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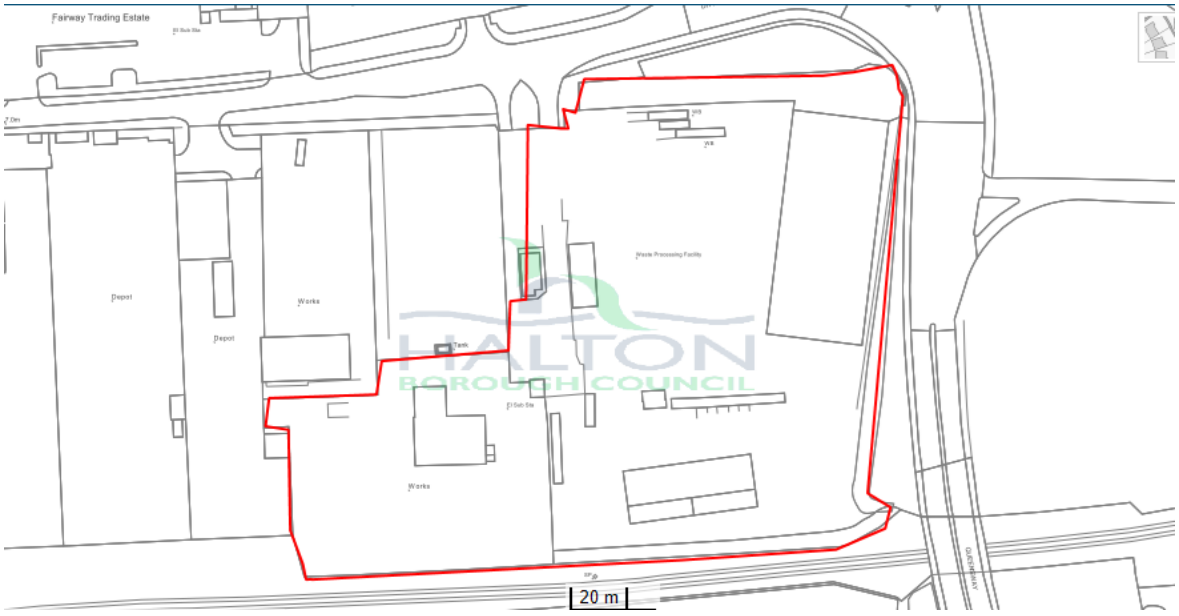
| **APPLICATION NO:** | 18/00567/FULEIA |
| **LOCATION:** | Mr Robert Waters, WSR Recycling Ltd, Ditton Road, Widnes |
| **PROPOSAL:** | Proposed demolition of existing workshop, lean-to shed and picking line enclosure, and the erection of 2 no. buildings to provide for the storage and sorting of waste together with external storage bays and ancillary infrastructure including substation, water tanks and weighbridge to provide operational improvements, environmental control and an increase in waste accepted from an existing 300,000 tonnes to 450,000 tonnes per annum |
| **WARD:** | Riverside |
| **PARISH:** | |
| **AGENT(S) / APPLICANT(S):** | AA Environmental Ltd, Unit 4 to 8 Cholswell Court, Shippon, Abingdon, Oxfordshire, OX13 6HX |
| **DEVELOPMENT PLAN ALLOCATION:**<br>National Planning Policy Framework (2019)<br>Halton Unitary Development Plan (2005)<br>Halton Core Strategy Local Plan (2013) | Primarily Employment Area (E1)<br>Priority Employment Redevelopment Area (E2)<br>Environment Priority Area (BE3) |
| **DEPARTURE** | No |
| **REPRESENTATIONS:** | Written representation from 9 objectors<br><br>Emails from Riverside Ward Councillor (within report) |
| **KEY ISSUES:** | Principle of development, regeneration and employment; waste policy; noise, dust, odour and other amenity issues; drainage; contaminated land and highway and traffic issues |
| **RECOMMENDATION:** | Approve Subject to Conditions |

**SITE MAP**




## THE APPLICATION SITE

The Site

The application site will be familiar to members as an existing a waste transfer station, located on the corner of Ditton Road and Queensway with a land area of 3.26 hectares and an existing gross internal floorspace of buildings on site of 5,189sqm. It is accessed directly from Ditton Road and is located in an industrial and commercial area in the west of Widnes. The site currently employs 52 full time employees.

The land to the south and west are well developed industrial areas. The land to the north is currently being used as one of the construction compounds associated with the recent Mersey Gateway development. This land has planning permission for a lorry park and service area together with a hotel proposed in the north eastern area of this site.

The predominant use in this area is industry. The nearest residential and sensitive land use to the site is the residential development, some 400 m to the north. If built, the lorry park and service area including the hotel will become the nearest sensitive land use. 760 m to the south of the site is the Mersey Estuary, which provides important habitat and is a Special Site of Scientific Interest (SSSI) and internationally designated Special Protection Area and RAMSAR site.

The application before members deals with a site which is already operating as a permitted large waste transfer and processing facility. Members will no doubt be aware anecdotally if not formally, of issues arising from the site's current operations particularly with regard to odour and the prevalence of seagulls in and around the site. The proposal has arisen as a result of a change of site ownership and the aspiration

of the new owner to invest in the site to effect modernisation and improvement to their operations. The proposal before you, which is outlined in detail in the report below, is considered to result in positive changes in relation to odour and visual appearance, such that despite the proposed increase in throughput, there will be significant improvements resulting in a cleaner, tidier operation and a reduction in odour and presence of seagulls. The proposal seeks to provide enclosures for the vast majority of waste that will come through the site and the new buildings will house areas which are currently external and exposed to the elements; – a new modern building; retention of the existing large building; replacement of an untidy building and trommel line with a modern building; with the only external storage area being used for inert aggregate and two new bays for timer, wood and road sweepings. The malodorous waste currently stored in the existing building, which operates with its doors open, will be processed in a new building which will have an odour control system. The applicant has agreed to improvements to boundary treatments and access as part of the overall site enhancement.

