

APPLICATION NO:	15/00549/FULEIA
LOCATION:	HBC Field, Halebank, Widnes
PROPOSAL:	Proposed construction of a purpose built transport and technology facility (Use Class B2) in three phases. Phase 1 to include a 27,938 sq. m facility with associated access, car parking, HGV parking, service yards, rail sidings, landscaping, substation and associated engineering operations. Phase 2A to include a 7,425 sq. m extension to the facility with a connection to the rail sidings constructed under Phase 1, an additional service yard, additional car parking and associated development. Phase 2B to include a further 15,925 sq. m extension to the facility with additional HGV parking and associated development
WARD:	Ditton
PARISH:	Halebank Parish Council
AGENT(S) / APPLICANT(S):	Alstom UK Ltd
DEVELOPMENT PLAN ALLOCATION: Halton Unitary Development Plan (2005) Core Strategy (2013)	Employment Land Allocations (E1), Green Belt (GE1), Proposed Green Space (GE7), Core Strategy Key Area of Change: 3MG (CS8)
DEPARTURE	Yes
REPRESENTATIONS:	Six received as follows: 1 letter 1 telephone call 2 letters of objection from Halebank Parish Council 2 letters from Derek Twigg MP Detailed in the body of this report.
RECOMMENDATION:	Approve subject to conditions.
SITE MAP	

1.0 **BACKGROUND**

1.1 **The Site and Surroundings**

This application relates to a site area of approximately 31.92 hectares / 78.9 acres known as HBC Field. Part of the site accounting for approximately 6.08ha is excluded from the development and is identified within the site boundary as 'area for future development'. That 'area for future development' is allocated as part of the wider 3MG area of change, and within Policy CS8 of the adopted Core Strategy for rail served warehousing uses (B8). The

development of this part of the site is expected to be detailed through future planning applications.

- 1.2 HBC Field is identified as site 253 in the Halton Unitary Development Plan and, together with surrounding land, is defined by the Halton UDP as within the Potential Extent of the Ditton Strategic Rail Freight Park now known as Mersey MultiModal Gateway (3MG). The site is now included in the adopted Core Strategy (2013) in PolicyCS8 for over 18ha of rail served warehousing use development. The site is in the western area of the designated wider 3MG area with the A562 Speke Road and West Coast Main Line to the north, Halebank Road to the south, Halebank residential areas to the east and wider agricultural land and Green Belt to the west.
- 1.3 Planning History
Permission has previously been granted for related development in the form of advance structural landscape works (ref. 05/00948/FUL and 07/00336/HBCFUL), for associated rail sidings (07/00362/FUL) which was renewed in 2010 (10/00411/S73) and for a proposed new link road, with associated landscaping, linking the site to the A5300/ A562 Speke Road/ Knowsley Expressway roundabout via Newstead Road and crossing the West Coast Mainline to the north (ref 08/00031/HBCFUL).
- 1.4 Planning permission for a rail served storage and distribution unit of approximately 1 million sq. ft was submitted to the Council in July 2011 (ref. 11/00269/FULEIA). The application was approved by the Council in September 2011 but that decision was quashed by the High Court in July 2012. The application was subsequently returned to the Council for determination with permission granted on 9th September 2014.
- 1.5 Planning permission was subsequently granted for the proposed construction of a single rail-served building for storage and distribution purposes (total gross internal area 109,660sqm/use class B8) together with associated infrastructure, parking, open space, landscaping and ancillary development. That planning permission was granted on 9th September 2014 with a 5 year time limit and is considered extant. The Local Planning Authority is currently considering a separate application (14/00382/FUL) seeking revision to the previous permitted sidings scheme.

2.0 THE APPLICATION

2.1 Proposal Description

The proposed development site forms the western area of the Mersey Multimodal Gateway/ Ditton Strategic Rail Freight Park (DSRFP) as formerly defined by the Halton Unitary Development Plan (UDP), but now by current Core Strategy Policy CS8. The proposals include the proposed construction of a purpose built transport and technology facility (Use Class B2). The proposed facility would be developed in three phases comprising a total GIA of 51,288 m², together with associated access, car parking, HGV parking, service yards, rail sidings, landscaping, substation and associated engineering operations. The facility would include space for the assembly,

maintenance and repair of trains that would access the site via the West Coast Main Line link to the north. The facility will also include a training academy.

2.2 A breakdown of the detail of the proposed development is described below:

Phase 1

Facility:

- Production (including reception @114 m2): 8,000 m2;
- Warehouse: 8,983 m2;
- Modernisation Bay and Bogie & Raking (Roads 1, 2 & 3): 8,240 m2;
- Offices and training academy area (first floor): 2,830 m2;

External development:

- Extension to the new Lovel's Way Link Road providing an access road into the site with associated infrastructure which would include two roundabouts plus a third turning roundabout;
- Dedicated rail siding which would split into four main lines – three for the modernisation bay and bogie and raking roads (1, 2 and 3) and then a fourth for the external static test facility (which then splits into four separate lines);
- Construction of a northern yard with access/egress controlled via a remote security barrier;
- 225 car parking spaces (including 24 accessible spaces) to the west and south of the facility;
- 42 HGV parking spaces (including docking stations);
- 97 cycle parking spaces;
- 6 motorcycle parking spaces;
- Construction of a fire track;
- An emergency link/potential bus route will be provided from Halebank Road into the development site with security barriers to control access/egress;
- Bus stop on the connecting bus only link to Halebank Road;
- Two sprinkler tanks and a pump house;
- A Waste Management area;
- Two sub-stations, a Ring Main Unit and Gas Governor to be installed;
- A Lighting scheme;
- Security fencing proposed around the development area of the site (2.4m paladin fencing);
- Landscaping to the parking areas, access road, along the west, south and eastern perimeters, around Pond A and to the north-eastern corner around Ponds B and C;
- Creation of Ponds B, C and D which would also feed the creation of additional ecological habitats.

Phase 2A

Facility:

- Extension to Phase 1 facility (including gantry crane canopy), total (GIA): 7,425 m2;

External development:

- Creation of a southern yard to the south of Phase 2A with access/egress controlled via a remote security barrier;
- A connection to the rail sidings (constructed under Phase 1) to create an additional line leading to the Phase 2A extension;
- An extension to the southern car parking area to create an additional 210 spaces (including 10 accessible spaces);
- Landscaping to the additional parking areas;
- Lighting Scheme

Phase 2B

Facility:

- Further ground floor extension to Phase 1 and Phase 2A facility (including gantry crane canopy): 14,175 m²;
- Expansion of the offices and training academy area (first floor): 1,750 m²

External:

- Extension to the southern yard to create 11 HGV parking spaces;
- 3 additional parking spaces to the southern yard;
- Lighting scheme;
- Landscaping to additional HGV parking areas and internal perimeters;
- Primary sub-station to be installed near the entrance to the southern yard.

Total Floor Areas (GIA):

- Phase 1 – 28,053 m²;
- Phase 2A – 35,478 m²;
- Phase 2B – 51,403 m².

Note: These have been updated on the basis of the scheme refinements see 2.11

2.3 The end user of the facility is proposed to be Alstom UK Limited who are a global provider of 'power generation, power transmission and rail infrastructure', and are presently involved in high profile projects such as HS2 and Crossrail. They also develop and maintain the Pendolino model for Virgin Trains and approximately half of the metro trains running on the London Underground.

2.4 The reason for the phased approach is to allow Alstom to appropriately respond to demand and growth of business which is dependent on them securing future contracts. As detailed in Alstom's Supporting Statement, the first phase of the facility would involve essential maintenance and modernisation of existing trains. Phases 2A and 2B would come forward as and when required. Alstom's submission document indicates that, subject to securing planning permission, construction on Phase 1 would begin in spring 2016 to be completed summer 2017 with the training academy open autumn 2017. Phase 2 works would then be expected to begin in 2018 subject to securing those additional contracts.

2.5 The facility would operate 24 hours a day on a shift rotation basis, with production and testing operations during the morning and afternoon, and

internal replenishment of products/preparation activities during the night shift only. The submitted planning statement states that delivery of trains and components would be restricted to the hours of 06:00 to 22:00. The Council's Environmental Health Officer has however confirmed that the submitted noise assessment is however based on movement of trains and materials by road or rail only between 07:00 and 23:00.

- 2.6 The internal height of the building is proposed to be 9.5m to enable the building to accommodate the necessary production area, suitable test facilities and storage space. The finished floor levels of the building as are set at 8.5m AOD based on predicted connection levels from the sidings and on to the WCML.
- 2.7 Construction and operational access to the site would be restricted to Lovel's Way via the A562/ A5300 Knowsley Expressway, with only bus services and emergency vehicles using the Halebank Road link. It is considered that this can be secured by suitably worded planning condition.
- 2.8 Upon completion of all phases the transport and technology facility is predicted to employ between 400 and 600 people, depending on future contracts, across a range of skills and experience. This would potentially include between 150 and 400 new jobs, again depending on future contracts.
- 2.9 The applicant has submitted an interim BREEAM Assessment which states that the proposed development will potentially achieve an interim score of 57.15% against the BREEAM Environmental and Sustainability Standard. This translates into an interim BREEAM rating of 'Very Good'. It acknowledges that the credits listed within the document are subject to change as detailed design progresses. However, it will be ensured that a minimum score of 55% (which equates to a 'Very Good' rating) will be achieved at post construction. From 2013 Core Strategy Policy CS19 encourages BREEAM standard "Excellent". The emphasis on "encouraged" must also be noted within Policy CS19 along with the wider environmental features proposed within the building design over and above current legal requirements. It is not considered that any refusal of planning permission could be justified on this basis. Failure to achieve a BREEAM standard excellent rating is not considered to represent policy non-compliance but must be considered and weighted accordingly in the overall balance of material planning considerations.
- 2.10 In accordance with the Site Waste Management Regulations 2008 a Site Waste Management Plan will seek to reduce waste, promote recycling and minimise the proportion of waste sent to landfill. The Site Waste Management Plan will be secured by appropriately worded planning condition. An Operational Waste Management Plan will also be required by appropriate planning condition. Both documents will be reviewed by the Council's retained adviser with respect to demonstrating compliance with Policies WM8 of the Joint Waste Local Plan prior to discharge of these conditions. Based on the submitted detail with respect to provision of on-site waste storage and

management the Councils retained adviser has confirmed that sufficient information has been submitted to demonstrate compliance with WM9.

2.11 Scheme Refinements

Since the original submission and preparation of the Environmental Statement there have been a number of changes to the design.

- Increase in total floor area (GIA) by 115 m² to 51,403 m²;
- Removal of gatehouse to the rear yard in favour of controlled security barriers;
- Reduction in car parking spaces from 440 to 438
- Reduction in HGV parking spaces from 54 to 51 (including 4 level access);
- Reduction in motor cycle parking spaces from 18 to 6;
- Slight realignment of the footpath from Halebank Road;
- Clarification to the extent of Pond B (reduced as per the submitted detailed Pond B plan);
- Minor updates to the landscaping scheme to reflect the above changes including additional landscaping to Pond A.

These changes are considered to be minor in the context of the overall scheme and are not considered to effect the conclusions to the Environmental Statement.

2.12 Documentation

A detailed assessment of the anticipated effects of the proposal through the construction and operational phases of the development has been submitted in the form of an Environmental Statement. The application is also supported by a Design and Access Statement, Planning Statement, Statement of Community Involvement, Alstom Statement, Rail Report, Health Impact Assessment and Supplementary Health Impact Assessment in accordance with Core Strategy Policy CS22, Construction Environmental Management Plan, Alstom Waste Management Plan, Materials Management Plan, Landscape and Environmental Management Plan.

3.0 POLICY CONTEXT

- 3.1 The development plan for Halton consists of the Halton Core Strategy and the remaining saved policies from the Halton Unitary Development Plan (UDP) together with the Joint Merseyside and Halton Waste Local Plan.
- 3.2 The application site is identified as lying within a Key Area of Change within the Core Strategy (Policy CS8) and the UDP Proposals Map has not been superseded in this location save for removal of reference to deleted policies.
- 3.3 The application site includes land designated for employment uses (UDP Policy E1), proposed greenspace / green space system (UDP policy GE7) and Green Belt (UDP Policies GE1 and Core Strategy Policy CS6). The site adjoins a Conservation Area to the south-western corner (Policy CS20) and

there is a Scheduled Ancient Monument (Policies CS20 and BE4) located in the triangle of Green Belt to the north across the railway line.

3.4 The following Core Strategy and Unitary Development Plan policies and other policy documents are of particular relevance: -

3.5 Halton Core Strategy (2013)

- CS1 Halton's Spatial Strategy
- CS2 Presumption in Favour of Sustainable Development
- CS4 Employment Land and Locational Priorities
- CS6 Green Belt
- CS7 Infrastructure Provision
- CS8 3MG
- CS15 Sustainable Transport
- CS18 High Quality Design
- CS19 Sustainable Development and Climate Change
- CS20 Natural and Historic Environment
- CS21 Green Infrastructure
- CS22 Health and Well-being
- CS23 Managing Pollution and Risk

3.6 Joint Waste Local Plan 2013

- WM8 Waste Prevention and Resource Management
- WM9 Sustainable Waste Management Design and Layout for New Development

3.7 Halton Unitary Development Plan (UDP) (2005)

- BE1 General Requirements for Development
- BE2 Quality of Design
- BE4 Scheduled Ancient Monuments
- BE6 Archaeological Evaluations
- BE12 General Development Criteria – Conservation Areas
- BE22 Boundary Walls and Fences
- GE1 Control of Development in the Green Belt
- GE6 & GE7 Proposed Greenspace Designations & protection
- GE18, 19, 20 and 21 Protection of sites of nature conservation interests
- GE25 Protection of ponds
- GE26 Protection of hedgerows
- GE27 Protection of trees and woodlands
- GE28 The Mersey Forest
- PR1 Air Quality
- PR2 Noise Nuisance
- PR4 Light Pollution and Nuisance
- PR5 Water Quality
- PR6 Land Quality
- PR12 Development and land surrounding COMAH sites
- PR14 Contaminated Land
- PR15 Groundwater

PR16 Development and Flood Risk

TP policies where they relate to new development and the assessment of effects, in particular:

TP3 Disused Public Transport Facilities,
TP6 Cycling Provision as Part of New Development,
TP13 Freight,
TP14 Transport Assessments, and
TP15 Accessibility to new developments

E1 Local and Regional Employment Land Allocations
E5 New Industrial and Commercial Development

3.8 Supplementary Planning Documents

A number of adopted Supplementary Planning Documents relate to application site;

- 3MG Mersey Multimodal Gateway (August 2009), and
- Design of New Commercial and Industrial Development (February 2006).
- Designing for Community Safety (September 2005)

3.9 Other Documents

Statement of Community Involvement (September 2013)

4.0 CONSULTATIONS

- 4.1 According to the Council's Statement of Community Involvement (September 2013), whilst it is encouraged for major schemes, there is no legal obligation for developers to carry out pre-application consultation. Notwithstanding the absence of pre-application consultation by the applicant, the submission states that throughout the development of the proposed transport and technology facility, the previous concerns raised by the public with respect to previous planning applications and public exhibition/ consultation have been taken into consideration and have influenced the final layout and design. A public exhibition event was also held post submission (on 25th November 2016 at the Halebank Youth Centre) to give local residents and interested parties the opportunity to view plans for the scheme and discuss issues and concerns with representatives from the applicant's team.
- 4.2 Surrounding premises/ properties have been consulted along with ward councillors. The application was also advertised as a departure by means of site and press notices. An extensive process of consultation was also undertaken with a wide range of internal and external, statutory and non-statutory consultees.
- 4.3 Relevant bodies and individuals have been allowed an extended period (42 days) for comment beyond that required by legislation and the Council's current protocol on consultation.

