside emissions that contribute to climate change.

But the Rail terminal to comply with the “*Net Zero The UK's contribution to stopping global warming*” May 2019 date for zero emissions to be 2050. Then **ALL** the Freight **MUST** be transported by rail to/from the Parkside East and West development, with no Road Commercial Vehicles, to comply with the 2050 target of zero emissions. This ideal situation can and would never be realised due to the fact the rail network of the Chat Moss Railway line could never cope with the required rail “slots” to make Parkside East and Parkside West a viable or feasible proposition.

The proposed PRD, “Phase 1, Phase2, Phase 3(SRFI)” development relies on road transport via the proposed Parkside Link Road (PLR) that needs/requires the local roads A49, A573, A579 and the national motorway M6 as the “**key backbone**” to operate and not the rail network of the Chat Moss Railway line. The rail network of the Chat Moss Railway line will also rely on the PLR “**key backbone**” to operate.

The “*Net Zero The UK's contribution to stopping global warming*” report states: “HGVs are harder to decarbonise”, the result will be: The people living in the areas of Newton, Haydock, Winwick, Warrington, Ashton, Golborne and Lowton will **all** suffer from the effects of air pollution and climate change from the proposal at Parkside East and Parkside West if developed, due to the increase in Commercial Vehicles entering or leaving the Parkside East/ Parkside West proposed development on a 24 hour, 365 daily basis.

4.4. The Environmental Impact Assessments have not shown in all of the current applications (Phase1 SHC P/2018/0048/OUP; PLR SHC P/2018/0249/FUL and PLR WBC 2018/32514), the true Environment and Climate Change impacts and effects that will occur, especially as the use of these 16 warehouse/sheds, stated in the PLR documents are for “**unknown end users**”.

This means as the Parliament debate, “agreed and resolved” on the environment and climate change 01 May 2019 and “*Net Zero The UK's contribution to stopping global warming*” report has been publish 02 May 2019, during the public consultation period (04 April 2019 to 05 May 2019), the Environmental Impact Assessments with regards Air Quality and Climate Change on the environment contained in the applications: Phase1 SHC P/2018/0048/OUP; PLR SHC P/2018/0249/FUL and PLR WBC 2018/32514 fail to show the full impact upon the Local Area and beyond including cross border with Warrington, Cheshire and Wigan, Greater Manchester. Due to the Application being submitted in parts and that the full effects on the surrounding area with regards to Air Quality and Climate Change has not been covered by an Environmental Impact Assessment for the **whole project**: the PRD, “Phase 1, Phase2, Phase 3(SRFI)” and the Parkside Link Road (PLR).

4.5. This is against the Directive 2011/92/EU amended by Directive 2014/52/EU Article 2(1) and under Annex II Projects Referred to in Article 4(2):

*10. INFRASTRUCTURE PROJECTS;*

*(b) Urban development projects, including the construction of shopping centres and car parks;*

*(c) Construction of railways and intermodal transshipment facilities, and of intermodal terminals (projects not included in Annex I);*

*(e) Construction of roads, harbours and port installations, including fishing harbours (projects not included in Annex I);*

and

*13. (a) Any change or extension of projects listed in Annex I or this Annex, already authorised, executed or in the process of being executed, which may have significant adverse effects on the environment (change or extension not included in Annex I);*

As detailed in the European Court of Justice Case number 142/07 [Ecologistas] judgment among other judgments.

Therefore this is to salami-slice the applications so as to subvert the proper operation of planning controls and the SHC Local Planning Authority and the WBC Development Management Committee must refuse the respective applications description of the proposal before them (SHC P/2018/0048/OUP; SHC P/2018/0249/FUL and WBC 2018/32514), or submit the application(s) to the Secretary of State for a ministerial decision.

## **5. Warrington Borough Council PLR Response**

5.1. The applicant SHC planning application proposal for the PLR submitted to WBC reference 2018/32514 details the above points and is submitted as an appendix, that compliments this response.

## **6. Grounds for Objection**

It shows that the whole project Phase 1, Phase 2, Phase 3 (SRFI) and Parkside Link Road must be called in for the Secretary of State to oversee under a public inquiry for ALL the Project Phases assessed as a whole. Else, it is salami-slicing under the terminology of the EIA Directive 2011/92/EU, amended by Directive 2014/52/EU Article 2(1).

## **7. Appendix**

### **6.1. Documentation**

Reference to section 2.2. above, I refer to my response to the submission made by the applicant St Helens Council for the Parkside Link Road application description proposal to Warrington Borough Council (WBC) Development Management Committee under reference 2018/32514.

In my response to (WBC) I refer to several documents that complement the response document. I also submit these said same documents to complement this document to SHC.

6.2. The Parkside Action Group Legal Aspects objection response to Warrington Borough Council (WBC) Development Management Committee April 2019 under planning application proposal reference 2018/32514 follows:

Parkside Action Group  
Response to Parkside Link Road Planning Application

March 2019



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## 1. Purpose

This document provides a response to the Warrington Borough Council (WBC) public consultation notification for the Parkside Link Road Planning Application published on 19 March 2019, ref. 2018/32514 on behalf of the Parkside Action Group, on the second Environmental Impact Assessment (EIA) proposal:

*“Environmental Impact Assessment Application - Full Planning Application (Major) - Proposed single carriageway link road between A49 Winwick Road (WA12 8EF) and A573 Parkside Road; at each location a signalised junction will be formed. The road then utilises the existing A573 Parkside Road to cross the M6 (via existing overbridge) before realigning Parkside Road to a new roundabout before heading east to A579 Winwick Lane to a newly formed roundabout. The section of carriageway from the new Winwick Lane roundabout and the M6 Junction 22 will be a dual carriageway. The A573 and A579 will be realigned to the new roundabouts.*

*Land between A49 Winwick Road to A573 Parkside Road, including a proportion of the former Parkside Colliery with land, from A573 Parkside Road to A579 Winwick Lane connecting to M6 Junction 22, WA2 8ST”*

## 2. Introduction

### 2.1 Respondent

I, Richard Ward, of Hermitage Green Lodge, Hermitage Green Lane, Winwick, Warrington, WA2 8SJ, email address: richard\_h\_ward@compuserve.com, member of the Parkside Action Group, submit the following document in response to the above application for the development known as Parkside Link Road (PLR), as an objection to the proposed development.

### 2.2. Previous 2018/32514 EIA submissions

I have previously responded to the above application, to which I submit this document to compliment my earlier response to the first EIA for application 2018/32514 sent in May 2018 as follows:

- Parkside Link Road Application 2018\_32514 (Major) Document 1 of 6.pdf
- Parkside Link Road Application 2018\_32514 (Major) Document 2 of 6.pdf
- Parkside Link Road Application 2018\_32514 (Major) Document 3 of 6.pdf
- Parkside Link Road Application 2018\_32514 (Major) Document 4 of 6.pdf
- Parkside Link Road Application 2018\_32514 (Major) Document 5 of 6.pdf
- Parkside Link Road Application 2018\_32514 (Major) Document 6 of 6.pdf

### 2.3. Warrington Borough Council application 2018/32247 Submissions

In June 2018, I submitted a response to Warrington Borough Council (WBC) planning number 2018/32247 the following response as objection to the Development Management Committee “decision to object” on 06 June 2018 to the St Helens Council (SHC) planning application number P/2018/0048/OUP, known as the Phase 1 development.

- 1. WBC Application\_2018\_32247 last minute DMC response June2018.pdf

I submit to compliment this document.



## 2.4. St Helens Council application P/2018/0048/OUP second EIA submission

In January 2019 SHC re-submitted a second EIA for the Phase 1 application to which I also sent to Development control planning department on 11 February 2019 the following:

- PAG (R Ward) Response to Parkside Phase 1 Planning Application P\_2018\_0048\_OUP Jan 2019.pdf
- PAG (R Ward) Response to Parkside Phase 1 Planning Application P\_2018\_0048\_OUP January 2019 – Heritage rider final.pdf

I submit to compliment this document.

## 3. Legal Aspects

### 3.1 The current WBC application 2018/32514

In the 1.Purpose above the public notification is shown for the PLR, the Proposal criteria to which the consultation and decision is legally based.

The first public notification published on 23 April 2018 for application 2018/32514 states:

23rd April 2018

Dear Sir/Madam

#### NOTIFICATION OF PLANNING APPLICATION

APPLICATION NUMBER: 2018/32514

**Location:** Land between A49 Winwick Road to A573 Parkside Road, including a proportion of the former Parkside Colliery with land, from A573 Parkside Road to A579 Winwick Lane connecting to M6 Junction 22, WA2 8ST

**Proposal:** Full Planning (Major) - Proposed single carriageway link road between A49 Winwick Road (WA12 8EF) and A573 Parkside Road; at each location a signalised junction will be formed. The road then utilises the existing A573 Parkside Road to cross the M6 (via existing overbridge) before realigning Parkside Road to a new roundabout before heading east to A579 Winwick Lane to a newly formed roundabout. The section of carriageway from the new Winwick Lane roundabout and the M6 Junction 22 will be a dual carriageway. The A573 and A579 will be realigned to the new roundabouts.

**Applicant:** Mr Steve Littler, St Helens Metropolitan Borough Council

**Case Officer:** Elizabeth Snead - 01925 442915

An application for planning permission as described above has been received by the Council. If you

The second public notification published on 19 March 2019 for application 2018/32514 states:  
19th March 2019

Dear Sir/Madam

**Notification of Planning Application**

<b>Application No.:</b>	2018/32514
<b>Location:</b>	Land between A49 Winwick Road to A573 Parkside Road, including a proportion of the former Parkside Colliery with land, from A573 Parkside Road to A579 Winwick Lane connecting to M6 Junction 22, WA2 8ST
<b>Applicant:</b>	Mr Steve Littler, St Helens Metropolitan Borough Council
<b>Proposal:</b>	Environmental Assessment Application, Full Planning (Major)- Proposed single carr

I would like to inform you that additional information has been received for the above application.

*Development description: **Environmental Impact Assessment Application – Full Planning Application (Major) – Proposed single carriageway link road between A49 Winwick Road (WA12 8EF) and A573 Parkside Road; at each location a signalised junction will be formed. The road then utilises the existing A573 Parkside Road to cross the M6 (via existing overbridge) before realigning Parkside Road to a new roundabout before heading east to A579 Winwick Lane to a newly formed roundabout. The section of carriageway from the new Winwick Lane roundabout and the M6 Junction 22 will be a dual carriageway. The A573 and A579 will be realigned to the new roundabouts***

Members of the public may inspect the [addendum to the Environmental Statement](#) online at

The SHC Application for Planning Permission. Town and Country Planning Act 1990, signed 23 March 2018 the description of the Proposal states:

**3. Description of the Proposal**

Please describe the proposed development including any change of use:

A single carriageway link road between A49 Winwick Road (WA12 8EF) and A573 Parkside Road; at each location a signalised junction will be formed. The road then utilises the existing A573 Parkside Road to cross the M6 (via existing overbridge) before realigning Parkside Road to a new roundabout before heading east to A579 Winwick Lane to a newly formed roundabout. The section of carriageway from the new Winwick Lane roundabout and the M6 Junction 22 will be a dual carriageway. The A573 and A579 will be realigned to the new roundabouts.

Has the building, work or change of use already started?     Yes     No

The description for the proposal submitted by the applicant is the same as the two WBC public notification.

I point to the proposal(s) description:

*“single carriageway link road between A49 Winwick Road (WA12 8EF) and A573 Parkside Road; at each location a signalised junction will be formed.”*

The proposal is under the EIA to perform works at the entrance of the Parkside West site at the junction with the A49 Winwick Road where a new signalised junction is to be formed.

The new proposed road to be constructed as new single carriage across Parkside West site to form a new signalised junction at the A573 Parkside Road.

It is this section under review.

### 3.2 SHC Application P/2018/0048/OUP

In the application for the proposed Phase 1 the public notification and application form states for the description of the proposal the following:

Application for Outline Planning Permission with some matters reserved. Town and Country Planning Act 1990, signed 16 January 2018 the description of the Proposal states:

<b>3. Description of the Proposal</b>				
Please indicate all those reserved matters for which approval is being sought:				
<input checked="" type="checkbox"/> Access	<input type="checkbox"/> Appearance	<input type="checkbox"/> Landscaping	<input type="checkbox"/> Layout	<input type="checkbox"/> Scale
Please describe the proposal:				
The outline application (all matters reserved except for means of access) comprises the construction of up to 92,900 m <sup>2</sup> (gross internal) of employment floorspace (Use Class B8 with ancillary B1(a) offices) and associated servicing and infrastructure including car parking and vehicle and pedestrian circulation and alteration of existing access road into site including works to existing A49 junction, noise mitigation, earthworks to create development platforms and bunds, landscaping including buffers, works to existing spoil heap, creation of drainage features, substations and ecological works				
Has the building or works already been carried out?				
<input type="radio"/> Yes <input checked="" type="radio"/> No				

The first public notification on 15 February 2018 states:

Dear Sir/Madam,	Website: <a href="http://www.sthelens.gov.uk">www.sthelens.gov.uk</a>
<b>TOWN AND COUNTRY PLANNING ACT 1990</b>	15th February 2018
<b>NEIGHBOUR NOTIFICATION OF APPLICATION</b>	
Application No:	P/2018/0048/OUP
Proposal:	Outline application (all matters reserved except for access) for the construction of up to 92,900 square metres of employment floor space (use class B8 with ancillary B1(a)) and associated servicing and infrastructure including car parking; vehicle and pedestrian circulation space; alteration of existing access road including works to existing A49 junction; noise mitigation; earthworks to create development platforms and bunds; landscaping including buffers; works to existing spoil heap; creation of drainage features; substations; and ecological works.
For:	Outline Planning Application
Location:	Site of the former Parkside Colliery, Winwick Road, Newton-le-Willows
This letter is to inform you that the Council has received the above application. It is recommended	

The second public notification on 16 January 2019 states:

Dear Sir/Madam,

16<sup>th</sup> January 2019

**TOWN AND COUNTRY PLANNING ACT 1990**

**NEIGHBOUR NOTIFICATION OF AMENDED APPLICATION**

Application Number: P/2018/0048/OUP

Proposal: Outline application (all matters reserved except for access) for the construction of up to 92,900 m2 of employment floorspace (Use Class B8 with ancillary B1(a)) and associated servicing and infrastructure including car parking; vehicle and pedestrian circulation space; alteration of existing access road including works to existing A49 junction; noise mitigation; earthworks to create development platforms and bunds; landscaping including buffers; works to existing spoil heap; creation of drainage features; substations and ecological works

For: Outline Planning Application

Location: Site of the former Parkside Colliery, Winwick Road, Newton-le-Willows

This letter is to inform you that the Council has received further information relating to the Environmental Statement that accompanied the above application, as well as other information including amended plans. It

The Application form and the two public notifications clearly stated from the said three Proposals for the PLR, the Proposal criteria to which the consultation and decision is legally based. I point to the proposal description:

*“alteration of the existing access road including works to existing A49 junction”*

In this statement, the proposal is under the EIA to perform works at the entrance of the Parkside West site at the junction with the A49 Winwick Road where a new junction is to be formed. The new proposed road to be constructed as new single carriage across Parkside West site. It is this section under review.

### 3.3 SHC application P/2018/0249/FUL Parkside Link Road

In the SHC Application for Planning Permission for the PLR. Town and Country Planning Act 1990, signed 23 March 2018 the description of the Proposal states:

**3. Description of the Proposal**

Please describe the proposed development including any change of use:

A single carriageway link road between A49 Winwick Road (WA12 8EF) and A573 Parkside Road; at each location a signalised junction will be formed. The road then utilises the existing A573 Parkside Road to cross the M6 (via existing overbridge) before realigning Parkside Road to a new roundabout before heading east to A579 Winwick Lane to a newly formed roundabout. The section of carriageway from the new Winwick Lane roundabout and the M6 Junction 22 will be a dual carriageway. The A573 and A579 will be realigned to the new roundabouts.

Has the building, work or change of use already started?  Yes  No

The description for the proposal submitted by the applicant is the same as the WBC public notification.

In the SHC application for the proposed PLR the first public notification on 12 April 2018 states for the description of the proposal the following:

Dear Sir/Madam, Website: [www.sthelens.gov.uk](http://www.sthelens.gov.uk)  
12th April 2018

**TOWN AND COUNTRY PLANNING ACT 1990**

**NEIGHBOUR NOTIFICATION OF APPLICATION**

Application Number: P/2018/0249/FUL  
Proposal: Formation of a new link road between A49 (Winwick Road) and M6 Junction 22 including the re-alignment of Parkside Road and other associated works.  
For: Full Planning Application  
Location: Land Between A49 Winwick Road To A573 Parkside Road, Including A Portion Of The Former Parkside Colliery Site And Then Land From A573 Parkside Road To A579 Winwick Lane Connecting To M6 Junction 22.,

This letter is to inform you that the Council has received the above application. It is recommended

In the SHC application for the proposed PLR the first public notification on 04 April 2019 states for the description of the proposal the following:

Dear Sir/Madam,

4<sup>th</sup> April 2019

**TOWN AND COUNTRY PLANNING ACT 1990**

**NEIGHBOUR NOTIFICATION OF AMENDED APPLICATION**

Application Number: P/2018/0249/FUL  
Proposal: Formation of a new link road between A49 (Winwick Road) and M6 Junction 22 including the re-alignment of Parkside Road and other associated works.  
For: Full Planning Application  
Location: Land Between A49 Winwick Road To A573 Parkside Road, Including A Portion Of The Former Parkside Colliery Site And Then Land From A573 Parkside Road To A579 Winwick Lane Connecting To M6 Junction 22

This letter is to inform you that the Council has received further information relating to the Environmental Statement that accompanied the above application, as well as other information including amended plans. It

The two public notification both proposals states:

*“Formation of a new link road between A49 (Winwick Road) and M6 Junction 22”*

And from the applicants Proposal states:

*“single carriageway link road between A49 Winwick Road (WA12 8EF) and A573 Parkside Road; at each location a signalised junction will be formed.”*

Both the Public notice and the Applicants Proposal both agree that work will be carried out at the A49 Winwick Road entrance and continue through Parkside West.

### 3.4 WBC application 2018/32247 with respect to SHC Application P/2018/0048/OUP

WBC raised a planning application number 2018/32247 to decide upon the application P/2018/0048/OUP from SHC as the Adjoining Authority Consultation:

The Development Management Committee (DMC) meeting sat on Wednesday 6th June 2018, where the Committee voted:

#### **‘To object to the SHC planning application P/2018/0048/OUP’**

This means as the WBC Development Management Committee have made their decision in public to object to SHC Phase 1 application P/2018/0048/OUP “proposal” for the application reference legally stands. This means they are objecting to the,

*“alteration of the existing access road including works to existing A49 junction”,*

as well as for Application P/2018/0048/OUP.

### 3.5 Conclusions

- a) It is clear from the “proposals” that planning applications SHC P/2018/0048/OUP, SHC P/2018/0249/FUL and WBC 2018/32514, the Environmental Impact Assessments all concern the same aspect:

- *“single carriageway link road between A49 Winwick Road (WA12 8EF) and A573 Parkside Road; at each location a signalised junction will be formed.”;*
- *“alteration of the existing access road including works to existing A49 junction”;*
- *“Formation of a new link road between A49 (Winwick Road) and M6 Junction 22”*

This means that:

- SHC application P/2018/0048/OUP intends to carry out work on the A49 access and road for Phase 1 as shown by the Proposal Environmental Impact Assessment; and
- SHC application P/2018/0249/FUL intends to carry out work on the A49 access and road for PLR as shown by the Proposal Environmental Impact Assessment; and
- WBC application 2018/32514 intends to carry out work on the A49 access and road for Phase 1 as shown by the Proposal Environmental Impact Assessment.

Under Directive 2011/92/EU and/or Directive 2014/52/EU having multiple Environmental assessments for the same proposal having the same works (A49 junction and road in the Phase 1 boundary area) is not allowed only one environmental assessment can be performed.

Therefore, WBC Development Management Committee legally must reject the WBC application 2018/32514 due to the same works under three separate live/active applications (SHC P/2018/0048/OUP, SHC P/2018/0249/FUL and WBC 2018/32514) having more than one environmental impact assessment.

- b) With respect to the WBC application 2018/32514 and SHC application P/2018/0048/OUP, because these two applications both concern Environmental assessments for the same proposal having the same works (A49 junction and road in the Phase 1 boundary area). Due to WBC Development Management Committee for **WBC application 2018/32247** on 06 June 2018 **objecting to the SHC planning application P/2018/0048/OUP**. Then as

application SHC P/2018/0048/OUP has the Environmental assessment for the same proposal having the same works (A49 junction and road in the Phase 1 boundary area) as WBC 2018/32514; Legally the WBC Development Management Committee can only make one decisions due to the decision made in public on 06 June 2018 in WBC application 2018/32247.

That is the WBC Development Management Committee must reject the WBC application 2018/32514 to be in line with their previous decision WBC 2018/32247 against the still live/active application SHC P/2018/0048/OUP.

- c) As the same works (A49 junction and road in the Phase 1 boundary area) are a part of the Three applications (SHC P//2018/0048/OUP, SHC P/2018/0249/FUL and WBC 2018/32514), but have been submitted separately then under the Directive 2011/92/EU and/or Directive 2014/52/EU under Article 2 (1) this confirms multiple applications or Salami-slicing as shown under numerous EU and UK court judgments.

Therefore, WBC Development Management Committee legally must reject the WBC application 2018/32514 due to the same works under three separate live/active applications (SHC P//2018/0048/OUP, SHC P/2018/0249/FUL and WBC 2018/32514) having more than one environmental impact assessment.

- d) Also, as the same works (A49 junction and road in the Phase 1 boundary area) are a part of the two applications:
- The developers for SHC P//2018/0048/OUP are SHC and Langtree plc; and
  - The developer for SHC P/2018/0249/FUL is SHC.
- This proves the two projects have been separated and hence salami-slicing as detailed in the Directive 2011/92/EU and/or Directive 2014/52/EU and shown in UK Court judgment(s).

Therefore, as the PLR development has an unresolved legal problem, the WBC Development Management Committee legally must reject the WBC application 2018/32514 due to the same works under three separate live/active applications (SHC P//2018/0048/OUP, SHC P/2018/0249/FUL and WBC 2018/32514) having more than one environmental impact assessment.

#### **4. Aarhus Convention**

As the Application proposal for WBC 2018/32514 and SHC P/2018/0249/FUL, the A49 road section, Drainage and Heritage is an intrinsically linked part of the Phase 1 application SHC P/2018/0048/OUP. The PLR by consequence of the Environmental Impact Assessment submitted documents for public inspection is incomplete and is in contravention of the Aarhus convention Article 6, for the parties failing to make available the environmental information for the public to participate in the consultation.

To this point I again refer to the Aarhus Convention Article 6: In the Environmental Impact Assessment on WBC website not all the documents are available, although the PLR Environmental Impact Assessment main document PARKSIDE LINK ROAD ENVIRONMENTAL STATEMENT ADDENDUM VOLUME 1 – ENVIRONMENTAL STATEMENT ADDENDUM, Date March 2019, Ref PD-RAM-02-00-REP-EN-1004 references the Appendix A6.1 Heritage Impact Assessment several times. The missing document is Appendix 6.1 which is not on the WBC website, but the document with title: “BATTLE OF WINWICK REGISTERED BATTLEFIELD WINWICK, WARRINGTON HERITAGE IMPACT ASSESSMENT”, is on the SHC website for the PLR application P/2018/0249/FUL submitted on 22 March 2019 as the document:

*“P\_2018\_0249\_FUL-ADDENDUM\_VOLUME\_2\_-\_APPENDIX\_A6.1-1067945.pdf”*

This omission clearly means that the Application WBC 2018/32514 re-submitted Environmental Impact Assessment March 2019 is incomplete for public participation and the said parties are in breach of the Aarhus Convention Article 6.