Planning History

The site has a long history associated with the historical use and ongoing development of the site for various waste related uses the most recent being planning permissions;- 16/00237/ADV; 16/00124/FULEIA; 12/00387/FUL; 11//119/S73; 07/00845/ADV; 07/00393/ADV; 04/00172/COU; 02/00690/WST. Of particular relevance to this application is the planning permission granted to the applicant WSR Recycling Ltd, 12/00387/FUL for the construction of a new waste transfer station and materials recovery facility; re-cladding of existing material recovery facility and transfer building; use of area to south west of site for the storage of waste in open bays; associated plant. Following this permission a further application was submitted by WSR Recycling Ltd in 2016 for proposed amendments to existing Waste Transfer Station approved by permission 12/00387/FUL encompassing; the increase of tonnage accepted from 200,000tpa (tonnes per annum) to 300,000tpa; proposed construction of an inert crusher line in the South-West corner of the site, retrospective relocation of weighbridge in the North of the site, construction of a new weighbridge office and changes to external storage areas; and retrospective changes to the site boundary and associated change of use. This was approved in June 2016.

## THE APPLICATION

The proposal and Background

The WSR waste operation was bought by Beauparc, an Ireland based international waste and resource company, in October 2017. Whilst Beauparc now own the site, they have retained the original site operator name. The applicant has explained that following a period of review, Beauparc and WSR are seeking to invest in the site to improve recovery rates and environmental performance. The investment seeks to improve throughput to a maximum of 450,000 tonnes per annum, with an increase in staff to 72, 68 daytime staff plus 4 night staff.

The site currently has permission to processes 300,000tpa. The applicant has provided information stating that the total through put of waste at the site is currently running at circa 250,000 tonnes per annum. This is rising year on year, as set out in the Environmental Statement. The current split of waste by type is as follows:

- Municipal / Commercial Wastes (mixed and source segregated): 85%
- Construction and Demolition Wastes: 12%
- Waste Sector (Residual Waste): 3%

The applicant is unable to provide a direct comparison of existing and proposed waste types, but can confirm the site's proposed maximum annual operational throughput of waste streams are:

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| Municipal | 150000 tonnes |
| Commercial and Industrial | 250000 tonnes |
| Construction, demolition and excavation | 50000 tonnes |

Permission is sought for a variety of development all associated with the existing use as a waste transfer site as follows:-

- Demolition of the existing partial enclosure TFS1 on the submitted drawings, picking line and the external storage bays;
- Construction of a replacement enclosure for area TFS1. The new enclosure is termed TFS1A on the submitted drawings;
- Construction of a new enclosure TFS 4 on the submitted drawings and an associated air management system including a 20 m high stack and filter to control odour;
- A new weighbridge and substation;
- Two new external storage bays;
- Erection of a visual and acoustic screen on the northern boundary;
- Water tanks to store rainwater and to abate run off rates; and
- Additional car parking and cycle shelters.

(Please refer to the Plans Pack).

The built development incorporates part demolition of the building to the rear of the site and an overall floorspace increase of 5,425sqm. The total resulting internal floorspace on the site, taken together with that which is to be retained, would be 9,480sqm.

The applicant states that their existing permission permits a 24 hour, 7 days a week operational period which will remain unchanged but that normal operating hours for delivery, full processing and standard operations between the hours of 0700 to 1800 hours during week days and 0700 to 1400 on Saturday; and maintenance, dispatch and processing within the enclosures will be undertaken on a 24 hours basis.

Documentation

The applicant has submitted a planning application, drawings and the following reports:

Environmental Statement – Vol 1
Environmental Statement – Vol 2 with Appendices in relation to

- Screening Opinion
- Scoping Opinion
- FRA
- Geotechnical Assessments
- Transport Statement
- Noise Assessment
- Particulate Emissions Management Plan
- Odour Assessment

Environmental Statement – Non-Technical Summary
Planning Application Statement

## POLICY CONTEXT

National Planning Policy Framework

The National Planning Policy Framework (NPPF) was published in February 2019 to set out the Government's planning policies for England and how these should be applied.

Paragraph 47 states that planning law requires for planning permission be determined in accordance with the development plan, unless material considerations indicate otherwise. Decisions on application should be make as quickly as possible and within statutory timescale unless a longer period has been agreed by the applicant in writing.

Paragraph 11 and paragraph 38 state that plans and decisions should apply a presumption in favour of sustainable development and that local planning authorities should work in a positive and creative way, working pro-actively with applicants to secure developments that will improve economic, social and environmental conditions of their areas."

Paragraphs 80-82 states the need for planning policies and decisions to be made to create conditions in which business can invest, expand and adapt. Significant weight to be placed on the need to support economic growth and productivity, taking into account both local business needs and wider opportunities for development. It encourages an adaptive approach to support local and inward investment to meet the strategic economic and regenerative requirements of the area.

National Planning Policy for Waste

The National Planning Policy for Waste sets ambitious aims to work towards a more sustainable and efficient approach to resource use and management through positive planning in delivering sustainable development and resource efficiency including through the provision of modern infrastructure and by driving waste management up the waste hierarchy and by securing the re-use, recovery or disposal of waste without endangering human health or harming the environment.