4.4 Consultation was undertaken with statutory consultees, stakeholders and the public. Responses to the consultation were as follows:

- The HSE - through Padhi+, does not advise, on safety grounds, against the granting of planning permission in this case.
- Highways England – No Objection
- The Coal Authority – No Objection
- Historic England –No Objection
- United Utilities – No Objection
- Environment agency – No Objection
- Network Rail –No Comments Received
- Liverpool John Lennon Airport – No Comments Received
- Natural England – No objection
- Knowsley Borough Council – No Objection subject to Travel Plan Condition to include measures to avoid cycling trips onto the A5300 and A562
- CWACC Archaeology – No Objection
- CWACC Conservation and Design – No Objection
- Merseyside Environmental Advisory Service – The methods used to conduct the EIA appear to be appropriate and the submitted environmental statement is sufficiently comprehensive. Many of the predicted environmental impacts identified are capable of being managed and mitigated and the ES contains a range of appropriate proposals to do so. Advising that a CEMP and SWMP and Ecological Landscape Management Plan are required by suitably worded planning condition .That the changes to the proposals do not alter the conclusion of the current HRA (*Screening Report for Planning Application 11/00269/FULEIA, Halton Council, July 2013*) of **no likely significant effect**. That a great crested newt survey is required **prior to determination**. This is dealt with later in the report.
- Halton Borough Council:
 - Open Spaces – No Objection
 - Risk and Emergency Planning – N Objection
 - Environmental Health – No Objection
 - Contaminated Land – No Objection
 - Highways – No Objection
- Halebank Parish Council – Object (see following summary under Representations section below)

5.0 **REPRESENTATIONS**

5.1 A total of 6 submissions of objection have been received. These are outlined below.

5.2 One letter has been received in relation to the application. The submitted letter includes the following points:

1. It is a complete Departure from the Council's own UDP that was subject of a Public Inquiry in 2003.

2. It breaks all the conditions that the Council agreed to with the Independent Planning Inspector at that Public Inquiry. These conditions where to be met before this land would be allowed to be taken out of the Green Belt? Land that the Council argued and lost wasn't In fact Green Belt?
3. In closing I would like to add that this is a Panic Decision taken by a Council who tried with Hype to make this some kind of Blue Ribbon Site that has been on Sale since 2006.This after Spending in excess of some £20 million pounds of Public Money to make it more Appealing to a Developer. In truth this is a decision by a Council who are Faced with the Prospect of having to Pay some of that Badly spent Public Money Back?

5.2 One objection has been received by telephone call in relation to the application. The caller raised the following points:

1. The soil is contaminated
2. The water on site, ponds etc, is contaminated
3. There will be more HGV traffic in the area
4. There is wildlife and ecology present on the site – 2 swans, GCN, lapwings, frogs, hedgehogs and rabbits
5. The loss of amenity and habitat
6. Objects to works currently being undertaken on the site – drilling / boreholes, fencing has been erected in the park area, 4x4 are churning up the park area. None of this should go ahead without planning permission
7. The jobs provided go to foreign labour rather than Widnes people.

5.3 Two letters have also been received from Derek Twigg MP on behalf of the same objector who has submitted comments by telephone. These letters raise a number of issues.

In the first letter:

1. That the objector is unhappy with the plans as he believes the roads in the area cannot cope with the amount of traffic that the development will generate
2. That there is protected wildlife on HBC Field and that people walk their dogs in the area
3. That adequate infrastructure exists less than 30 miles away at Crewe and that the proposed works could also be undertaken at Crewe
4. That if any development were permitted it should be housing
5. That his and other residents' concerns are not being taken seriously

In the second letter:

1. Answers have not been provided with regards to Comments that Crewe would be a better siting for the development
2. That the land is contaminated

3. That, notwithstanding an earlier Council response that traffic accessing the site would be via Lovel's Way, the objector has seen two entrances are shown on the plan
4. That the objector is concerned that EU funding given to the Council for leisure purposes should not be used for this development.

5.4 A letter of objection has also been received from an agent acting on behalf of Hale Bank Parish Council stating that they object to the planning application for the following reasons:

Principle of Development

1. Core Strategy Local Plan Policy CS8 states that a key element of the future 3MG proposal will be the "development of the Halton Borough Council (HBC) Field site at the western end of the site for over 18 ha of B8, rail served warehousing uses".
2. The justification for Policy CS8 confirms the importance of 3MG to Halton's economy and "its wider influence as a location for inter-modal freight transfer within Merseyside and the Northwest". The logistics and distribution sectors are described as "core elements of Halton's economy and much of this is centred on the multi-modal freight transfer facility at 3MG". HBC Field is thus part of a much wider economic strategy that goes well beyond the Policy CS8 allocation of the site itself.
3. The application proposal for a Class B2 use thus flies in the face of a fundamental strategy for Halton Borough's economic future which has only recently been adopted. Yet paragraph 3.3.7 of the applicant's supporting Environmental Statement, together with their Planning Statement generally, claim that the current proposal will contribute to the over-arching principles of Policy CS8. In reality, they do no such thing. The elements of this proposed development that are claimed to support these over-arching principles are those general benefits, such as sustainability, job creation, connection to the rail network, etc., all of which would apply in some degree to any commercial development on this site, no matter what its Use Class. They are not unique to a Class B2 Use.
4. Nowhere can we see any evidence of how this proposal will fit in with the Core Strategy proposal for 3MG as a regional inter-modal freight transfer facility. So, no matter how the applicant dresses it up, this proposal does not comply with the relevant development plan policy.
5. The Parish Council will have no need to remind the Council that all applications for planning permission must be determined in accordance with the development plan, unless material considerations indicate otherwise, as paragraph 11 of the NPPF confirms.
6. In addition to the general benefits referred to above, paragraph 6.17 of the applicant's Planning Statement seeks to justify this departure from planning policy by explaining that there are no alternative sites for the Alstom UK Ltd proposal. Whilst developing this site may benefit Alstom's business, the applicants do not appear to have made any effort to demonstrate how it will complement the Core Strategy aims for this site as a key part of a major, multi-modal freight transfer facility serving the wider Northwest region.

7. Whilst in the short term, job opportunities are bound to be created, Halebank Parish Council is concerned that this proposal will not support the development plan strategy for the longer term future of 3MG and thus prove on balance to be more harmful than beneficial to the Halton economy.

Comparison With Previously Approved Scheme

8. The applicants are being disingenuous when they seek to compare their proposal with the previously approved Prologis scheme, because they are not comparing like with like. The current application includes only about two thirds of the HBC Field with a building half the size, so it is bound to have less impact.
9. What remains unknown is the cumulative impact of any development on the 'area for future development' which is not part of the current application. Only when proposals come forward for this area can any meaningful comparison be made with the Prologis scheme. In the meantime, the applicant's attempt to show that their development will have less impact should be given little weight.

Landscape / Visual Mitigation proposals

10. We note that additional landscape/visual mitigation measures are planned, but we cannot see any reference to account being taken of whatever development will be carried out on the land reserved for future development. It would be very short sighted if the mitigation measures for the current scheme have to be 'undone' because they prove to be inadequate in the future.

Statement of Community Involvement

11. The applicant's involvement of the local community prior to the submission of their application did not actually involve the community. All they have done is to try to respond to previous consultation comments. These appear to relate to the Prologis scheme and thus have no direct relevance to the current application.
12. As stated above, the applicant's response to community involvement appears to rely solely on the fact that their smaller scale proposal on only part of the HBC Field site will have less impact than the previously approved scheme which covered the whole site. The applicant shows no concern for the cumulative impact of their proposal together with whatever is proposed on remainder of the HBC Field, which is reserved for future development.
13. The Statement of Community Involvement is therefore largely meaningless, because at the time of its submission, there had been no community involvement on this application.

- 5.5 A subsequent letter has been received directly from Halebank Parish Council setting out additional issues and objections as follows:

That a previous planning application for this site was overturned on Judicial Review due to the inadequate and ultimately unlawful approach to public consultation We would therefore have hoped that the approach this time

round would have been exemplary and thoroughly inclusive, but alas, this has not been the case. With respect to the post-submission consultation carried out by Halton Council we were disappointed that notice of the public exhibition sent to residents gave the wrong address for the venue, Hale Bank Youth Club. The advertised venue was in fact the home address of a former Parish Councillor who died in June 2012. This was not only deeply insensitive but clearly confused people who would have been interested in attending the exhibition.

More “substantive concerns” relating to:

1. The complete absence of any pre-submission consultation for a project of very considerable size involving major new building and supporting infrastructure. We believe that the scale of this application should have required pre-planning consultation and the submission of a supporting Statement of Community Engagement.
2. It strikes us as deeply perverse that the Statement of Community Engagement that was submitted relates to the application quashed by The High Court in July 2012. This is a completely different application for an entirely different development submitted against a different planning policy context, and that is not even with compliant with the site’s current planning designation. In short it has no relevance to this application and only underscores the remarkable fact that no pre-application consultation whatsoever has occurred. This not only fails to meet best practice guidelines but could be unlawful given the scale and nature of this planning application.
3. It seems especially inconsistent for the Planning Authority to assert that objections submitted for the earlier development proposals on this site are not relevant and need to be resubmitted, whilst accepting so-called consultation activity and data relating to these same applications.
4. We view this approach to be illogical and flawed. This is a massive application, that conflicts with existing planning policy, and that is being considered in complete isolation from the accumulative impact of any other development on the remainder of the site. The post-submission consultation is in the Parish Council’s view, a perfunctory tick box exercise, evidencing Halton’s desperation to see development of this site irrespective of whether it fulfils the strategic locational potential of “HBC Fields” - the only reason a Planning Inspector was prepared to consider its exclusion from the Green Belt - or the massive potential impact on nearby residents.
5. This pressure is self-evidently a result of the urgent requirement for HBC to repay grant funding for the construction of the access road to “HBC Fields”.

Summary Responses to Issues Raised by Halebank Parish Council and their agent

- 5.6 The principal objector to the development has been Halebank Parish Council (HBPC). The Parish Council also instructed a planning consultant. It is considered appropriate to deal with the points raised by the Parish Council

separately in this part of the report. More detail on these issues can be found in the 'Assessment' Section of this report. The table below serves as a summary of responses to the HBPC objections.

TABLE	
Issue Raised by HBPC	Response
<p>1. Core Strategy Local Plan Policy CS8 states that a key element of the future 3MG proposal will be the “development of the Halton Borough Council (HBC) Field site at the western end of the site for over 18 ha of B8, rail served warehousing uses”.</p> <p>2. The justification for Policy CS8 confirms the importance of 3MG to Halton’s economy and “its wider influence as a location for inter-modal freight transfer within Merseyside and the Northwest”. The logistics and distribution sectors are described as “core elements (my underlining) of Halton’s economy and much of this is centred on the multi-modal freight transfer facility at 3MG”. HBC Field is thus part of a much wider economic strategy that goes well beyond the Policy CS8 allocation of the site itself.</p> <p>3. The application proposal for a Class B2 use thus flies in the face of a fundamental strategy for Halton Borough’s economic future which has only recently been adopted. Yet paragraph 3.3.7 of the applicant’s supporting Environmental Statement, together with their Planning Statement generally, claim that the current proposal will contribute to the over-arching principles of Policy CS8. In reality, they do no such thing. The elements of this proposed development that are claimed to support these over-arching principles are those general benefits, such as sustainability, job creation, connection to the rail network, etc., all of which would apply in some degree to any commercial development on this site, no matter what its Use Class. They are not unique to a Class B2 Use.</p>	<p>The Local Planning authority agrees the content of CS8 and that the application is a departure from the development plan in relation to the proposed use.</p>
<p>4. Nowhere can we see any evidence of how this proposal will fit in</p>	<p>The proposal is considered a departure from the development plan. It is for the</p>

<p>with the Core Strategy proposal for 3MG as a regional inter-modal freight transfer facility. So, no matter how the applicant dresses it up, this proposal does not comply with the relevant development plan policy.</p>	<p>Local Planning Authority to then consider what material considerations need to be taken into account and the weight to be given to them</p>
<p>5The parish council will have no need to remind the Council that all applications for planning permission must be determined in accordance with the development plan, unless material considerations indicate otherwise, as paragraph 11 of the NPPF confirms.</p>	<p>Agreed</p>
<p>6. In addition to the general benefits referred to above, paragraph 6.17 of the applicant's Planning Statement seeks to justify this departure from planning policy by explaining that there are no alternative sites for the Alstom UK Ltd proposal. Whilst developing this site may benefit Alstom's business, the applicants do not appear to have made any effort to demonstrate how it will complement the Core Strategy aims for this site as a key part of a major, multi-modal freight transfer facility serving the wider Northwest region.</p>	<p>The proposal is considered a departure from the development plan. It is for the Local Planning Authority to then consider what Material considerations need to be taken into account and the weight to be given to them.</p>
<p>7. Whilst in the short term, job opportunities are bound to be created, Halebank Parish Council is concerned that this proposal will not support the development plan strategy for the longer term future of 3MG and thus prove on balance to be more harmful than beneficial to the Halton economy.</p>	<p>The proposal is considered a departure from the development plan. It is for the Local Planning Authority to then consider what Material considerations need to be taken into account and the weight to be given to them. It is agreed that job creation and impact on the economy is a material consideration. The Council do not agree that the proposal for investment in the borough will have a negative impact on the local economy.</p>
<p>8. The applicants are being disingenuous when they seek to compare their proposal with the previously approved Prologis scheme, because they are not comparing like with like. The current application includes only about two thirds of the HBC Field with a building half the size, so it is bound to have less impact. 9. What remains unknown is the cumulative impact of any development</p>	<p>The applicants are correct to state what impacts this proposal will have and to consider this against the permitted scheme for the site. It is not possible to do a full cumulative impact assessment of the current with future schemes which is unknown. There is no way to consider the potential combined effects, for example, of noise, visual impact of a potential scheme. It</p>