## **5. Warrington Roads: the A49 and the A573 Environmental Impact Assessment**

### **5.1 Environmental Impact Assessment**

The Directives 2011/92/EU and 2014/52/EU, both under Article 2(1) states that when two or more developments are shown to be linked that they can not be submitted as separate planning proposals, where the combined developments as a whole project show the environmental aspects are greater than when applied as separate developments due to the interaction of the separate development upon the other development(s), as each when treated separately the environmental impacts are affected by the other subsequent development(s). An overall environmental impact assessment for the whole addresses the further unforeseen environmental impacts. The term is known as Salami-Slicing or multiple applications.

The application proposal at hand known as the Parkside Link Road (PLR) is one development that is the declared to be the backbone that holds the declared other developments together. Without this backbone these other developments can not be brought forward. The other developments are as follows: Phase 1, Phase 2 and Phase 3 (SRFI).

In section 1. above, it is shown that the PLR whether being the application proposal to SHC or the application proposal to WBC, the PLR proposal overlaps with the Phase 1 proposal namely the construction of the A49 junction and associated road that traverses through the Phase 1 boundary area. This area of the A49 and associated road that traverses through the Phase 1 boundary area has had in-effect that three separate Environmental Impact Assessments and three subsequent revisions to the three separate Environmental Impact Assessments. It is also under Planning law on environmental issues, that no area under consideration can have more than one Environmental Impact Assessment. The area of the A49 and associated road that traverses through the Phase 1 boundary area, has had six separate Environmental Impact Assessments under six separate public notifications for consultation.

The same can also be said for the Designated Heritage Asset Registered Battlefield which has also had six separate Environmental Impact Assessments under six separate public notifications for consultation for the Phase 1 and the PLR.

These multiple Environmental Impact Assessments also apply to the Environmental Impact Assessments for the Phase 1 and the PLR to the Traffic assessment, the Air Quality assessment, the Noise assessment and the Drainage/Flooding assessment.

Further under these six separate Environmental Impact Assessments under six separate public notifications for consultation for the Phase 1 and the PLR categorically show that the Phase 1 masterplan(s) links in numerous ways to the Phase 2 declared proposal for Road infrastructure access, utilities (drainage, sewage, electricity), so much so that the Listed Buildings Newton Park Farmhouse and Barn setting and associated other dwellings is surrounded to the north by Phase 2, to the east by Phase 2, to the South by Phase1 and to the west by Phase 3 (SRFI). It is Newton Park Farmhouse and Barn setting and associated other dwellings that combine all the phases (Phase1, Phase2 Phase3 (SRFI) in the Phase 1 masterplan(s) to show the development must be taken as a whole project.



In order for the Phase3 (SRFI) on the Parkside west to be developed and the consequence to enable the construction of the Phase 3(SRFI) on Parkside east to be developed. The Phase 1 masterplan(s) clearly show as part of the Phase 1 application Environmental Impact Assessment(s) submissions to the public that the Newton Park Farmhouse and Barn setting and associated other dwellings are physically affected:

- The access road via Newton Park Drive is closed to allow the Phase 3 (SRFI) to be constructed;
  - Therefore the utilities(Gas, Electricity, Water, Drainage, Sewage and Telecommunications) via Newton Park Drive are automatically removed/cut-off;
  - A new access road is shown on the Phase1 masterplan(s) to the east where a junction is shown linking to the new Phase 1/Phase2 road network. This means that Newton Park Farmhouse and Barn setting and associated other dwellings are reliant on the PLR to access the Local Road Network. All due to the Phase 3 (SRFI) requiring the land occupied by Newton Park Drive the only access from the Local Road network to Newton Park Farmhouse and Barn setting and associated other dwellings.
  - Newton Park Farmhouse and Barn setting and associated other dwellings categorically and definitively, without doubt declared by the applicant (SHC and Langtree plc) the Phase 1 application Environmental Impact Assessment(s) that show from the masterplan(s) that Phase 1, Phase 2 Phase 3(SRFI) and the PLR are all intrinsically linked together as a much larger project.

The information that the separate developments are linked time-wise speaking, is shown in SHC update Local Plan draft that the timescale for each separate development to be fully operational all within a 5 year time period.

Finally, the Environmental Impact Assessment shows information that SHC has agreed to certain Phase 1, Phase 2, Phase 3 (SRFI) conditions, of the layout to be acceptable by SHC. The information means that the public consultation is now shown to the PLR and Phase1 consultation period to be on and having a pre-determined outcome so as to subvert the proper operation of planning controls.

This indicates that the SHC Local Planning Authority can not be the decision-maker to any of the separate application due to SHC declaration of control as it is now uncertain as to the role of SHC.

These are reasons why the separate applications for the Phase 1 (and the shown associated Phase 2 and Phase 3(SRFI)) and the PLR, must be called-in to the Secretary of State to be addressed under an Environmental Impact Assessment that addresses the whole project.

These are also reasons why WBC Development Management Committee must reject the PLR application 2018/32514 and SHC Local Planning Authority must reject the PLR application P/2018/0249/FUL and the Phase 1 application P/2018/0048/OUP.

## **5.2 Parkside Link Road Environmental Impact Assessment**

The documents submitted to WBC 2018/32514 and to SHC P/2018/0249/FUL clearly show that the PLR is designed to facilitate the Phase 1, Phase 2 and Phase 3 (SRFI). This puts doubt on the claim from SHC and Langtree plc developers that the Phase 1 is separate from Phase 2, the PLR and Phase 3 (SRFI) as shown in the Phase 1 Environmental Impact Assessment. But the PLR Battle of Winwick Registered Battlefield Winwick, Warrington Heritage Impact Assessment document states:

*“1.1 TEP have been commissioned to produce a Heritage Impact Assessment on behalf of Ramboll UK Ltd, on behalf of St Helens Metropolitan Borough Council, in association with planning permission for the Parkside Link Road project. **The proposed development would enable access to the Parkside Phase 1 and Phase 2 project to transform the derelict Parkside Colliery site into a new employment park.**” [bold text by R. Ward]*

This clearly shows that Phase 1 and Phase 2 are dependant upon the PLR and that Phase 1 is not a separate development. Though the Phase 1 application proposal clearly states that the A49 junction and road is part of the construction for Phase 1, as does the PLR application proposal clearly states that the A49 junction and road is part of the construction for PLR.

Further from the document “PARKSIDE LINK ROAD A PROPOSED LINK ROAD BY ST. HELENS COUNCIL TRAFFIC FORECASTING REPORT 2019”,

Page 4 states:

#### *2.2.1 Parkside Link Road Scheme Details*

***The PLR will provide direct access to the PRD from a new signalised junction on the A49 in the west, to the motorway network at Junction 22 of the M6 in the east. The road scheme will include new junctions with the A573 Parkside Road and the A579 Winwick Lane. In addition, it will provide access to the land to the east of the M6 enabling future development of the proposed Strategic Rail Freight Interchange (SRFI) development. Completion of a SRFI at Parkside will bring new economic activity to the borough, with thousands of jobs created on site and across the LCR. The site benefits from a strategic location adjacent to the M6 and M62 and is the only potential SRFI site in the region that has the potential to receive trains from all directions and will serve intermodal flows on the West Coast Mainline and Chat Moss line. The new link road will form a strategic link to the network utilising the existing A573 Parkside Road overbridge crossing over the M6, enabling access to sites on both the west (Phase 1 & 2) and east (Phase 3) of the M6 and improving connectivity through the region.*** [bold text by R. Ward]

Page 7 states:

*“The primary development of consideration in the PLRTM is the proposed Parkside Regeneration Development (PRD) which the PLR scheme has been designed to facilitate and connect to the local and strategic network.”*

[Definition Parkside Link Road Transport Model (PLRTM)]

On page 7

[Blue text changed by R. Ward to emphasise anomalous]

Definition: PDR = Parkside Regeneration Development, Phase 1, Phase 2, Phase 3(SRFI)

*“For the purpose of assessment, and **due to the unknown end users of the future development units for the full PRD site, it has been agreed with SHMBC that 80% of Phase 1 and 2 will be used for B8 land use (storage or distribution) with the remaining 20% for B2 land use (general industrial). Phase 3 will facilitate the development of a Strategic Rail Freight Interchange (SRFI) and will be used 100% for B8 land use.***

PRD Phases 1 and 2, *will be made up* of 7 warehousing sheds totalling 181,161 m<sup>2</sup> of which 144,929 m<sup>2</sup> are proposed for B8 use (80%) and 36,232 m<sup>2</sup> proposed for B2 use (20%), *as agreed with the St. Helens Local Plan Team* and based on information provided within the ‘St. Helens Local Plan Preferred Options’ (December 2016) report.

PRD Phase 3, as detailed in AECOM’s ‘Parkside Logistics and Rail Freight Interchange’ (August 2016) *will facilitate* the SRFI and *will consist* of 9 warehousing sheds servicing the interchange, totalling 260,128 m<sup>2</sup> of B8 warehousing sheds.

Table 3.1 presents the size and land use of the respective phases for the PRD and Table 3.2 presents the development schedule for all 3 phases of the development.”

<b>Development</b>	<b>Total Size (sqft)</b>	<b>Total Size (m<sup>2</sup>)</b>	<b>B8 Use (m<sup>2</sup>)</b>	<b>B2 Use (m<sup>2</sup>)</b>
Phase 1	1,200,00	111,484	89,187	22,297
Phase 2	750,000	69,677	55,742	13,935
<b>Total P1 &amp; P2</b>	<b>1,950,000</b>	<b>181,161</b>	<b>144,929</b>	<b>36,232</b>
Phase 3	2,800,000	260,128	260,128	0
<b>Total (P1, P2, P3)</b>	<b>4,750,000</b>	<b>441,289</b>	<b>405,057</b>	<b>36,232</b>

**Table 3.1: Parkside Regeneration Development (PRD) Schedule - Size & Land Use of Phases 1-3**

Phase	Warehouse / Shed	Size (m <sup>2</sup> )	Size (sqft)
1	1	350000	32517
1	2	200000	18580
1	3	300000	27871
1	4	350000	32516
<b>Total Phase 1</b>		<b>1,200,000</b>	<b>111,484</b>
2	5	300000	27870
2	6	200000	18580
2	7	250000	23226
<b>Total Phase 2</b>		<b>750,000</b>	<b>69,677</b>
3 (SRFI)	8	350000	32516
3 (SRFI)	9	500000	46451
3 (SRFI)	10	300000	27871
3 (SRFI)	11	200000	18581
3 (SRFI)	12	200000	18581
3 (SRFI)	13	150000	13935
3 (SRFI)	14	300000	27871
3 (SRFI)	15	500000	46451
3 (SRFI)	16	300000	27871
<b>Total Phase 3 (SRFI)</b>		<b>2,800,000</b>	<b>260,128</b>
<b>Total Phase 1, 2 &amp; 3</b>		<b>4,750,000</b>	<b>441,289</b>

Table 3.2: Parkside Regeneration Development (PRD) Schedule

It is strange to see that the need for a vast employment site as shown in page 7 when SHC claim (does this indicate SHC and Langtree plc the Phase 1, Phase 2, Phase 2(SRFI) developers or SHC as PLR developers or SHC as the borough council or all in a combined statement?), when the PLR clearly states:

*“due to the unknown end users of the future development units for the full PRD site”,*

as Phase 1 is still a future development then this Environmental Impact Assessment placed before WBC Development Management Committee is for what need or purpose?.

Due to SHC PLR and SHC and Langtree plc Phase 1, Phase 2, Phase 3(SRFI) do not know what will occupy this massive construction, how can Traffic models, Air Quality, Noise, Biodiversity, Heritage, and especially Green Belt and all the other NPPF policies be even considered to be challenged, when the challenge is nothing. It is SHC as PLR applicant who has stated *“due to the unknown end users of the future development units for the full PRD site”,* and no-one else. Just on

this SHC declaration, WBC Development Management Committee must reject the application 2018/32514.

From previous declarations the Phase 1, Phase 2, Phase 3 (SRFI) owners and developers and applicants are SHC and Langtree Venture Group. SHC have stated on numerous occasions that the Venture Group is a separate entity and not a part of the SHC

But above states “*it has been agreed with SHMBC*” and “*as agreed with the St. Helens Local Plan Team*”:

- 80% of Phase 1 and 2 *will be used* for B8 land;
- Phase 3 *will facilitate* the development of a Strategic Rail Freight Interchange (SRFI) and *will be used 100%* for B8 land use;
- PRD Phases 1 and 2, *will be made up* of 7 warehousing sheds;
- *will facilitate* the SRFI and *will consist* of 9 warehousing sheds.

The question is raised who is the developer SHC or the Venture Group? This seems to read very clearly that SHC and the Venture Group are in total harmony together as a combine developer of the PLR and the Phase1, Phase 2,Phase 3 (SRFI).

Especially, as SHC as PLR applicant has numerously stated the term “*will*” in their Environmental Impact Assessment.

This means with this declaration to the public that SHC as the local planning authority can **not** be the decision-maker for the PLR or Phase 1 or Phase 2, or Phase 3 (SRFI).

Finally the two tables 3.1 and 3.2 clearly show the PLR has incorporated the phases Phase 1, Phase 2 and Phase 3 (SRFI) into the PLR Environmental Impact Assessment by announcing the size details of all the phases but “*due to the unknown end users of the future development units for the full PRD site*”, what is the Environmental Impact Assessment of/for these “sheds”?

The details of these “sheds” are not shown; the impact of the proposed working of these “sheds” are not shown; the type of activity of these “sheds” is not shown; without this Environmental Impact Assessment information the public consultation can not respond to the PLC consultation to WBC or to SHC, due to the information being withheld, this is in direct contravention of the Aarhus Convention Article 6, for the parties failing to show the information to the public.

Tables 3.1 and 3.2 clearly show that the PLR is directly and intrinsically linked as a backbone to the phases Phase 1, Phase 2 and Phase 3 (SRFI), thus the tables 3.1 and 3.2, confirm that these separate developments are part of a much larger project that is against the Directive 2011/92/EU and Directive 2014/52/EU Article 2(1) as part of some deliberate plan to “salami-slice the applications so as to subvert the proper operation of planning controls. Therefore, WBC Development Management Committee must reject the application 2018/32514 or call for the applications to be called-in to be assessed as a whole.

### **5.3 Time-scales Phase 1, Phase 2, Phase3(SRFI) and the backbone PLR**

The PLR Environmental Impact Assessment of these “sheds” are stated as being delivered within the time-scales shown by SHC in PARKSIDE LINK ROAD A PROPOSED LINK ROAD BY ST. HELENS COUNCIL TRAFFIC FORECASTING REPORT 2019. Page 7 states:

*"The PRD will be split into 3 phases of which Phase 1 is planned to be operational by 2021 with Phases 2 and 3 to become operational by 2031."*

But in the SHC Draft Local Plan for employment needs 2019 state otherwise with three scenarios:

### 1. Table 9 – Employment Growth Trajectories – Scenario 1 – Develop as soon as possible

Employment Land Needs Study– Addendum Report  
St Helens Council

Site	Comments	2018	2019	2020	2021	2022	2023	2028	2033	2038	2043	2048
Estate, Haydock	smaller units in parallel											
Omega South Extension, Bold	Development according to masterplan.	0	186	472	796	1,053	1,156	1,222	1,191	1,162	1,133	1,105
Land to the West of Sandwash Close, Rainford		0	0	0	0	272	408	661	628	597	568	540
Parkside West (None SRFI)	Assume part of this site is developed before the rail terminal.	0	0	0	235	353	470	2,316	2,258	2,202	2,148	2,095
Parkside Rail Terminal	Assume a terminal opening in 2024	0	0	0	0	0	0	40	40	40	40	40
Parkside East (SRFI)	Employment on this site only after the rail terminal is opened.	0	0	0	0	0	0	2,157	2,629	2,564	2,501	2,439

With the phase 1 Application being submitted in 2018, the full employment of Phase 1 and Parkside West (phase 2) is 2028, the same year as the SRFI terminal and the same year as Parkside east (SRFI). So Scenario 1 is; all three Phases 1, 2 and 3 are fully operational in 2028 not 2021 to 2031. So as the Phase 1 and PLR applications were submitted in 2018 and fully operational by 2028 that means that it will take 10 years. From the above the SRFI terminal and Parkside West Phase 2 and Parkside East (SRFI) using the same timescale to be operational by 2028; the applications need to be have already submitted for public consultation: they have not. But this means that the Phase 1, PLR, Phase 2, Phase 3 (SRFI) are all within the 5 year timescale of each other and therefore, are constituents of a much larger project, the action of submitting the developments separately show the whole project has been salami-sliced to subvert the proper operation of planning controls.

### 2. Table 10 – Employment Growth Trajectories – Scenario 2 – Development Prioritisations

Employment Land Needs Study– Addendum Report  
St Helens Council

Site	Comments	2018	2019	2020	2021	2022	2023	2028	2033	2038	2043	2048
Estate, Haydock	smaller units in parallel											
Omega South Extension, Bold	Development according to masterplan.	0	186	472	796	1,053	1,156	1,222	1,191	1,162	1,133	1,105
Land to the West of Sandwash Close, Rainford		0	0	0	0	272	408	661	628	597	568	540
Parkside West (None SRFI)	Assume part of this site is developed before the rail terminal.	0	0	0	0	0	235	926	1,581	2,092	2,148	2,095
Parkside Rail Terminal	Assume a terminal opening in 2026	0	0	0	0	0	0	40	40	40	40	40
Parkside East (SRFI)	Employment on this site only after the rail terminal is opened.	0	0	0	0	0	0	542	1,321	2,062	2,513	2,451

Again scenario 2 is the same conclusion to scenario 1 but the timescale for **all** phases to become fully operational has moved from 2028 to 2033.

### 3. Table 11 – Employment Growth Trajectories – Scenario 3 – Allow for Potential Capacity Constraints at Haydock

Employment Land Needs Study– Addendum Report  
St Helens Council

Site	Comments	2018	2019	2020	2021	2022	2023	2028	2033	2038	2043	2048
Land to the West of Haydock Industrial Estate, Haydock	Assume that the larger unit is developed first, followed by smaller units in parallel. Delayed compared to Scenario 2	0	0	0	0	115	254	448	426	405	386	367
Omega South Extension, Bold	Development according to masterplan.	0	186	472	796	1,053	1,156	1,222	1,191	1,162	1,133	1,105
Land to the West of Sandwash Close, Rainford		0	0	0	0	272	408	661	628	597	568	540
Parkside West (None SRFI)	Assume part of this site is developed before the rail terminal. Due to constraints at Haydock, this site is able to enter market earlier than assumed in Scenario 2.	0	0	0	0	0	235	926	1,581	2,092	2,148	2,095
Parkside Rail Terminal	Assume a terminal opening in 2024	0	0	0	0	0	0	40	40	40	40	40
Parkside East (SRFI)	Employment on this site only after the rail terminal is opened.	0	0	0	0	0	0	542	1,321	2,062	2,513	2,451

Scenario 3 is the same as Scenario 2 but now full employment is in 2038

So as the developments Phase 1, Phase 2 and Phase 3 (SRFI) are all within the 5 year separation timescale to become fully operational thus confirming the project can be assessed as a whole (Phase 1, Phase 2 and Phase 3 (SRFI). This means this project must be called-in to the Secretary of State.

These are also reasons why WBC Development Management Committee must reject the PLR application 2018/32514 and SHC Local Planning Authority must reject the PLR application P/2018/0249/FUL and the Phase 1 application P/2018/0048/OUP as it clearly shoes the whole project has been some deliberate plan to “salami-slice” the application so as to subvert the proper operation of planning controls.

#### 5.4 Conflicting data

One other point concerns the information from Page 7 and 8. Though both confirm that the PLR is the backbone that links Phase 1, Phase 2, Phase3 (SRFI) together and must be treated as a whole project as detailed above in this section, is as follows The table 3.2 clearly shows the phases and Warehouse/Shed 1 through 16 for the various phases:

Phase	Warehouse / Shed	Size (m <sup>2</sup> )	Size (sqft)
1	1	350000	32517
1	2	200000	18580
1	3	300000	27871
1	4	350000	32516
<b>Total Phase 1</b>		<b>1,200,000</b>	<b>111,484</b>
2	5	300000	27870
2	6	200000	18580
2	7	250000	23226
<b>Total Phase 2</b>		<b>750,000</b>	<b>69,677</b>
3 (SRFI)	8	350000	32516
3 (SRFI)	9	500000	46451
3 (SRFI)	10	300000	27871
3 (SRFI)	11	200000	18581
3 (SRFI)	12	200000	18581
3 (SRFI)	13	150000	13935
3 (SRFI)	14	300000	27871
3 (SRFI)	15	500000	46451
3 (SRFI)	16	300000	27871
<b>Total Phase 3 (SRFI)</b>		<b>2,800,000</b>	<b>260,128</b>
<b>Total Phase 1, 2 &amp; 3</b>		<b>4,750,000</b>	<b>441,289</b>

Table 3.2: Parkside Regeneration Development (PRD) Schedule

When this table is compared to the PLR Environmental Impact Assessment document PARKSIDE LINK ROAD TRAFFIC MODELLING REPORT APPENDIX 8 TRIP GENERATION – HIGH GROWTH SCENARIO, the PRD Schedule clearly shows the phases and Warehouse/Shed 1 through 16 for the various phases on page 2:



**PRD Schedule**

		sq.ft > sq.m	0.092903	
Phase	Warehouse / Shed	Size (sq.ft)	Size (sq.m)	Use
1	1	350000	32516.05	B2 / B8
1	2	200000	18580.6	B2 / B8
1	3	300000	27870.9	B2 / B8
1	4	350000	32516.05	B2 / B8
<b>Total Phase 1</b>		<b>1,200,000</b>	<b>111,484</b>	<b>20% B2 &amp; 80% B8</b>
2	5	300000	27870.9	B2 / B8
2	6	200000	18580.6	B2 / B8
2	7	250000	23225.75	B2 / B8
<b>Total Phase 2</b>		<b>750,000</b>	<b>69,677</b>	<b>20% B2 &amp; 80% B8</b>
3 (SRFI)	8	350000	32516.05	B8
3 (SRFI)	9	500000	46451.5	B8
3 (SRFI)	10	300000	27870.9	B8
3 (SRFI)	11	200000	18580.6	B8
3 (SRFI)	12	200000	18580.6	B8
3 (SRFI)	13	150000	13935.45	B8
3 (SRFI)	14	300000	27870.9	B8
3 (SRFI)	15	500000	46451.5	B8
3 (SRFI)	16	300000	27870.9	B8
<b>Total Phase 3 (SRFI)</b>		<b>2,800,000</b>	<b>260,128</b>	<b>100% B8</b>
<b>Total Phase 1, 2 &amp; 3</b>		<b>4,750,000</b>	<b>441,289</b>	

But, close inspection of these two tables clearly shows an anomaly.

I point to the “**Size (sq.ft)**” and “**Size (sq.m)**” columns in, both the Table 3.2 and the PRD Schedule spreadsheets conflict. This the public can not decipher as it is only SHC developer of the PLR and/ or SHC/Langtree plc as developer of the PRD who know the figures and not the public. This is a serious flaw as the public have now been shown the extent of the whole development but without the **FULL** Environmental Impact Assessment these 16 sheds will impose on and to the surrounding environment.