Halton Unitary Development Plan (UDP) (2005)

The following Unitary Development Plan policies and policy documents are relevant to this application: -

| | |
|---|---|
| BE1 | General Requirements for Development |
| BE2 | Quality of Design |
| BE3 | Environment Priority Areas |
| BE22 | Boundary Walls and Fences |
| PR1 | Air Quality |
| PR2 | Noise Nuisance |
| PR3 | Odour Nuisance |
| PR4 | Light Pollution and Nuisance |
| PR14 | Contaminated Land |
| PR16 | Development and Flood Risk |
| MW1 | All Minerals and Waste Management Developments |
| MW2 | Requirements for All Applications |
| TP6 | Cycling Provision as Part of New Development |
| TP7 | Pedestrian Provision as Part of New Development |
| TP12 | Car Parking |
| TP15 | Accessibility to New Development |
| TP17 | Safe Travel for All |
| E1 | Primarily Employment Area |
| E2 | Priority Employment Redevelopment Area |
| E5 | New Industrial and Commercial Development |

Halton Core Strategy Local Plan (2013)

The following policies, contained within the Core Strategy are of relevance:

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| CS1 | Halton's Spatial Strategy |
| CS2 | Presumption in Favour of Sustainable Development |
| CS4 | Employment Land Supply and Locational Priorities |
| CS8 | 3MG – Key Area of Change |
| CS15 | Sustainable Transport |
| CS18 | High Quality Design |
| CS19 | Sustainable Development and Climate Change |
| CS20 | Natural and Historic Environment |
| CS23 | Managing Pollution and Risk |
| CS24 | Waste |

Joint Waste Local Plan 2013

Strategic Objectives

| | |
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| WM0 | Presumption in Favour of Sustainable Development |
| WM8 | Waste Prevention and Resource Management |
| WM10 | High Quality Design and Operation |
| WM11 | Sustainable Waste Transport |
| WM12 | Criteria for Waste Management Development |

Supplementary Planning Documents (SPD)

Design of New Industrial and Commercial Development SPD

CONSULTATIONS

The application has been advertised via the following methods: site notices posted near to the site, press notice, and Council website. Surrounding residents, landowners and Ward Councillors have been notified. In accordance with the Town & Country Planning (Development Management Procedure) Order 2015 and the Town & Country Planning (Environmental Impact Assessment) Regulations 2017 a further full re-consultation was undertaken following receipt of an amended red edged drawing.

The following organisations have been consulted and any comments received have been summarised below in the assessment section of the report where appropriate:

Ministry of Housing, Communities & Local Government – No comments to make in relation to the submitted Environmental Statement
Environment Agency – No objection in principal subject to conditions in relation to a site investigation; piling; and several informatives relating to waste. Comments on flooding outlined in report below.
United Utilities – Objection in principal – outline in report below under 'Flood Risk and Drainage' within the advice from the Lead Local Flood Authority.
Liverpool Airport – No objection but request a condition as outlined in report below.
Network Rail – Holding objection – outlined in report below.
Cheshire Policy – No objection but advise site improvements outlined in report below.
Health & Safety Executive – Do Not Advise Against.
Cadent Gas – No objection but provided information to include in decision relating to pipeline which will be forwarded to the applicant.
Mersey Gateway Crossings Board – No comments received.
Natural England – No objection

Council Services:

HBC Contaminated Land – No Objection subject to conditions – outlined in report below.
Local Highway Authority – No Objection subject to conditions – outlined in report below.
Lead Local Flood Authority – No Objection subject to conditions – outlined in report below.

Merseyside Environmental Advisory Service – No Objection subject to conditions – outlined in report below.
HBC Environmental Health - No Objections – outlined in report below.
HBC Regeneration Team – Separate to this application, discussions are being undertaken with the applicant in relation to landscaping improvements to the front of the site on Ditton Road.

REPRESENTATIONS

Representations have been received from 9 objectors raising issues which are paraphrased below:

- Health risk from air pollution
- Proliferation of flies
- Close to a major food outlet
- Close to other industries which suffer from smells from the site
- Poor access from Ditton Road
- Too close to residential properties and sporting facilities
- Potential for fires at this type of site
- Concern that it involved incineration
- Town suffers as a whole from degradation of the air and environment
- Site already results in complaints being made with regard to intolerable smell; flies; seagulls; and any number of other health hazards
- Already let down by the siting of the incinerator recently in Runcorn which we will pay the price for in next few decades
- Allowing application would be a serious dereliction of HBC duties and responsibility for the welfare of people of the Borough
- The company cannot contain the current amount of waste efficiently and should not be permitted a 50% increase
- Excessive bird droppings onto adjacent company's vehicles
- Poor image for the Borough from Mersey Gateway
- Negative impact on character of area regeneration and environmental quality
- Road safety concerns

A letter has been received from a Ward Councillor outlining concerns as follows:-

*"This is an extension of the existing WSR recycling plant on Ditton Road. I expect they will, as an expanding business, be given planning consent. It is worth saying this plant emits some of the most appalling odours imaginable and some odour abatement conditions must be imposed on this company to prevent the continuation of their emissions to atmosphere. The smells from this site are as bad as Granox ever were. They have after many years now cleaned up their act. Now is the time for WSR to follow suit. They even stunk the town out on the day the Queen opened the Mersey Gateway."*

In response to the re-consultation the Ward Councillor commented further:-

*"Regarding the above application, I feel it is essential that odour abatement is an absolute priority for this company. There present operation is completely unacceptable and to allow such a large increase in the volume of waste being treated without vastly improved odour abatement would be a complete dereliction of the council's duty of*