<p>on the 'area for future development' which is not part of the current application. Only when proposals come forward for this area can any meaningful comparison be made with the Prologis scheme. In the meantime, the applicant's attempt to show that their development will have less impact should be given little weight.</p>	<p>would be for the future applications to consider cumulative impact when they are brought forward. However, where it is possible to do a comparison this report sets this out.</p>
<p>10. We note that additional landscape/visual mitigation measures are planned, but we cannot see any reference to account being taken of whatever development will be carried out on the land reserved for future development. It would be very short sighted if the mitigation measures for the current scheme have to be 'undone' because they prove to be inadequate in the future.</p>	<p>It is not possible to consider the visual impact as part of this developed for proposals that are not known of at this time.</p>
<p>11. The applicant's involvement of the local community prior to the submission of their application did not actually involve the community. All they have done is to try to respond to previous consultation comments. These appear to relate to the Prologis scheme and thus have no direct relevance to the current application.</p> <p>12. As stated above, the applicant's response to community involvement appears to rely solely on the fact that their smaller scale proposal on only part of the HBC Field site will have less impact than the previously approved scheme which covered the whole site. The applicant shows no concern for the cumulative impact of their proposal together with whatever is proposed on remainder of the HBC Field, which is reserved for future development.</p> <p>13. The Statement of Community Involvement [i.e. the submission] is therefore largely meaningless, because at the time of its submission, there had been no community involvement on this application.</p>	<p>This is a matter for the applicant as there is no legal requirement in relation to pre-application consultation. As such a refusal could not be sustained on this ground.</p> <p>The applicant is correct to state its opinion as to the impacts this proposal will have and to consider this against the permitted scheme for the site.</p> <p>It is not possible to do a full cumulative impact assessment of the proposal with regard to future proposals that do not exist. There is no way to consider the potential combined effects, for example, of noise, visual impact of a potential scheme. It would be for the proposed applications to consider when they are brought forward. However, where it is possible to do a comparison this report sets this out.</p>
<p>The following comments relate to the second letter received directly from the parish Council</p>	

<p>That a previous planning application for this site was overturned on Judicial Review due to the inadequate and ultimately unlawful approach to public consultation. We would therefore have hoped that the approach this time round would have been exemplary and thoroughly inclusive, but alas, this has not been the case. With respect to the post-submission consultation carried out by Halton Council we were disappointed that notice of the public exhibition sent to residents gave the wrong address for the venue, Hale Bank Youth Club. The advertised venue was in fact the home address of a former Parish Councillor who died in June 2012. This was not only deeply insensitive but clearly confused people who would have been interested in attending the exhibition.</p>	<p>This is not a matter for the Local Planning Authority. The consultation referred to was carried out jointly by Halton Borough Council Major Projects team and the applicant. It was not a Local Planning Authority Consultation.</p>
<p>1. The complete absence of any pre-submission consultation for a project of very considerable size involving major new building and supporting infrastructure. We believe that the scale of this application should have required pre-planning consultation and the submission of a supporting Statement of Community Engagement.</p> <p>2. It strikes us as deeply perverse that the Statement of Community Engagement that was submitted relates to the application quashed by The High Court in July 2012. This is a completely different application for an entirely different development submitted against a different planning policy context, and that is not even with compliant with the site's current planning designation. In short it has no relevance to this application and only underscores the remarkable fact that no pre-application consultation whatsoever has occurred. This not only fails to meet best practice guidelines but could be unlawful given the scale and nature of this planning application.</p>	<p>This is a matter for the applicant as there is no legal requirement in relation to pre-application consultation. As such a refusal could not be sustained on this ground. The Parish Council appear to be confusing "statement of community involvement" issued by the applicant and the Council's statutory Statement of Community Involvement. The Parish Council also appears to be confusing the Council's current Statement of Community Involvement with the version that existed in 2012.</p> <p>No issues arise in relation to the Council's current Statement of Community Involvement.</p>
<p>3. It seems especially inconsistent for the Planning Authority to assert that</p>	<p>This application needs to be determined in its merits. It must be determined in</p>

<p>objections submitted for the earlier development proposals on this site are not relevant and need to be resubmitted, whilst accepting so-called consultation activity and data relating to these same applications</p> <p>4. We view this approach to be illogical and flawed. This is a massive application, that conflicts with existing planning policy, and that is being considered in complete isolation from the accumulative impact of any other development on the remainder of the site. The post-submission consultation is in the Parish Council's view, a perfunctory tick box exercise, evidencing Halton's desperation to see development of this site irrespective of whether it fulfils the strategic locational potential of "HBC Fields" - the only reason a Planning Inspector was prepared to consider its exclusion from the Green Belt - or the massive potential impact on nearby residents.</p>	<p>accordance with the development plan and any material considerations.</p>
<p>5. This pressure is self-evidently a result of the urgent requirement for HBC to repay grant funding for the construction of the access road to "HBC Fields".</p>	<p>The Government funding referred to is dealt with later in this report</p>

5.7 Issues raised through other objections considered to be made on planning grounds are addressed later within the report.

6.0 **ASSESSMENT**

6.1 The following provides an overview of the key relevant general policies together with the specific Core Strategy Policy CS8. Detailed policy issues are addressed later through the relevant section of the report.

6.2 Planning Policy Appraisal

6.3 National Policy

The current Government has expressed a clear commitment to ensuring that the barriers to economic recovery and growth are removed, not least by changes to the planning system.

6.4 Government has published a number of documents regarding its approach to the economy, economic development and planning that are of relevance to this application. 'The Plan for Growth' (March 2011) contained proposals for

further reform of the planning system, and identified the priority to secure sustainable economic growth and job creation. It reiterated that in determining planning applications, local planning authorities are obliged to have regard to all relevant considerations including that they give appropriate weight to the need to support economic recovery, and applications that secure sustainable growth are treated favourably.

6.5 These principles were crystallised with the adoption of the National Planning Policy Framework (NPPF) in March 2012 and National Planning Practice Guidance (NPPG) that effectively replaced much of the previous national planning guidance and policy found in the earlier Planning Policy Statements (PPSs) and Planning Policy Guidance notes (PPGs).

6.6 National Planning Policy Framework (NPPF)

Paragraph 196 (NPPF) states that *“the planning system is plan led. Applications for planning permission should be determined in accordance with the development plan unless material considerations indicate otherwise”*, as per the requirements of legislation, but that the NPPF is a material consideration in planning decisions. Paragraph 197 states that *“in assessing and determining development proposals, local planning authorities should apply the presumption in favour of sustainable development”*.

6.7 The presumption in favour of sustainable development is the ‘golden thread’ that underpins the NPPF. NPPF recognises three mutually dependent dimensions to ‘sustainable development’ being “economic”, “social”, and “environmental” (paras 7 – 9).

6.8 Paragraph 6 states: *“The purpose of the planning system is to contribute to the achievement of sustainable development. The policies in paragraphs 18 to 219, taken as a whole, constitute the Government’s view of what sustainable development in England means in practice for the planning system”*.

6.9 The NPPF advises that the government is committed to ensuring that the planning system does everything it can to support sustainable economic growth. Also, that planning should operate to encourage and not act as an impediment to sustainable growth (Paragraph 19), and therefore:

“significant weight should be placed on the need to support economic growth through the planning system”.

6.10 Paragraph 21 reiterates the need to support economic growth by stating:

“investment in business should not be over-burdened by the combined requirements of planning policy expectations. Planning policies should recognise and seek to address potential barriers to investment”.

6.11 In the context of policy guidance relating to ‘decision-taking’, paragraphs 186 and 187 of the NPPF reinforce the Government’s desire for the presumption in favour of development to be applied positively. It states that:

“local planning authorities should approach decision-taking in a positive way” and “look for solutions rather than problems and decision-takers at every level should seek to approve applications for sustainable development where possible”.

- 6.12 The Core Strategy was adopted post NPPF (the examination considering its consistency), and the Council has endorsed an assessment of the consistency of the remaining saved UDP policies. The appraisal of the proposal against the detailed development management policies of the Development Plan follows later in this report. Notwithstanding that the proposals are a departure from the development plan based on the nature of the use, the principal of the development, securing economic growth and employment on a site allocated for employment uses in an adopted and up-to-date development plan is considered consistent with NPPF in this regard.
- 6.13 The proposed development clearly contributes to the ‘*economic role*’ both by directly creating jobs growth but also by contributing infrastructure for the wider local and sub-regional economy in a priority sector identified by the Liverpool City Region Local Enterprise Partnership (LEP) and echoed as a Strategic Objective of the Halton Core Strategy.
- 6.14 The development has the potential to contribute to the ‘*social role*’ of sustainable development by creating job opportunities for the local populous. According to the Core Strategy worklessness and economic deprivation are a key contributing factor in the Borough’s poor health record and limits the growth in the social and cultural well-being of the Borough.
- 6.15 The development is on a previously undeveloped site close to existing residential areas, the green belt, a conservation area and a scheduled monument. These do not in themselves preclude the proposed development from fulfilling an ‘*environmental role*’. The appraisal of the development against the detailed development management policies of the Development Plan is set out below.
- 6.16 Indeed, NPPF (para. 8) states “*these roles should not be undertaken in isolation, because they are mutually dependent. Economic growth can secure higher social and environmental standards, and well-designed buildings and places can improve the lives of people and communities. Therefore, to achieve sustainable development, economic, social and environmental gains should be sought jointly and simultaneously through the planning system. The planning system should play an active role in guiding development to sustainable solutions.*”
- 6.17 Section 4 of the NPPF sets out the Government’s approach to promoting sustainable transport, including encouraging solutions which support reductions in greenhouse gas emissions and reduce congestion (para 30). It should be noted that NPPF does not state that freight should not be transported by road, nor does it set any levels or targets of freight for any particular mode of transport. Instead, it seeks to protect and promote non-

road modes of freight transport, and that developments be located where the use of sustainable transport modes can be used.

6.18 The development is located adjacent to a railway line with direct access proposed for movement of trains and materials by rail. Lovel's Way is now substantially complete allowing the efficient movement of freight and staff by road with minimal impact on residential areas. The proposed development accords with both the concept of sustainable development and the principles of promoting sustainable transport and is consistent with NPPF in these regards.

6.19 The Development Plan

6.20 The Core Strategy, Joint Waste Local Plan and the extant UDP contain a number of policies of relevance to this application. The Core Strategy sets the overarching vision for the Borough to 2028 and beyond. It replaces certain of the UDP policies though does not allocate land for specific uses with the exception of the Daresbury Strategic Site. In accordance with paragraph 215 of the NPPF due weight can be given to relevant policies in the existing plans depending on the degree of consistency with the NPPF. The Halton Unitary Development Plan(UDP) has been assessed as part of the adoption of the Core Strategy and the remaining policies are consistent with the NPPF. The approach to compliance with the Joint Waste Local Plan is set out at 2.10 above.

6.21 Core Strategy

6.22 Policy CS1 – Halton's Spatial Strategy identifies the quantum and broad location of development across the borough including the identification of four Key Areas of Change (KAoC) of which the application site forms one.

6.23 Policy CS2 – 'Presumption in Favour of Sustainable Development' repeats NPPF (discussed above and see in particular paragraph 6.18)

6.24 Policy CS4 – 'Employment Land and Locational Priorities', seeks to identify criteria for the retention of outstanding (UDP) allocations to allow a full review of deliverability and suitability towards meeting the borough's employment development requirements to 2028. The application site is within the employment land supply referred to in this policy.

6.25 Core Strategy Policy CS8

6.26 Policy CS8 3MG sets out the *key elements of the future of 3MG as;*

The availability of approximately 103 ha. Of land for B8 employment development within the 3MG site to deliver regionally important logistics and distribution development and the provision of jobs for the people of Halton.

The proposals are capable of providing jobs for the people of Halton and are consistent with this point. The proposed use is within use class B2 and is not

considered consistent with this point insofar as it is not within use class B8 and therefore this makes it a departure application on this point.

- 6.27 *Improving the ability to move freight by sustainable modes, most notably rail including the provision of sustainable connections to other freight facilities in the sub-region.*

The submitted Rail Report states that the site will be used for a transport & technology facility (B2), which has the necessity to be directly rail linked to receive and dispatch long trains operating on electrified routes and is expected to benefit from receiving material by intermodal containers. Such trains and traffic all constitute forms of rail freight. The proposals include dedicated rail sidings, track and connectivity to the WCML. The application is consistent with this point

- 6.28 *The provision of a western link road to connect the site with the regional and national road network, also discouraging the movement of freight across the site on the local road network.*

The link road has been dealt with by previous planning applications and is now substantially complete via Lovel's Way with the exception of extension to provide necessary connectivity to and within the development. The application is consistent with this point.

- 6.29 *The development of the Halton Borough Council (HBC) Field site at the western end of the site for over 18ha of B8, rail served warehousing uses.*

This relates specifically to the development of the application site and seeks the development for "over 18ha of B8, rail served warehousing uses". The proposed use is not considered consistent with this point and therefore this makes it a departure application on this point.

- 6.30 Meaning of Rail Served

- 6.31 There is reference within Core Strategy Policy CS8 to development of HBC Field being rail served. The following considers the meaning of rail served in the context of this development.

- 6.32 The same expression has been used since the consideration and adoption of the UDP. The inspector's report on the UDP states:

If Site 253 were included in DSRFP, what safeguards should be incorporated into the policy to ensure that the land is developed only to meet the legitimate requirements for rail served development.

Safeguards are needed to ensure that Site 253 is only developed to meet a requirement which cannot at the relevant time be met elsewhere within the DSRFP Indicative Map area. The latest form of words does not go this far. Although para 1(a) indicates that "it is primarily for use by businesses that will utilise the railway for the transportation of freight", and this would apply, 2(d)

would only require a proposal to be “capable of being used for rail freight”. In view of the reasons for accepting the allocation of Site 253 this is not enough. Road served storage and distribution buildings can in practice predominantly make use of road as the transport mode without effective means of control. This would be less likely if rail use was integral to layout and design. The phrase in 2(d) should therefore form the basis of a separate sub-clause on development being rail-served, including a provision for the development coming forward having dedicated rail sidings adjacent to it. The justification should be augmented by an indication that the provision of sidings will be the subject of conditions of planning permission.

6.33 Although the inspector’s report must be treated with great caution because of the radical changes in policy since the adoption of the UDP, the above quote is relevant because it shows a consistency of view that rail served means rail use being integral to layout and design, including a provision for the development coming forward having dedicated rail sidings adjacent to it. In other words there was never any suggestion that the use of the rail facilities provided to the site would be compulsory or even that any particular specified level of rail use would be compulsory. It should also be noted that Core Strategy Policy CS8 was not challenged and the meaning of rail served was therefore given no further discussion by that inspector. It should also be noted that Policy CS8 does not require rail connectivity to be in place prior to the grant of planning permission. Nevertheless, the requirement for the development to be rail served is considered an important element of the justification put forward by the applicant and therefore needs to be considered in some detail. Whether such connection needs to be secured also warrants consideration. This is dealt with below in the section dealing with proposed conditions.

6.34 Requirements for the Development to be Rail Served

6.35 The application is supported by a Rail Report which outlines the necessity for the proposed use to be directly rail linked to receive and dispatch long trains operating on electrified routes. The use is also expected to benefit from receiving material by intermodal containers. The report confirms that such trains and traffic all constitute forms of rail freight.