This flaw in an Environmental Impact Assessment double checked and confirmed to be correct by the applicant SHC before the PLR being published for public consultation with SHC and WBC. To have information that purports for an application to assessed by the proper operation of planning controls when the information for the Development Management Committee have been shown one example of incorrect information then how much more information is not correct. This places doubt on the whole PLR Environmental Impact Assessment, the consequence being WBC Development Management Committee must reject the application 2018/32514.

## 5.5 Conclusions

Looking at Table 3.2 and the PRD Schedule due to the Phase 1, Phase 2 and Phase 3 (SRFI) Warehouse/shed data being a part of the PLR assessment further confirms categorically that all Phase 1, Phase 2 and Phase 3 (SRFI) and the PLR are intrinsically linked together as stated on page 7:

*“the proposed Parkside Regeneration Development (PRD) which the PLR scheme has been designed to facilitate”*

And re-confirms the Phase 1, Phase 2 and Phase 3 (SRFI) and the PLR must be considered as whole Project. These are also reasons why WBC Development Management Committee must reject the PLR application 2018/32514 and SHC Local Planning Authority must reject the PLR application P/2018/0249/FUL and the Phase 1 application P/2018/0048/OUP as it clearly shoes the

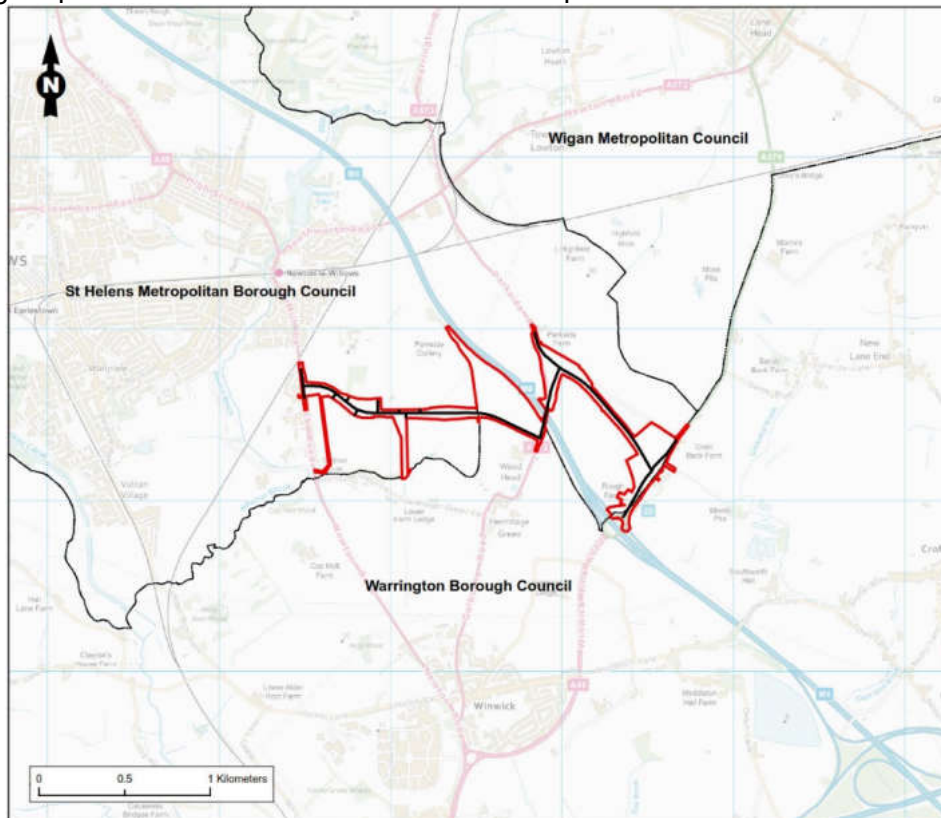
whole project has been some deliberate plan to “salami-slice” the application as to subvert the proper operation of planning controls, or call for the applications to be called-in to be assessed as a whole.

## 6. Warrington roads A49 and A573 Traffic

### 6.1 Parkside Link Road

The documentation for the Parkside Link Road (PLR) shows details of the A49 and the A573 as part of PLR application proposal to construct and the Phase1 application proposal to construct under separate environmental impact assessments (EIA).

The following map shows the PLR scheme in relationship to the A49 and A573:

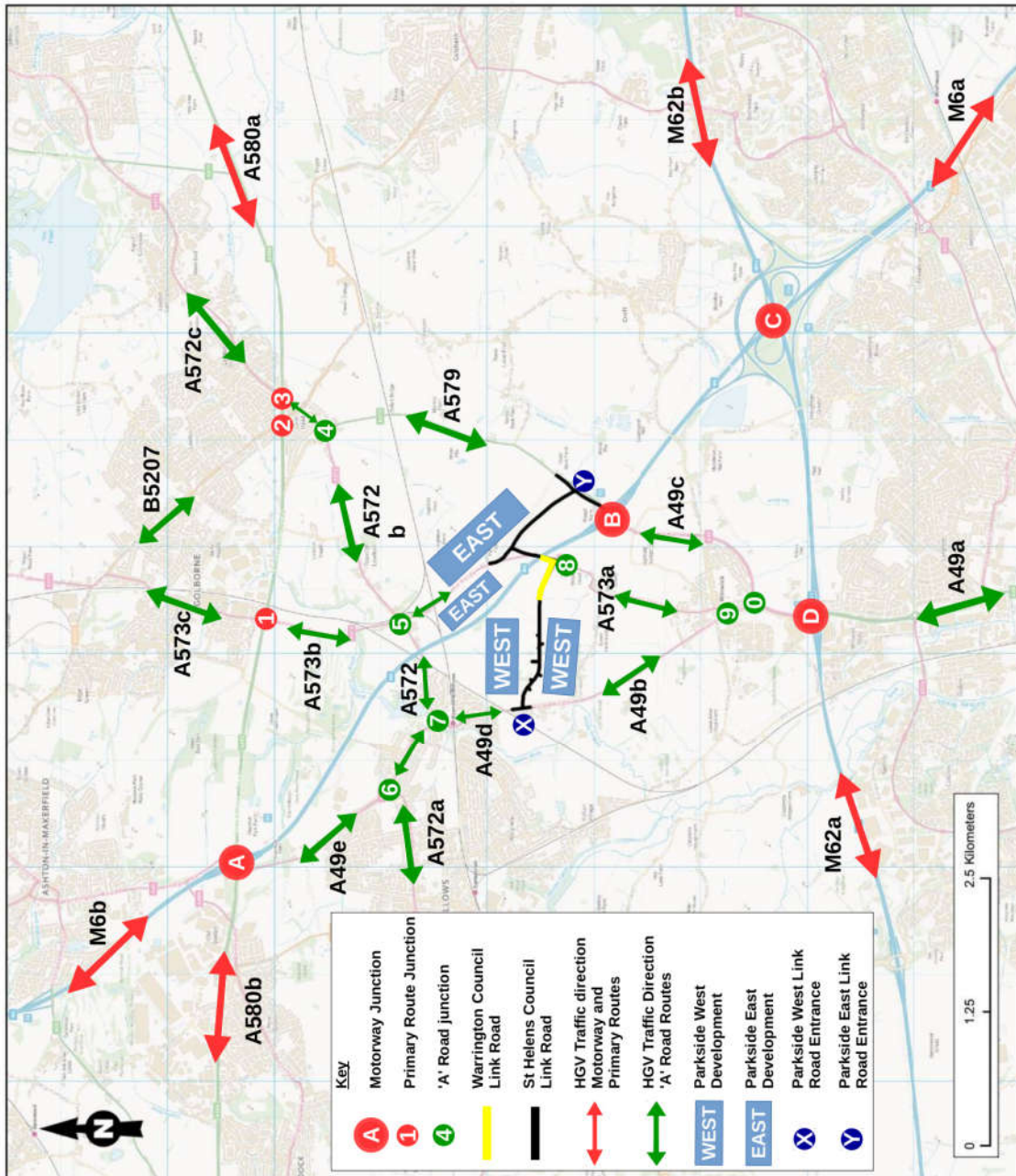


But the documentation submitted in the second EIA (amended) does not address the commercial vehicles intended to access via the PLR Primary Purpose of linking the proposed development site of Phase1, Phase 2 and Phase 3(SRFI).

The numerous traffic models used fail to take into account of the now standard Satellite Navigation System, virtually all cars and commercial vehicles have fitted as standard today. In order to save fuel the driver will chose the shortest route to the proposed development on the site. To save a distance of 500m in fuel terms is a commercial company prime concern, whereas, to drive an extra mile reduces the company profit margin so the Satellite Navigation System will rule over any traffic model proposed as the model can not predict reality of the company/drivers decision. This means if using the A49 or A573 to enter the site that is what the Satellite Navigation System will direct, not a traffic model.

The Amended EIA 2019 fails to comply with Satellite Navigation System as I have already shown in my previous submission, but to clarify again follows:

HGV Entry/Exit Routes for Parkside utilising the shortest distance using Satellite Navigation in order to save fuel



**HGV Parkside Entry/Exit Options**  
(depending on the satellite navigation)

- HGV traffic:** Any Commercial Vehicle used for transporting goods or materials.
- HGV traffic to/from Liverpool via M62a direction,** will not use **2** to **3** to **4** due to extra driving distance; instead will use **2** to **3** then either: via A49c to **4** or at **5** via A573a to **6**; or at **6** via A49b to **7** to either Parkside East or West the shortest driving distance.
- HGV traffic to/from Manchester via M62b direction** will use **2** to **3** to either Parkside East or West.
- HGV traffic to/from Crewe, Birmingham via M6a direction** will use **2** to **3** to either Parkside East or West.
- HGV traffic to/from Preston, Wigan via M6b,** will not use M6 junction **2** due to extra driving distance; instead will use **1** via A49e to **6** to **7** then either via A49d to **8** or via A572 to **5** to either Parkside East or West the shortest driving distance.
- HGV traffic to/from Liverpool via A580b** will not use M6 to **2** due to extra driving distance; instead will use either via **1** to A49e via **6** and **7** then use A49d to **8** or use A572 to **5**; or on A580b continue pass **1** to **1** via A573b to **5** to either Parkside East or West the shortest driving distance.
- HGV traffic to/from Manchester via A580a** will use **3** to **4** then either: via A572b to **5**; or at **6** via A579 to **8**; alternatively use the A580a to **1** then via A573b to **5** to either Parkside East or West the shortest driving distance.
- HGV traffic to/from St Helens via A572a** to **6** then to **7** then either via A49d to **8** or via A572 to **5** to either Parkside East or West the shortest driving distance.
- HGV traffic to/from Leigh, Bolton via A572c** to **6** to **7** then either: via A572b to **5**; or at **6** via A579 to **8**; alternatively use the A580a to **1** then via A573b to **5** to either Parkside East or West the shortest driving distance.
- HGV traffic to/from Wigan via A573c** to **1** then via A573b to **5** to either Parkside East or West the shortest driving distance.
- HGV traffic to/from Wigan (alternate route)** via B5207 to **2** to **4** then either: via A572b to **5**; or at **6** via A579 to **8**; alternatively use the A580a to **1** then via A573b to **5** to either Parkside East or West the shortest driving distance.
- HGV traffic to/from Warrington A49a** to **9** then either: via A49c to **8** to **10** or at **10** via A573a to **6**; or at **6** via A49b to **7** to either Parkside East or West the shortest driving distance.

With regards to WBC with the PLR proposal and the impact upon the Local Road Network I refer to my previous submissions, But with the amended EIA 2019 I point to two roads: first the A49 and second the A573.

## 6.2 The A49

The A49 runs approximately in a north south direction from Warrington over the junction with the motorway M62, past the Township of Winwick, past the former entrance to Parkside colliery, through the Township of Newton-le-Willows across the junction of the motorway M6 and the East Lancs Road A580 then heads to the Township of Ashton in Makerfield.

The A49 along this stated portion of the A49 Trunk Road runs parallel to the Motorway M6. But this stated section in Publicly advertised in the London Gazette where the Minister of Transport gave notice that he has made the order to detrunk this section under several separate orders. The details are as follows:

1. London Gazette pages 3439 - 3440 17 March 1978

### *“HIGHWAYS ACTS 1959 TO 1971*

*The Winchester-Preston Trunk Road (From the former Warrington County Borough Boundary to the Merseyside County Boundary) (Detrunking) Order 1978.*

*The Secretary of State for Transport hereby gives notice that he has made an Order under section 7 of the Highways Act 1959, the effect of which is to provide that roads about 3.42 miles in length being ((a) that length of road from the former Warrington County Borough boundary 164 yards north of Sandy Lane West to the Merseyside County boundary at Red Bank known locally as Winwick Road, Winwick and Newton Road, Winwick (2.32 miles in length) and (b) that length of road from the junction of Winwick Road, Winwick and Newton Road, Winwick to the Merseyside County boundary at its roundabout junction with the M6 (junction 22) known locally as Winwick Link, Winwick (1.10 miles in length) all in the Borough of Warrington), shall cease to be a trunk road as from 1st April 1978 when the Cheshire County Council will become the highway authority responsible for those lengths....*

2. London Gazette page 10186 10 August 1979

### *“HIGHWAYS ACTS 1959 TO 1971*

*The Shrewsbury—Whitchurch—Warrington—Preston Trunk Road (from, the Merseyside County Boundary to its Junction with A5BO/M6, Haydock (Detrunking) Order 1979.*

*The Minister of Transport hereby gives notice that he has made an Order under section 7 of the Highways Act 1959, which will provide that a length of the A49 about 0.65 miles in length (measured along the route of the trunk road) (from the Merseyside County Boundary at a point - 27 yards north of the entrance to Haydock Racecourse, Haydock, to its junction with A580/M6, Haydock, and known locally as Roman Road, and Lodge Lane, Haydock in the Borough of St. Helens) shall cease to be a trunk road as from 1st September 1979 when the Merseyside County Council will become the highway authority responsible for that length....”*

3. London Gazette page 10187 10 August 1979

*“HIGHWAYS ACTS 1959 TO 1971*

*The Shrewsbury—Whitchurch—Warrington—Preston Trunk Road (from its junction with AS8Q/M6, Haydock to the Merseyside County Boundary) (Detrunking) Order 1979.*

*The Minister of Transport hereby gives notice that he has made an Order under section 7 of the Highways Act 1959, which will provide that a length of the A49 about 2.40 miles in length (measured along the route of the trunk road) (from its junction with A580/M6, Haydock to the Merseyside County Boundary at its junction with Hermitage Green Lane, Winwick and known locally as Roman Road, and Lodge Lane, Haydock; Ashton Road, Newton-le-Willows; High Street, Newton-le-Willows; Church Street, Newton-le-Willows; Mill Lane, Newton-le-Willows; and Winwick Road, Winwick in the Borough of St. Helens) shall cease to be a trunk road as from 1st September 1979, when the Merseyside County Council will become the highway authority responsible for that length....”*

As the Minister for Transport gave his order, this is a legal issue, his decision shows that the A49 is “detrunked” in the PLR scheme area and therefore, can not be disputed. Thus SHC must know as being the Highways authority for the stretch of the A49 in the borough. Accordingly, SHC also know the A49 in Warrington area is also detrunked as WBC is the Highways Authority.

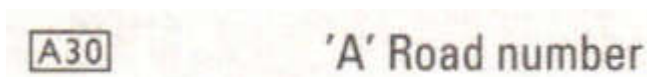
In the submitted EIA for the A49 entrance clearly shows that this is not the case. SHC has shown the A49 to Winwick and to Warrington that from the A49 entrance to Phase 1, Phase 2 and PLR the A49 as a Trunk Road:

*“trunk road, trunk highway, or strategic road is a major road, usually connecting two or more cities, ports, airports and other places, which is the recommended route for long-distance and freight traffic. Many trunk roads have segregated lanes in a dual carriageway, or are of motorway standard.”*

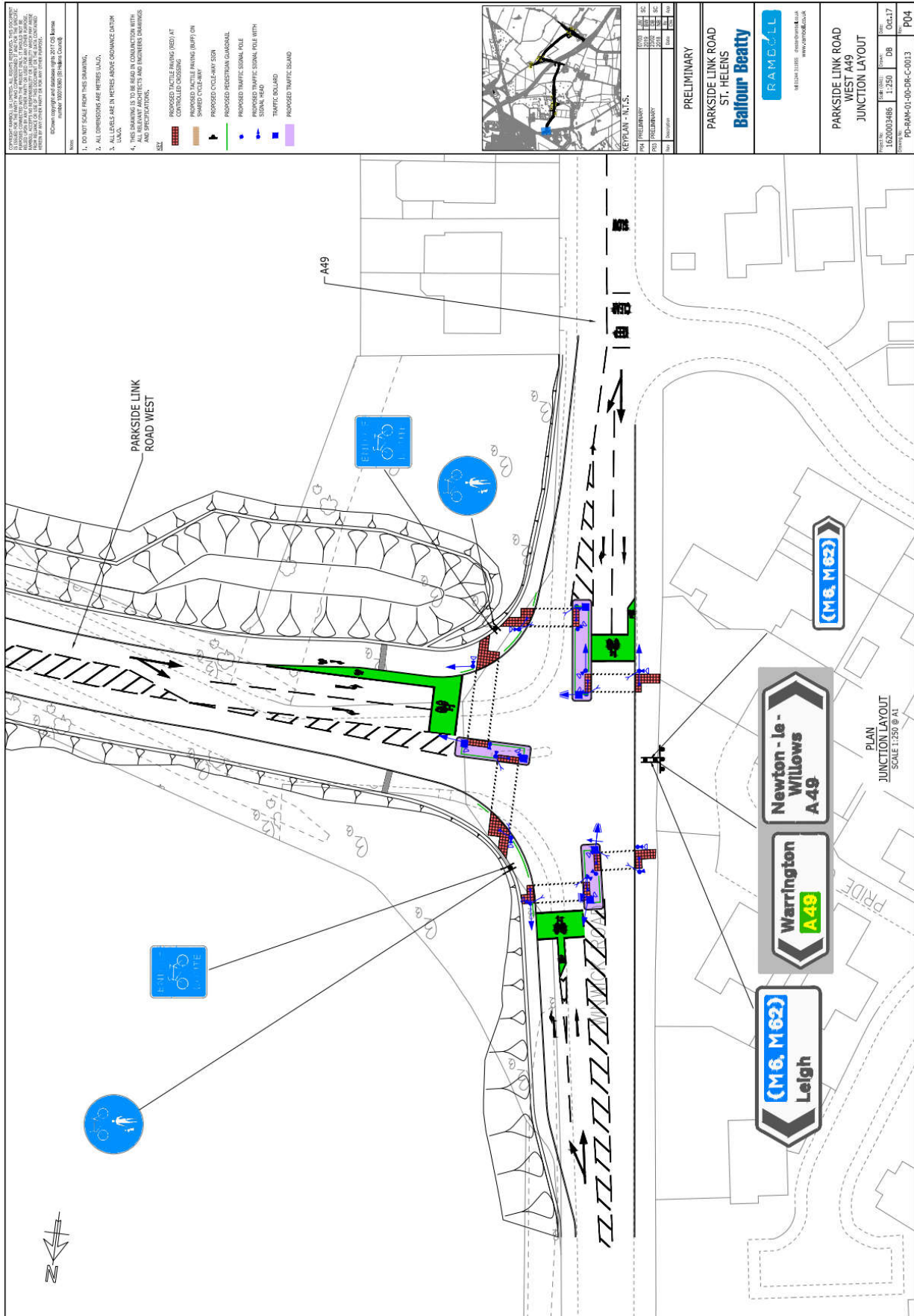
*A Trunk Road has the Map symbol:*



*A detrunked road has the Map symbol:*

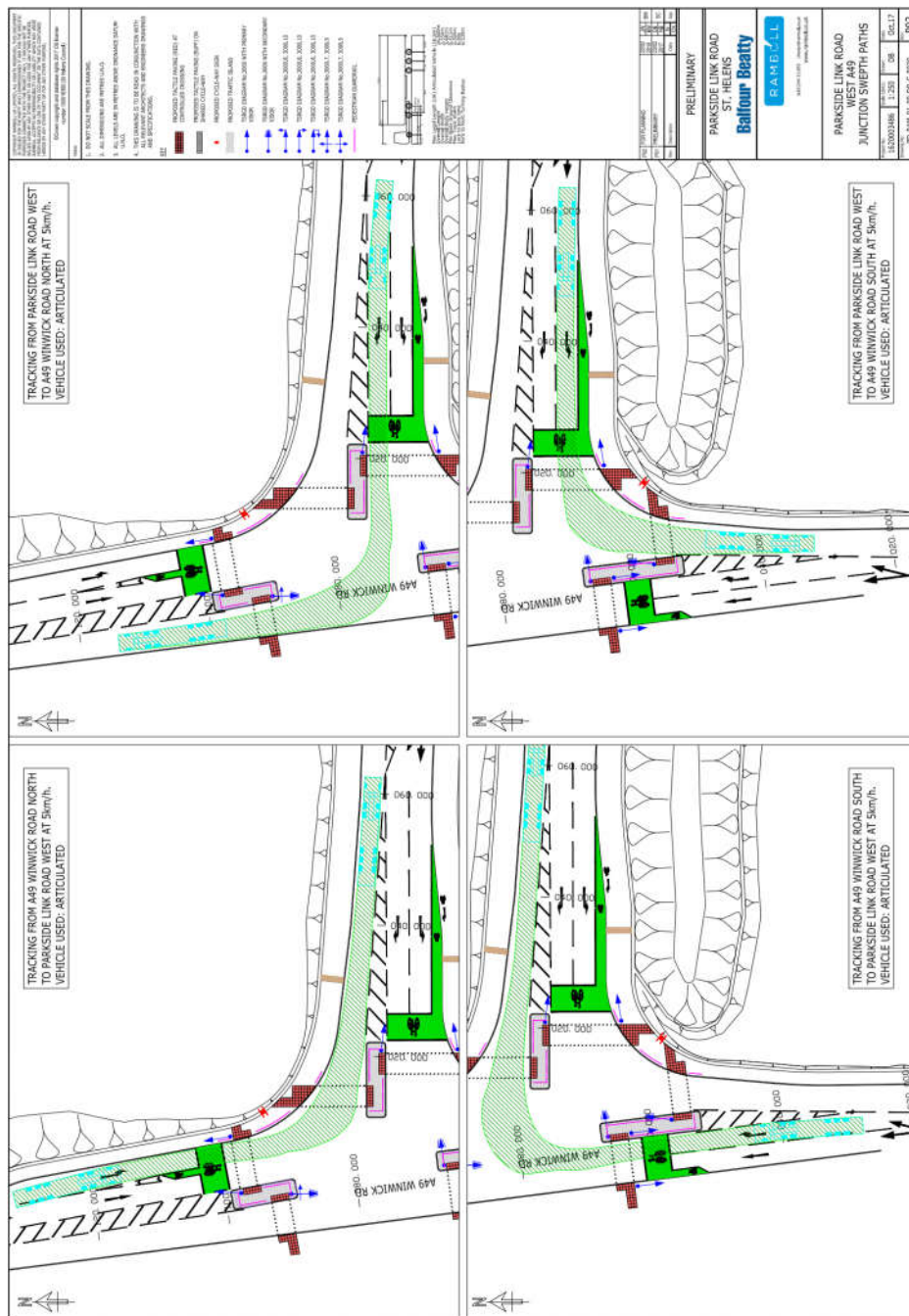


The document PARKSIDE LINK ROAD WEST A49 JUNCTION LAYOUT, Drawing number PD-RAM-01-00-DR-C-0013 rev P04 clearly shows that the A49 is a Primary Route Trunk Road from the PLR A49 entrance towards Warrington:



This A49 Primary route signage at the entrance, SHC know, as SHC approved the drawing before release. In doing so then the A49 is intended to direct the Phase 1, 2 and 3 (SRFI) Commercial Heavy Goods Vehicles towards Winwick. WBC Development Management Committee decided on 06 June 2018: Objection to WBC planning number 2018/32247 (decision on SHC Phase 1 application P/2018/0048/OUP). Conversely, the signage to Newton-le-Willows is correctly shown the A49 as a detrunked road.