*care to our residents. Please ensure conditions are attached to any permission to make this company comply with an odour free environment."*

**ASSESSMENT**

Particulars of Development

Existing:-
The site comprises three distinct areas of operation which are all currently operating under an Environmental Permit issued by the Environment Agency (EPR/SP3594CM). These 3 areas are shown on Drawing 183131/WST/PL/002 A and include the following activities:

• Area shown as TFS1 on the drawing: This area accommodates a partially enclosed building a picking line and an external processing and storage area. The external storage includes metals, road sweepings, timber and baled Refuse Derived Fuel (RDF) – this is Refuse Derived Fuel which is defined as material that is produced from waste, has undergone some sort of treatment process, and is intended for use as a fuel. The process area predominantly processes skip wastes and commercial wastes including timber/green waste and road sweepings. The area is also used for baling and wrapping RDF, textiles and plastics.

• Area TFS2: This area comprises the main waste processing enclosure at the site. The structure is 84m long and 36m wide and is used for the treatment of commercial, industrial and municipal waste streams. Activities include segregation, size reduction and the production of RDF.

• Area TFS3: This area includes the operational aggregates recycling facility. Incoming waste is subject to mechanical and manual segregation of metals and co-incidental materials, crushing and screening.

The main office and administration area is a two-storey structure, located in the north west of the site. The site provides car parking for up to 30 cars and motorbikes in two areas, on land immediately north of the office and in the car park adjacent to Ditton Road. Plant and vehicular maintenance is undertaken in the maintenance structure, as shown adjacent to TFS3 on the block plan.

Proposed:-
In October 2017, Beauparc purchased WSR Recycling Limited (WSR). Following a 12 month tenure and review of operations, the applicant states that Beauparc are proposing to make a significant investment in the site. It is stated that this is to improve site operations, minimise environmental emissions and increase capacity and recovery rates. The intention is to enhance the current operation, creating a modern facility to improve the sustainability of the site waste management.

WSR wish to demolish some of the existing infrastructure to free up the land to create a new waste enclosure. The demolition includes the existing enclosure TFS1 (housing predominantly skip waste). The new enclosure will be a modern structure offering greater enclosure and environmental control. The revised site layout is shown Drawing 183131/WST/PL004 A. The existing enclosure TFS2 will remain unaltered with a throughput of 150,000tpa. With the proposed investment in new buildings and plant

the site will be able to process and recover 450,000 tonnes of waste per annum. The increased tonnage will be achieved whilst improving the better management of waste streams, control of environmental emissions, improving the appearance of the site. In doing so it is stated that there will be no net increase in the number of approved road movements to and from the Site.

In addition, a new weighbridge will be constructed and a new substation will ensure sufficient power supply is provided to the operations.

The structures to be demolished and/or removed are as follows:-

• External storage and processing bays around TFS1;
• Maintenance and refuelling shed;
• Stacked containers in central area of the site; and
• TFS1, picking line and the associated storage bays.

The site layout was revised to address comments associated with the highway to the front of the site, is presented in Drawing 183131/WST/PL004 A and includes the following new features:

• **New waste enclosure TFS4:** The new TFS4 is consistent in height to the existing enclosure
TFS2, with an apex at 15 m and eaves at 11 m. The new structure will be 65 m long by 40 m
wide. It will be serviced by a low-level loading pit. It is designed to store and process malodorous wastes, currently processed within TFS2 and will operate using the following processes:

- a segregation line for plastics, paper and metals;
- trommel and shredder for size reduction; and
- sorting and packaging using balers and wrappers.

The applicant proposes that the design of the new building will provide improved odour management and reduce dust and noise. It is anticipated that the enclosure will be able to process up to 150,000tpa. TFS4 will be constructed in accordance with industry Best Available Technology, including an air management system to ensure odorous air is controlled, treated and discharged, minimising any loss of amenity and nuisance in surrounding areas. This involves the installation of a Granulated Activated Carbon (GAC) filtration system from which emissions will then be vented via a stack approximately 1200mm diameter and 20m above the existing ground level situated at the south of the building. The GAC works in such a way that air is extracted from the building via duct work by a fan. The air passes through a dust filter, which is typically either a centrifuge or a bagged filter. The air remains odorous and is subsequently passed through a Granulated Activated Carbon (GAC). The GAC media is treated carbon which is specifically designed to absorb the volatile organic compounds which make the air odorous. The media is contained in an external vessel which is sized dependent upon a number of factors, namely: the characteristics of the odour; velocity

of air extraction and the required retention time. The solution is widely implemented within the waste industry and is argued to be a robust treatment solution.

• **Replacement enclosure TFS1A:** The existing TFS1 and the external picking line are to be demolished and replaced with a new enclosure TFS1A. The structure will be consistent in design to TFS4 and involves a cladded portal frame structure, 70 m long and 40 m wide. The structure will be 11 m at eaves and 15 m at apex. Waste types processed at the site will include construction and demolition wastes and commercial industrial wastes. No malodorous wastes will be processed within the building. A picking line, trommel and shredder will operate within the structure. It will provide better control of particulate emissions and litter. It is anticipated that the enclosure will treat up to 100,000tpa.

- **External storage bays**: Due to the loss of external storage areas, two new bays will be constructed for timber and wood storage and road sweepings.

- **New Substation:** a new substation is to be constructed on the north east boundary of the site. This substation is to provide the additional supply of electricity to the waste recovery processes.