6.36 The proposals include dedicated track and sidings within the site and within the building to serve the operation. These will be pathed in the normal way as freight trains and pass through a proposed new switch fitted on siding one of Ditton sidings. This switch will also serve the parallel sidings on adjoining Halton Borough Council owned land. These sidings are considered to have the benefit of planning permission (10/00411/S73) .This planning permission is considered to remain extant with development having commenced following discharge of conditions as required. The Local Planning Authority is however currently considering a separate application (14/00382/FUL) seeking revision to that scheme. Both applications, whilst undoubtedly linked, are not considered dependant on each other with each seeking approval for the elements which will provide the shared connection to the rail network.

6.37 Whilst Network Rail have been consulted on the application and provided no comments, Halton Borough Council has confirmed that this element is currently at Grip Stage 3/4 of Network Rail's approval process. They have confirmed that at the end of GRIP stage 4 Network Rail will grant Approve n Principal (AIP) which is scheduled for 17 May 2016.

6.38 The applicant has provided a Rail Connectivity Plan to show what sections of siding will be installed prior to commencement of the use. It is proposed that a Grampian style condition be attached that requires operational connectivity to the rail network in accordance with that plan prior to commencement of the use, in order to ensure that the development is rail served in accordance with Core Strategy Policy CS8.

6.39 The submitted Rail report states that:

“any significant train production and engineering company operating at the site would expect to receive components and partly built equipment from potentially global sources via deep-sea ports or the Channel Tunnel. The existing terminals at 3MG already offer such services. By the nature of its work it must be located on a rail connected site which is ideally also adjacent to intermodal facilities.”

6.40 The Planning Statement includes the following list of requirements specific to the nature of the proposed use which has lead the proposed user to determine the site as suitable for its requirements. These are listed as follows:

- Rail connection to the West Coast Main Line
- Wider transport links to regional and national ports, rail hubs, highways and airports;
- A site which can accommodate the movement of trains required by Alstom – with consideration given to topography, length, environmental factors;
- Proximity and connectivity to local communities for workforce;
- Proximity to other Alstom sites;
- Potential of the local and regional economy to foster further growth.

6.41 The submitted Rail Report includes an analysis of the nature of the use, its contribution in terms of improving the ability to move freight rail in accordance with Policy CS8, and impact on loss of warehouse space both within the 3MG Park and the North West.

6.42 The site was removed from the greenbelt through the adoption of the Unitary Development Plan in 2005 based upon its physical and locational characteristics that rendered it suitable to develop as a rail linked distribution park. In particular the Rail Report identifies its road and rail infrastructure and the embryonic terminal facilities which have since been much improved. The weakness that the Ditton Strategic Rail Freight Park faced (now 3MG) was the shortage of development land for rail linked activities, particularly for large units in excess of 25,000m² that could feed off the terminal. The application site (HBC Field) addressed this shortfall, offering capacity of an extra 100,000m² of buildings.

- 6.43 The report acknowledges the importance of sites such as 3MG in meeting the demand for growth in rail freight in line with Government Policy and “promoting modal shift to achieve environmental benefits”.
- 6.44 The proposed use can be considered by its very nature to be rail served. It will receive and dispatch long trains via a purpose built rail connection and can reasonably be expected to receive material by intermodal containers. Most importantly that such trains and traffic all constitute forms of rail freight.
- 6.45 The Rail Report identifies that the wider 3MG area, which is taken to be defined by the Key Area of Change within Core Strategy Policy CS8, includes an area of approximately 103Ha. of land for development. The development of approximately 31.92Ha of that wider site for B2 use would retain an area well in excess of the 60 ha threshold identified within the Report as the threshold for a Strategic Rail Freight Interchange (SRFI). It has also been confirmed that the interchange already receives 6 – 7 freight trains per day as compared with the number 4 proposed as the minimum appropriate for an SRFI.
- 6.46 The proposed development does not preclude further B8 development on the remainder of 3MG and land is identified within the application site for future development. This could be B8 use. On that basis it is considered that the development of the site for B2 use could not be argued to undermine the critical mass and wider development of 3MG for Rail Served B8 uses. In fact it could be argued that the proposed development of the site could act as a catalyst to future development of such uses by attracting associated businesses and suppliers.
- 6.47 The report identifies that other proposed Intermodal sites include Knowsley and Parkside in Merseyside, as well as the intermodal terminals already available at Seaforth and Garston. A major new facility is planned for Port Salford and smaller rail linked developments at ‘Port Cheshire’ and ‘Port Warrington’. On that basis it is considered that the redevelopment of such an area for non B8 use will not undermine critical mass and further growth in rail linked distribution within 3MG or at a regional level.
- 6.48 Principles of Development
The second part of policy CS8, ‘Principles of development’, states that ‘Development across 3MG will be expected to:
- Protect the amenity of residents in the adjoining areas of Ditton and Halebank.
 - Conserve local features of visual, environmental and historic importance, notably Lovell’s Hall Scheduled Monument, the surrounding Green Belt and avoid adverse effects on the integrity of the Mersey Estuary SPA and Ramsar site thereby ensuring that there will be no net loss in supporting habitat for SPA/Ramsar waterfowl.

To avoid repetition in the report, these issues are dealt with in other sections of this report.

6.49 Development Plan Departure and the Loss of B8 Land

The proposed use as a transport & technology facility is acknowledged to fall within Use Class B2 (General Industrial). This conflicts with the site's allocation for Use Class B8 (Storage and Distribution) in the Development Plan. The application is therefore considered to be a departure from the development plan.

6.50 Unitary Development Plan Policies E1 and GE28

6.51 UDP Policy E1

Local and Regional Employment Land Allocations identifies a significant portion of the site as Site 253 which, together with adjoining site 256 which will include development to provide rail connectivity, is allocated for use as a "Strategic Rail Freight Park" (now 3MG). This allocation combined together with site 255 to form the DSRFP site envisaged in the UDP where policies S20 and E7 (now deleted) also applied. Policy E1 allocates the site as a Strategic Rail Freight Park but does not include reference to specific use class in respect of site 253.

6.52 UDP Policy GE28

This policy makes provision for the on-going investigation of opportunities for creating new woodland planting through development as part of the Mersey Forest. The supporting map (Map 7) indicates target planting densities across sites allocated for development elsewhere in the UDP. For the application site GE28 indicates provision for potential woodland cover of 20%+ for the application site and surrounding area with targeted planting for transport routes "where appropriate". The policy also acknowledges that such figures are for guidance purposes only and not intended to be prescriptive for any unit of land. As such, it is considered that provision is made for a balance between the Mersey Forest aspirations and the site allocation for development. Potential for woodland planting within the development site and land up to the West Coast Main Line is restricted by the operational requirements of such a facility and the need to secure access up to the rail line through dedicated rail sidings. It is considered that provision has been made for substantial woodland planting to surrounding landscaped mounds implemented as advance structural planting. Efforts have been made, as far as practical, to include woodland and complimentary planting through the scheme and it is therefore considered that, given the allocation of the site for such development, the requirements of Policy GE28 have been adequately met. To the extent that the proposal falls short of indications in policy GE28 this could not constitute a departure.

6.53 3MG Supplementary Planning Document

6.54 The Council developed a 3MG Supplementary Planning Document (SPD), which was adopted in August 2009. The principal policies in the UDP that the 3MG Mersey Multimodal Gateway SPD was intended to 'supplement', namely E7 and S20, have subsequently been deleted with the adoption of the Core

Strategy. Whilst the Council have not formally withdrawn the SPD, the weight that can be afforded to the SPD is therefore considered limited. Nonetheless the SPD does list a number of remaining 'saved' UDP policies as being relevant to the application site, namely E1, RG5, GE28, PR14, BE1, BE2, BE3, BE4, TP1, TP13, which are considered to be dealt with elsewhere within this report. The SPD also sets out a total of 17 Development Principals to guide the development of the site. These are considered to be adequately addressed elsewhere in the report.

6.55 Assessment of the anticipated effects of the proposal

A detailed assessment of the anticipated effects of the proposal through the construction and operational phases of the development has been submitted in the form of an Environmental Statement. The application is also supported by a Design and Access Statement, Planning Statement, Statement of Community Involvement, Alstom Statement, Rail Report, Health Impact Assessment and Supplementary Health Impact Assessment in accordance with Core Strategy Policy CS22, Construction Environmental Management Plan, Materials Management Plan, Landscape and Environmental Management Plan. The following is intended to provide a summary of the submission and update with respect to the relevant issues and comments from relevant consultees and advisors.

6.56 Green Belt (UDP Policy GE1 and Core Strategy Policy CS6)

The westernmost portion of the application site is allocated as Green Belt in the UDP, where policies GE1 – Control of Development in the Green Belt and CS6 – Green Belt apply. The latter is mainly concerned with the need for a future Green Belt review so the former provides the main policy requirements.

6.57 GE1 lists a number of circumstances in which development in the Green Belt may be considered appropriate, and requirements for developments conspicuous from the Green Belt. The aspects of the development outside of Site 253 are within Green Belt and covered by Policy GE6 & GE7 – Proposed Greenspace Designations & protection. The encroachment relates only to areas of landscaping, a balancing pond and pedestrian access paths which it is considered are fully consistent with policy GE6 & GE7 which seeks “a *landscape buffer surrounding employment site 253*”. This is capable of being appropriate development in the Green Belt and areas of Green Space. All Green Belt development would take place on intervening land between the elevated access road link and the development site only which is considered to significantly reduce any visual, openness or character impacts on the wider open Green Belt which lies beyond the elevated link road. Additional mounding and landscaping proposed within the Green Space are considered wholly compliant with the purposes of that designation. Given their design and character, these proposed elements are not considered to conflict with the tests of Policy GE1 complying with Clause 2 (visual amenity) and Clause 3f (other development that does not conflict with Green Belt purposes), as such the GE1, GE6 and GE7 are satisfied. Specifically UDP policy GE1 Para 2 states: “Planning permission will not be given to proposals for development conspicuous from the Green belt that would harm its visual amenity by reason of their siting, materials, design.” This element of UDP Policy GE1 relates to

development which is not in the Green Belt but which is conspicuous from the Green Belt and would harm its visual amenity. The principal of development of this kind was endorsed by the Inspector at the UDP inquiry had there been a problem with UDP policy GE1 in this context it would have negated the accepted principal that this type of development was acceptable. The degree that the development is conspicuous from the Green Belt is dealt with within this report and it is not considered that it would cause harm to the visual amenity of the Green Belt.

6.58 UDP policy GE1 (3) f) states: “that development within the Green Belt unless it is for any ... other uses of land which preserves the openness of the Green Belt and which do not conflict with the purposes of including land within it” this part of policy GE1 is concerned solely with development within the Green Belt. The only development within the Green belt which forms part of the application comprises substantial landscaping and the creation of paths and ponds. These types of development can be appropriate development within the Greenbelt and are often found in the Green Belt. Furthermore the area of Green belt within the application site is substantially shielded from the Wider Green Belt to the West by a new road and associated landscape embankments which connects the site to the A5300. It is unnecessary to go into the question of whether the above mentioned policies are fully up-to-date in terms of the requirements of the NPPF. This is because the proposal complies with NPPF paragraph 90 as being appropriate development within the greenbelt.

6.59 Socio-Economic Issues

6.60 The socio-economic effects of the application have been assessed. The work concludes that the proposed development will help to support the local economy and will bring a wide range of socio and economic benefits. It will bring about a major capital injection and through the construction process help to secure and create construction jobs. The facility itself will create between 400 to 600 new jobs depending on future contracts, with between 150 to 400 new jobs for local residents, which will provide a broad range of employment opportunities.

6.61 The proposal includes a training academy within the facility, which would contribute towards addressing the identified skill shortage in the UK rail industry. The academy would support rail and associated industries in the area, and would be used by students on Alstom’s apprenticeship and graduate programme. The academy would also develop connections with local education and further education providers, as well as partnerships with Small and Medium Enterprise’s (SME). These factors in combination will provide a direct injection of money into the local economy but will also have other indirect economic benefits as well as social benefits through reduced unemployment, health and education.

6.62 According to the Environmental Statement the key benefits are:

- The facility would create up to 600 jobs, with up to 400 jobs for local

residents;

- 2,000 jobs created in the local supply chain;
- Construction job opportunities in developing the site;
- 30 apprentices annually;
- 10 graduate opportunities;
- Upskill opportunities for current engineers;
- Support for school level children and young employed;
- Innovative partnerships to support SME development;
- The scheme would invest £70m of the envisaged £250m investment in the development of the 3MG allocation; and,
- Contribution towards addressing the productivity problem for the Northern Powerhouse by closing the skills gap.

6.63 The Environmental Statement concludes that the proposed development would help support the local economy and bring about a wide range of socio-economic benefits. It would bring about a capital injection and through the construction process help to secure and create construction jobs. The site itself would create up to 600 new jobs, which would provide a broad range of employment opportunities for residents of the surrounding areas. The proposal would help to secure local services and facilities through increased demand. On this basis the Environmental Statement concludes that the development would result in a major positive socio-economic impact.

6.64 The above socio economic benefits are considered to make the proposal consistent with Core Strategy Policies CS1, CS2 and CS7.

6.65 Landscape and Appearance

6.66 The Environmental Statement includes an assessment of the anticipated effects on the landscape character and on views of the proposed development. A number of photomontages have been provided to provide illustrative views of the scheme from the surrounding areas.

6.67 The Environmental Statement assesses the impact with respect to public and private receptors. The appraisal with regards to public receptors includes views towards the site comprising Public Rights of Way, a footpath implemented as part of advance landscape works within the eastern and southern parts of the site, public open amenity and recreation space east of the site, and roads in the local area. Private receptors refer to residential properties adjacent and close to the site anticipated to have views towards the site and proposed development.

6.68 It acknowledges that the proposals would introduce a new industrial building, hardstanding and increased human/ commercial activity to an area of open agricultural land albeit on the urban fringe. Views of the proposed transport and technology facility and the different parts of the 3MG proposals to the east, would however be limited due to intervening built development, mature vegetation and mounds. Views from slightly elevated ground south-east of the site for example from the PRoW north of Carr Lane, may comprise the top of

future industrial development within the eastern part of 3MG in combination with the top of the proposed transport and technology facility and B8 development on the eastern part of the HBC field site. Visibility of the wider 3MG development would be limited in these views due to intervening built development and mature vegetation. Proposed and future development would also be seen in the distance within the context of existing industrial and urban development within Widnes. This wide panoramic view also comprises industrial development across the River Mersey at Runcorn.