This confirmed SHC decision to include this A49 Primary route from the PLR A49 entrance is in the amended EIA (second) 2019, so not a mistake, as this confirms the traffic flows along the A49 to Winwick as shown in the first EIA 2018. So the Commercial Traffic SHC still intend to travel via Winwick.



## **Conclusion**

On 6 June 2018 WBC Development Management Committee has already publicly objected the Phase 1 proposal. So the Committee must also make the same decision and refuse the application 2018/32514

### **6.3 The A573**

The A573 junction is more serious as this concerns not only the settings of listed buildings of Woodhead Farmhouse and Barn as well as St Oswald's Well, but the traffic gridlock that will ensue. In the first EIA I commented upon the gridlock that would ensue by having a crossover of the motorway M6 that is still open to the local roads. To which have numerous amounts of signage in an attempt to direct vehicles left in stead of right. But signs do not override the now standard Satellite Navigation System virtually all cars and commercial vehicles have fitted as standard today. I showed in my last EIA objection a scheme that would ensue around the Parkside West and East proposed development site to which I show again now:



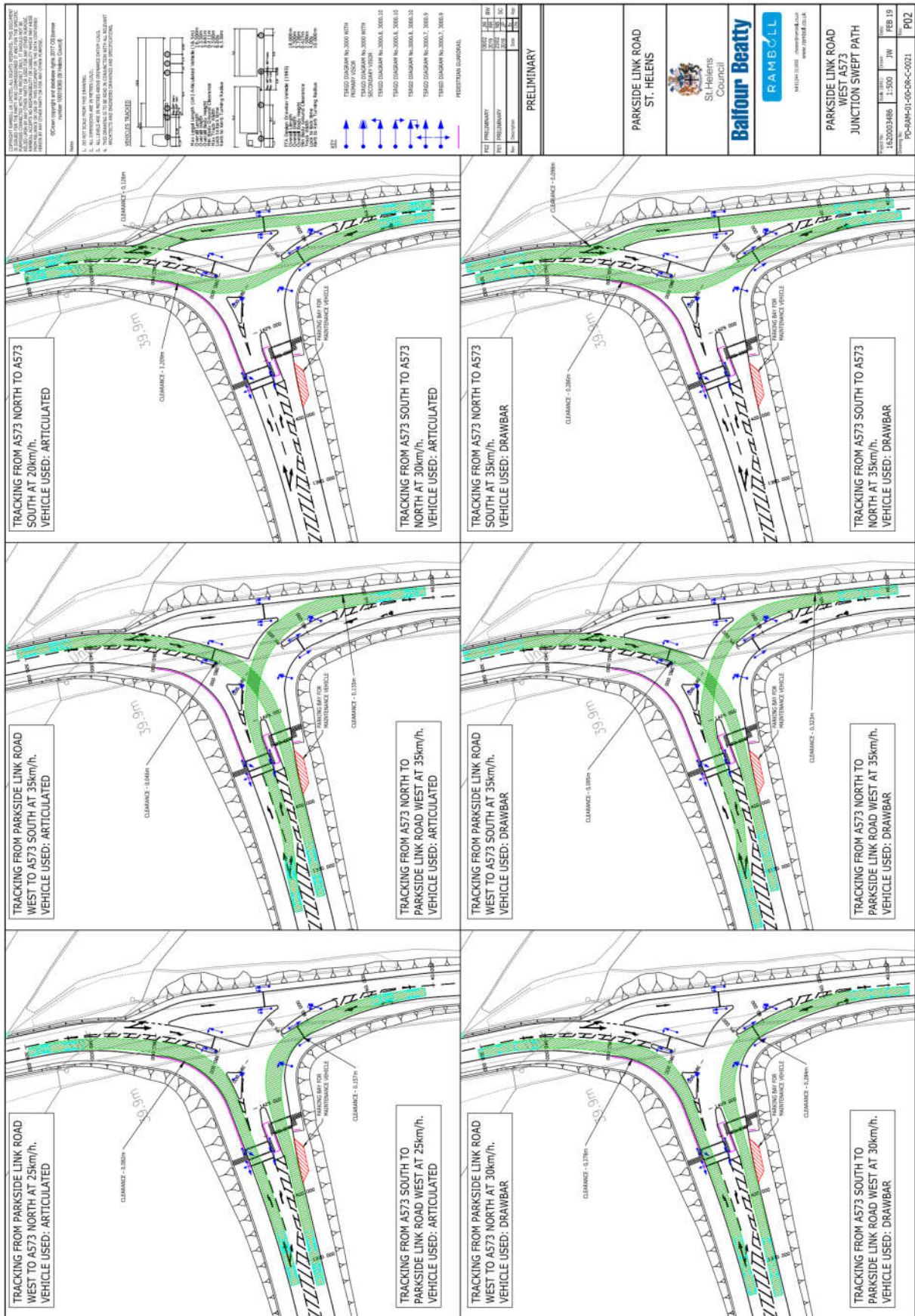


**Schematic view of congestion grid-lock at the Hermitage Green "S" Bend on Golborne Road/Parkside Road if the Proposed Parkside Link Road goes ahead.**

It is clear that if two commercial 40 tonne+ vehicles, as shown as Vehicle Tracked of length 16.5m or as Drawbar vehicles of length 18m, approach the Hermitage Green 'S' Bend in opposite directions, the Traffic model in the EIA do not discount, or provide any solution with Satellite Navigation systems in mind. The resultant grid lock will occur with no means of relief without destruction of property.

In the amended EIA 2019 for the PLR new A573 junction clearly confirms that these large commercial vehicles will enter and exit via the Hermitage Green 'S' Bend. The Traffic Model fails to accommodate the frequency or the resultant effects at the Hermitage Green 'S' Bend with Satellite Navigation System. Especially as the A573 road is at least 1400 years in existence as a horse and cart road due to circumventing the monument to the place of the martyrdom of King Oswald in 642AD. To which Hermitage Green is named after from the intervening centuries of religious protection, that must and will be maintained of the setting of this site and track that circumvents this religious place of worship, as written by the Venerable Bede, some 60 years later.

Studying the amended EIA this new junction shows that Commercial vehicles are expected to use this proposed junction with the commercial Vehicle Tracked of length 16.5m or as Drawbar vehicles of length 18m via Hermitage Green 'S' Bend as the SHC EIA 2019 drawing clearly shows:



**Conclusions**

It is clear from the First EIA 2018 that the A573 junction has not been addressed by the second amended EIA. To SHC it is clear that the problem exists, but SHC will not do anything with their first “cheap” solution to cross the motorway M6, by using the existing road network to try to solve the Traffic problem that has not been solved for over 26 years to encompass the former Parkside Colliery in Newton Park as a Rail Freight Terminal. SHC solution is to place the gridlock with the other boroughs This A573 is clear that SHC intends to do if this PLR through the borough of Warrington is to be approved. The traffic problem was given in the 1996-97 Public Inquiry where a direct link to the motorway M6 was shown by the inspector. This SHC have failed to accommodate by thinking that an indirect link to the motorway M6 is the bees knees solution.

WBC Development Management Committee must not support the PLR access through the borough of Warrington as they have already objected to the A49 entrance for Phase 1 and as the access via the A49 is in EIA proposal for Phase 1 WBC 2018/32247 (SHC P/2018/0048/OUP), and also the access via the A49 is in EIA proposal for PLR WBC 2018/32514. WBC Development Management Committee to approve the PLR when the WBC Development Management Committee have already objected to a part of the PLR, is legally not allowed.

**6.4 The A573 and A49 Winwick Junction**

The document

“APPENDIX 3 OPERATIONAL ASSESSMENT OUTPUTS”

shows several junctions with operational data describing particular junctions.

**JUNCTION 4 A49 NEWTON ROAD/A573 GOLBORNE ROAD** on page 289/1000 has several data miss-anomalies in the figures without any explanation:

A49 Newton Rd / Golborne Rd - Do Minimum 2031											
Stream B-C	18.37	157.17	1.18	190.04	F	-16 % [Stream C-B]	188.16	6095.72	999999999.00	2638.66	F
Stream B-A	6.94	255.77	1.07				127.31	6115.37	999999999.00		
Stream C-A	-	-	-				-	-	-		
Stream C-B	30.44	198.75	1.09				98.32	619.69	1.31		
Stream A-B	-	-	-				-	-	-		
Stream A-C	-	-	-				-	-	-		
A49 Newton Rd / Golborne Rd - Do Something 2021											

The data of 9999999999.00 is a meaningless number therefore flawed, having the report data errors like this means the whole report is invalid.

**File summary**

<b>Title</b>	A49 Newton Road / Golborne Road
<b>Location</b>	St Helens
<b>Site Number</b>	
<b>Date</b>	26/10/2018

This junction/road does not exist in SHC then the whole data is flawed especially as this document having been double checked and confirmed to be correct by the applicant SHC before the PLR being published for public consultation with SHC and WBC.

**Queue Variation Results for each time segment**

**Queue Variation results: (08:00-08:15)**

Stream	Mean (PCU)	Q05 (PCU)	Q50 (PCU)	Q90 (PCU)	Q95 (PCU)	Percentile Message	Marker Message	Probability Of Reaching Or Exceeding Marker	Probability Of Exactly Reaching Marker
B-C	0.87	-1	-1	-1	-1	Percentiles could not be calculated. This may be because the mean queue is very small or very big.		N/A	N/A
B-A	0.31	-1	-1	-1	-1	Percentiles could not be calculated. This may be because the mean queue is very small or very big.		N/A	N/A
C-A	-	-	-	-	-	-	-	-	-
C-B	1.33	?	?	?	?	Percentiles could not be calculated. This may be because the mean queue is very small or very big.		N/A	N/A
A-B	-	-	-	-	-	-	-	-	-
A-C	-	-	-	-	-	-	-	-	-

**Queue Variation results: (08:15-08:30)**

Stream	Mean (PCU)	Q05 (PCU)	Q50 (PCU)	Q90 (PCU)	Q95 (PCU)	Percentile Message	Marker Message	Probability Of Reaching Or Exceeding Marker	Probability Of Exactly Reaching Marker
B-C	1.41	0.00	0.00	2.00	3.00			N/A	N/A
B-A	0.49	-1	-1	-1	-1	Percentiles could not be calculated. This may be because the mean queue is very small or very big.		N/A	N/A
C-A	-	-	-	-	-	-	-	-	-
C-B	2.41	0.00	0.00	5.00	7.00			N/A	N/A
A-B	-	-	-	-	-	-	-	-	-
A-C	-	-	-	-	-	-	-	-	-

**Queue Variation results: (08:30-08:45)**

Stream	Mean (PCU)	Q05 (PCU)	Q50 (PCU)	Q90 (PCU)	Q95 (PCU)	Percentile Message	Marker Message	Probability Of Reaching Or Exceeding Marker	Probability Of Exactly Reaching Marker
B-C	3.59	0.00	0.00	7.00	13.00			N/A	N/A
B-A	1.11	0.00	0.00	0.00	3.00			N/A	N/A
C-A	-	-	-	-	-	-	-	-	-
C-B	7.82	0.00	2.00	20.00	28.00			N/A	N/A
A-B	-	-	-	-	-	-	-	-	-
A-C	-	-	-	-	-	-	-	-	-

**Queue Variation results: (08:45-09:00)**

Stream	Mean (PCU)	Q05 (PCU)	Q50 (PCU)	Q90 (PCU)	Q95 (PCU)	Percentile Message	Marker Message	Probability Of Reaching Or Exceeding Marker	Probability Of Exactly Reaching Marker
B-C	3.98	0.00	0.00	5.00	14.00			N/A	N/A
B-A	1.23	0.00	0.00	1.00	4.00			N/A	N/A
C-A	-	-	-	-	-	-	-	-	-
C-B	9.65	0.00	1.00	25.00	38.00			N/A	N/A
A-B	-	-	-	-	-	-	-	-	-
A-C	-	-	-	-	-	-	-	-	-

**Queue Variation results: (09:00-09:15)**

Stream	Mean (PCU)	Q05 (PCU)	Q50 (PCU)	Q90 (PCU)	Q95 (PCU)	Percentile Message	Marker Message	Probability Of Reaching Or Exceeding Marker	Probability Of Exactly Reaching Marker
B-C	1.56	0.00	0.00	3.00	5.00			N/A	N/A
B-A	0.56	0.00	0.00	0.00	1.00			N/A	N/A
C-A	-	-	-	-	-	-	-	-	-
C-B	2.85	0.00	0.00	5.00	10.00			N/A	N/A
A-B	-	-	-	-	-	-	-	-	-
A-C	-	-	-	-	-	-	-	-	-

**Queue Variation results: (09:15-09:30)**

Stream	Mean (PCU)	Q05 (PCU)	Q50 (PCU)	Q90 (PCU)	Q95 (PCU)	Percentile Message	Marker Message	Probability Of Reaching Or Exceeding Marker	Probability Of Exactly Reaching Marker
B-C	0.91	0.00	0.00	1.00	2.00			N/A	N/A
B-A	0.33	-1	-1	-1	-1	Percentiles could not be calculated. This may be because the mean queue is very small or very big.		N/A	N/A
C-A	-	-	-	-	-	-	-	-	-
C-B	1.43	0.00	0.00	1.00	4.00			N/A	N/A
A-B	-	-	-	-	-	-	-	-	-
A-C	-	-	-	-	-	-	-	-	-

Why is this data not available when this is purporting to show traffic flows at peak rush hour time?

## 6.5 Village Green

If the Applicant is purporting to signalise this junction, the Winwick Green Village Green will be affected. Any land that is occupied by anything that harms the soil or obstructs the public exercising their right of enjoyment and does not comply with the Inclosure Act 1857 and the Commons Act 1876 will be classed as a nuisance. Any signalling at the junction at the A49/A573 must not be placed on the Winwick Green village green, or any reduction of the village green land will be classed as a nuisance.

The Commons Act 1876 Article 29 states:

***“29 Amendment of law as to town and village greens.***

*An encroachment on or inclosure of a town or village green, also any erection thereon or disturbance or interference with or occupation of the soil thereof which is made otherwise than with a view to the better enjoyment of such town or village green or recreation ground, shall be deemed to be a public nuisance, and if any person does any act in respect of which he is liable to pay damages or a penalty under section twelve of the M5 Inclosure Act 1857, he may be summarily convicted thereof upon the information of any inhabitant of the parish in which such town or village green or recreation ground is situate, as well as upon the information of such persons as in the said section mentioned.*

*This section shall apply only in cases where a town or village green or recreation ground has a known and defined boundary.”*

The Inclosure Act 1957 Article 12 states:

***“12 Protecting from nuisances town and village greens and allotments for exercise and recreation.***

*And whereas it is expedient to provide summary means of preventing nuisances in town greens and village greens, and on land allotted and awarded upon any inclosure under the said Acts as a place for exercise and recreation: If any person wilfully cause any injury or damage to any fence of any such town or village green or land, or wilfully and without lawful authority lead or drive any cattle or animal thereon, or wilfully lay any manure, soil, ashes, or rubbish, or other matter or thing thereon, or do any other act whatsoever to the injury of such town or village green or land, or to the interruption of the use or enjoyment thereof as a place for exercise and recreation, such person shall for every such offence, upon a summary conviction thereof before two justices, upon the information of any churchwarden or overseer of the parish in which such town or village green or land is situate, or of the person in whom the soil of such town or village green or land may be vested, forfeit and pay, in any of the cases aforesaid, and for each and every such offence, over and above the damages occasioned thereby, any sum not exceeding [F8level 1 on the standard scale]; and it shall be lawful for any such churchwarden or overseer or other person as aforesaid to sell and dispose of any such manure, soil, ashes, and rubbish, or other matter or thing as aforesaid; and the proceeds arising from the sale thereof, and every such penalty as aforesaid, shall, as regards any such town, or village green not awarded under the said Acts or any of them to be used as a place for exercise and recreation, be applied in aid of the rates for the repair of the public highways in the parish, and shall, as regards the land so*

*awarded, be applied by the persons or person in whom the soil thereof may be vested in the due maintenance of such land as a place for exercise and recreation; and if any manure, soil, ashes, or rubbish be not of sufficient value to defray the expense of removing the same, the person who laid or deposited such manure, soil, ashes, or rubbish shall repay to such churchwarden or overseer or other person as aforesaid the money necessarily expended in the removal thereof; and every such penalty as aforesaid shall be recovered in manner provided by the **M3** Summary Jurisdiction Act 1848; and the amount of damage occasioned by any such offence as aforesaid shall, in case of dispute, be determined by the justices by whom the offender is convicted; and the payment of the amount of such damage, and the repayments of the money necessarily expended in the removal of any manure, soil, ashes, or rubbish, shall be enforced in like manner as any such penalty.”*

Note: “No Scheme of Management” under the Commons Act 1899 pertains to the Winwick Green village green, so no Section 38 applies. A Section 38 does not generally apply to registered town or village greens.

As the Winwick Green village Green has a defined boundary, the above Acts apply.

Also as the modification at the Winwick Green Village Green A49/A573 is also a part of the Phase 1 application P/2018/0048/OUP that WBC Development Management Committee have already objected to in public to the A49 entrance for Phase 1 and as the access via the A49 (this includes the A49 at Winwick Green) is in EIA proposal for Phase 1 (SHC P/2018/0048/OUP) under WBC planning number 2018/32247 then any modification under the PLR application to this A49/A573 Winwick Green Village Green junction must also be rejected.

## **6.6 Overall Conclusions**

The intended junctions at the A49 at the former Parkside Colliery, Newton Park, The A573 Parkside Road and the A49/A573 Winwick Village Green, fail to take in to account the normal use of Satellite Navigation Systems fitted to cars and 16m to 18m commercial vehicles, using the local roads. Where the roads through Winwick are ancient narrow roads around Winwick Church a Grade I listed building, that can not take the proposed commercial vehicles, especially at Hermitage Green either in two directions, or in convoys of one or more in two directions. The ingress upon Winwick Green village green by any road modifications will be treated as a nuisance under the said: Article 29 of the Commons Act 1876 and Article 12 of the Inclosure Act 1857.

With the declared use of the Local roads through Winwick, it is clear that the reason for the PLR by the Applicant SHC in promoting the Phase1, Phase2 and Phase 3 (SRFI) as a reduction of commercial vehicles off the local roads on to the PLR motorway indirect access fails to work as the Commercial vehicles access to the Phased site can be accessed via any local road. The action of opening up a new access off the A579 and a new access off the A573 only heightens the use of more of the local roads than at present. The PLR scheme has not been fully thought through to be in line with the Public Inquiry Inspectors report 1996-7 where a direct access to the Motorway M6 was discussed in the inspector’s report.

WBC Development Management Committee must not support the PLR access through the borough of Warrington as they have already objected to the A49 entrance for Phase 1 and as the access via the A49 is in EIA proposal for Phase 1 WBC 2018/32247 (SHC P/2018/0048/OUP), and

also the access via the A49 is in EIA proposal for PLR WBC 2018/32514. WBC Development Management Committee to approve the PLR when the WBC Development Management Committee have already objected to a part of the PLR, is legally not allowed.

## **7. Climate Change emission eCO<sub>2</sub>**

The Proposal to construct a declared road which is 100% only to facilitate and benefit the bringing forward of the declared phases: Phase 1, Phase 2, Phase 3 (SRFI); The PLR as a stand-alone road where none of these phases are developed will have no public benefit apart from the Ratepayers of the borough of St Helens having to pay for the PLR to reimburse the Liverpool City Authority Funding grant to St Helens Council (SHC).

With the advent of the recent Government document with regards to Air Quality or pollution the “Clean Air Strategy 2019”, by The Department for the Environment, Food and Rural Affairs, published 14 January 2019, the application must take this document in to account. This document is for the first time a governmental document that realises the sources of Air Pollution parameters and giving a table of significance to each. Not just from the emissions of air pollution as well as carbon dioxide (CO<sub>2</sub>). Carbon emissions (CO<sub>2</sub> and CO) are well understood to be a climate change pollutant not just to the atmosphere but also to human health as Carbon emissions are interlinked with air pollution, and a particular issue towards the Phase1 application (and Phase 2, Phase 3 (SRFI) and the Parkside Link Road).

The details of this governmental publication is detailed in Section 4 of the document that accompanies this objection:

“PAG (R Ward) Response to Parkside Phase 1 Planning Application P\_2018\_0048\_OUP Jan 2019. pdf”

This document shows the eCO<sub>2</sub> of the declared developments Phase 1 and Phase 2 as declared in the SHC application P/2018/0048/OUP the calculation from the information supplied by SHC to be 3,580,995 tonnes of eCO<sub>2</sub> just to construct the Phase 1 (including the Phase 2 and Link Road to the border of Phase 1 to the east being approximately 700m) as shown in the masterplan:

P\_2018\_0048\_OUP-ILLUSTRATIVE\_MASTERPLAN\_REV\_E-1052084.pdf

This figure of 3,580,995 tonnes of eCO<sub>2</sub> does not include the preparatory earthworks for the Phase 1 masterplan and will also have a climate change eCO<sub>2</sub> and air quality of PPM. NO<sub>x</sub>, SO<sub>x</sub> figure curing the construction.

### **7.1 Parkside Link Road details**

From the applicants submitted Drawings:

Sheet 1 PD-RAM-01-00-DR-C-0120 Rev P02

Sheet 2 PD-RAM-01-00-DR-C-0121 Rev P02

Sheet 3 PD-RAM-01-00-DR-C-0122 Rev P02

Together with the statement from the applicants submitted Document:

PARKSIDE LINK ROAD A PROPOSED LINK ROAD BY ST. HELENS COUNCIL  
TRANSPORT ASSESSMENT 2019

*“The proposed Scheme extends from the A49 in Newton-le-Willows to Junction 22 of the M6 motorway and is 3.3km in length.”*

The length of the Parkside Link Road (PLR) is 3,300m in length



From the drawings these show the cross-sectional construction of the PLR. Where it is clear that vast amounts earthworks are required before the road foundations and associated furniture can be constructed.

The now declared topographic and PLR construction details shown in the diagrams of the road from the A49 to the motorway M6. As the figure of 3,580,995 tonnes of eCO<sub>2</sub> has been stated to calculate the eCO<sub>2</sub> of the road in Phase 1 from the A49 to the Phase 1 boundary, this has already been calculated. Therefore the part of the PLR inside the Phase 1 area is approx 700m. So the distance under consideration is 3,300m minus 700m equals 2,600m.

From the diagrams show the roads to be a mixture of varying styles of single and dual carriageway. For ease of producing an approximate eCO<sub>2</sub> figure, assume the carriageway style for the whole length is taken from Diagram Sheet 1 as

Two Cycle/Footpaths of dimensions 3.5m wide by 0.3m depth; and  
One carriageway on dimensions 10.8m wide by depth 0.75m

These to be constructed of concrete to produce an estimated CO<sub>2</sub>.