- **Enhancement of TFS3:** In addition to the new buildings proposed, TFS3 operations will be enhanced through investment in new plant offering greater inert aggregate recovery. It is anticipated that the improved processing in TFS3 will be able to manufacture up to 50,000tpa of recycled aggregate.

In summary, based on the information provided by the applicant the following amounts of waste will be brought through the site:-

Existing TFS2 building will process 150,000tpa
Proposed TFS4 building will process 150,000tpa
Replacement TFS1A building will process 100,000tpa
Enhanced TFS3 area will process 50,000tpa

Totalling a proposed overall annual throughput of 450,000tpa of waste.

(Please refer to Plans Pack).

Principle of Development

The site is designated as a within a Priority Employment Redevelopment Area (E2); Primarily Employment Area (E3); and Environmental Priority Area (BE3) in the Halton Unitary Development Plan (UDP). UDP Policy E2 provides for potential to redevelop existing sites for employment uses. The current proposal does not seek to remove this site from an employment use, rather a site redevelopment. Policy E3 indicates a series of uses which it states will be acceptable within these areas, including B1 (Business), B2 (General Industrial), B8 (Storage and Distribution) and Sui Generis uses. This proposal does not alter the existing use of the site which falls into a mix of these uses. Policy BE3 seeks development within these areas to raise the environmental standards:- proposal should be of high quality design and those areas visible from roads and rail routes should be of a high quality of design in terms of landscaping,

boundary treatments and facing materials. The overall aim of the proposal is to seek an improvement of the current situation at the site as a result of the re-organisation of the waste operation within the existing and proposed buildings on the site. The applicant has agreed to improve the boundary of the open storage area to the rear of the site and provide a high quality boundary treatment to the north of the site adjacent to Ditton Road which can be secured by planning condition.

It is on this basis that the principle of the development is appropriate with the designated use of the site for a continued waste operation, is acceptable and complies with UDP Policies E2; E3; and BE3, subject to compliance with the Waste Local Plan, which is dealt with elsewhere in this report.

Design and Character

The scheme proposes re-development of an existing waste transfer and processing site involving removal of some existing older and dysfunctional buildings and their replacement with more appropriate and modern alternatives.

The proposal replaces a building currently used to store waste and an external picking line and trommel, with a building with a floor area of 2,800sqm. The building, TFS1A, has a proposed overall ridge height of 15m and 11m to the eaves. No malodorous waste is to be stored in this building but it will house the current external picking line, trommel and shredder. The building materials will be cladding, consistent with a portal steel structure, colour to be agreed by condition.

In addition a further new building is proposed which incorporates the Granulated Activated Carbon (GAC) filtration system and odour extraction through a 20m stack at the south elevation. It is in this building that malodourous waste will be stored and the resulting air emitted will be discharge via the stack, pre-treated through the GAC filter, as required through its operational controls.

Additional constructions include a new weighbridge and substation, the latter being located to the front of the existing building near the north boundary of the site. Given the location of the substation and its utilitarian design, it is considered that use of an appropriate landscaping scheme would mitigate the visual impact of it. It is suggested that use of ‘green screen’ in this area, to the front of the north elevation of TFS2 and around the substation, would improve the appearance of the development in this prominent location and this can be secured by planning condition.

The site has several boundary treatments already in place, along the eastern boundary the wall is in the control of the Local Authority, to the south the existing palisade fencing forms a functional treatment. The applicant also intends to provide improved enclosures to the external aggregate storage bays. The boundary to the west will not be altered. The site has an extant planning approval for a corrugated boundary treatment to the north of the site, however this is now seen as undesirable by both the LPA and the applicant. As such the applicant proposes a solid alternative to assist in

mitigating any residual odours, minimise noise emanating from within the site and to provide an attractive and secure enclosure. At the proposed height of 5.2m, the materials are critical to the functionality of this boundary treatment to enable stability yet achieving aesthetic quality. A number of options are available in order to achieve this therefore a planning condition is recommended to enable the most appropriate treatment to be agreed post decision.

There is some opportunity for landscaping to the front of the site fronting the existing building which sits at a higher level. Much of the land to the east and the highway land to the front is not in the control of the applicant. However they are in discussion with Halton's Regeneration Officer to explore the potential for landscape improvements in the areas they do not control.

There is an opportunity with this proposal to address and improve the boundary to the south off the site which can be viewed from the west coast main line railway line. The applicant has advised that the south west site boundary will be enhanced in area TFS3 by the erection of a green living wall on a trellis. The metal screen in the south east will be screened similarly by a trellis fence. However, whilst the details of this can dealt with through a boundary condition the commitment of the applicant is subject to approval from Network Rail as it will be within 5m of their land boundary.

Cheshire Police – Designing Out Crime Officer has commented as follows:-
*"• The combination of 2 metre fence and 5.2 mtre fencing off Ditton Road provides a good solid perimeter to the site.*
*• The rear fence in the area indicated in the illustration below is potentially vulnerable. Consideration should be given to planting defensible planting to make the fence harder to access or consider barbed wire / razor wire and also ensuring that the CCTV covers the rear area*
*• The risk to the site will be reduced by having a fire watch and a security presence.*
*• An entrance control barrier will be required to control access on to the site*
*• Details of the proposed lighting scheme would be useful to see. The site should be fitted with dawn to dusk lighting with enhanced lighting in areas that are used for 24 hours.*
*• Signage should be displayed round the site highlighting different areas, emergency contacts etc."*

The applicant has confirmed that there is a 1.7m high boundary to the east; a 2m metal fence to the south and west. The northern boundary is secured by a lockable gate. There is a current system of CCTV across the site and new lighting and video systems will be installed on the new enclosures. Processing will take place at night so there will be some staff on site plus security through the night. In addition the applicant is in discussion with the Council regarding boundary planting and are open to opportunities to hinder unwelcome access.