- 6.69 Measures have however been incorporated into development proposals to mitigate effects of the proposed development on the character of the local landscape and on receptors identified as having views towards the site and the proposed development. Advance landscape mitigation works implemented in 2008/2009 within the southern and eastern parts of the site will be retained, mounding within the eastern part of the site would be reinforced and enhanced and landscape proposals would help reduce the influence of the new building in the surrounding area and would filter and or screen the proposed building as existing and proposed planting matures over time.
- 6.70 The assessment indicates that the greatest residual visual effects on public receptors are anticipated in views from the footpath through the public open space within the southern part of the site and from the industrial estate area of Newstead Road north of the site. It would be difficult to screen the proposed transport and technology facility within views from these receptors. It is however acknowledged that the footpath within the southern part of the site was implemented (providing local residents with an additional amenity and recreational resource and pedestrian and cyclist route) as part of advance landscape works, which anticipated development (of the type proposed) on the site in question. Existing and proposed planting on the boundary between the HBC Field site and the public open space in the south would also provide some screening of the proposed development over time as planting matures. With regards to visual effects experienced on Newstead Road, these effects would be experienced from a short section of this road by persons travelling to work at an industrial site.
- 6.71 The assessment concludes that the greatest residual visual effects on private receptors are anticipated in some views from 50-68 Halebank Road, 149-157 Halebank Road, Middlefield Farm, Linner Farm and Linner Farm Cottage, the grounds of Smithy House, the grounds of Burnt Mill Farm on Carr Lane, and from a number of properties on Baguley Avenue and on Clap Gate Crescent. Visual effects would however be minimised as mitigation planting and intervening vegetation matures filtering and screening views of the proposed transport and technology facility over time.
- 6.72 The proposed development would affect the Halebank Conservation Area and consequently UDP Policy BE12 needs to be considered. The immediate setting of Halebank Road Conservation Area are considered to remain largely remain unaltered as a consequence of the proposed manufacturing facility. The residual effect of the proposed development on the setting of the Conservation Area is predicted to reduce from minor adverse to negligible as

woodland proposed on the northern boundary of the Conservation Area integrates and matures. The Council's retained advisor in relation to Conservation has confirmed that, whilst the proposals will inevitably impact on the character and significance of the Conservation Area, the level of potential harm is considered to be less than substantial as required by NPPF. As such no policy objection is raised in respect of the Conservation Area. In any event the existence of the conservation area was known when the original designation of the site was made in the UDP. It follows that issues relating to the conservation area were considered and that a development of the scale and character proposed was considered appropriate. The development plan must be read as a whole and it is clear that the impact on UDP policy BE12 was taken into account as part of the designation of site 253.

6.73 The scheme is considered to offer a well-designed, high quality development. It is considered that significant efforts have been made to minimise and mitigate likely impacts having particular regard to its visual appearance, screen mounding and landscaping, the environment and the amenity of adjoining residents and communities. The scale, general design and form of the building are not considered unusual or out of character for a development of this type. It is considered to be of a scale and quality of design suited to the designated use of the site and in keeping with the wider development aspirations of 3MG. It is considered that the proposals accord with the development plan having particular regard to UDP Policies relating to The Built Environment (BE1, BE2 and BE22), GE1 Green Belt and E5 of New Industrial and Commercial Development, Core Strategy Policy CS18, CS21 Green Infrastructure and CS20 Natural and Historic Environment and Design of New Commercial and Industrial Development and Designing for Community Safety Supplementary Planning Documents.

6.74 Ecology and Nature Conservation

6.75 The ecological assessment has utilized historical information collected over a period 2005 to 2014, and additionally the site was visited in October 2015 to check whether site conditions have changed significantly since the 2014 surveys were completed. The main difference was that the majority of the bare ground present in 2014 has now vegetated with species-poor grassland, whilst the previously recorded species-poor grassland appears to have increased diversity in 2015 as it becomes more established.

6.76 The proposed development site lies approximately 1.2km from the Mersey Estuary which is designated as a Ramsar Site, a Special Protection Area and a Site of Special Scientific Interest. Additionally there are three local nature reserves within 2km of the proposed development. These sites will not be affected by the proposed development.

The main habitats on-site are species-poor grassland, although the eastern and southern edges comprise broadleaved plantation woodlands, hedgerows and wildflower grassland, planted and sown during the landscape works undertaken in 2008 to construct the bunds and Halebank Park. There are eight open waterbodies present on the site including a fishing pond, a storage/

balancing lagoon established in Halebank Park, and a number of small ponds and drainage pits.

A Compensation Area has already been created to the west of the A5300 Link Road, to compensate for the loss of habitat on the site, and the loss of a pond to the Link Road route.

The majority of the habitat that will be lost to the development (species-poor grassland) is of moderate nature conservation value. The eight open waterbodies on site, plus that in the Compensation Area, comprise a mix of established and newer waterbodies, the latter created by work on the A5300 Link Road. As a result the waterbodies are at varying stages of development and of varying quality for aquatic invertebrates. Three of the eight will be retained, including that supporting the greatest nature conservation interest and it is considered that three more are required to mitigate the loss of the remainder.

Surveys for great crested newts in the ponds on site have, until 2014, demonstrated absence of the species. However, in 2015, survey data by eDNA sampling methods supplied in support of an unrelated planning application in the area had indicated that great crested newts (GCN) began to colonise the large balancing pond (Pond A) to the south of the site. This pond is currently proposed to be reprofiled to increase storage capacity to accommodate surface water drainage from the proposed development. As a result of the 2015 positive eDNA result, additional Great Crested Newt Surveys have been undertaken as advised by the Council's retained advisers on ecology issues. Four GCN survey visits have been undertaken in accordance with Natural England Best Practice guidance with respect to all ponds and further sample taken for eDNA from Pond A. Those surveys have confirmed no evidence of GCN at site. The eDNA result has also returned a negative result. GCN are therefore no longer considered an impediment to development and a GCN licence from Natural England to facilitate mitigation will not be required.

The terrestrial invertebrate fauna of the site was assessed and it was found that the majority of the species of greatest nature conservation interest were recorded from the areas that have already been landscaped and will be retained during the development.

Bat surveys recorded few species and only low bat numbers reflecting the generally low quality of the habitat present across most of the site. Bat foraging activity was generally related to the peripheral areas of the site, mainly in those areas that will be retained within the development.

A variety of breeding birds were identified on the site and other species were recorded foraging on it. Some of these species have been identified as being of conservation concern due to population reduction but are generally widespread in the local area. The site development will result in a significant reduction in the availability of habitat for ground nesting species however this will be, in part, mitigated by the enhancement of existing habitats in the

Compensation Area and landscape area, and also the creation of new habitats and the installation of nest boxes on site which will provide nesting habitat for a range of species. However there is predicted to be a shift in the mix of species present with a reduction in the numbers of ground-nesting species present and an increase in those of woodland and wetland.

The proposed development has been designed to secure ecological gain through the use of appropriate native species for tree and shrub planting and habitat creation and diversification. The established landscape areas on the southern and eastern boundary of the development site maintain areas of plantation woodland/scrub, wildflower grassland and open water habitats. A Compensation Area to the west of the A5300 Link Road has been provided and comprises an area of c. 5ha and will be managed for the benefit of barn owl and skylark and for its inherent botanical interest. An additional area of c. 3.5ha in the north western area of the development site will be created comprising a balancing pond and associated reedbed, emergent vegetation, wildflower grassland and woodland. These areas, although occupying a smaller area, will provide new and more diverse habitats which over time will develop to provide greater intrinsic biodiversity value at a local level.

The proposed development required the loss of a number of trees and two sections of hedgerow. The application is supported by an Arboricultural Impact Assessment. In order to avoid conflict with the bird nesting season, those trees and the section of hedgerow have now been removed. None of the trees removed were protected by Tree Preservation Order. Neither section of hedgerow is considered to fall within any category within the Hedgerow Regulations 1997. As such there were no planning restrictions preventing their advance removal.

Environmental Statement concludes that with the adoption of the proposed mitigation there will be no significant ecological effects.

Whilst consulted, no representations have been received from Liverpool John Lennon Airport with respect to this planning application. With respect to the consented scheme they did raise concerns regarding the potential for water features within the development to attract bird species and risk potential bird strike. An appropriately worded planning condition was agreed by Liverpool John Lennon Airport requiring submission and agreement of an Environmental Management Plan (EMP) including detailed habitat creation and planting schedules to render Balancing Pond B unattractive to birds potentially moving from the estuary (gulls, waders and waterfowl). The applicant has confirmed that they will translate these principles into the Environmental Landscape Management Plan which can be secured by appropriately worded planning condition.

- 6.77 The Council's retained adviser has reviewed the application along with all supporting information. They have confirmed that the nature of the habitats on the site and the new proposals are similar to those under the consented scheme (11/00269/FULEIA). Subject to consultation with Natural England and implementation of an appropriate Construction Environmental Management

Plan (CEMP) they confirm that the changes to the proposals do not alter the conclusion of the current HRA (Screening Report for Planning Application 11/00269/FULEIA, Halton Council, July 2013) of no likely significant effect. Natural England Have confirmed that they raise no objections. Submission and agreement of a CEMP can be secured by appropriately worded planning condition.

According to the Council's retained adviser the displacement of skylark and lapwing due to the loss of habitat can be justified in this case on the basis that there is a large extent of alternative habitat in the immediate area. Notwithstanding that, financial contributions are identified through the ES and land disposal to enable adjoining land currently managed under the control of Halton Borough Council for barn owls to also be managed for skylark. The site also provides breeding habitat for Reed Bunting and foraging habitat for barn owl but retained advisers confirm that the development is considered unlikely to harm these species as the proposed landscaping will continue to provide suitable habitat for these species. An Ecological Landscape Management Plan can be secured by appropriately worded planning condition. A condition relating to protection of breeding birds is recommended however this is considered to be adequately controlled through alternative legislation and best dealt with by means of informative.

The Lighting section of the ES confirms that the external lighting design and specification has been designed to minimise spill to adjoining wildlife habitats. Planning conditions can ensure that the lighting design is so installed and maintained. On that basis it is considered that the proposals accord with the development plan having particular regard to UDP Policies relating to The Green Environment (GE18, GE19, GE20, GE21, GE25, GE26, GE27 and GE28 and Core Strategy Policy CS20 and CS21.

6.78 Contaminated Land, Land Use and Soils

6.79 The assessment of potential land contamination impacts was initially undertaken using a desk study (including assessment of relevant reports available for the site and surrounding areas) and site investigation. The desk study indicated that the site has a very limited likely history of contaminative land use as it has mainly been in agricultural use. A number of potentially contaminative historical land uses have been identified in the surrounding areas including railway land, a scrap yard, timber yard and tar and manure works but it is concluded that limited potential sources of land and groundwater contamination were expected to exist on the site and that risk to humans and the environment was low.

6.80 The intrusive site investigation comprised the excavation of a series of exploratory holes across the area of the site to establish the baseline ground conditions and contamination status. Soil contamination testing results confirm the desk study in that the concentrations of contaminants noted on the site are generally very low and commensurate with a Greenfield site. A programme of gas and groundwater quality and level monitoring was also conducted at the site.

- 6.81 The assessment has identified occasionally isolated and localised areas of soil contamination which may pose a slight potential risk to human receptors and the built environment (on and off site) during the construction phase but these risks will be controlled by a combination of personal protective equipment and standard environmental control measures in accordance with health and safety legislation and procedures within the Construction and Environmental Management Plan (CEMP).

Based on the ground conditions and ground gas monitoring data, there are negligible concentrations of potentially asphyxiating, explosive and / or flammable gases. Therefore, gas protection measures are not considered necessary in the development to mitigate the potential risk of gas ingress.

Groundwater monitoring data and assessment has confirmed that the site's groundwater has not been significantly impacted by leachable soil contaminants. The groundwater risk assessment confirms that no plausible pollutant linkages are active from the potentially leachable concentration of contaminants or from potential agricultural land use.

Any additional currently unknown areas of unacceptable land contamination or unsuitable materials that may be identified during the earthworks works, will be dealt with during the earthworks by the removal and disposal of unsuitable materials off site.

The impact assessment has concluded that the potential impacts to human health and other receptors during the construction and / or operational phase are negligible to minor at worst. No mitigation other than standard good construction and operational environmental practice is required.

The Agricultural Land Classification survey showed that the land was mainly Grade 3b, as a result of soil wetness, while the areas which are now constructed bunds, would be classed as Grade 4, due to their steep slopes. There is no best and most valued land (BMVL) within the application site.

The assessment of impacts on soils and land use as a result of the proposed development indicated that the main adverse impact during the construction of the site is the potential to damage former agricultural soil which is considered to be a valuable national resource. Since soil should be conserved in a manner which will protect its value for future re-use, the impact on soil during the construction phase is assessed as being of major significance without mitigation.

Since both Japanese knotweed and animal carcasses have previously been found on site, other adverse impacts include the potential to spread invasive and noxious weeds both within the site and offsite to adjacent land and the potential to spread animal diseases should any infected animal carcasses be found during the construction phase excavation works. The Japanese Knotweed was originally identified within an area of the site now forming the landscape mounds to the south of the site constructed under planning

permissions 05/00948/FUL and 07/00336/HBCFUL. That area is outside any land identified for redevelopment under this submission and Halton Borough Council has advised that its treatment was carried out by contractor's working for United Utilities under their previous scheme for sludge main re-routing. The applicant has confirmed by update report that a subsequent walkover survey in February 2015 identified no stands or individual signs of knotweed. There was assessed to be no impacts on soils or land use during the operation of the development.

An assessment of potential cumulative impacts on soils and land use as a result of the HBC Field development is included within the ES. This includes – which is possible within this particular context - an in combination assessment with two other sites which includes the rail sidings north of the site (with planning permission), and the allocated 'future area for development' (B8 use) within the site. The assessment indicated that there is a potential for there to be a cumulative, additive impact on soils, since a larger area of land would be soil stripped and hence a larger quantity of soil would potentially be damaged during the earthworks of the three developments than for the HBC Field development alone. The significance of the impact was assessed, as for the HBC Field development alone, as being of major significance without mitigation.

A series of mitigation measures are proposed to reduce the construction impacts and cumulative impacts on both soils and land use receptors. The main measure will be to include a package of soil management measures as part of the CEMP for the development, which will follow the guidance set out by the Department of Environment and Rural Affairs (Defra). This will involve specified methods for topsoil and subsoil stripping, stockpiling and re-use. If soils are to be taken off site, their careful stockpiling for conservation of soil structure and viability will still be required to ensure that their value for re-use is preserved.

A number of measures are proposed to ensure that if invasive weeds or buried animal carcasses are discovered during the construction works, the correct procedures will be implemented to handle, control and dispose of the materials so that there would be no significant impacts to any land use receptors such as bare soil offsite (in the case of invasive weeds) or livestock or domestic pets (in the case of animal diseases).

With implementation of these mitigation measures it is assessed that the potentially adverse impacts on soil and land use receptors would be reduced to a level of minor significance which is assessed to be acceptable for the development. Accordingly, after mitigation, there would be no significant residual impacts on soils or land use as a result of the proposed development.

- 6.82 The application and detailed submission have been reviewed by the Council's Contaminated Land Officer. In summary, given that the site is largely undeveloped with former usage as agricultural land and that the proposed development is industrial in nature, the development is considered to have limited potentially adverse impacts from a land contamination perspective.