From Internet sources for eCO<sub>2</sub> (eCO<sub>2</sub> = emitted CO<sub>2</sub>) carbon emissions for Concrete  
1 m<sup>3</sup> concrete emits 2,406 kg of CO<sub>2</sub>

Therefore, to calculate the PLR eCO<sub>2</sub>

The Cycle/Footpaths emissions CO<sub>2</sub> calculation is

$2 \times 2,600\text{m} \times 3.5\text{m} \times 0.3\text{m} \times 2,406\text{Kg of CO}_2 = 13,136,760\text{Kg eCO}_2 = 13,137\text{tonnes eCO}_2$

The Carriageway Road emissions CO<sub>2</sub> calculation is

$2,600\text{m} \times 10.8\text{m} \times 0.75\text{m} \times 2,406\text{Kg of CO}_2 = 50,670,360\text{Kg eCO}_2 = 50,670\text{tonnes eCO}_2$

This totals  $13,137 + 50,670 = \mathbf{63,807 \text{ tonnes of eCO}_2}$  emitted by the proposed PLR development.

### 7.3 Conclusion

Therefore, the PLR climate change carbon emissions (eCO<sub>2</sub>) that will be emitted during construction will be **63,807 tonnes of eCO<sub>2</sub>**. This figure does not include the earthworks that will be required to level the topography The earthworks will also have an unknown eCO<sub>2</sub> figure during the construction phase.

Also as the Parkside east Phase 3 (SRFI) details of the declared Warehouse/Shed 8 to Warehouse/Shed 16 and SRFI Terminal have not been shown as the sizes the eCO<sub>2</sub> **will be greater** that of the declared Phase 1 masterplan for the 7 warehouses/sheds for Phase 1 and Phase 2, where the calculation shown is the figure of 3,580,995 tonnes of eCO<sub>2</sub>.

So therefore, the total estimate minimum to construct the Phase 1, Phase 2, Phase 3 (SRFI) and PLR is

Phase 1/Phase 2 = 3,580,995 tonnes of eCO<sub>2</sub>.

PLR = 63,807 tonnes of eCO<sub>2</sub>

Phase 3 (SRFI) minimum = 3,580,995 tonnes of eCO<sub>2</sub>.

7,225,797 tonnes of eCO<sub>2</sub> will be emitted, just to construct the Phase 1, Phase 2, Phase 3 (SRFI) and PLR plus the Air quality and pollutants PM2.5, NOx, NMVOCs into the atmosphere as detailed in the publication “Clean Air Strategy 2019” see Section 4 of the document that accompanies this objection:

“PAG (R Ward) Response to Parkside Phase 1 Planning Application P\_2018\_0048\_OUP Jan 2019. pdf”.

But if the proposed development(s) are constructed the associated additional contribution of eCO<sub>2</sub> from the commercial vehicles to use the proposed development will add drastically to this figure each and every year.

The PLR proposed development and associated developments as shown in the Masterplan(s) does not comply with the current government guidelines as detailed in the “Clean Air Strategy 2019”. So on the grounds of the Air quality assessment the development PLR as shown in the Masterplan(s) is not a sustainable development.

## **8. Designated Heritage Assets**

### **8.1 Heritage Assets Affected**

The current application 2018/32514 under consideration with WBC is the PLR road, but as the application description of the proposals concerns the area that resides in the area known as Parkside West. Though the submitted PLR information with regards to the boundary cover the Parkside east as well. The PLR as already stated in the earlier sections of this objection shown that the PLR is intrinsically linked to the other developments that are to occupy the Parkside West and Parkside East. The other developments are stated in the PLR documentation details of the warehousing/sheds that each development contain. This information also state the PLR being an intrinsic part of the Parkside west and Parkside east to facilitate the Phase 1 sheds, the Phase 2 sheds and the Phase 3 (SRFI) sheds and terminal, without the PLR these phases can not be brought forward. It is also noted that the Phase 1 application was submitted before the PLR application. This seems strange for the applicant of the PLR application to state ‘The PLR facilitates the Phase 1 development. I refer back to the separate applicants application proposals for the Phase 1 and PLR where both application proposal for the respective Environmental Impact Assessment (EIA), both confirm that as part of the application work is to be carried out at the A49 junction and associated roads. Together with the Phase 1 application from the two EIA’s submitted in 2018 and 2019 for public consultation under the same application P/2018/0048/OUP in several of the masterplans, it is clearly shown the Phase 1 incorporates:

- The PLR road infrastructure as part of the Phase 1
- The surface water drainage for the PLR as part of the Phase 1
- The associated other utilities for the PLR as part of the Phase 1
- The Phase 2 road infrastructure linking to the PLR or is it the Phase 1 road
- Incidentally, The Phase 1 masterplans (P\_2018\_0048\_OUP-ILLUSTRATIVE\_MASTERPLAN\_REV\_E-1052084.pdf) state: The Newton Park Farm and Barn (both being designated Heritage Assets Listed Buildings) and associated other dwellings, are linked into the PLR or Phase 1 and Phase 2 road network. Due to having had Newton Park Drive removed to accommodate the Phase 3 (SRFI) Rail spur line, without this Rail Spur Line the Phase 3 (SRFI) on Parkside East can not be developed with the detail PLR Scheme under the current application. (See Appendix section)
- The Phase 1 masterplan shows the Newton Park Farm and Barn Listed Buildings as stated in the Phase 1 masterplans is surrounded by the Phase 1, Phase 2 sheds and Phase 3 (SRFI) that are linked to the Phase 1 or PLR road network, this affects the setting of Listed Buildings. (See Appendix section)

- The PLR application proposal boundary is an intrinsic part of the Phase 1 application proposal boundary though both the PLR and Phase 1 have separate EIA that assess the same land. (See Appendix section)
- The Phase 1 also occupies the same land as the Designated Heritage Asset Registered Battlefield to which the Phase 1 development intends to total destroy. (See Appendix section)
- The PLR also occupies the same land as the Designated Heritage Asset Registered Battlefield to which the PLR development scheme intends to total destroy. (See Appendix section)
- The Phase 1 application has a separate EIA covering the Designated Heritage Asset Registered Battlefield concerned with the Phase 1 area only
- The PLR application has a separate EIA covering the Designated Heritage Asset Registered Battlefield concerned with the PLR only.
- The Designated Heritage Asset Registered Battlefield, therefore has three separate EIA in three separate applications.
- The PLR affects the settings of Woodhead Farm and Barn Listed buildings and St Oswald's Well listed building and Scheduled Monument.

Therefore, the Designated Heritage Assets that are affected by the PLR and Phase 1 applications on Parkside West can not be assessed separately under separate EIA. These Designated Heritage Assets must be assessed under one EIA for the Whole Project: Phase 1, Phase 2, Phase 3(SRFI) and PLR.

## 8.2 Registered Battlefield Approval

In October 2017 the national planning authority Historic England submitted for a public consultation period, the planning application Case Number: 1412178 to assess the site of the Battle of Winwick, also known as the Battle of Red Bank (1648), for registration.

On 31 January 2018 the national planning authority Historic England publish their decision:

### ***“List Entry Summary***

*This battlefield is registered within the Register of Historic Battlefields by Historic England for its special historic interest.*

***Name:*** *Battle of Winwick (also known as Battle of Red Bank) 1648*

***List Entry Number:*** *1412878*

***Location:*** *Winwick, Warrington.*

*The battlefield may lie within the boundary of more than one authority.*

County	District	District Type	Parish
	St. Helens	Metropolitan Authority	Non Civil Parish
	Warrington	Unitary Authority	Winwick

***National Park:*** *Not applicable to this List entry.*

***Grade:*** *Not Applicable to this List Entry*

***Date first registered:*** *31 January 2018*

***Date of most recent amendment:*** *Not applicable to this List entry.”*

In the decision it gave details of how the national planning authority Historic England came to the decision. The decision showed several Respondents from the consultation who had commented upon the proposal and gave their response. It is noted that St Helens Council; The Parkside Regeneration Group (St Helens Council and Langtree plc); and Warrington Borough Council, all objected to the proposal. Follows are these comments and responses:

The following is taken from the planning approval document to register the location known as the battle of Winwick Pass. It is interesting that St Helens Council (SHC); The Parkside Regeneration Group (SHC and Langtree plc); and Warrington Borough Council, all submitted documentation to the National Planning Authority Historic England which the same arguments and documentation were submitted in the subsequent Phase 1 application SHC P/2018/0048/OUP, and subsequent Parkside Link Road application SHC P/2018/0249/FUL and subsequent Parkside Link Road application WBC 2018/32514.

Where all objected to the national planning application to register the Winwick Pass Battlefield. To which their information submitted by them has been judged and considered by the National Planning Authority Historic England in their decision 'not to reject' the Registration approval. The following is an extract from the approval decision:

### **Assessment**

#### **CONSULTATION**

*Invitations to comment were sent to all of the 26 landowners identified on the Land Registry within the proposed designated area. Invitations were also sent to the Battlefields Trust, the applicant (an advisor to the trust), the two local planning authorities (Warrington Borough Council and St Helens Council), Winwick Parish*

*Council and the local historic environment record (HER), in this case, Merseyside.*

*Advertisements were published on 25 October 2017 in both the events and classified sections of the two local newspapers (Warrington Guardian and St Helens Star) providing details of a webpage being published on 30 October and how to respond, and contact details were also provided on the webpage itself. The Warrington Guardian also published a news article on 5 November based on the content of the consultation webpage. Posters providing the same details were also placed in the village shop, leisure/community centre and the parish council's noticeboards, and on the interpretation board near Red Bank farm. Following representations on behalf of the owners of the former Parkside colliery, the deadline for their response was extended by one week. The deadline for St Helens council was also extended by the same amount, as the council is a joint-venture partner with the colliery owners. A request by Warrington council for an extension of time was refused as no justification for the request was provided.*

*The report and map were downloaded 142 and 160 times respectively. We received comments from fourteen consultees. The HER provided a copy of their entry for the battlefield, highlighting the fate of the prisoners taken. The Diocese of Liverpool, which is responsible for St Oswald's church and the rectory, and is also believed to be the owner of the cemetery, responded that it did not wish to make any comments. Culcheth and Glazebury Parish Council confirmed that it wished to support the proposed registration but made no detailed comments. Three local people sent broadly supportive responses, and one provided details of two swords found in the brook in the 1980s, one now thought to be in Warrington Museum.*

*Detailed comments were received from several consultees and are discussed below.*

#### **St Helens Council**

*COMMENT: acknowledged the national significance of the outcome of the battle, and its location at Winwick, specifically near Red Bank. It also identified some topographical changes since the battle took place, namely: the widening of Hermitage Green Lane; the truncation of the sandstone outcropping during the turnpiking of the Warrington to Wigan road (A49); the culverting of St Oswald's Brook (also known as Hermitage Brook) beneath the road; the widening of the brook during the operation of the colliery, and the disturbance of land within the colliery site. These changes, and [the results of archaeological survey](#),*

were offered in support of a [request to exclude all of the former colliery land from the proposed registered area](#).

*RESPONSE: these comments have been taken into account in the advice below and the revised proposed Register entry.*

*Agents for the owners of the former colliery site (Parkside Regeneration LLP) Provided an archaeological assessment based on metal detector survey, magnetometry survey and trial-trenching within the majority (but not all) of the former colliery site that falls within the proposed registered area. They requested that if Winwick is registered, the former colliery site should be excluded. Specific points included:*

*COMMENT: that Winwick formed part of a series of skirmishes rather than a battle in its own right.*

*RESPONSE: the strife in Lancashire of 17-19 August 1648 can be viewed as a single, drawn out engagement in several parts, of which Winwick is only one. However, Winwick clearly meets the scope of registration as set out in the Selection Guide: that is, a battle fought on land involving wholly or largely-formed bodies of armed men, deployed and engaged on the field under formal command. Rather than one of a series of skirmishes, Cromwell himself identified it as a separate engagement, saying, 'we could not engage the enemy until....the enemy made a stand at a passe near Winwicke', and calling it and Preston, 'two great fights'.*

*COMMENT: the more significant, decisive, battle of Preston is unregistered, implying that Winwick cannot be of sufficient significance to warrant registration.*

*RESPONSE: the significance of Winwick is not diminished by the mooted greater significance of the battle at Preston. [The battlefield at Preston remains unregistered not due to low significance, but because it is much more severely degraded than Winwick.](#)*

*COMMENT: Winwick was not the end of the war and lacks national significance.*

*RESPONSE: Preston, although a clear victory, was not decisive. The force retained afterwards by the royalists still outnumbered Cromwell's and the threat of continued war remained. [Only the defeat at Winwick made this an unrealistic prospect and it was the last battle of the Second English Civil War, effectively dooming any further military action to failure.](#)*

*COMMENT: the boundaries of the event are uncertain.*

*RESPONSE: the lack of contemporary diagrams of the disposition of forces is not surprising, and means that some judgement has to be applied in estimating the extent of the battlefield. Such boundaries are rarely precise to begin with, and our guidance is clear that reasonable proposed boundaries are sufficient. For clarity and ease of management, we generally use existing land boundaries.*

*COMMENT: there is no evidence of fighting between Red Bank and the area near the church.*

*RESPONSE: the guidance is clear that areas of pursued retreat and where troops drew up can also form part of a battlefield, as well as those where pitched fighting took place.*

*Contemporary accounts describe the pursuit from Red Bank towards the church. This area may reasonably be assumed to have formed part of the disorganised southward flight of a force comprising several thousand men previously engaged in a battle at its northern end.*

*COMMENT: topographical change within the former colliery precludes its inclusion.*

*RESPONSE: the parts of the former colliery included within the proposed registered area display similar topography today to that shown on the earliest available maps post-dating the battle, and in aerial photographs pre-dating mining activity. Parts, but not all, have been disturbed and reinstated following mining operations. Following our guidance, modern boundaries are used but they extend close to the former line of the Coppice Wood brook, which was a significant obstacle at the time. Where the topography is much altered, other parts of the former colliery which did form part of the battlefield (such as the possible parliamentary flanking manoeuvre) have been omitted, as the actual extent of the military activity is uncertain and difficult to reasonably define within this altered area.*

*COMMENT: lack of archaeological potential within the former colliery precludes its inclusion.*

*RESPONSE: registration is essentially a landscape designation rather than an archaeological one. Archaeological potential is a factor which can support registration, but its absence from a small part of the battlefield does not justify the exclusion of that part, if it still forms a coherent part of a battlefield which meets the principal considerations.*

*COMMENT: the degree of development north of the church undermines registration.*

*RESPONSE: the current leafy, sparsely-developed character of the area to the north of the church retains edge-of-settlement qualities in line with the area's probable use at the time of the battle. The inclusion of this area enhances the overall coherence of the landscape within which the principal elements of the battle took place. These points and the detail within the archaeological assessment have been taken into account in the advice below and the revised proposed Register entry.*

#### *Warrington Council*

*COMMENT: suggested that the engagement did not comprise a battle but one of a series of skirmishes between the battle of Preston and the surrender of the royalist infantry at Warrington. It also suggests that Winwick was secondary in significance to the earlier battle of Preston, and that its historical significance does not merit registration. It also suggested that the extent of later development in the former colliery site and to the north of St Oswald's church has reduced the topographical integrity and archaeological potential such that registration is not justified.*

*RESPONSE: these points repeat some of those made by the colliery owners' agent. They have been addressed above and taken into account in the detailed advice below and the revised proposed Register entry.*

[Blue text change by R. Ward to emphasis these points have not altered the registration approval

Red Text change by R. Ward to emphasis that the Archaeology has already been discounted as not a factor in the National Planning authority Historic England approval for Winwick Pass battlefield registration]

SHC and the Agents for the owners of the former colliery site (Parkside Regeneration LLP) and WBC all objected to the registration approval and as consultee had the opportunity under the Aarhus convention to challenge the decision within the allotted time-scale but SHC, the Agents for the owners of the former colliery site (Parkside Regeneration LLP) or WBC did not challenge the registration. The evidence submitted and referenced by SHC, the Agents for the owners of the former colliery site (Parkside Regeneration LLP) or WBC to the National Planning Authority Historic England, the same evidence can not be used against the Registered Battlefield in subsequent application to develop the same site by a lower local planning authority, only a national planning authority can make the decision when the evidence concerned is the same as at registration.

Above the evidence submitted is shown and the Historic England's response is as follows:

**SHC comment**

*These changes, and **the results of archaeological survey**, were offered in support of a request to exclude all of the former colliery land from the proposed registered area.*

*RESPONSE: these comments have been taken into account in the advice below and the revised proposed Register entry.*

**Agents for the owners of the former colliery site (Parkside Regeneration LLP)**

*Provided an **archaeological assessment based on metal detector survey, magnetometry survey and trial-trenching** within the majority (but not all) of the former colliery site that falls within the proposed registered area. They requested that if Winwick is registered, the former colliery site should be excluded.*

*COMMENT: **lack of archaeological potential** within the former colliery precludes its inclusion.*

*RESPONSE: **registration is essentially a landscape designation rather than an archaeological one. Archaeological potential is a factor which can support registration, but its absence from a small part of the battlefield does not justify the exclusion of that part, if it still forms a coherent part of a battlefield which meets the principal considerations.***

**Warrington Council (WBC)**

*It also suggested that the extent of later development in the former colliery site and to the north of St Oswald's church has reduced the topographical integrity and **archaeological potential** such that registration is not justified.*

*RESPONSE: these points repeat some of those made by the colliery owners' agent. They have been addressed above and taken into account in the detailed advice below and the revised proposed Register entry.*

Therefore the archaeology aspect of the Registered Battlefield has already been judged by a national planning authority. Any subsequent Local Planning Authority can not use the same evidence to overrule where that same evidence has already been rejected. Only a subsequent national planning authority can judge the same information. So the same Archaeological evidence must be rejected as not applicable.

**The main argument used by the applicant(s) is the same archaeological evidence** for the PLR application(s) and for the Phase 1 application, this evidence has already been judged by a national planning authority:

***“Archaeological potential is a factor which can support registration, but its absence from a small part of the battlefield does not justify the exclusion of that part,”***

### **Conclusion**

The fact that the Archaeological evidence being applicant(s) main evidence, the applicant fails to show the proposal over and above the conservation of the Designated Heritage Asset Registered Battlefield Winwick Pass 1648. Therefore the WBC Development Management Committee must either reject the application 2018/32514, or call-in all the applications to be assessed by the national planning authority; as both WBC and SHC have both been shown to have already objected and declared against the registration of Winwick Pass as a Designated Heritage Asset Registered Battlefield using the current stated Applications (as a whole) as their objection reasons, in order not to subvert the proper operation of planning controls.

### **8.3 WBC and SHC Local Plan**

St Helens Council (SHC) adopted Local Plan 31 October 2012 and Warrington Borough Council (WBC) adopted Local Plan July 2014, both plans do not show policies concerning the Historic Environment are up-to-date (SHC Policy CAS 3.2 or Policy CQL 4 or associated other sections; WBC Policy QE 8 or associated other sections). Therefore, both SHC and WBC must follow the NPPF paragraph 11 decision-taking in connection to the Designated Heritage Asset as follows:

*“For **decision-taking** this means:*

- c) approving development proposals that accord with an up-to-date development plan without delay; or*
- d) where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date<sup>7</sup>, granting permission unless:
  - i. the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed<sup>6</sup>; or*
  - ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.”**

<sup>6</sup> *The policies referred to are those in this Framework (rather than those in development plans) relating to: habitats sites (and those sites listed in paragraph 176) and/or designated as Sites of Special Scientific Interest; land designated as Green Belt, Local Green Space, an Area of Outstanding Natural Beauty, a National Park (or within the Broads Authority) or defined as Heritage Coast; irreplaceable habitats; designated heritage assets (and other heritage assets of archaeological interest referred to in footnote 63); and areas at risk of flooding or coastal change.*

As both SHC and WBC Local Plans became out-of-date on the 31 January 2018 with respect to the Designated Heritage Asset Registered Battlefield, when the Battle of Winwick Pass was approved by the National Planning Authority Historic England. With respect to applications WBC 2018/32514 and SHC P/2018/0249/FUL as the PLR proposed development, both application proposals being situated on the same land as the designated registered battlefield. These two



applications WBC 2018/32514 and SHC P/2018/0249/FUL, together with the SHC application P/2018/0048/OUP, all three application proposals now intend to destroy that part of the designated battlefield location located in Newton Park.

Therefore, as both SHC and WBC both have out-to-date local plan policies with regards to the Designated Heritage Asset Registered Battlefield, then the NPPF paragraph 11c) does not apply and the NPPF paragraph 11d) i applies to the Registered Battlefield.

The court judgment **[Forest of Dean]** [2016] EWHC 421 (Admin) when a local plan is not- up-to-date then the relevant policy under the decision-taking limb test must be applied and decided upon first, before the second limb test, NPPF paragraph 11d)ii, can then be applied.

But the NPPF can not perform paragraph 11d)i for the Designated Heritage Asset for application proposal PLR WBC 2018/32514 as not all the Environmental Impact Assessment (EIA) documentation has been provided; and as the Parkside West section of road is an integral part of another separate application proposal Phase 1 P/2018/0048/OUP EIA that affects not only the same land the PLR occupies, but more of the registered battlefield land. Therefore the NPPF paragraph 11d)i can not show a clear reason for refusing/approving the development proposed due to the land having three separate application proposal EIA's for the same designated heritage asset. Therefore, WBC Development Management Committee must reject the application 2018/32514.

In addition to this, as the PLR application proposal 2018/32514 and SHC application proposal P/2018/0048/OUP are linked by the application proposal description A49 junction and road which both affect the designated heritage asset registered battlefield. Where on 06 June 2018 WBC Development Management Committee under application number 2018/32247 publicly objected to the SHC 20180048/OUP (subsequently re-submitted under the same application proposal in 2019). As the WBC Development Management Committee have already objected to the application proposal SHC 20180048/OUP having the A49 junction and road; Drainage; and Designated Heritage Asset Registered Battlefield as part of the EIA, then as the PLR EIA(s) pertain to have those same items included (some only in part) then the WBC Development Management Committee under the NPPF paragraph 11d)i must also reject the application 2018/32514 due to their former 2018/32247 decision for the same land.

#### **8.4 Aarhus Convention**

As the Application proposal for WBC 2018/32514 and SHC P/2018/0249/FUL, the A49 road section, Drainage and Heritage is an intrinsically linked part of the Phase 1 application SHC P/2018/0048/OUP. The PLR by consequence of the Environmental Impact Assessment submitted documents for public inspection is incomplete and is in contravention of the Aarhus convention Article 6, for the parties failing to make available the environmental information for the public to participate in the consultation.

To this point I again refer to the Aarhus Convention Article 6: In the Environmental Impact Assessment on WBC website not all the documents are available, although the PLR Environmental Impact Assessment main document PARKSIDE LINK ROAD ENVIRONMENTAL STATEMENT ADDENDUM VOLUME 1 – ENVIRONMENTAL STATEMENT ADDENDUM, Date March 2019, Ref PD-RAM-02-00-REP-EN-1004 references the Appendix A6.1 Heritage Impact Assessment several times. The missing document is Appendix 6.1 which is not on the WBC website, but the document with title: "BATTLE OF WINWICK REGISTERED BATTLEFIELD WINWICK, WARRINGTON HERITAGE IMPACT ASSESSMENT", is on the SHC website for the PLR application P/2018/0249/FUL submitted on 22 March 2019 as the document:

*"P\_2018\_0249\_FUL-ADDENDUM\_VOLUME\_2\_-\_APPENDIX\_A6.1-1067945.pdf"*

This omission clearly means that the Application WBC 2018/32514 re-submitted Environmental Impact Assessment March 2019 is incomplete for public participation and the said parties are in breach of the Aarhus Convention Article 6.