On this basis it is considered that the proposed alterations to the built form on the site and boundary treatments will represent a significant improvement on the existing site,

will not result in additional threats to security of the site and therefore wholly consistent with UDP Policies BE3, BE22 and E2 and E3.

Noise, Dust, Odour and Other Amenity Issues

The applicant has provided surveys and reports within the Environmental Statement (ES) to address noise, dust and odour and the Council's Environmental Health Officer has provided the following comments in response:-

*"Noise*

*The application is sited some 400m from the nearest residential dwellings and approximately 40m from a proposed hotel. The ES appraises the impact of construction, and acknowledges the potential to cause some short term impact on the local area. The application will be subject to a CEMP* (Construction Environmental Management Plan) *and it is proposed that most of the working will take place during daytime hours, unless otherwise agreed with the Council, which should adequately control the noise.*

*The operational noise has been assessed in line with BS4142 and determined that the noise at residential dwellings will be significantly below background levels.*

*Odour*

*Odour across the site boundary has been a problem from the site given the limited ability for the site to install controls. The application will ensure that the odorous waste is handled in an air tight enclosure with air emissions controlled through a stack and carbon filter. Rapid opening and shutting doors should further minimise odours. Neither the Council nor the Environment Agency report complaints regarding odours from the site in residential areas of Widnes. On the basis of this the ES concludes that there will be a long term positive impact on odour emissions from the site.*

*In addition it is worth noting that the site is subject to an environmental permit issued by the Environment Agency, complete with conditions to control odour emissions, and as such the planning consent should not duplicate this role. Having said that the application clearly demonstrates that there will be no deterioration in odour emissions from the site and in fact should improve the environment around the site. This together with the distance of the site to residential properties satisfies Environmental Health that there would be no adverse impact on residents.*

*Air Quality*

*There is no increase in the number of vehicles that it is proposed will serve the site and will result in better containment of waste. The ES therefore concludes that there will be no adverse impact on air quality due to the proposed development.*

*Conclusions*

*Based on the above Environmental Health would not object to or have any adverse comments to make on the application, as there is no predicted adverse impact on amenity to residents in the area."*

It should be noted that although no formal complaints have been received by the Councils as expressed by the Environmental Health Officer, both Council Officers and Ward Councillors are aware of the odour issues at the site and which are experienced in the vicinity of the site and the surrounding area.

A number of objections have been made regarding the existing and potential of issues resulting from the development including noise, dust, odour and other amenity issues and are concerned that there will only be an increase in these should the proposed development be approved. The applicant has expressed that the proposal will alter the operations on the site in terms of how waste is stored and odours controlled. Whilst the comments from objectors are material to the determination of the application, it is important to understand the applicant's explanation that one of the primary aims of the site redevelopment is to improve the existing conditions at the site that will result in a reduction in the current levels of odour emissions and other amenity issues.

It should be noted that under the Environment Agency permit for the site operations, all matters on site relating to;- odours; bird nuisance; flies nuisance; resulting air quality from stack – are controlled under that permit.

On the basis of the above, the Council's Environmental Health Officer has confirmed that they raise no objections regarding the application. They confirm that they are satisfied that the noise report demonstrates that, given the location of the site, the proposal poses minimal likely impact on residential amenity. With regard to odours they state that the site will be subject to the Environmental Permit issued and conditioned by the Environment Agency and, as such, any planning consent should not duplicate this role. Notwithstanding that, they acknowledge that the applicant states that the waste on site will managed in such a way so as to minimise odour from the site. On this basis, together with the distance from the nearest residential areas, they confirm that they are satisfied that the odours from the site can be adequately controlled given the information provided with the application.

The applicant has clarified the number of proposed vehicle movements which are to remain consistent with the current use of the site and is reported below.

On this basis the proposal is considered to comply with UDP Policies BE1, BE3, MW1, MW2, MW3, PR1, PR2 and PR3.

<u>Airport Safeguarding</u>

Liverpool John Lennon Airport (LJLA) have confirmed that they raise no objection in principle. They have however requested a conditions be attached to any planning

permission requiring submission of a Bird Hazard Management Plan for “scavenging and or nesting and loafing birds”.

The applicant has agreed to the attachment of this condition.

On the basis of The Town & Country Planning (safeguarded aerodromes, technical sites and military explosives storage areas) direction 2002 that the local planning authority has considered not only the individual potential bird attractant features of the proposed development but also whether the development, when combined with existing land features, will make the safeguarded area, or part of it, more attractive to birds or create a hazard such as bird flightlines across aircraft flightpaths. In this instance the proposed measures within the development are considered to help mitigate the current issues at the site pertaining to bird congregations as a result of better enclosed buildings and control of emissions via a GAC filter and stack in the building to house malodorous waste.

However, given the safety implications and the request of Liverpool JLA it is considered that the recommended condition is added and the Bird Hazard Management Plan submitted to ensure that maximum effort is made to minimise potential bird hazard.

On this basis it is considered that the proposal complies with UDP Policy MW1.