The principle issue of significance is considered to relate to dealing with the area of known animal carcass burial and general agricultural waste disposal within the site, and the possibility of previously unidentified contamination. The outline construction and environmental management plan (CEMP) also submitted provides protocols for managing these issues.

On this basis the Council's Contaminated Land Officer has confirmed that no objections are raised to the proposals, but would recommend that any approval is conditioned to require the submission of the detailed CEMP and a verification report submitted that details the treatment and/or disposal of the animal remains and any contamination identified during the course of the development, including the animal remains. Halton Borough Council has indicated its intention to have these remains removed prior to determination by the Committee. Members will be updated accordingly.

- 6.83 On that basis the proposals are considered to demonstrate compliance with the development plan having particular regard to UDP Policy PR6, PR14 and PR15 and Core Strategy Policy CS23. The Environment Agency has confirmed that it raises no objection.

6.84 Flood Risk/ Water Resources and Drainage

- 6.85 The Environmental Statement and the submitted Flood Risk Assessment (FRA) outline the existing flood risk to the site and surrounding area and provides an assessment of the potential effects on flood risk at the site and elsewhere caused by both the construction and operation of the development.

Although the site is located some distance from the Ditton Brook, there are potential flowpaths (routes for water to flow) from the Brook and culverted (covered / underground) watercourses that link the site and the Brook. As there is a potential flood risk to the site, data from the Environment Agency's studies for the Ditton Brook under both fluvial (flooding from rivers) and tidal (flooding from the sea) flood conditions were reviewed in the context of topographical data and observations regarding potential flowpaths for the site and surrounding area. For the Ditton Brook, fluvial flooding would result from storms across the catchment causing high flows in and high water levels in the Brook, whilst tidal flooding would be as a result of high tides in the Mersey causing backing up of water within inland watercourses. This data has confirmed the extents of different 'Flood Zones' within the site indicating the likelihood of flooding.

The potential effects of the proposed development on the flood risk to the site and surrounding areas has then been assessed through considerations of impacts of the scheme on the flow and storage of water during a flood.

EA data and topographical survey (which shows local ground levels) confirms that the north eastern corner of the site is in an area that could be affected by flooding from the Ditton Brook during fluvial events with a greater than 1 %

chance of occurring in a given year and tidal flood events with a greater than 0.5% chance of occurring in a given year. As such, this part of the site is classified as being in Flood Zone 3.

However, there are flood defences along the Ditton Brook and these provide a high level of protection to the local area including the site. With these defences in place, the north eastern corner of the site may be at risk of flooding during the most extreme events, when defences are overtopped. In summary, the likelihood of flooding for the site is very low.

There are two culverted watercourses between the site and the Brook although these are fitted with structures to prevent water flowing back up towards the site from the Ditton Brook.

In respect of drainage, the Environmental Statement and Flood Risk Assessment considers the current regime for surface water from the site and outlines the proposed drainage strategy for surface water runoff from the development to be discharged ultimately into the Ditton Brook.

During the construction phase there is the potential for the increase in run-off rates as a result of the increase in impermeable surface and blockages from sediment and waste.

The strategy for the site during operation would employ the use of Sustainable Urban Drainage Systems (SUDS) to manage surface water run-off from the site. With infiltration stated as not an option for the site, the SUDS measures proposed include a mix of rainwater harvesting, permeable surfacing and swales. Pond A would also serve as a balancing pond to account for the additional surface water run-off generated by the site, and prevent increased discharge for extreme events. Silt would be prevented from entering the drainage system through trapped gullies, silt traps and SUDS.

As a result of the above measures, surface water run-off from the site would be managed to existing greenfield rates for extreme climate change events. Even though the residual risk of flooding at the site is low due to the flood defences and the scheme is deemed to be 'Less Vulnerable' to the effects of flooding, various mitigation measures have been incorporated into the scheme.

These include:

- Setting finished floor levels to 8.50m AOD which is above the flood level (predicted) by the EA flood model) for the extreme event.
- Providing an access/egress route from the site at a level above the flood level (predicted by the EA flood model) for the extreme event.

The cumulative impact of the scheme with other committed developments will change the local hydrological regime and potentially affect the nature of flow and storage of floodwater in the most extreme flood events. However, this will not lead to a significant impact either at the site or elsewhere subject to appropriate mitigation and management of surface water runoff.

The potential impacts of the proposed development on surface water and groundwater are also considered within the Environmental Statement. It reports that the existing sites conditions have been reviewed, the potential impacts caused by the construction and operation of the proposed development have been assessed, and mitigation measures have been proposed where appropriate.

The main watercourses in the vicinity of the proposed development site are Ditton Brook and the Mersey Estuary. Potential impacts on surface water and groundwater during construction have been considered in detail, however, best practice through a CEMP including appropriate storage of materials on site and spillage prevention, will be implemented so the residual effects are not considered to be significant for Ditton Brook and of only minor significance for the Mersey Estuary. In the unlikely event that a spillage did occur during construction, the magnitude of the impact would be substantial locally; however the probability of this occurring is low.

A suitable drainage system will be designed, installed and maintained throughout operation, and this together with appropriate storage and spillage prevention, will reduce residual effect to negligible significance for Ditton Brook and minor adverse for the Mersey Estuary. In the unlikely event that during operation a spillage of potential pollutant did occur into the Mersey Estuary, the magnitude of the impact would be moderate adverse locally; however the potential of this occurring is very low.

The FRA submitted for the proposal includes detail for a drainage strategy. The Environment Agency has confirmed that, based on the submitted Flood Risk Assessment and Surface Water Drainage Strategy no objections are raised subject to conditions requiring that the development be carried out in accordance with the approved FRA and specified mitigation measures contained therein. The Council's Highways Engineer acting as Lead Local Flood Authority (LLFA) has also raised no objection in principle based on the submitted Surface Water Drainage Strategy. Whilst technical queries have been raised regarding micro drainage calculations to demonstrate sufficient capacity within the system detailed drainage design will be secured by suitably worded planning condition. Members will be updated accordingly. It is however considered that the proposals accord with the development plan having particular regard to UDP Policy PR5, 15 and 16 and Core Strategy Policy CS23.

6.86 Noise and vibration

6.87 The noise and vibration assessment has considered the potential impact of the proposed development on receptors in close proximity to the site.

Given the separation distance and the likely low levels of vibration generated by site activities (primarily due to on-site vehicle movements), it is considered that operational vibration will not be significant at neighbouring sensitive receptors. Therefore, further assessment of vibration once the site is

operational has been scoped out and no further assessment work has been undertaken.

Typical construction and demolition working routines are unlikely to generate levels of vibration at local receptors above which cosmetic damage would be expected to be sustained. Due to the distance to the nearest sensitive receptor and the very low level of vibration likely to be caused, the magnitude of any impact is assessed as very low, for receptors of medium importance and sensitivity. Hence the significance of the impact is predicted to be minor adverse.

Existing noise levels in the area are dominated by road traffic, primarily from the A562, during both day-time and night-time periods. The potential impact of noise from the new access road to the proposed development has been assessed at residential properties to the south of the new road.

The new link road will be used to access the proposed site. The car and HGV movements are envisaged to be low, especially in comparison to the previously permitted distribution centre. The noise levels due to off-site traffic has been deemed to increase by less than 3 dB, using the Highways Agency guidance on assessing noise impacts from new roads (DMRB 213/11), this level of increase is not considered significant. No additional mitigation measures are required to reduce the noise from road traffic. The predicted noise levels are well below (approximately 10dB) the standard applied by the Noise Insulation (Amendment) Regulations 1988.

The noise impact due to the early morning shift change was undertaken using guidance methodology in BS 4142, Methods for rating and assessing industrial and commercial sound. It was concluded that the sound would be of minor significance.

An assessment of the proposed fixed plant, internal refurbishment works, bogie and raking road train movements and static test facility was undertaken in accordance with BS 4142. It was demonstrated that the impact is of minor significance. No further mitigation measures are recommended, with the exception of an alternative silent warning device to a klaxon during the train movements. This can be dealt with by appropriately worded planning condition.

During daytime hours it is to be expected that some construction activities may be audible at residential dwellings at times. It is however advised that the control of hours of operation together with good working methods as indicated within the ES should adequately minimise the exposure of residents to noise at the most sensitive times. A construction environmental management plan has also been submitted identifying the construction methods to be undertaken, the equipment used on site and any mitigation methods to be undertaken. The equipment used on site and any mitigation methods to be undertaken will further seek to minimise such impacts.

The Councils Environmental Health Officer has advised that the methodologies they have employed in compiling the report are all accepted

standards and have been applied correctly. The report looks at the predicted noise levels with various stages of the proposed development in relation to construction and operational activities on the site. This includes assessment of noise related to HGV and rail movements within the site. The report indicates that during construction noise levels will comply with the standards set out in BS8223. The report also demonstrates that in all residential areas noise levels will meet the low impact standard outlined in BS4142. This indicates that the noise levels from the site with all phases of the development completed and the associated traffic coming to the site there will be no increase in background noise levels.

As stated above the facility would operate 24 hours a day on a shift rotation basis, with production and testing operations during the morning and afternoon, and internal replenishment of products/preparation activities during the night shift only. The submitted planning statement states that delivery of trains and components would be restricted to the hours of 06:00 to 22:00. The Council's Environmental Health Officer has however confirmed that the submitted noise assessment is however based on movement of trains and materials by road or rail only between 07:00 and 23:00. It follows that a further assessment and application would be required to extend the time of train movements. A suitable planning condition limiting the hours of and train movements within the site and all deliveries to between the hours 07:00 and 23:00 is considered appropriate.

6.88 A CEMP will be secured by suitably worded planning condition. Hours of construction and hours of train movements and delivery/ dispatch of materials and trains are also proposed to be controlled by suitably worded planning condition. On the basis of the above, it is considered that the proposals are compliant with UDP Policy PR2, Core Strategy Policy CS23 and NPPF and refusal of planning permission on grounds relating to noise and/ or vibration could not be sustained.

6.89 Air Quality

The ES acknowledges the location of two Air Quality Management Areas (AQMAs) in the Borough but predicts that the proposed development is not expected to cause significant additional vehicle movements through the designated AQMAs and so will not have a detrimental effect on the air quality in those.

The proposed development will aim to minimise as far as possible additional air quality effects due to traffic by providing for a free flowing network for staff movements, deliveries and exports. This aims to reduce the amount of congestion and potential for vehicle idling at locations near to receptors. The locations where vehicles are loaded and unloaded are in the centre of the development site and so emissions are unlikely to have an effect at receptors, which are located closer to the site boundary. Even at this distance, it is stated that lorries will be required to turn off engines when they are not in use and will be subject to on site speed limits. These simple measures should further reduce the risk of air pollutant and dust emission, and save fuel. These

are however considered private management issues and not subject to formal control by the Planning Authority.

The ES states that best practice dust suppression measures will be implemented during construction to minimise the potential for dust to become a nuisance to off-site, or on-site receptors. With the adoption of the proposed mitigation it predicts that there will be no significant air quality or dust impacts.

- 6.90 The Council's Environmental Health Officer has advised that the standards for air quality are set out in the Air Quality Standards Regulations 2010. The air quality report identifies current levels of pollution in the area based on data inventories and in relation to nitrogen dioxide and fine particulate matter. It also predicts the future levels of these pollutants both with the proposed development and without it, and identifies the likely impact of the development on levels of these pollutants. The report states that the site is designed to facilitate the free flow of traffic onto the site, thus avoiding any pollution that would be associated with congestion and that the impact of the site once operational will be negligible and will remain well below the national objective levels for both nitrogen dioxide and fine particulate matter.

It is recognised within the report that the construction of the site will result in emissions of fugitive dust and outlines the measures to minimise impacts in this regard. A CEMP, including measures for the control of dust, can be secured by appropriately worded planning condition.

The proposals are considered to comply with the development plan having particular regard to UDP Policy PR1 and Core Strategy Policy CS23.

6.91 Archaeology and the Historic Environment

- 6.92 In terms of the Historic Environment there is recognised potential in the wider area for Prehistoric, Roman and medieval remains. A number of possible assets have also been identified through historic map regression analysis (mainly place name evidence) that feature within the proposed development site boundary, and date to the medieval and Post-medieval periods. However, following previous desk-based assessment, geophysical survey and a programme of targeted trial trenching no evidence to suggest the presence of significant archaeological remains was found.

With respect to designated off-site assets, the Scheduled Monument of Lovel's Hall moated site and fishpond and Halebank Conservation Area are both in the immediate vicinity of the proposed development site and have been subject to consideration from a 'settings' perspective. The Scheduled Monument is located north of the West Coast Mainline Railway and as such no specific mitigation is recommended with respect to outlined proposals.

Halebank Conservation Area lies along the south-west boundary of the proposed development site, landscaping areas and bunds to the north side of the Conservation Area should be planned and developed in consultation with the project landscape team, and be designed in such a way that minimises

visual and noise impacts on the Conservation Area through the provision of additional, sensitive and appropriate screening.

- 6.93 The proposals include landscaping areas adjoining the north side of the Conservation Area, as well as further landscape bunds towards the south-west corner of the site. These landscaping areas and bunds which lie to the north side of the Conservation Area are predicted to adequately reduce visual and noise impacts on the Conservation Area. There are no individually listed buildings within the Conservation Area and an impact of no greater than minor adverse is therefore predicted.
- 6.94 The Council's retained adviser on archaeology has raised no objection subject to the submission and agreement of a written scheme of investigation. It is considered that this can be secured by appropriately worded planning condition.

The Council's retained adviser on Conservation has confirmed that, whilst the development will inevitably impact upon the character and significance of the Conservation area, the proposed planting and landscaping will minimise and mitigate those impacts. As such it is advised that the level of potential harm is considered to be less than substantial as defined by NPPF. Historic England raises no objection.

The proposals are considered to comply with the development plan having particular regard to UDP Policy BE4, BE6 and BE12 and Core Strategy Policy CS20.

6.95 Lighting

- 6.96 The Environmental Statement includes a chapter to assess the effects of artificial lighting caused by both the construction and operation of the development based on a detailed lighting design submitted as part of the application. The nearest sensitive receptors (NSR) are reported to include a mixture of residential dwellings, road and rail users, public rights of way and the Lovel's Hall heritage site. Impact on wildlife within the surrounding landscape has also been considered.

During construction lighting may be required after dusk during winter months and overnight for security. It is advised that mitigation measures such as careful selection of lighting fittings and illumination levels in accordance with the relevant Regulations will be employed. Post construction of the development lighting would be required on site 24 hours a day for operational and security purposes. The lighting scheme proposes LED Luminaires mounted on the building and columns at heights 8 and 10m high which it is advised would result in the following benefits:

- Minimised glare;
- Highly reduced upward light (due to reflection)
- Flexibility in control (dimming);
- Reduced maintenance; and

- Highly reduced CO2 emissions.

It suggest that further mitigation to reduce light pollution would be provided through the landscaping scheme which acts as buffer for sensitive receptors, reflective signage instead of illuminated, angle of light installations and use of only necessary lighting equipment. As a result of the proposed mitigation measures the ES concludes that the impact from the proposed development would be reduced from major to minor adverse, to minor adverse to not significant.