## 8.5 NPPF

The Heart of the NPPF paragraph 11 decision-taking has been shown above that the Designated Heritage Asset under 11d)i must be assessed.

### 8.5.1 The Registered Battlefield Winwick Pass 1648

The Concise Oxford Dictionary defines “battlefield” as ‘*Scene of battle*’.

The Ancient Monuments and Archaeological Areas Act 1979, Article 32B(2) defines a “battlefield” as follows:

*“(2) In this section, “battlefield” means—  
(a) an area of land over which a battle was fought; or  
(b) an area of land on which any significant activities relating to a battle occurred (whether or not the battle was fought over that area).”*

This Act of Parliament gives a governmental ‘legal’ definition of a battlefield.

This definition can be applied to the NPPF paragraph 184 “*Heritage assets range from sites and buildings of local historic value to those of the highest significance*”. Therefore in interpreting sites as a Designated Heritage asset Registered battlefield the term **site** equals the above definition.

Also from the Registration of Winwick Pass the approval states the battlefield “**Grade: Not Applicable to this List Entry**”.

Due to the WBC and SHA current adopted Local Plans not having policies with regards to the registered battlefield the NPPF paragraph 11d)i applies. This means that as detailed under footnote 6 designated heritage assets must be tested before any other NPPF policies as shown in the **[Forest of Dean]** judgment. The designated heritage assets are covered in the NPPF chapter 16. Where the paragraphs that must be tested are: 184, 189, 190, 192, 193, 194 and 195 (Note paragraph 196 does not apply due to paragraph 195b).

As the Applications WBC 2018/32514 and SHC P/2018/0249/FUL and SHC P/2018/0048/OUP show the designated heritage asset in Newton Park will be lost by the ground-works and the warehousing/sheds covering the area. Then the NPPF paragraph 195 applies and not paragraph 196.

### 8.5.2 Analysis of these NPPF paragraphs

[Blue text changed by R. Ward to emphasise reasoning]

#### 8.5.2.1 Analysis of paragraph 184

*184. Heritage assets range from sites and buildings of local historic value to those of the highest significance, such as World Heritage Sites which are internationally recognised to be of Outstanding Universal Value<sup>61</sup>. These assets are an irreplaceable resource, and should be conserved in a manner appropriate to their significance, so that they can be enjoyed for their contribution to the quality of life of existing and future generations<sup>62</sup>.*

First, paragraph 184 state heritage assets range from local historic value to those of the highest significance. It goes on to state that all assets are an irreplaceable resource and conserve in a manner according to their significance. This means the higher the significance the greater protection. Further the Historic England registration approval states that the Battlefield of Winwick Pass grading as: not applicable. So this means the battlefield can not be graded with any level as the battlefield is related to a particular location of an area of land over which a battle was fought, or on which any significant activities relating to a battle occurred (whether or not the battle was fought over that area). Therefore being a particular area of land that pertains solely to the heritage asset registered battlefield Winwick Pass is totally unique to this location and no where else. The battlefield is an event that occurred in that unique location due to the topography of the land that the two armies assembled and engaged in battle.

This unique battlefield event can not be physically judged, the unique event is a series of actions that occurred at that unique location.

One can not preserve this area of land by dismantling the land and move the asset to a purpose built Heritage Park, like could be achieved to a registered listed building.

Therefore, this is why paragraph 184 states:

*“These assets are an irreplaceable resource, and should be conserved in a manner appropriate to their significance, so that they can be enjoyed for their contribution to the quality of life of existing and future generations.”*

Where later paragraphs of the NPPF emphasise:

*“alteration or destruction, or from development within its setting shall (present tense as this is the case in hand at present) require clear and convincing justification.... to assets of the highest significance registered battlefield shall (present tense as this is the case in hand at present) be wholly exceptional”*

#### **8.5.2.2 Analysis of paragraph 189**

*189. In determining applications, local planning authorities should require an applicant to describe the significance of any heritage assets affected, including any contribution made by their setting. The level of detail should be proportionate to the assets’ importance and no more than is sufficient to understand the potential impact of the proposal on their significance. As a minimum the relevant historic environment record should have been consulted and the heritage assets assessed using appropriate expertise where necessary. Where a site on which development is proposed includes, or has the potential to include, heritage assets with archaeological interest, local planning authorities should require developers to submit an appropriate desk-based assessment and, where necessary, a field evaluation.*

##### **8.5.2.2.1 Analysis of paragraph 189 first part**

Paragraph 189 requires the applicant SHC to describe the significance of any heritage assets affected. To which the applicant SHC has failed to correctly inform, the consequence of this means that the subsequent Environmental Impact Assessment has been based and therefore the information is flawed:

The Heritage Impact Assessment document submitted for the PLR amended EIA 2019, shown in the SHC application P/2018/0249/FUL as document (P\_2018\_0249\_FUL-ADDENDUM\_VOLUME\_2\_-\_APPENDIX\_A6.1-1067945) but this Heritage Impact Assessment document is not in the WBC website application documents section for application WBC 2018/32514.

**BATTLE OF WINWICK REGISTERED BATTLEFIELD  
WINWICK, WARRINGTON  
HERITAGE IMPACT ASSESSMENT**

3.5 For designated assets (Listed Buildings (LB), Scheduled Monuments (SM), Registered Parks and Gardens, Registered Battlefields, World Heritage Sites and Conservation Areas), the importance is 'high' or 'very high' as these assets meet the national criteria for designation under the relevant legislation. Listed Buildings and Registered Parks and Gardens are graded (I, II\* and II) according to relative significance.

*Table 1: Criteria for Determining Heritage Significance*

Significance	Description
Very High	Internationally and nationally important resources: World Heritage Sites, Grade I and Grade II Listed Buildings and Registered Parks and Gardens. Some Scheduled Monuments, especially those associated with a World Heritage Site.

Significance	Description
High	Nationally important resources: Grade II listed buildings, Conservation Areas, Scheduled Monuments, Grade II Registered Parks and Gardens, Registered Battlefield.
Moderate	Regionally important resources: Non-designated heritage assets and landscape features with high or moderate evidential, historical, aesthetic and/or communal values
Low	Locally important resources: Non-designated heritage assets and landscape features with low evidential, historical, aesthetic and/or communal values.
Negligible	Assets with very low or no evidential, historical, aesthetic and/ or communal values, or where remains are known to have been significantly altered or destroyed.
Unknown	Assets with very low or no evidential, historical, aesthetic and/ or communal values, or where remains are known to have been significantly altered or destroyed.

The Applicant SHC has changed the classification of the NPPF by changing the significance of registered battlefields as stated in paragraph 194:

b) **assets of the highest significance**, notably scheduled monuments, protected wreck sites, **registered battlefields**, grade I and II\* listed buildings, grade I and II\* registered parks and gardens, and World Heritage Sites, **should be wholly exceptional**

Especially, as the Applicant SHC stated in the PLR scoping report summer 2017, before the Battlefield of Winwick Pass was registered on 31 January 2018 and the NPPF 2012 was updated in 2018, revised February 2019 were published as:

Date

**June 2017**

# **PARKSIDE LINK ROAD ENVIRONMENTAL IMPACT ASSESSMENT SCOPING REPORT**

- 6.6.8 For designated assets (Listed Buildings, Scheduled Monuments, Registered Parks and Gardens and Conservation Areas), the importance will be recorded as 'high' or 'very high' as these assets meet the national criteria for designation under the relevant legislation. Listed Buildings and Registered Parks and Gardens are graded (I, II\* and II) according to relative significance.
- 6.6.9 The relative importance of each non-designated heritage asset within the historic environment baseline will also be determined to provide a framework for comparison. These categories do not reflect a definitive level of significance or value of a heritage asset, but a provisional one based on the asset's heritage values to provide an analytical tool that can inform later stages of assessment and the development of appropriate mitigation, where needed. The degree of survival is also taken into account in determining receptor importance. Assets where there is likely to be very limited physical evidence because they have been destroyed or extensively damaged are of low or negligible heritage significance. Determining heritage significance is a professional judgment made with reference to Conservation Principles.

Receptor Importance	Description
<b>Very High (International)</b>	Internationally important resources and designated heritage assets of the highest significance: Grade I and II* listed buildings, Grade I and II* registered parks and gardens, scheduled monuments, World Heritage Sites, registered battlefields.
<b>High (National)</b>	Nationally important resources: Grade II Listed Buildings, Conservation Areas, Grade II Registered Parks and Gardens, some scheduled monument (particularly older designations with dual designation that are also grade II listed buildings).
<b>Moderate (Regional)</b>	Regionally important resources: Non-designated heritage assets and landscape features with high or moderate evidential, historical, aesthetic and/or communal values.
<b>Low (Local)</b>	Locally important resources: Non-designated heritage assets and landscape features with low evidential, historical, aesthetic and/or communal values.
<b>Negligible (minor)</b>	Assets with very low or no evidential, historical, aesthetic and/ or communal values, or where remains are known to have been significantly altered or destroyed.

Table 6.1 – Criteria for determining relative heritage significance

### Conclusions paragraph 189 first part

The two Criteria for determining Heritage Significance shown above differ.

Reading these significance tables it is clear, before Winwick Pass was registered the Scoping Report correctly showed designated heritage assets as Very High (International)

<b>Very High (International)</b>	Internationally important resources and designated heritage assets of the highest significance: Grade I and II* listed buildings, Grade I and II* registered parks and gardens, scheduled monuments, World Heritage Sites, <a href="#">registered battlefields</a> .
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The Scoping significance table was confirmed in the NPPF 2012 paragraph 132:

*“132. When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset’s conservation. The more important the asset, the greater the weight should be. Significance can be harmed or lost through alteration or destruction of the heritage asset or development within its setting. As heritage assets are irreplaceable, any harm or loss should require clear and convincing justification. Substantial harm to or loss of a grade II listed building, park or garden should be exceptional. Substantial harm to or loss of **designated heritage assets of the highest significance**, notably scheduled monuments, protected wreck sites, **battlefields**, grade I and II\* listed buildings, grade I and II\* registered parks and gardens, and World Heritage Sites, **should be wholly exceptional.**”*

The Scoping significance table I also confirmed in the NPPF 2019 paragraph 194 states:

*“**assets of the highest significance**, notably scheduled monuments, protected wreck sites, **registered battlefields**, grade I and II\* listed buildings, grade I and II\* registered parks and gardens, and World Heritage Sites, **should be wholly exceptional**”*

But once Winwick Pass became a registered battlefield on 31 January 2018, and that the [Forest of Dean] 2015 judgment showed how to use the NPPF 2012 paragraph 14, subsequently replaced by the NPPF 2018, revised 2019, paragraph 11d)i due to the local plans for SHC and WBC being not up-to-date. Then the designated Heritage Asset Registered Battlefield Winwick Pass1648 became a prime aspect of consideration for the applicant for the PLR (and the applicant(s) for Phase 1). The manipulation of the “significance table” in the PLR EIA document:

P\_2018\_0249\_FUL-ADDENDUM\_VOLUME\_2\_-\_APPENDIX\_A6.1-1067945,

Shows for registered battlefields, the Significance is wrong and has been manipulated to denigrate the significance of all registered battlefields (not all battlefields are the Battle of Winwick Pass (Historic England (HE) no 47), there are 46 other HE registered battlefields, therefore all have the equal status of wholly exceptional as per the NPPF (see paragraph 184/194). Registered Battlefields are International/National not just National.

The NPPF does not classify registered battlefields, they are grouped all as one classification very high (highest significance). This is a legal point to which reading various judgments, the judge always relies on the wording of the NPPF authors. The judge interprets the NPPF as the author intended. If the author had sub qualified the paragraph 194 then it would have been written accordingly for the judge to be a guide in his/her Lordship’s judgment. The NPPF paragraph 194 states that Registered Battlefields are the same status as World Heritage sites:

To declassify a designated heritage asset registered battlefield Winwick Pass 1648, just to fit a need is not legally done and has been show and proven the significance has been changed in the EIA. Therefore the submitted PLR applications EIA with WBC and SHC are both flawed. Therefore, WBC Development Management Committee under the NPPF paragraph 11d)i must also reject the application 2018/32514 or call-in all the applications to be assessed by the national planning authority. SHC Local Planning Authority must also reject the application P/2018/0249/FUL and application P/2018/0048/OUP, or call-in all the applications to be assessed by the national planning authority.

#### 8.5.2.2.2 Analysis of paragraph 189 second part

Paragraph 189 second part reads:

*“Where a site on which development is proposed includes, or has the potential to include, heritage assets with archaeological interest”*

So is a Registered Battlefield a heritage asset with archaeological interest?

This answer is in the hands of the National Planning Authority Historic England, where the decision stated, in particular to Newton Park as shown in the registration document:

*“registration is essentially a landscape designation rather than an archaeological one. Archaeological potential is a factor which can support registration, but its absence from a small part of the battlefield does not justify the exclusion of that part, if it still forms a coherent part of a battlefield which meets the principal considerations.”*

This being stated by the National Planning Authority decision and overrides all Archaeological arguments placed by the applicant also as WBC have also submitted an objection to the registration as shown in the registration document. WBC state:

*“...It also suggested that the extent of later development in the former colliery site and to the north of St Oswald’s church has reduced the topographical integrity and archaeological potential such that registration is not justified....”*

*“RESPONSE: these points repeat some of those made by the colliery owners’ agent.”*

This means the Archaeology can be discounted as SHC and the Agents for the owners of the former colliery site (Parkside Regeneration LLP) and WBC all objected to the registration approval and as consultee had the opportunity under the Aarhus convention to challenge the decision within the allotted time-scale but SHC, the Agents for the owners of the former colliery site (Parkside Regeneration LLP) or WBC did not challenge the registration. The evidence submitted and referenced by SHC, the Agents for the owners of the former colliery site (Parkside Regeneration LLP) or WBC to the National Planning Authority Historic England, the same evidence can not be used against the Registered Battlefield in subsequent application to develop the same site by a lower local planning authority, only a national planning authority can make the decision when the evidence concerned is the same as at registration.

So paragraph 189 regarding Archaeological evidence is not a factor that overrules, historical significance or location in favour of the development(s) PLR (and Phase 1).

Therefore, WBC Development Management Committee under the NPPF paragraph 11d)i must also reject the application 2018/32514 or call-in all the applications to be assessed by the national planning authority. SHC Local Planning Authority must also reject the application P/2018/0249/FUL and application P/2018/0048/OUP, or call-in all the applications to be assessed by the national planning authority.

#### 8.5.2.3 Analysis of paragraph 190

*190. Local planning authorities should identify and assess the particular significance of any heritage asset that may be affected by a proposal (including by development affecting the setting of a heritage asset) taking account of the available evidence and any necessary expertise. They should take this into account when considering the impact of a proposal on a heritage asset, to avoid or minimise any conflict between the heritage asset’s conservation and any aspect of the proposal.*



The significance of the Designated Heritage Asset Registered Battlefield Winwick Pass 1648 shows in the two PLR application EIA's to SHC application P/2018/0249/FUL in the "BATTLE OF WINWICK REGISTERED BATTLEFIELD WINWICK, WARRINGTON HERITAGE IMPACT ASSESSMENT", but the WBC application 2018/32514 does not show this document to be considered under the public participation and as a consequence this document is also not available for WBC Development Management Committee to assess the application 2018/32514, so as to, not subvert the proper operation of planning controls. Therefore, WBC Development Management Committee must refuse the PLR application.

To avoid or minimise any conflict is impossible as the proposed PLR and Phase1 development will totally destroy the significance of the battlefield interpretation, especially as the NPPF places the registered battlefields as assets of the highest significance. The loss of the Parliamentary army position totally destroys the setting of the battle. With over 3 metres of earth and 22m high warehouse/sheds covering the Parliamentary position being the main location and reason for the battle, as the Scots having made a stand at this location totally destroys the whole setting of the battle. The impact is the battle is lost forever. With the Applicant stating that the reason for the destruction of the parliamentary position will be to make way for:

"the unknown end users of the future development units for the full PRD site".

This aspect of *unknown end users of the future development* is no criteria to warrant the heritage asset destruction, as the development totally impacts the asset totally fails to avoid any conservation of said asset. The EIA fails to show any conservation of the registered battlefield Parliamentary position in Newton Park the site that the PLR application EIA and Phase 1 application EIA for the same area both will totally destroy. Therefore, WBC Development Management Committee under the NPPF paragraph 11d)i must also reject the application 2018/32514 or call-in all the applications to be assessed by the national planning authority.

#### **8.5.2.4 Analysis of paragraph 192**

*192. In determining applications, local planning authorities should take account of:*

- a) the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation;*
- b) the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and*
- c) the desirability of new development making a positive contribution to local character and distinctiveness.*

To determine the application paragraph 11 d)i must be shown as SHC and WBC do not have an up-to-date Local Plan that covers the Designated Heritage Asset since 31 January 2018 when the National Planning authority Historic England approved registration status the Winwick Pass battlefield.

With regards to part a) and b) as the applicant have show the heritage significance has been changed to show the registered battlefield from the NPPF legally stated very high significance, to a lower significance in the document P\_2018\_0249\_FUL-ADDENDUM\_VOLUME\_2\_-\_APPENDIX\_A6.1-1067945, so this means the significance as stated in 192a) can not be judged by either WBC Development Management Committee as they are not privy to this document, and neither is the Public who read only the WBC documents for the application 2018/32514.

The conservation see paragraph 190 above, as the applicant can never conserve the registered battlefield with the proposal Phase 1 and PLR burying the site with 3 metres and 22m high warehouse/sheds on the Parliamentary battle position in Newton Park.

With respect to c) the proposed development PLR and Phase 1 can never make a positive contribution to local character and distinctiveness. As the proposed development will imposed vast numbers of commercial vehicles, changing the local character with excessive noise, air pollution and congestion on a 24/7/365 basis through Newton and Winwick. The purported use of Rail to move the freight will impact upon the traffic through the centre of Newton, with the effect that does not reduce the eCO<sub>2</sub> emissions and associated pollutants.

So the application WBC 2018/32514 and SHC P/2018/0249/FUL both fail the NPPF paragraph 11d) therefore the application must be refused, and as these application are intrinsically linked to SHC P/2018/0048/OUP must be called-in due to part of a much larger project being some deliberate plan to “salami-slice” the application so as to subvert the proper operation of planning control.

#### 8.5.2.5 Analysis of paragraph 193

*“193. When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset’s conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance.”*

*“This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance.”*

Registered battlefield has only one correct class of registered battlefield due to being an event at a particular location that is irreplaceable, unique and only one of a kind being the battle of Winwick Pass. The location of the battlefield can not be moved to another location to preserve the battlefield, just to move it as it is in the way. It is not a building that can be disassembled stone by stone and rebuilt elsewhere.

been

It is stated there is a need to destroy the battlefield, what is the need when it has **bee** clearly declared by the applicant SHC: The document “PARKSIDE LINK ROAD A PROPOSED LINK ROAD BY ST. HELENS COUNCIL TRAFFIC FORECASTING REPORT 2019” states:

Definition: PRD = Parkside Regeneration Development, Phase 1, Phase 2, Phase 3(SRFI)

*“For the purpose of assessment, and due to the unknown end users of the future development units for the full PRD site, it has been agreed with SHMBC that 80% of Phase 1 and 2 will be used for B8 land use (storage or distribution) with the remaining 20% for B2 land use (general industrial). Phase 3 will facilitate the development of a Strategic Rail Freight Interchange (SRFI) and will be used 100% for B8 land use.*

The need for the development stated by SHC for “unknown end users”, this is to be the criteria that is under consideration that will destroy the last remaining Parliamentary position in Newton Park surviving nearly intact for over 370 years. This means the significance of the Registered Battlefield Where the PLR and Phase 1 development is located on the same area of land as the Parliamentary Army assembled and deployed in the first three hours of the battle and the subsequent two hours of the battle from Newton Park. Where the significance when considered as a whole, the loss of this part of the battle completely destroys the significance of the whole battle.

The applicant fails to show in the EIA's of the PLR (and Phase 1) the great weight of the area of land under the threat from these proposed developments PLR and Phase 1. As the proposed development impact upon destroying and total loss of the Parliamentary position in Newton Park the setting of the remaining registered battlefield will be seriously affected, that the heritage significance will be lost. This loss is stated to accommodate use of the proposed development from unknown end users.

As the Applicant has failed to show the full impact the proposed development in the PLR EIA and Phase 1 EIA, will have on the significance of the designated heritage asset registered battlefield Winwick Pass 1648. The application WBC 2018/32514 and SHC P/2018/0249/FUL both fail the NPPF paragraph 11d)i therefore the application must be refused, and as these application are intrinsically linked to SHC P/2018/0048/OUP must be called-in due to part of a much larger project being some deliberate plan to “salami-slice” the application so as to subvert the proper operation of planning control.

#### **8.5.2.6 Analysis of paragraph 194**

194. Any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification. Substantial harm to or loss of:

b) assets of the highest significance, notably scheduled monuments, protected wreck sites, registered battlefields, grade I and II\* listed buildings, grade I and II\* registered parks and gardens, and World Heritage Sites, should be wholly exceptional.

Though the statement in paragraph 196 regarding a classification of substantial harm to designated heritage assets.

As the Applications WBC 2018/32514 and SHC P/2018/0249/FUL and SHC P/2018/0048/OUP show the designated heritage asset in Newton Park will be lost by the ground-works and the warehousing/sheds covering the area. Then the NPPF paragraph 195 applies and not paragraph 196.

Substantial harm applies to all heritage assets not just Registered Battlefields and this paragraph applies to all classes of designated heritage assets as detailed in paragraph 194. A listed building can have a classification of Grade I, Grade II\* or Grade II as clearly shown in the NPPF. Listed buildings can have a classification, as these are man-made structures of varying importance and rarity.

Whereas, a Registered Battlefield is a record of an event that changes/changed the course of history and is not a physical man-made structure like a listed building. A registered battlefield is the location of where an event took place and due to the nature of a battle event means the archaeology whether preserved or not is dependant upon so many factors.

Did the victorious side clean up the site of any or all weaponry: In the case of the Battle of Winwick Pass: All the Muskets, Pikes and ammunition were collected under the explicit instructions of Lt-Gen Oliver Cromwell:

*“To the Honourable William Lenthall, Esquire, Speaker of the House of Commons: These.*

*'Warrington,' 20th August, 1648.*

*..... charging very home upon them, beat them from their standing; where we killed about a thousand of them, and took, as we believe, about two thousand prisoners; and prosecuted them home to Warrington Town; where they possessed the Bridge, which had a*

*strong barricado and a work upon it, formerly made very defensive. As soon as we came thither, I received a message from General Baillie, desiring some capitulation. To which I yielded. Considering the strength of the Pass, and that I could not go over the River 'Mersey' within ten miles of Warrington with the Army, I gave him these terms: That he should surrender himself and all his officers and soldiers prisoners of war, with all his arms and ammunition and horses, to me; I giving quarter for life, and promising civil usage. Which accordingly is done: and the Commissioners deputed by me have received, and are receiving, all the arms and ammunition; which will be, as they tell me, about Four thousand complete arms; and as many prisoners: and thus you have their Infantry totally ruined. What Colonels and Officers are with General Baillie, I have not yet received the list.....*

*Your most humble and faithful servant,  
OLIVER CROMWELL."*

So only small remnants of weaponry that were missed may have been overlooked in 1648. It is known that such artefacts have been found over the following three centuries, but not where they were precisely found. The Applicant is expecting that the survey did not find hoards of musket or cannon balls scattered over the site and appears pleased that none were found, hence using archaeology as their main argument I point to the definition of the term battlefield means:

*"(a) an area of land over which a battle was fought; or  
(b) an area of land on which any significant activities relating to a battle occurred (whether or not the battle was fought over that area)."*

So to expect archaeological finds just because the armies were there is no reason to dismiss the area or importance of the battlefield just because in that survey none were found at the time of that survey.