Highway Safety

The Local Highway Authority initially raised an objection to the proposal which has since been addressed through the submission of an amended drawing and they have provided comments as follows:-

Final comments:-
*“The applicant provided details of a widening to the access to the site on plan number ITM14349-GA-005 which satisfies the Highway departments concerns regarding highway safety. The widening would have to be carried out either through a legal agreement with the Highways department to work within the highway or alternatively by the Highway authority at the applicants expense.*

*The tracking details provided demonstrate that it is possible for large/articulated vehicles to access and exit the site unencumbered*

*Parking*
*(Including cycle/disabled/motorcycle/taxi/drop-off) comment on compliance with UDP (+other) Standards)*
*The application sets out that 72 full time staff will be employed. There are, it appears, two shift patterns with the majority of staff on the day shift. The provision of 59 car parking spaces appears to be acceptable provision and we would not have any objections to the application in terms of parking numbers.*

*The application proposes an area for parking at the north of the site. This area falls within an area of highway adoption. Whilst the parking layout would be an acceptable use, this area of parking would have to be kept open, unfenced, ungated and available for use by the general public. Any obstruction of this area would constitute an obstruction of the highway and could result in enforcement action.*

*Access by sustainable modes*
*(including bus access (UDP 400m compliance) walk access, travel planning) (see GTA thresholds/local circumstances) (Greenways –UDP)*

*There is a bus stop within easy access to the site.*

*Construction Phase Considerations*
*(Inc wheelwash, routing construction management plan, personnel parking/facilities)*

*Should Planning Approval be obtained, any alterations to the highway required should be carried out by the highway maintenance section at the applicant's expense or via a relevant legal agreement to work in the highway.*
*Any areas of hardstanding should be constructed in such a way as to prevent surface water draining onto the publically adopted highway.*

*Transport Assessment/Traffic Impact*
*(if appropriate given thresholds in GTA/local circumstances)*

*A Transport Statement has been provided. Since 2016 and the advent of works to Mersey Gateway, there has been a change in traffic numbers in and around the Ditton Interchange. As far as numbers are concerned it is clear that 26 movements per hour does not constitute a significant traffic flow in and out of the site. We do not think that there is a wider traffic issue as a result of this application.*

*CONSLUSION*
*The Highway Authority recommend approval of this application.*

*Conditions*
- *Parking arrangement adjacent to Ditton Road to be kept open, unrestricted and available for public use.*
- *Alterations to the access to be carried out either under legal licence or by the Council."*

On the basis of the amended layout drawing, the Local Highway Authority is satisfied that the access can fully accommodate the movement of vehicles and the provision of car parking both within the site and on the adjacent highway is appropriate for the level of employment within the site. As such the Local Highway Authority raise no objections, no significant transport or highway safety issues are raised and the

proposal is acceptable based on NPPF, and UDP Polices TP6, TP7, TP12, TP15 and TP17.

Ecology

No ecological information has been submitted with the application. However, the development site has been an operational waste facility and there is no vegetation on site. The Council's retained adviser has confirmed that the submitted information within the Environmental Statement is appropriate for their assessment.

Their comments are as follows:-

***"European Sites***

*The development is near to the following European sites which are protected under the Habitats Regulations 2017:*

- *Mersey Estuary SPA; and*
- *Mersey Estuary Ramsar.*

*I have reviewed the proposal submitted by the applicant and considered the possibility of likely significant effects under the Habitats Regulations 2017 using the source-pathway-receptor model. I advise there is no pathway that could give rise to likely significant effects on the European sites and it does not warrant a detailed Habitats Regulations Assessment report for the following reasons:*

*The applicant has commissioned a noise assessment (MEC Acoustic, Noise Assessment, October 2018). Whilst the Mersey Estuary SPA and Ramsar is not included as an ecological receptor the assessment reasonably discounts any impact on the Mersey Estuary SPA and Ramsar due to:*

- *the separation distance (760m) and existing background noise. There are several commercial operations between WSR Recycling Ltd and the estuary including 2 freight lines, a freight liner terminal and distribution warehouse;*
- *the proposed increased processing capacity will not lead to a change in noise characteristics associated with the current operations e.g. e.g. HGV movements, trommel, conveyor, generators, excavator, crushing bucket, screen and general yard noise;*
- *Whilst the application would see processing capacity increase (150ktpa), the noise assessment states that a decrease or broadly similar noise situation is anticipated as the increase in processing will be achieved without the need for additional HGV movements or new processing plant; Further*
- *The majority of plant will be located within new units, and the existing buildings, hoarding and barrier are also expected to partially screen noise sources.*

*I am therefore satisfied that there will be no likely significant effects on European Sites and no further action is required in this instance.*

*They further advise that whilst the development is near to a number of European sites protected under the Habitats Regulations, no pathway could give rise to likely significant effects on the European sites and a detailed Habitats Regulations Assessment report is not warranted. It is also advised that the development is unlikely to harm the features of any locally designated sites and that buildings to be demolished have negligible bat roost potential. Natural England confirm that they have no comments."*

On this basis the Local Planning Authority has fulfilled its obligation with respect to Habitats Regulations Assessment and no further ecological information has been requested.

Flood Risk and Drainage

The Lead Local Flood Authority comments on this application are as follows:

*"It is proposed that surface water from the new development be drained by the existing systems which connect to combined sewers on Ditton Road, with storage added to attenuate storm water, (for the specific proposed development areas only) reducing peak runoff by up to 71%. For the development areas only this meets with the requirements of the Council's SFRA to reduce brownfield rates by a minimum of 50% in critical drainage areas. However it is also noted that new parking areas and hardstanding may be proposed and this is not detailed in the application or calculations. It is understood that this includes a 'permeable' area to the south west of the site, which on a recent site visit did not appear to allow much infiltration and the areas also appeared to be being used for open storage (which EA may comment on). This is also the area affected by flood zone river flooding. I am concerned therefore that there may be both issues with additional runoff and water quality from these areas, and a formal proposal would be required if a permeable area is to be used OR this area should be included in the new development and attenuation calculations and measures taken to improve water quality. It will also be necessary to better understand the system capacity to ensure it can take the proposed runoff in the design storm event including climate change.*