6.97 On this basis it is considered that the proposals comply with the development plan having particular regard to UDP Policy PR4 and GE21 and Core Strategy Policy CS23.

6.98 Highways and Transportation

6.99 The site is proposed to have direct rail access to the West Coast Main Line. Planning permission has been granted for new road access to the HBC Field site directly from the roundabout of the A562 with the A5300 Knowsley Expressway over the West Coast Main Line (WCML). Construction of this road is substantially complete. It is proposed that there will be no motor vehicle access from either Hale Road or Halebank Road other than for emergency access and with provision made for potential use by works and/or public bus services.

Financial contributions have been paid to Knowsley Borough Council in connection with the earlier planning permission for the link road based on the capacity of the link road. Those contributions were towards problems associated with the A562 / A5300 Knowsley Expressway roundabout. It is understood that those works have now been implemented, in part at least. On that basis the ES reports that there are no capacity issues outstanding at the site. Notwithstanding that it is considered that issues of highway capacity at that junction and relevant contribution payments have been paid in full accordance with the earlier agreement and are not therefore required to be reconsidered at this stage. Knowsley Borough Council has confirmed that it raises no objection subject to appropriate travel plans condition with “the particular aim of avoiding cycling trips onto the A5300/ A562. Whilst such a plan could seek to discourage such journeys it is not considered that any lawful basis currently exists to avoid such trips though planning legislation and it is considered that any planning condition must be worded accordingly.

The site benefits from planning consent for 109,660m² B8 warehouse development (reference: 11/00269/FULEIA). The TA makes a comparison of the proposed B2 use with the consented scheme for a B8 unit of approximately 1 million sq. ft, which included proposals for 800 car parking spaces, up to 1000 employees and significant levels of distribution vehicles. The comparative assessment details that during the morning peak and the afternoon peak, the Alstom facility would result in fewer trips respectively, than the consented scheme. The fewer number of calculated trips is helped by the proposed shift rotation pattern which works to avoid peak hour arrivals

and departures in order to avoid unsustainable increases in traffic on the local and regional networks. It also concludes that the trip generation associated with freight movements on the surrounding highway network will also be comparatively low.

The ES chapter also assesses the cumulative impact – which is possible in this particular context - from the allocated B8 'area for future development', and details that due to the slight increase in AM and PM peak compared with the consented scheme, the impact would be negligible on the surrounding highway network.

The site is considered to be accessible by bus with bus stops located on Hale Road with access via the shared-use footpaths/ cycle routes that will link the site with the adjoining Halebank area. The proposal also includes a bus stop which could be utilised by local service providers to increase accessibility to the site through public transport.

Cycling and walking can also be promoted including provision of showers and staff facilities. This will be required through a Travel Plan produced in consultation with the Council's Highways Officers and secured by appropriate planning condition. In accordance with NPPF the applicant has agreed to the phased implementation of a scheme of electric vehicle charging points with 4 to be installed on Phase 1 occupation and numbers to be reviewed as part of the Travel Plan Process.

- 6.100 The former Ditton railway station is located within walking distance of the site on the London-Liverpool line. This station is currently disused but the potential for it to re-open has been identified through the Unitary Development Plan (Policy TP3). The proposals are not considered to prejudice the potential re-opening and the justification to Policy TP3 acknowledges that such a major development could contribute to the potential for re-opening "with the possible increase in patronage".
- 6.101 Construction traffic is an inevitable consequence of any development. Control over the signing, routing and management of such traffic can be secured through a Construction Environmental Management Plan. Access and egress for all construction and operational motorised traffic can be restricted via Lovel's Way (except in emergency) by appropriate planning condition. It is considered that this will minimise impacts on local roads and surrounding residents.
- 6.102 Highways England has confirmed that they raise no objection with regards to the impacts on the trunk road network and link junctions. The Council's Highways Engineer has confirmed that they have reviewed the Transport Assessment, Environmental Statement and application on behalf of the Highway Authority. Whilst relatively minor clarifications have been sought and provided they confirm that they raise no objection on highways or traffic grounds. On this basis it is considered that the proposals are in accordance with the development plan having particular regard to relevant Built Environment and Transport policies of the Halton UDP TP3, TP6, TP13, TP14

and TP15 and policies CS8 and CS15 of the Core Strategy.

6.103 Health Impact Assessment

- 6.104 Core Strategy Policy CS22 requires that applications for large scale major development such as this should be supported by a Health Impact Assessment to enhance potential positive impacts of development and mitigate against any negative impacts.

A Health Impact Assessment (HIA) was originally carried out in 2013 with a supplementary statement produced in 2014 in relation to the previously permitted development for the site. This identified that the HBC Field development, like any major building and regeneration development has the potential to impact on health and wellbeing in a number of ways. These include the potential negative effects of noise, air pollution and road traffic accidents. On the positive side, the borough and surrounding Liverpool City Region, has high rates of unemployment. The positive effects of work on physical and mental health and social networking can be substantial. The introduction, as part of the development, of access to new open green space can facilitate increased levels of physical activity, promote community participation and satisfaction and improve mental health.

- 6.105 Overall, the HIA revealed that the potential negative impacts had been sufficiently dealt with as mitigation has either already been actioned or plans were in place to implement mitigating action at the appropriate time. There were a number of actions suggested to build on the positive elements of the development, to explore further what could be done to maximise positive impacts e.g. use of open green space, workplace health promotion once the site is occupied.

The new use of the site and plan has been considered by the Public Health Officer for Health Impact Assessment and a Supplementary Statement has been prepared. Since 2014 it is acknowledged that there have been shifts in the background data which underpinned the original HIA. It is suggested that there is generally a mixed pattern but on the whole changes in Ditton ward mirror those within the borough as a whole. However, as with the April 2014 Supplementary Statement, these shifts do not in themselves constitute grounds for a new HIA to be conducted.

The 2015 supplementary statement confirms that the shift in the type, the 'quality,' of the jobs is welcome. The site will be making more use of the rail freight lines and less via roads. It will not be heavy industry so whilst there is a shift in the category of use this is not a significant enough shift to pose any additional community health issues. It therefore concludes that given these factors the original HIA Health Management Plan will remain relevant to the new end user.

- 6.106 The requirements of Core Strategy Policy CS22 are considered to have been fulfilled.

6.107 Cumulative Effects

6.108 Once the proposed development is complete, the overall residual impact on the local residents, taking account of the potential for cumulative interaction of impacts, is considered to be minor negative. The main cumulative effects will result from the effects of noise, light and visual effects. These effects will be mitigated by the range of measures incorporated into the scheme and it is not anticipated that the interaction of the effects will increase the magnitude of the impacts.

It is important to note that the major positive benefits of the proposal through investment, job creation, health and well-being (the socio-economic benefits), will balance the negative effects of the proposal on some residents. This might be a direct benefit through new jobs, or indirectly through the wider economic benefits of the proposal to the local area.

6.109 In any event the potential for both positive and negative impacts whether cumulative or not of major development of a significant employment use with likely 24 hour operation was known when the original designation of the site was made in the UDP in 2005. Despite the proposed change in use class, given the specific nature of the proposed use it is considered that the likely effects are not dissimilar and, in a number of ways are much reduced, such as predicted noise and road traffic for example, when compared to the consented B8 use which does accord with the allocated use.

6.110 Financial Contributions

6.111 Core Strategy Policy CS7 provides that *“where new development creates or exacerbates deficiencies in infrastructure it will be required to ensure those deficiencies or losses are compensated for, adequately mitigated or substituted before development is begun or occupied”*.

6.112 In accordance with Core Strategy Policy CS7 and UDP Policy GE21 works would normally be required with respect to the identified deficiencies and mitigation to make the development acceptable in planning terms. These contributions would normally be secured by means of S.106 legal agreement. The position of the Council as land owner is considered to afford a significant degree of control in this regard. The Council confirms that the disposal of the land shall be subject to the obligations set out in the Table below.

6.113 The identified deficiencies are summarised in the following table together with the associated financial contribution and payment schedule.

TABLE		
Works	Contribution	Timescale for Payment and Phasing
Halebank Road White Lining	£15,000	Prior to Commencement of use of any phase on an acreage
Off Site Road Signage	£125,000	

Cycle and bus route improvements	£160,000	pro-rata basis as follows: Phase 1 - 19.6 acres = 184,148.86 Phase 2A/B - 10.1 acres = 94,893.04 Future Development Land - 13.3 acres = 124,958.10
Skylark field commuted sum	£4,000	
Emergency access & barrier commuted sum	£100,000	

6.114 Regulation 122 of the Community Infrastructure Levy Regulations 2010 provides that a planning obligation may only constitute a reason for granting planning permission for the development if the obligation is:

- (a) necessary to make the development acceptable in planning terms;
- (b) directly related to the development; and
- (c) fairly and reasonably related in scale and kind to the development.

6.135 The identified deficiencies and associated contributions are considered to fulfil the requirements of Policies CS7 and GE21 and meet the relevant tests as set out under the Community and Infrastructure Levy 2010. It follows that the above requirements could legitimately be required under a planning obligation. These contributions will be secured through the terms of the land sale as agreed between the applicant and Halton Borough Council.

7.0 MATERIAL CONSIDERATIONS

7.1 Members are reminded that local planning authorities must determine planning applications in accordance with the statutory Development Plan, unless material considerations indicate otherwise. If the Development Plan contains material policies or proposals and there are no other material considerations, the application should be determined in accordance with the Development Plan. Where there are other material considerations, the Development Plan should be the starting point, and other material considerations should be taken into account in reaching a decision.

7.2 With regard to other material considerations

"In principle...any consideration which relates to the use and development of land is capable of being a planning consideration.

Whether a particular consideration falling within that broad class is material in any given case will depend on the circumstances" (Stringer v MHLG 1971). Material considerations must be genuine planning considerations, i.e. they must be related to the development and use of land in the public interest. The considerations must also fairly and reasonably relate to the application concerned (R v Westminster CC ex parte Monahan 1989).

Local planning authorities may sometimes decide to grant planning permission for development which departs from a Development Plan if other material considerations indicate that it should proceed.

7.3 Material considerations are many and extraordinarily varied. They include all the fundamental factors involved in land-use planning, such as:

- the number, size, layout, siting, density, design and external appearance of buildings,
- the proposed means of access,
- landscaping,
- impact on the neighbourhood, and
- the availability of infrastructure.

Examples of factors to be taken into account as material considerations in the decision making process include:-

- National policy
- Planning history of the site
- Overshadowing
- Overlooking and loss of privacy
- Adequate parking and servicing
- Overbearing nature of proposal
- Loss of trees
- Impact on green belt
- Loss of ecological habitats
- Archaeology
- Contamination by a previous use
- Effect on Listed Building(s) and Conservation Areas
- Access and highways safety
- Traffic generation
- Noise and disturbance from the scheme
- Disturbance from smells
- Public visual amenity
- Flood risk
- Planning gain
- Local finance considerations
- Cumulative impact of the development

Examples of factors that cannot normally be considered as material planning considerations are:-

- Loss of value to an individual property
- Loss of a private individual's view
- Boundary disputes including encroachment of foundations or gutters
- Private covenants or agreements
- The applicant's personal conduct or history
- The applicant's motives
- Potential profit for the applicant or from the application
- Private rights to light
- Private rights of way

- Damage to property
- Loss of trade to individual competitors
- Age, health, status, background and work patterns of the objector
- Time taken to do the work
- Building and structural techniques
- Matters covered by other statute
- Alcohol or gaming licence

7.4 In this case the material considerations have been set out throughout this report.

7.5 Paragraph 196 of NPPF states that applications for planning permission should be determined in accordance with the development plan unless material considerations indicate otherwise. Paragraph 197 states that “in assessing and determining development proposals, local planning authorities should apply the presumption in favour of sustainable development”. Sustainable development is recognised to include “economic”, “social”, and “environmental” dimensions (paras 7 – 9).

7.6 The NPPF advises that the government is committed to ensuring that the planning system does everything it can to support sustainable economic growth. Also, that planning should operate to encourage and not act as an impediment to sustainable growth (Paragraph 19), and therefore “significant weight should be placed on the need to support economic growth through the planning system”.

8. SUMMARY AND CONCLUSION

8.1 As can be seen from the report the proposed development complies with national policy. The proposed development complies with the development plan in all regards except for aspects of Policy CS8 of the Core Strategy. As such the application is a departure from the development plan. Applications must be determined in accordance with the development plan unless material considerations indicate otherwise. The Local Planning Authority must undertake a balancing exercise under which the potential harm caused by the non-compliance with the development plan is weighed against the material considerations that have been identified. The following matters together with other matters listed in the report are put in the scales in favour of the proposed development:

- The creation of 150 jobs associated with phase 1 with up to 400- 600 total potential jobs that would be created on completion of the project,
- The skilled nature of many of those jobs when compared to the warehouse jobs that would be likely created as a result of the B8 allocation
- The training offer provided as part of the application
- The economic investment
- The reduced impact predicted with respect to such factors as traffic and noise when compared with the allocated and permitted B8 use
- local finance consideration.
- Sustainability of the development

Significant weight should be given to the economic investment, job creation and the types of jobs and training that are proposed.

Any development of such a scale and use undoubtedly has the potential for significant impact on the environment, the landscape and character of the area and the lives of adjoining residents especially during the construction phase. The application has been assessed with regard to the appropriate policy criteria and the impact of the development has been thoroughly assessed through the Environmental Impact Assessment. The Environmental Statement concludes that the proposal will not have a significant detrimental impact on the environment, the character of the area, highways, amenity of surrounding residents or on any other grounds. In a number of areas, most notably traffic and noise issues, the predicted impacts are less than the permitted B8 use. In other areas, including jobs and wider socio-economic benefits, the proposals are predicted to make a positive contribution over and above the permitted B8 use. Significant weight should also be given to the impacts of the development and that the impacts will not adversely affect the surrounding area.

Halton Borough Council has advised that the development has been subject to a number of European and Government grants. Section 70(2) of the Town and Country Planning Act 1990 (as amended) provides that a local planning authority must have regard to a local finance consideration, including grant or other financial assistance, as far as it is material. Whether or not such a finance consideration is material to the decision will however depend on whether it could help to make the development acceptable in planning terms.

Weight should be given to the local finance consideration as the monies provided have been given to make the development site accessible and acceptable in planning terms. The repayment of this money is not a material consideration.

As the development is sustainable development significant weight should be given to the sustainability of the development in accordance Paragraph 19 of the NPPF.

The scheme is considered to offer a well-designed, high quality development. It is considered that significant efforts have been made to minimise and mitigate likely impacts having particular regard to its visual appearance, screen mounding and landscaping. The application connects directly with the new link road which is substantially complete and which will therefore connect the application site to Speke Road and Knowsley Expressway and not utilise local roads. This approach to access will ensure that all motorised traffic, except for buses and emergency vehicles will only access the site via the link road and have the added potential to encourage access to the site, by employees, by modes other than the private car.