Reality at the time was that a Musket or Pike and other associated weaponry, regardless of which side had discarded or misplaced them was an expensive item and these were handed-in to the appointed commissioners (maybe the Sheriffs of Newton and/or Warrington or high ranking officials) deputed by Cromwell, to clear the site.

Therefore, the physical archaeology that would have been left in 1648 would point only to limited musket and cannon shot that had impacted the ground or small items of clothing: buckles, rings, badges, spurs or other non-rusting personal items that were misplaced during the heat of battle, that time has preserved. These items would be few and far between and would only have been later discovered during the normal agricultural practices.

The final and sadder archaeological aspects is the battle of Winwick Pass, it is written that between 1000 (Cromwell's letter) and 1600 (Sanderson letter) were killed. But no-one knows where or how these unfortunate persons were treated. Sanderson's

One thing that is recorded is that under the terms of the "Solemn League and Covenant" September 1643 between the English Parliament and the Scottish Parliament, to which Oliver Cromwell swore an oath to uphold and signed, is that under article 4:

*" IV. We shall also, with all faithfulness, endeavour the discovery of all such as have been or shall be incendiaries, malignants, or evil instruments, by hindering the reformation of religion, dividing the King from his people, or one of the kingdoms from another, or making any faction or parties among the people, contrary to this League and Covenant; that they may be brought to public trial, and receive condign punishment, as the degree of their*

*offences shall require or deserve, or the supreme judicatories of both kingdoms respectively, or others having power from them for that effect, shall judge convenient.”*

The Scots invaders under the Duke of Hamilton were classed as “malignants” and the English Parliament declared on Friday 14 July 1648:

*“A letter this day came from Major-General Lambert the 10<sup>th</sup> Instant, from Penrith, informing this House, ‘That Duke Hamilton is advanced into the Kingdom, with an Army consisting of about 10000 Horse and Foot; with whom Sir Marmaduke Langdale hath joined, and their Army is near Carlisle, and thereabouts. The House had much Debate concerning this Business, and at last came to this Resolution by Way of Declaration, ‘That the Forces that are now come out of Scotland into England in a hostile manner, being without the Authority of the Parliament of England, are Enemies To the Kingdom of England: And that all Such Persons, either of this Kingdom, or the Kingdom of Ireland, that do or shall hereafter adhere unto, voluntarily aid, assist, or join with them, are Rebels and Traytors to the Kingdom of England, and shall be proceeded against, and their Estates Confiscated, as Traytors and Rebels.”*

So those Scots that had fallen could have been treated as “malignants” and buried accordingly without any recognition.

To date no trace has been discovered to where these unfortunate souls lay. To search for these unfortunate though, would give a late peace to their resting place, but official approval would have to be sort, only where proof was known; to be discovered by accident is different as the official authorities would be informed as to the next steps. Therefore, this is why the registration battlefield process places the importance of the event that is the heritage asset, through the historic significance and location and not to rely on the archaeology. The written evidence at the time pin-points of where the location is on the ground.

Archaeology contributes but is not an overriding factor when applying to a designated heritage asset registered battlefield as the Primary consideration is the Historical significance and location. A part of the historical significance is the actual two armies and the events and actions that took place at that location. The location is why a defending army decided to make a stand at that particular place in order to defeat the opposing army; and the opposing army stand and position at that location, aim is to see how the location can turn the situation in to their favour to defeat the defending army. This after 3 hours at Winwick Pass the location was in favour of the Scots defending Army, the following 3 hours after the opposing Parliament army gained information of the location landscape turned the location to their advantage to break the Scots defensive stand. The main point of overpowering the Scots defensive stand was first from Newton Park that saw a charge of Parliament Horse to the east on to the Scots rear; with a simultaneous charge of Parliament Horse and Pike from Newton Park across the valley that broke the Scots defence where Hermitage Green Lane rose from the valley floor to the Scots defensive position.

The only true archaeology of the battle are to those souls wounded and killed in battle that would have bleed as they fell, so it is to the ground that contains their blood that is the archaeology of the Battle of Winwick Pass. It is the ground that has the blood of those fallen and wounded that is the important feature and character of the battlefield in archaeological terms. The blood of 1000 to 1600 Scots and Parliamentarians that died and the many that were wounded are in these fields that we honour and must be preserved, for this and future generations.

With respect to paragraph 193.

*“This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance.”*

Registered battlefield has only one correct class of registered battlefield due to being an event at a particular location that is irreplaceable, unique and only one of a kind being the battle of Winwick Pass. The location of the battlefield can not be moved to another location to preserve the battlefield, just to move it as it is in the way. It is not a building that can be disassembled stone by stone and rebuilt elsewhere.

It is stated there is a need to destroy the battlefield, what is the need when it has been clearly declared by the applicant SHC: The document “PARKSIDE LINK ROAD A PROPOSED LINK ROAD BY ST. HELENS COUNCIL TRAFFIC FORECASTING REPORT 2019” states:  
On page 7 [Blue text changed by R. Ward to emphasise anomalies]

Definition: PRD = Parkside Regeneration Development, Phase 1, Phase 2, Phase 3(SRFI)

*“For the purpose of assessment, and due to the unknown end users of the future development units for the full PRD site, it has been agreed with SHMBC that 80% of Phase 1 and 2 will be used for B8 land use (storage or distribution) with the remaining 20% for B2 land use (general industrial). Phase 3 will facilitate the development of a Strategic Rail Freight Interchange (SRFI) and will be used 100% for B8 land use.*

The need for the development stated by SHC for “unknown end users”, this is to be the criteria that is under consideration that will destroy the last remaining Parliamentary position in Newton Park surviving nearly intact for over 370 years.

This is why the heritage asset of the Registered Battlefield is classed at the highest significance in the NPPF paragraph 194b).

#### **8.5.2.7 Analysis of paragraph 195**

195. *Where a proposed development will lead to substantial harm to (or total loss of significance of) a designated heritage asset, local planning authorities should refuse consent*, unless it can be demonstrated that the substantial harm or total loss is necessary to achieve substantial public benefits that outweigh that harm or loss, or all of the following apply:

- a) the nature of the heritage asset prevents all reasonable uses of the site; and
- b) no viable use of the heritage asset itself can be found in the medium term through appropriate marketing that will enable its conservation; and
- c) conservation by grant-funding or some form of not for profit, charitable or public ownership is demonstrably not possible; and
- d) the harm or loss is outweighed by the benefit of bringing the site back into use.

With respect to the test paragraph 195 is crucial to the test:

*“Where a proposed development will lead to substantial harm to (or total loss of significance of) a designated heritage asset, local planning authorities should refuse consent”*

In 195 it states “will” this is a very strong legal word, but this sentence is a question of two parts separated by “OR” and must be seen thus:

- Where a proposed development will lead to*
- *substantial harm to a designated heritage asset;*
- or*
- *total loss of significance of a designated heritage asset*

*local planning authorities should refuse consent”*

Therefore, to apply paragraph 195 has either to answer one or the other. But as paragraph 193 states:

*When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset’s conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance.*

But as paragraph 194 states:

*“Any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification. Substantial harm to or loss of:*  
*b) assets of the highest significance, notably scheduled monuments, protected wreck sites, registered battlefields, grade I and II\* listed buildings, grade I and II\* registered parks and gardens, and World Heritage Sites, should be wholly exceptional.”*

The designated heritage asset Registered battlefield being an event of an action of armies is nothing like a listed building. Significance requires the interpretation of both armies to understand the significance. One does not just look at the outcome to grade significance the significance is with respect to a battle what both parties did from the start to the finish. As the registered battlefield location stands at present is the main actions that occurred along the Post Road (A49) and the actions that occurred from Newton Park across the Hermitage Green Lane valley. This is shown in the following sources:

Source update

In the National planning Authority Historic England Registration approval dated 31 January 2018 for the battle of Winwick Pass 1648 as a registered battlefield, I the Sources section I, Richard Ward was listed as one of the source references in the planning authorities decision-taking process.

The PLR EIA document with title: “BATTLE OF WINWICK REGISTERED BATTLEFIELD WINWICK, WARRINGTON HERITAGE IMPACT ASSESSMENT”, is on the SHC website for the PLR application P/2018/0249/FUL submitted on 22 March 2019 as the document:

*“P\_2018\_0249\_FUL-ADDENDUM\_VOLUME\_2\_-\_APPENDIX\_A6.1-1067945.pdf*

But the following documentation has not been considered in the second PLR EIA submitted in March 2019.

In 2018 after further research, I updated the actions of the battle of Winwick Pass in particular to Newton Park. An article was published and placed on the History Section of the Winwick Parish Council website in May 2018:

<https://winwickparishcouncil.org.uk/history/history-the-english-civil-war>

and was also an article in the Winwick Carnival programme, July 2018.

This article details the importance of the Parliamentary position in Newton Park, the same land that the Phase 1 and the PLR application proposals intend to destroy, therefore the loss of significance will be of the highest.

On 20 February 2019 in the YouTube Historical Video Book at:

<https://www.youtube.com/watch?v=pYSmrRifoqE>

This video shows the significance of the stand located in Newton Park of the Parliament Army to the north of the valley against the stand of the Scots Army located to the south of the valley. This is the significance of the battle. What the PLR and Phase 1 application intend to do is destroy, first by raising the land level by a minimum of 3 metres then to build 22m high warehouses on the Parliament army location in Newton Park. This will lead to total loss of significance of the designated heritage asset

#### **8.5.2.8 Analysis of paragraph 196**

*“196. Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.”*

Paragraph 196 is not a consideration as explained above an event of a designated heritage asset registered battlefield where the location is the prime reasoning behind the event can not be classed with a level of harm, except the harm will be only of the highest level as a battle and in this case, the Battle of Winwick Pass is unique and a one-off. True the English Civil War had many other battles each battle has their own uniqueness and cannot be classed as listed buildings. So paragraph 196 by the fact that paragraph 194 states a registered battlefield (in the current present tense) shall be wholly exceptional and that paragraph 193, irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance. So paragraph 196 does not apply to Registered battlefields assets of the highest significance, due to their individual uniqueness of an event at a particular location.

As the Applications WBC 2018/32514 and SHC P/2018/0249/FUL and SHC P/2018/0048/OUP show the designated heritage asset in Newton Park will be lost by the ground-works and the warehousing/sheds covering the area. Then the NPPF paragraph 195 applies and not paragraph 196.

#### **8.5.3 Designated Registered Battlefield and Drainage/Flooding**

As part of the Designated Heritage Asset Registered Battlefield and is a key area of the land of the battle, that due to the valley to which the Hermitage Brook flows is recognised by Historic England as a key factor of the location. The valley and Hermitage Brook is where the Parliamentary Army charged across with Cavalry and Infantry from to north in Newton Park to attacked the Scots defence on the southern side of the valley over a period of 3 to 5 hours. This fact is clearly shown in the information submitted above.

It must be noted that none of the Applicants EIA documentation in any of the three Applications mention the Parliamentary Army assembled in Newton Park, and attacked the Scots from Newton Park as being one on the main areas that won the day for the Parliamentarians over the Scots.

The consequential numerous charges and attacks over a 3 to 5 hour period across the valley from Newton Park by the Parliament Army crossed the Hermitage Brook.

It is to the damage that will be caused to the Hermitage Brook due to being used as the declared outlet for the surface water drainage system for the three applications proposals that interlink Phase1, Phase 2, Phase 3(SRFI) and the PLR from Parkside West.



It has previously been shown in submitted objection to the three applications that currently the Hermitage Brook floods on a regular basis to to point of nearly breaching the banks of the brook. But since the culvert was “modified” in November 2017, the flooding of the Hermitage Brook has become worse. Now the Hermitage Brook after an overnights rain burst its banks and floods the valley, see the ‘Drainage Strategy & Flood Assessment’ section photographs taken 16 March 2019.

The consequential damage is becoming apparent the bushes and trees are dying from having over saturated roots due to the continual flooding every-time it rains. The effect of the over-saturated valley is the A49 embankment foundations are now permanently under a saturated condition. With the three Application proposals to use the Hermitage Brook as an outlet surface water drainage system of the warehouse/sheds and associated roads, will increase the flooding of the Brook and Valley.

The proposed increase in the traffic of 40+tonne commercial vehicles to service the <sup>correction</sup> **tree three** application proposals, the continual pounding on the A49 foundations as it crosses the Valley and Hermitage Brook by these extra vehicles could undermine the A49 foundations.

As the Brook and Valley is a part of the Registered Battlefield the effects of continual flooding on numerous time per year, will be a detrimental effect to the battlefield over time, if the Application Proposals are allowed to use the Hermitage Brook as a solution to the Proposals surface water problem of dealing with 7 vast warehouse/sheds roof water problem and associated roads.

Also as the roads are vehicle based contamination and pollution from oil spillage and wash that the road and hard-stands as well as from the associated “unknown end users” activities. This contamination has been stated in the EIA will be directed to the outlets that enter the Hermitage Brook. This pollution will cause also damage to the flora and fauna of the valley.

So when the NPPF paragraph 11d)i examines the designated Heritage asset registered battlefield the drainage and flooding is also to be a part due to the effect the drainage will have on the Registered battlefield.

Therefore, WBC Development Management Committee under the NPPF paragraph 11d)i must also reject the application 2018/32514 or call-in all the applications to be assessed by the national planning authority.

## 8.6 Designated Listed Buildings

The Application PLR Proposal and EIA for WBC 2018/32514 and the Application PLR Proposal and EIA for SHC P/2018/0249/FUL and the Application Phase1 Proposal and EIA for SHC P/2018/0048/OUP all state the proposal is from the A49 and road.

Further the two Application PLR Proposals and EIA show that the PLR is and integral part that facilitates the Phase 1, Phase 2 and Phase 3 (SRFI) and Application Phase1 Proposals and EIA show that the Phase 1 incorporates in the application that the PLR, Phase 2 and Phase 3 (SRFI) as an integral part as shown in the Phase 1 masterplan(s). Noting that the Phase 1 application was submitted before the two PLR applications in 2018, and this process was repeated in 2019 for the re-submitted three application with the same planning numbers to the respective planning authorities.

### 8.6.1 Newton Park Farm Complex

The action of some deliberate plan to “salami-slice the application so as to subvert the proper operation of planning controls means in the aspect of Designated Listed Buildings (and also the above Designated Registered Battlefield) located where the three application proposals co-exist namely in the area known as Parkside West. The Listed buildings that co-exist across the three application proposals are Newton Park Farmhouse 18<sup>th</sup>C and Newton Park Barn 17<sup>th</sup>C, that the setting of these listed buildings are seriously affected and impacted on by these three application proposals. The setting of these listed buildings can not be assessed by separate assessments, first by the Phase 1EIA, then by the Phase 2 EIA, then by the Phase 3 (SRFI) EIA with the associated PLR EIA due to being the new access road for the Listed Buildings located in the Newton Park Farm Complex. The impact and consequential effect upon the setting of the Listed Buildings located in the Newton Park Farm Complex, as a whole under the Planning (Listed Buildings and Conservation Areas) Act 1990 Article 66:

*Special considerations affecting planning functions*

#### **66 General duty as respects listed buildings in exercise of planning functions.**

*(1) In considering whether to grant planning permission [F151 or permission in principle] for development which affects a listed building or its setting, the local planning authority or, as the case may be, the Secretary of State shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.*

*(2) Without prejudice to section 72, in the exercise of the powers of appropriation, disposal and development (including redevelopment) conferred by the provisions of sections 232, 233 and 235(1) of the principal Act, a local authority shall have regard to the desirability of preserving features of special architectural or historic interest, and in particular, listed buildings.*

*(3) The reference in subsection (2) to a local authority includes a reference to a joint planning board F152.*

*[F153(4) Nothing in this section applies in relation to neighbourhood development orders.]*

There have been several UK court cases where judgments on proposed developments that affect the setting of designated listed buildings have been made. In my earlier representations I have stated several judgments.

The three Application proposals that will affect the setting of Newton Park Farmhouse and Barn designated listed buildings are shown in diagram(s) in the Appendix. Where the setting of these listed buildings can not be assessed by separate assessments, first by the Phase 1EIA, then by the Phase 2 EIA, then by the Phase 3 (SRFI) EIA with the associated PLR EIA due to being the new access road for the Listed Buildings located in the Newton Park Farm Complex. The impact and consequential effects upon the setting of the Listed Buildings located in the Newton Park Farm Complex will be seriously affected.

Therefore, WBC Development Management Committee must reject the application 2018/32514 or call-in all the applications to be assessed by the national planning authority.

### 8.6.2 Woodhead Farm and St Oswald's Well

There are also three listed buildings that co-exist as part of the two PLR Application proposals on Parkside West that reside in the borough of Warrington. These are Woodhead Farmhouse, Woodhead Barn and St Oswald's Well.

The impact and consequential effect from the PLR application proposal upon the setting of the Listed Buildings located near to the A573 junction will be under the Planning (Listed Buildings and Conservation Areas) Act 1990 Article 66. This the re-submitted PLR EIA 2019 have not addressed

the objections I made to the first PLR EIA in 2018 to which I have re-stated in this document.

Therefore, WBC Development Management Committee must reject the application 2018/32514 or call-in all the applications to be assessed by the national planning authority.

## **8.7 WBC EIA documents**

### **8.7.1 WBC document PARKSIDE LINK ROAD PROJECT NEWTON-LE-WILLOWS PLANNING STATEMENT ADDENDUM**

In paragraph 7.147 discussed the NPPF paragraph 11d)i, the Applicant has shown that the current Local Plan is out-of-date with respect to the Designated registered battlefield.

In paragraph 7.148 states:

*“The Application Site is partially within the boundary of a registered battlefield”*

By stating “The Application site is partially within the boundary” clearly shows the NPPF paragraph 11d)i is only analysing only that part that is the road, where as due to the drainage scheme and the Application Phase 1 the effect upon the designated registered battlefield is far larger area.

This clearly shows the EIA has been taken in part of some deliberate plan to “salami-slice” the applications so as to subvert the proper operation of planning controls.

In 4.36 states:

*“The Proposed Scheme would have a negligible effect on the registered battlefield of Winwick during its construction. Archaeological mitigation or landscape reinstatement would neutralise this effect.”*

and in 7.149 states:

*“As described in the March 2018 ES Chapter 6 (Paragraph 6.7.3) the Proposed Development during its construction would have a negligible effect on the registered battlefield of Winwick. Archaeological mitigation or landscape reinstatement would neutralise this effect.”*

This only refers to the PLR and not to the destruction that Phase 1 warehouse/sheds will cause by covering the site with a minimum of 3 metres of earth totally destroying any Archaeology or landscape re-instatement that the PLR EIA is stating. This again clearly shows the EIA has been taken in part of some deliberate plan to “salami-slice” the applications so as to subvert the proper operation of planning controls.

Though Archaeological Assessment has been decided already by the national planning Authority Historic England in the Winwick Pass registration approval that archaeology does not affect the registration or effect the principle considerations. Therefore, as the same archaeology information used in the registration of the Winwick Pass battlefield at national level the same archaeology information has been used in the PLR application at local level. Therefore, the Local Authority can not over-rule National decision when the information used is the same. So decision with regard to NPPF paragraph 11 d)i can only be address by the Secretary of State at national level.

Especially as this important section of the NPPF paragraph 11d)i is the key planning stage that must be addressed first. The PLR EIA is not addressing the Designated Heritage Asset on ALL the Environmental Impacts of the project as a whole as, the EIA has already stated that the PLR is to facilitate the Phase 1, Phase 2 and Phase 3 (SRFI) to come forward. Together with the Application Proposals for Phase 1 EIA and PLR EIA both state the A49 junction and road are to be

constructed under each of the applications on a separate basis. This means that the PLR and Phase 1 application are part of some deliberate plan to “salami-slice” the applications so as to subvert the proper operation of planning controls.

In 7.150 states:

*“In the context of the NPPF paragraph 11 D i) assessment less than substantial harm should be considered in the context of paragraph 196 of the NPPF”*

This shows the applicant is uncertain with respect to substantial harm under NPPF paragraph 196, when paragraph 193 states:

*“This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance.”*

and paragraph 194 states:

*“Any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from a development within its setting, should require clear and convincing justification.... Assets of the highest significance notably ....Registered battlefields should be wholly exceptional”*

It is to this context the registered battlefield must be address on a whole basis as the setting must also be address upon the impact the development will cause. The applicant states only the PLR part that is situated on the registered battlefield then the rest must be address on the setting with respect to the whole battlefield and the consequences of the events of the battle. By stating the setting the as the Phase 1 application was submitted first before the PLR then the PLR under NPPF paragraph 11d)i must consider the Phase 1 application that is also under NPPF paragraph 11d)i as well. So this clearly shows to be part of some deliberate plan to “salami-slice” the applications so as to subvert the proper operation of planning controls.

As the Applications WBC 2018/32514 and SHC P/2018/0249/FUL and SHC P/2018/0048/OUP show the designated heritage asset in Newton Park will be lost by the ground-works and the warehousing/sheds covering the area. Then the NPPF paragraph 195 applies and not paragraph 196.

Therefore, WBC Development Management Committee must reject the application 2018/32514 or call-in all the applications to be assessed by the national planning authority.

### **8.7.2 WBC document PARKSIDE LINK ROAD ENVIRONMENTAL STATEMENT ADDENDUM VOLUME 1 – ENVIRONMENTAL STATEMENT ADDENDUM**

The document states a document has not been submitted by the applicant SHC, for public to study under the public consultation period or that the WBC Development Management Committee has in order to make a decision under the proper operation of planning controls. The omission of this information means the environmental impact assessment

There are several references to:

*Technical Appendix A6.1: Heritage Impact Assessment – Battlefield*

and several references to:

*This is detailed in full in Technical Appendix A6.1 and A6.2*

This document is not available on the WBC website for application 2018/32514.

Therefore, this omission clearly means that the Application WBC 2018/32514 re-submitted Environmental Impact Assessment March 2019 is incomplete for public participation and the said parties are in breach of the Aarhus Convention Article 6. WBC Development Management Committee must reject the application 2018/32514 or call-in all the applications to be assessed by the national planning authority.

This means due to the omission of information the Public can not study all the information for the planning application WBC 2018/32514. Whereas SHC have the said missing document(s) in the application P/2018/0249/FUL.

As these applications have been placed separately the Public can not assess the application together. The only way the two PLR applications can be studied under Aarhus is for the applications to be called-in together with the PLR declared facilitating bringing forward of Phase 1, Phase 2 and Phase 3(SRFI) in the documentation for the PLR.

To analyse this document PARKSIDE LINK ROAD ENVIRONMENTAL STATEMENT ADDENDUM VOLUME 1 – ENVIRONMENTAL STATEMENT ADDENDUM further can not be realised under the Aarhus Convention Article 6.