The scale, general design and form of the building are considered to be acceptable for this type of development. It is considered to be of a scale and quality of design suited to the designated use of the site and in keeping with the wider development aspirations of 3MG. The Environmental Statement demonstrates how development impacts will be satisfactorily addressed. On this basis it is considered that the relevant built environment and protection policies within the Halton UDP and the

Core Strategy are satisfied.

As detailed within the report it is not considered that the redevelopment such an area of the allocated sited for non B8 use will undermine the critical mass and future rail linked distribution within 3MG or at a regional level.

The scheme promises a development of regional significance attracting considerable inward investment and creating significant numbers of high quality jobs. It is also considered to offer a significant contribution to the sustainable growth and regeneration of the local area

In the scale representing the reasons against the proposal can be put the following:

- non-compliance of aspects of policy CS8
- when considered against the provisions of Policy CS19, the proposed development is predicted to achieve a BREEAM rating of Very Good. Whilst this is not a legal requirement this is below the Excellent rating which is encouraged by that policy. Whilst this is not considered to represent a non-compliance with the policy, this deficiency must also be balanced in the overall consideration of all material considerations.

There are no particular issues associated with the nature of the development proposal which need to be but into the scale representing reasons against the proposal.

Significant weight should be given to the departure from elements of policy CS8

Little weight should be given to the policy CS19 issue.

In recommending that the application is approved subject to conditions officers consider that the material considerations listed significantly outweigh the noncompliance with policy CS8.

9.0 RECOMMENDATION:

- A) The Committee is satisfied that the payments referred to in the Financial Contributions section of this report will be secured as part of the sale of land.
- B) That the application be approved subject to the following conditions:

CONDITIONS

- (1) The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason:- In order to comply with Section 91 of the Town and Country Planning Act 1990.

- (2) The development hereby approved shall be carried out in accordance with the application and all approved plans and associated supporting information, the Environmental Statement (Reference RG/eab/CHHB15 dated 3rd may 2015) and recommendations and mitigation measures contained therein.

Reason:- To define the permission, to ensure that the development is carried out in accordance with the approved details, in order to minimise risk to the environment and impact on nearby residents and to comply with inter alia Policy BE1 of the Halton Unitary Development Plan.

- (3) The development hereby approved shall be carried out in accordance with the approved phasing plans, hereinafter called Phase 1, Phase 2A and Phase 2B. ("Phase")

Reason:- To define the permission and to ensure that the nature of the phasing hereby approved is understood.

- (4) Prior to the commencement of any development hereby approved the following shall be submitted and agreed in writing by the Local Planning Authority:

1. A Construction Environmental Management Plan to include pollution and silt pollution control measures and specific measures to minimise and mitigate impacts including noise, light, odour and dust.
2. A plan for the control of routeing, access/ egress to/ from the site, parking, and waiting for all construction traffic including plant and deliveries. For the avoidance of doubt the routeing, access/ egress to/ from the site, other than in the case of emergency or unavoidable road closure, shall take place via the dedicated link road to A5300/ A562 only and not Halebank Road.
3. Wheel cleansing facilities for heavy commercial and site vehicles to be used by all heavy commercial and site vehicles with an operating weight greater than 3 tonnes before leaving the site throughout the construction period of the development.

The development shall be carried out in accordance with the approved details.

Reason:- To allow the Local Planning Authority to ensure that sufficient regard is given to minimising potential impacts on neighbours and the environment. It would not be good practice to deal with the matters referred to in this condition on a Phased bases. This is a prior to commencement style condition in the interests of good planning.

- (5) Prior to the commencement of any development hereby approved, a programme of archaeological work in accordance with a written scheme of investigation and recommendations, shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved scheme.

Reason:- To ensure the proper investigation of the site due to its historic importance. It would not be good practice to deal with the matters referred to in this condition on a Phased bases. This is a prior to commencement style condition in the interests of good planning.

- (6) Prior to the commencement of any development hereby approved a Site Wide Waste Management Plan and a Materials Management Plan to cover the ground and earth works and construction phases of the development shall be submitted to and agreed in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details and such details as are agreed shall be implemented in full throughout the course of the development.

Reason:- To allow the Local Planning Authority to ensure that sufficient regard is given to the consideration for minimising and re-use of waste materials It would not be good practice to deal with the matters referred to in this condition on a Phased bases. This is a prior to commencement style condition in the interests of good planning.

- (7) Prior to the commencement of any development hereby approved an Environmental Landscape Management Plan shall be submitted to and agreed in writing by the Local Planning Authority. That plan shall include:
- A landscape management and maintenance plan, including long term design objectives and maintenance schedules for all landscaped areas
 - a detailed method statement for the translocation of vegetation/ aquatic fauna from the existing ponds within the site to the newly created replacement ponds required by condition of this planning permission.

The development shall be carried out in accordance with the approved details and such details as are agreed shall be implemented in full throughout the course of the development.

Reason:- To ensure that pond mitigation is carried out as approved and that sufficient regard is given to the long term maintenance and management of the site in the interests of biodiversity. It would not be good practice to deal with the matters referred to in this condition on a Phased bases. This is a prior to commencement style condition in the interests of good planning.

- (8) Prior to commencement of any drainage work hereby approved and required for any phase a detailed drainage scheme for the phase shall be submitted to, and approved in writing by, the Local Planning Authority. The drainage scheme for the phase shall include full details of the re-profiling of Pond A as defined on the approved plans. The scheme as approved shall be fully implemented prior to commencement of the use of the development comprised in the phase, hereby approved and shall than thereafter be maintained.

Reason:- To ensure that satisfactory provision is made for drainage, to prevent the increased risk of flooding

- (9) Notwithstanding any description of materials in the application prior to the implementation or installation of any hard surfacing works in any phase, full details of the materials to be used in the finished surfaces of that phase shall be submitted to and agreed in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.

Reason:- To ensure the appropriate use of quality materials in the interests of visual amenity

- (10) Prior to the commencement of construction of any pond an Environmental Management Plan (EMP) shall have been submitted to and agreed in writing by the Local Planning Authority to include detailed habitat creation and planting schedules to render the pond unattractive to birds potentially moving from the estuary (gulls, waders and waterfowl). Such designs may include the establishment of reeds, proximity of trees and managing potential flightlines and sightlines through appropriate location and design of landscaping bunds etc. Such details shall include details of a scheme for monitoring of the use of the site by gulls, waders and waterfowl to be undertaken through the vegetation establishment period and methods of reporting results to the Local Planning Authority and agreeing additional measures deployed as required. These could include netting of the waterbodies.

Reason:- In the interests of aerodrome safeguarding, to minimise potential for birdstrike.

- (11) Notwithstanding any description of materials in the application no above ground construction works shall take place in respect of any building in any phase hereby approved until samples and/ or full specification of materials to be used externally on the buildings have been submitted to and agreed in writing by the Local Planning Authority. Development shall be carried out as approved.

Reason:- To ensure the use of appropriate external finishing materials in the interests of visual; amenity.

- (12) Prior to the implementation or installation of any sprinkler tanks, pump houses, Ring Main Unit, Gas Governor, Primary Substation Station, bus stops or security barriers as detailed on the approved plans full specification details, including colour coating, of that feature shall be submitted to and agreed in writing by the Local Planning Authority. Any such feature shall be installed in full accordance with those approved details and the approved plans and so maintained.

Reason:- The application is deficient with regards this detail, to ensure the appropriate design and quality of those ancillary features in the interests of visual amenity.

- (13) Unless such works do not cause existing ambient noise levels to be exceeded there shall be no construction work associated with the development on the site at any time on any Sunday, Bank Holiday or other Public Holiday or on any other day except between the following hours:

07:30 - 19.00 Monday to Friday
07:30 - 13.00 Saturdays

Reason:- To ensure that the development is carried out as submitted and approved, to minimise nuisance caused to nearby residents.

- (14) No Heavy Commercial Vehicle or any other vehicle which has an operating weight greater than 3 tonnes associated with the construction of the development shall enter or leave the site at any time on any Sunday, Bank or Public Holiday or on any other day except between the following hours:

07:30 - 19.00 Monday to Friday
07:30 - 13.00 Saturdays

Reason:- To ensure that the development is carried out as submitted and approved, to minimise nuisance caused to nearby residents.

- (15) The development permitted by this planning permission shall only be carried out in accordance with the approved Flood Risk Assessment and Surface Water Drainage Strategy (FRA) November 2015/R.151667.F001/Hydrock Consultants Limited and the following mitigation measures detailed within the FRA:

1. Limiting the developed area to Flood Zone1 (low risk of fluvial and tidal flooding).
2. Construction of finished ground floor levels of buildings at a minimum level of 8.5m AOD.
3. Surface water discharge rates from the site to be restricted to current 'greenfield' levels.
4. On-site surface water attenuation to be provided up to 100-year (20% return period) event.
5. Site contouring and topography to ensure overland exceedance flow routing to be retained on site but away from building locations.

The mitigation measures shall be fully implemented prior to occupation and subsequently in accordance with the timing / phasing arrangements embodied within the scheme, or within any other period as may subsequently be agreed, in writing, by the local planning authority.

Reason

Reason:- To reduce flood risk, both on the site and elsewhere to an acceptable level.

- (16) No trees or hedgerows shown to be retained shall be felled, pruned, lopped, topped, uprooted or damaged in any way as a result of carrying out the development hereby approved without the prior written consent of the Local Planning Authority.

Reason:- In order to avoid damage to the trees and hedgerows on and adjoining the site, in accordance with the provisions of Section 197 of the Town and Country Planning Act 1990, in the interests of visual amenity.

- (17) If at any time during the course of carrying out the development hereby approved contamination not previously identified in the contamination report is found to be present at the site then no further development shall be carried out until a remediation strategy detailing how this unanticipated contamination shall be dealt with has been submitted to and agreed in writing by the local planning authority. The remediation strategy shall thereafter be implemented as approved.

Reason:- To ensure a safe form of development which poses no unacceptable risk of pollution.

- (18) The soft landscaping works associated with any phase shall be carried out prior to the occupation of that phase or in accordance with a timetable to be agreed in writing by the Local Planning Authority.

Reason:- In the interests of visual amenity.

- (19) Prior to the commencement of use of any part of the building hereby approved a detailed travel plan including timescale for implementation shall be submitted to and agreed in writing by the Local Planning Authority. The details submitted shall include measures to discourage cycle journeys to the A562 and A5300. Such details as are agreed shall be implemented in full and in accordance with the submitted timescale.

Reason:- To ensure provision for a range of transport options in the interest of sustainable development.

- (20) No part of the development hereby approved shall be occupied until space has been laid out within the site for the safe and secure parking of bicycles in accordance with the approved plans.

Reason:- To ensure the satisfactory provision for cycle parking to encourage alternatives and sustainable means of travel and to comply with Policy TP6 of the Halton Unitary Development Plan and Core Strategy Policy CS15.

- (21) Prior to the occupation of any premises hereby approved in any phase the vehicle access, service and parking area related to that phase shall be laid out and surfaced in accordance with the approved plans, and shall be retained at all times thereafter within the curtilage of the site for use exclusively in connection with the development hereby approved.

Reason:- To ensure the satisfactory development of the site in the interests of highway safety.

- (22) No part of the development hereby approved shall be brought into use until details of a silent warning device and/ or methodology to be used during the movement of trains has been submitted to and agreed in writing. Any train movements within the site shall be carried out using the agreed silent warning device and/ or methodology. At no time shall audible warning devices be used in connection with train movements within the site.

Reason:- To minimise potential noise disturbance to surrounding residents in accordance with the submitted noise report.

- (23) Prior to the commencement of use of the development hereby approved, a Remediation Verification Plan shall be submitted to and approved, in writing, by the Local Planning Authority. The plan shall provide detailed verification methodology and data in order to identify all material unsuitable for use as fill or re-use on site, to demonstrate that works for the excavation and removal of all such material and pollutant linkages have been completed in accordance the Environmental Statement and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.

Reason:- To allow the Local Planning Authority to ensure the development is carried out as agreed in a safe form that poses no unacceptable risk of pollution.

- (24) Prior to the commencement of use of the development hereby approved, upon completion of the site remedial works a verification report containing the data collected in accordance with the verification plan required by Condition of this planning permission shall be submitted to and agreed in writing by the Local Planning Authority.

Reason:- To allow the Local Planning Authority to ensure the development is carried out as agreed in a safe form that poses no unacceptable risk of pollution.

- (25) No part of the development hereby approved shall be brought into use until rail sidings have been provided within the application site to a standard providing operational connectivity to the rail network in accordance with the approved plans and Rail Connectivity Plan. Such sidings shall be retained for the lifetime of the development.

Reason:- To ensure adequate provision is made to secure rail access to the site, to encourage movement of freight by rail.

- (26) Prior to the commencement of the use of any phase a detailed Operational Waste Management Plan including details of facilities to collect and store bulk wastes generated as a result of the use of that phase shall be submitted to and agreed in writing by the Local Planning Authority. Such a Plan shall be implemented in accordance with the approved details.

Reason:- To allow the Local Planning Authority to ensure that sufficient regard is given to the consideration for minimising and re-use of waste materials.

- (27) No part of the development hereby approved shall be brought into use until a scheme of pond replacement to provide 3 no. ponds within the site has been implemented in full and in accordance with a detailed scheme submitted to and agreed in writing by the Local Planning Authority. Such details as are submitted shall include detailed design and pond profiles and a detailed maintenance and management plan. The ponds shall be so managed and maintained for the lifetime of the permission.

Reason:- To ensure that satisfactory mitigation is provided for the ponds to be lost as a result of the development.

- (28) The development hereby approved shall be used for the purposes of a transport and technology facility as described and any other purpose including any purpose within use class B2.

Reason:- For the avoidance of doubt as to the extent of this permission.

- (29) There shall be no outdoor storage or display of equipment, plant, goods or material within the site other than as detailed in the approved plans.

Reason:- In the interests of visual amenity.

- (30) Except to provide access/ egress for emergency vehicles and public transport vehicles, no motorised traffic shall at any time be permitted to gain access to or egress from Halebank Road using the section of roadway identified as Emergency Access on the approved plan.

Reason:- In order to prevent traffic using the local highway network in the interests of highway safety and to minimise impacts on local residents.

- (31) There shall be no deliveries or dispatch of materials or trains to or from the site whether by road or by rail or movement of trains within the site during the hours 23:00 and 07:00.

Reason:- To minimise potential noise disturbance to surrounding residents in accordance with the submitted noise report. To be consistent with the period of noise assessment within the noise report.

The environmental information submitted in accordance with the planning application has been taken into consideration by the Local Planning Authority.

SUSTAINABILITY STATEMENT

As required by:

- Paragraph 186 – 187 of the National Planning Policy Framework;
- The Town and Country Planning (Development Management Procedure) (England) 2015; and
- The Planning (Listed Buildings and Conservation Areas) (Amendment) (England) Regulations 2012.

This statement confirms that the local planning authority has worked proactively with the applicant to secure developments that improve the economic, social and environmental conditions of Halton.