### **8.7.3 PARKSIDE LINK ROAD ENVIRONMENTAL STATEMENT VOLUME 3: NON-TECHNICAL SUMMARY**

In this document under 3.2 Cultural Heritage it states:

*“This is a Registered Historic Battlefield associated with the Battle of Winwick (1648), with high heritage significance in the form of landscape views, topography and potential for archaeological deposits (e.g. ordnance, weaponry).”*

This confirms that the classification in the NPPF paragraph 194 b) has not been followed in order to subvert the proper operation of planning controls.

The NPPF states:

*“assets of the highest significance notably.... registered battlefields.... Should be wholly exceptional”*

As the Applications WBC 2018/32514 and SHC P/2018/0249/FUL and SHC P/2018/0048/OUP show the designated heritage asset in Newton Park will be lost by ground-works and warehousing/sheds covering the area. Then the NPPF paragraph 195 applies and not paragraph 196.

In the document under 3.2 Cultural Heritage it states:

*“any disturbance to the landscape within the designated boundary of the historic battlefield will be fully reinstated”*

To re-instate the battlefield fully when in the EIA it confirms that the PLR facilitates the PRD (Phase 1, Phase 2, Phase 3 (SRFI)) development therefore as the PLR clearly knows the Application has been submitted before the PLR application the Applicant knows the battlefield can never be fully reinstated. So the Environmental Impact Assessment is flawed. Therefore the Designated Heritage Asset Registered Battlefield Winwick Pass 1648 is and has been not fully assessed under the proper operation of planning controls.

WBC Development Management Committee must reject the application 2018/32514 or call-in all the applications to be assessed by the national planning authority. SHC Local Planning Authority must also reject the application P/2018/0249/FUL and application P/2018/0048/OUP, or call-in all the applications to be assessed by the national planning authority.

## **9. Drainage Strategy & Flood Assessment**

### **9.1 Purpose**

The Drainage document Ref PD-RAM-05-ZZ-REP-D-0002 updated 05/03/2019, opens with the purpose:

*“The purpose of this document is to outline the drainage strategy for the proposed Parkside Link Roads and to assess the level of Flood Risk”.*

The other documents that concern the Drainage Strategy & Flood Assessment are:

- PARKSIDE LINK ROAD ENVIRONMENTAL STATEMENT ADDENDUM VOLUME 1 – ENVIRONMENTAL STATEMENT ADDENDUM Date: March 2019, Ref: PD-RAM-02-00-REP-EN-1004;
- PARKSIDE LINK ROAD ENVIRONMENTAL STATEMENT VOLUME 3: NON-TECHNICAL SUMMARY, Date: March 2019, Ref: PD-RAM-02-00-REP-EN-0006

### **9.2 Legal**

The Proposal Parkside Link Road (PLR) application proposal categorically states that the A49 entrance and road, also the Phase 1 application proposal categorically states that the A49 entrance and road to which the drainage has had in both application an Environmental Impact Assessment (EIA) for Drainage Strategy & Flooding. Therefore there has been two separate EIA's. This means that this assessment is against the Directive 2011/92/EU and Directive 2014/52/EU, and as the Phase 1 Drainage Strategy & Flooding assessment has not been made available to the public under the current public consultation period under the WBC PLR application 2018/32514 (this also applies to the SHC PLR application P/2018/0249/FUL), consequently, this Drainage Strategy & Flooding assessment contravenes the Aarhus Convention Article 6. Therefore, WBC Development Management Committee must reject the PLR application (also SHC Local Planning Authority must reject the PLR application for the same reason).

### **9.3 Observation**

Reading through the documents the level of flood risk is only to the PLR and not the effects the road surface water in combination with the proposed developments, Phase 1 and Phase 2 warehouses and road surface water. Despite the PLR surface water drainage is intrinsically linked to the Phase 1 development construction for surface water drainage. Also the Phase 2 warehousing

### **9.4 Analysis of PD-RAM-05-ZZ-REP-D-0002**

The Applicant SHC has checked and approved these documents as being correct as being the up-to-date EIA for the PLR

In 2.2 West of the M6 states:

*“Drainage records show there is a significant amount of existing drainage within the site which is indicated as draining to Oswald’s Brook to the south or Newton Brook to the east.”*

*“A site visit confirms a number of existing highway gullies on the A49 at the junction with the existing Parkside access. The outfall of these gullies is unknown.”*

### Section 3

*“Land to the north and south of Parkside Link Road (ch 0 and ch750) will be developed in the future. Initial discussions regarding the future development drainage has identified potential discharge of surface water to Oswald’s Brook. It has been agreed that a cross drain shall be included within the Parkside Link Road West to accommodate this future need.”*

#### **“3.2 Proposed Parkside Link Road West Highway Drainage Networks**

*Parkside Link Road West can be separated into four highway drainage networks.*

**Highway Network 1** - A49 Junction and PLR\_W Ch. 18 - 200 – **(H-1)** Will be drained via a series of gullies and kerb drains to a swale. The restricted run-off will be attenuated in the swale prior to discharge into the existing United Utilities (UU) surface water sewer in the A49. Flow will pass through a catchpit prior to connection to the Public Sewer to provide silt protection.

**Highway Network 2** Ch. 200 – 992 – **(H-2)** Will be drained via a series of gullies and kerb drain to a new carrier drain or adjacent swale. The restricted run-off will be attenuated by swales and a pond prior to out-falling to Oswald’s Brook via a new outfall.

**Highway Network 3** Ch. 992 – 1075 **(H-3)** - Will be drained via a series of gullies and kerb drains to a new carrier drain. The restricted run-off will be attenuated in a below ground tank prior to out-falling to discharge to the Ordinary Watercourse upstream of Oswald’s Brook.

**Highway Network 4** Ch. 1075 – 1440 **(H-4)** - Will be drained via a series of gullies and kerb drains to a new swale adjacent to the link road. The restricted run-off will be attenuated by a swale prior to out-falling to the Ordinary Watercourse upstream of Oswald’s Brook.”

Highways Network 1 (H-1) intends to use the A40 network but it is stated *“the A49 at the junction with the existing Parkside access. The outfall of these gullies is unknown.”* So how can this assessment justify the A49 as an outlet? From the drawing **PD-RAM-01-00-DR-C-0551** – Parkside Link Road Drainage Strategy shows that there is an alternative drainage outlet to Hermitage Brook that runs parallel to the Houses along Winwick Road A49. So this means Highways Network 1 (H-1) to out-falling to Oswald’s Brook via a new outfall.

#### **3.4 Assessment of Catchments and discharge rates**

H-1 states:

*“The proposed discharge in to the public sewer will not be limited to GRF but set to not exceed existing highway drainage flows as agreed with United Utilities.”*

This confirms that the A49 Drainage is questionable, so the new drainage outlet to Hermitage Brook is necessary.

The discharge rates described in section 3.4 and section 3.5 is only for the surface water from the new PLR road for sections H-1, H-2, H-3 and H-4. But do not include the drainage surface water outfall from the Phase 1 and Phase 2 developments as detailed in the Phase 1 Application. So the PLR EIA predicting discharge rate that are flawed for failing to show the Phase 1 (and Phase 2) discharge rates from the seven Warehouse roofs and associated road network (and the Newton Park Farm complex) as shown in the Phase 1 application masterplan(s).

#### **Conclusion**

These four drainage outlets on Parkside west for the PLR, Phase 1 and Phase 2 all use the same drainage outlets intended to use the Hermitage Brook.

The A49 outfall is unknown so H-1 must as a conclusion of this EIA be reliant on a new outlet to Hermitage Brook; H-2, H-3 and H-4 are declared in this EIA to be reliant on three outlets to Hermitage Brook. This is clearly shown in the drawing PD-RAM-01-00-DR-C-0551 – Parkside Link Road Drainage Strategy. These four PLR all outlet to Hermitage Brook.

Stated earlier and the previous responses: the Phase 1 development application show the same drainage outlets to Hermitage Brook will be constructed as shown in the Phase 1 EIA and the Phase 2 developments as shown in the Phase 1 application masterplan(s), also use these drainage outlets through the Phase 1 development to Hermitage Brook.

But, the drainage outlets to Hermitage Brook will be constructed as shown in the PLR EIA. This means that the drainage outlets have had two EIA's in two separate applications for the same works under the environmental assessments. Directive 2011/92/EU and Directive 2014/52/EU do not permit two separate environmental assessments under two separate applications under Article 2 (1). This means the applications can be said to be some deliberate plan to "salami-slice" the applications so as to subvert the proper operation of planning controls. WBC Development Management Committee must reject the PLR application 2018/32514, or submit the application, along with the Phase 1 SHC P/2018/0048/OUP and SHC P/2018/0249/FUL to be called-in by the Secretary of State, (this also applies to SHC Local Planning Authority to do the same).

## 9.5 Assessment of Flood Risk

The section on flooding assessment states:

*"A review of The Environment Agency Flood Map For Planning identifies that both Parkside Link Road West and Parkside Link Road East are entirely within Flood Zone 1.....The distance of Flood Zone 3 from the Parkside Link Road West indicates that road is not at risk of fluvial flooding.*

### 5. EFFECT OF PROPOSALS ON FLOOD RISK

#### 5.1 Parkside Link Road West

*The proposed drainage strategy for Parkside Link Road West will not increase the level of surface water run-off that enters the watercourses as a result of the flow control and attenuation measures provided with the design. As such the road will not adversely affect the existing flooding issues of Oswald's / Newton Brook.*

*The proposed route of Parkside Link Road West is within Flood Zone 1 and so it neither affects nor is affected by the current extents of flooding in the area.*

#### 6.1 Conclusions

*The proposed link roads are within Flood Zone 1 and so are not adversely affected by fluvial flooding and do not impinge on any flood plain."*

It is clear that the flood risk only assesses the PLR application and not the Phase 1 application. To the point that the applicant SHC states: *"The proposed link roads are within Flood Zone 1 and so are not adversely affected by fluvial flooding and do not impinge on any flood plain."*

But what the FLOOD ASSESSMENT does not take into account that the PLR (and Phase 1 and Phase 2) are reliant upon, that is the impact on the "The Hermitage Green Valley" and the Hermitage Brook that flows along the base? This confirms that the Environmental Impact assessment is flawed and incomplete. The clue to the applicant in EIA is the word IMPACT. The impact on Hermitage Brook has not been shown on the cumulative EIA for the whole Project that resides on the area known as Parkside West.

The cumulative effects of the Surface Water Drainage and consequential flooding of Hermitage Brook is not a 100 year or a 30 year or even a 1 year; it is an "every-time it rains" flooding



assessment that is required. The EIA states that Hermitage Brook is a main river – it is a brook not a river the brook has a flood risk as Flood zone 3. Since the modification, November 2017, of the culvert entrance under the A49 Winwick Road/Newton Road (the Hermitage Brook is the boundary between the Borough of St Helens and the Borough of Warrington), the Brook now floods worse and on a regular basis than it has done in the previous 40 years. The brook now floods every-time it rains.

In the previous submissions to the applications: WBC 2018/32514, SHC 2018/0249/FUL and SHC 2018/0048/OUP pictures of the flooding of the brook were shown.

The causal effect of continual flooding of the “The Hermitage Green Valley” is:

- e) The tree/shrub roots being continually being saturated these plant will die;
- f) The continual flooding of the valley ground next to the A49 embankment across the valley will cause the A49 foundations to become unstable. The more heavy weight traffic use the A49, the more the saturated foundations will be stressed, caused by the heavy weight traffic vibrations and flood waters.

## 9.6 Analysis of PD-RAM-02-00-REP-EN-1004

The environmental assessment addendum in Section 12 refers to the ROAD DRAINAGE AND THE WATER ENVIRONMENT.

12.1.4 Road drainage and the water drainage was covered in the March 2018 ES, the key outcomes that were noted comprised:

- Potential for pollution, river catchment changes, surface water runoff and/or construction damage to Cockshot Brook and its tributaries;
- Potential for pollution, river catchment changes, surface water runoff and construction damage to St Oswald’s Brook and its tributaries along with risks to downstream receptors (people and property) and to construction workers;

12.7.4 The proposed St Oswald’s Brook outfall will result in elevated stream discharge during storm events and a probable increase in pollutant loading. However, the cascading gabions and vegetated rock mattresses that are include in the developed design will help control runoff velocity and encourage infiltration along the channel, mitigating impact and inhibiting the delivery of mobilised pollutants. Based on these designs, there is no reason to conclude there will be any further potentially significant effects on St Oswald’s Brook beyond those discussed in section 12.5 of the March 2018 ES.

This is an interesting addendum that the application intends to deliberately flood the Hermitage Brook and Hermitage Green Valley, as well as releasing pollutants in to the Hermitage Brook, the consequence will flow in to Newton Brook and Sankey Brook. The applicant is aware that there are licences for water extraction downstream that the water extracted will be now be through this admission by the applicant SHC be polluted.

The Applicant SHC admits that Hermitage Brook will be damaged.

This is from this PLR EIA for Drainage and Flooding only, The assessment does not show the causal impacts caused by the Phase 1 and Phase 2 drainage and consequential flooding as a whole. Thus confirming this is part of some deliberate plan to “salami-slice” the applications so as to subvert the proper operation of planning controls.

## 9.7 Analysis of PD-RAM-02-00-REP-EN-0006

The Non-technical summary document shows:

### ***“3.8 Road Drainage and Water Quality***

*In line with SHMBC and WBC planning policy, where applicable, new drainage infrastructure will be incorporated into the Proposed Scheme ....*

*Parkside Link Road West will have four drainage networks discharging to a ditch forming a tributary to St Oswald’s Brook, and St Oswald’s Brook itself.....*

*The drainage system for all networks will be designed to ensure that there is no flooding within the Proposed Scheme area for up to the 1-in-30-year storm return period. In addition, exceedance flow routes will be designed to ensure there is no flooding to downstream receptors for in excess of the 1-in-100-year storm return period.....*

*To manage pollution and spillage risk, including from potential major accidents and hazards, the ground levels across the Proposed Scheme area will be designed as such to direct any spills into the new drainage infrastructure and therefore prevent flows from entering surface water features.”*

This clearly confirms that both SHC and WBC are prepared to use Hermitage Brook for the proposed scheme: Phase 1, Phase 2, Phase 3 (SRFI) and PLR (including the Newton Park Farm Complex having to utilise the Drainage system due to the declared consequences of the Phase 3 (SRFI) as detailed in the Phase 1 masterplan(s)), without showing the Full Environmental Impact Assessment for the Whole Project on Parkside West.

Both SHC and WBC confirm that there will be four PLR west drainage networks discharging into Hermitage Brook, with no mention of the discharge from Phase 1, Phase 2, Phase 3 (SRFI) and PLR (including the Newton Park Farm Complex having to utilise the Drainage system due to the declared consequences of the Phase 3 (SRFI) as detailed in the Phase 1 masterplan(s)), without showing the Full Environmental Impact Assessment for the Whole Project on Parkside West.

Both SHC and WBC confirm *“The drainage system for all networks will be designed to ensure that there is no flooding within the Proposed Scheme area”* but do not show the resultant flooding in Hermitage Green Valley, caused by the Proposed Scheme area (Phase 1, Phase 2, Phase 3 (SRFI) and PLR (including the Newton Park Farm Complex having to utilise the Drainage system due to the declared consequences of the Phase 3 (SRFI) as detailed in the Phase 1 masterplan(s)), without showing the Full Environmental Impact Assessment for the Whole Project on Parkside West.

Both SHC and WBC confirm the *“pollution and spillage, including from potential major accidents and hazards, the ground levels across the Proposed Scheme area will be designed as such to direct any spills into the new drainage infrastructure and therefore prevent flows from entering surface water features.”* This means by directing these spillages etc into the new drainage infrastructure will enter Hermitage Brook. This will poison and Flora and Fauna of the Hermitage Green Valley, caused by the Proposed Scheme area (Phase 1, Phase 2, Phase 3 (SRFI) and PLR (including the Newton Park Farm Complex having to utilise the Drainage system due to the declared consequences of the Phase 3 (SRFI) as detailed in the Phase 1 masterplan(s)), without showing the Full Environmental Impact Assessment for the Whole Project on Parkside West.

### 9.8 The flooding of Hermitage Green Valley with no development

Here now I submit photographs taken by R. Ward on 16 March 2019 at 08.10am after a nights rain. Further, I reported the flooding of Hermitage Brook to the Winwick Parish Council meeting on 26 March 2019.

The flooding of Hermitage Brook and the valley has worsened since the works were carried out on the A49 Hermitage Brook culvert in November 2017.

The photographs tell there own story of Hermitage Brook and Valley as follows:



















### **9.9 Conclusion on Drainage and Flooding**

It is clear that EIA Drainage and Flooding assessment for the Parkside Link Road application submitted by SHC to WBC under application 2018/32514 shows that the cumulative effects of the other developments have not been shown to the Public consultation period. Where the PLR has been categorically shown to be an intrinsic part of a much larger project that the area known as Parkside west, the phases all use the same surface water drainage and sewage systems.

The applicant did not show the cumulative full EIA of the Phase 1, Phase 2, Phase 3 (SRFI) and PLR (including the Newton Park Farm Complex) having to utilise the development utilities including Drainage system due to the declared consequences of the Phase 3 (SRFI) as detailed in the Phase 1 masterplan(s)) that all intend to use three Surface Water Drainage outlets into Hermitage Brook.

Together, the EIA does not show the consequential flooding effects to the Hermitage Green Valley that will result on top of the known and current Valley flooding every time it rains. It is clear that the PLR EIA Drainage assessment is part of some deliberate plan to “salami-slicing” the applications so as to subvert the proper operation of planning controls.

Therefore, WBC Development Management Committee must reject the PLR application 2018/32514, or submit the application, along with the Phase 1 SHC P/2018/0048/OUP and SHC P/2018/0249/FUL to be called-in by the Secretary of State, (this also applies to SHC Local Planning Authority to do the same).

### **10. Ground for Objection**

It shows that the whole project Phase 1, Phase 2, Phase 3 (SRFI) and Parkside Link Road must be called in for the Secretary of State to oversee under a public inquiry for ALL the Project Phases assessed as a whole. Else, it is salami-slicing under the terminology of the EIA Directive 2011/92/EU, amended by Directive 2014/52/EU Article 2(1).

**11. Appendix**  
**Parkside West Parkside Link Road (PLR) application boundary map**



**Parkside West Phase 1 Application boundary map**



**Designated Heritage Asset Registered Battlefield – Battle of Winwick Pass 1648 registration area located inside the PLR application proposal boundary area and inside the Phase 1 application proposal boundary area**

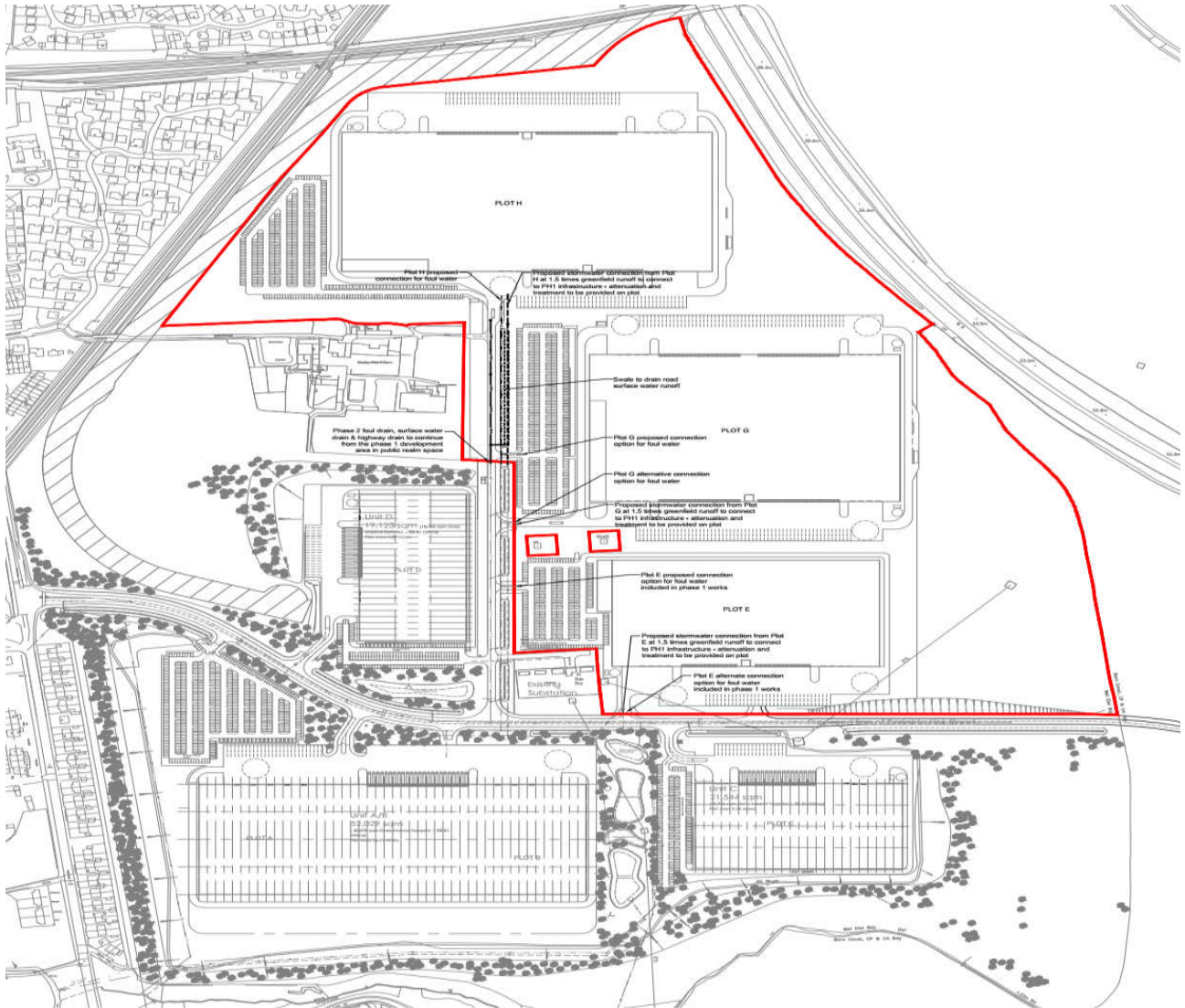


**Phase 1 masterplan  
(P\_2018\_0048\_OUP-ILLUSTRATIVE\_MASTERPLAN\_REV\_E-1052084.pdf)**



The Newton Park Farm access and utilities alteration in order to accommodate the Phase 3 (SRFI) rail spur line in the Phase 1 masterplan (P\_2018\_0048\_OUP-ILLUSTRATIVE\_MASTERPLAN\_REV\_E-1052084.pdf) prove the phases: Phase 1, Phase 2, Phase 3 (SRFI) and Parkside Link Road (PLR) are developments of a much larger project. And must be treated as a whole and not as an individual series of developments.

**P\_2018\_0048\_OUP-AMENDED\_DRAINAGE\_STRATEGY-1052075 Drawing No CLXX(52)4210**



The Phase 1 masterplan shows how the Drainage and associated utilities are required for Phase 1, Phase 2, Phase 3 (SRFI), PLR and the Newton Park Complex for Access via the PLR A49 entrance as the other Phase 1 masterplan shows the Phase 3 (SRFI) requires to occupy the land where Newton Park Drive resides.

The Diagram that follows shows the Newton Park Farm Complex in detail:

Details of Listed buildings conflict with Phase 1, Phase 2 and Phase 3 (SRFI)