*It is understood that United Utilities have concerns over the existing sewer connections being the first approach for surface water drainage and that soakaways or watercourse should be considered. It appears that soakaways are ruled out for the majority of the site due to made ground/contamination, but there is a watercourse to Marsh Brook to the east of the site. It is noted from the site visit however that there is an embankment of approx. 6m at this side of the site and the piped watercourse sits beneath this in the highway beyond. The only alternative is to connect to a manhole in Network Rail Land which involves crossing the railway. LLFA are also aware of contamination/blockage issues with this watercourse. Therefore, connecting to a system this deep is considered to have viability issues and the LLFA would consider it unreasonable to require this of the developer, particularly given the proposal to use existing sewer*

*connections and reduce runoff and this is likely to leave the existing sewer connection as the only option.*

*It is also noted that whilst the development site falls within Flood zones 1, 2 and 3, new development is confined to the Flood Zone 1 and 2 areas and the proposed use is less vulnerable. Therefore the site is compatible with the proposed use. However EA may wish to comment further on this.*

*Given all of the above I would recommend that the application can be approved with the following conditions:*

*No development shall take place until details of the implementation, maintenance and management of the sustainable drainage scheme have been submitted to and approved by the local planning authority. (This shall include setting of building threshold levels to be above EA surface water flood risk levels where applicable.) The scheme shall be implemented and thereafter managed and maintained in accordance with the approved details. Those details shall include:*

i. *A management and maintenance plan for the lifetime of the development which shall include the arrangements for i) drainage to soakaway, including calculations and arrangements to secure the operation of the sustainable drainage scheme throughout its lifetime or ii) if i) is not feasible then drainage to watercourse or iii) if i) or ii) is not feasible connection to any system adopted by, any public body or statutory undertaker.*
ii. *Ratification of hard paved/permeable areas across the site together with appropriate treatment plants to ensure containment of silt/pollutants eg. Bypass separator.*
iii. *Interceptors and attenuation structures and calculations to demonstrate a reduction in surface water runoff rate to a minimum of 50% of existing runoff rates for ANY new hardstanding/roof areas as a minimum, with additional improvements for existing runoff where practical (for example by a new permeable paving system to replace the existing permeable/unpaved areas). Calculation should demonstrate no flooding to buildings in the NPPF design event (1 in 100 year + climate change allowance) and include an assessment of existing drainage system capacity.*

*No development shall be occupied until a verification report confirming the system has been constructed in accordance with the approved details have been submitted to and approved by the local planning authority."*

In response to this the applicant has suggested that the last sentence wording be amended to relate to 'new' development only to reflect the proposals continuation of the existing use of the site and the LLFA has agreed to this.

The Environment Agency provided their comments as a response to the applicant's explanations of issues raised following initial queries by the EA in relation to the impact

on controlled waters and these are as follows – the EA response and concluding observations on the application are in bold:-

*1. Land Contamination*
*We believe the Geo-Environmental Report submitted as part of the Environmental Statement details the information requested to discharge part 1 of the proposed condition. We would respectively suggest that the condition starts at part 2 and reads as follows:*
*'The applicant must agree the scope of a site investigation scheme with the Council taking into account the potential receptors, including the culvert. An Addendum detailed risk assessment and remedial strategy should be prepared and submitted in accordance with Environment Agency Contaminated Land Report 11 'Model Procedures for Managing Contaminated Land' following the completion of the investigation and associated monitoring.*

***We are satisfied that sufficient information has been provided to negate the inclusion of part 1 of recommended condition 'Land contamination' in relation to the provision of a preliminary risk assessment.***

*2. Culvert condition*
*With regard to the condition and the comments relating to the culverted surface water, we advise on behalf of our Client as follows:*
*The culvert runs under the Highway Authority land, Crown Estate property, and Network Rail land prior to emerging at Marsh Brook. There appears to be only two accessible locations (manholes from within the western pavement of the highway). At no point does the culvert cross WSR land. The culvert invert is at least 7 m below the road surface. Records we have uncovered corroborate it runs to the south, however there appears to be no accessible manhole from which to obtain a downstream sample. Environmental Consultancy E3P did manage to monitor the locations downstream, albeit from the Marsh Brook itself as it daylights from the culvert. We do not have a copy of the plan they refer to in the report and are seeking this at the time of writing. Whilst we recognise that the Marsh Brook and culverted channel represent the nearest sensitive controlled water receptor. WSR cannot be responsible for surveying, maintaining or monitoring a third-party asset. Whilst WSR have advised that they are happy to work with Halton Borough Council and the Environment Agency to determine how this controlled water can be collectively assessed and how the land quality at the WSR site potentially impacts upon it, they cannot accept any condition requiring WSR to undertake surveys and associated maintenance. We would advise that this discussion would form part of the land contamination investigation design.*

***We acknowledge the comments made above and have amended the relevant conditions accordingly as detailed below. We note the comments in relation to working with Halton Borough Council and the Environment Agency to discuss an appropriate way forward to assess this controlled water receptor as part of the land contamination investigation design and we have no objection to this.***

*3. Foundation Risk Assessment*
*The need for this is presented in the AAe Geo-Environmental report and would form part of the remedial design, required under the Land Contamination Conditions. We do not believe there is any need for a standalone condition.*

***We recommend the standalone condition 'GW03' in relation to piling is included within any planning permission granted for the site given piled foundation are***

***proposed to ensure the underlying sandstone aquifer is adequately protected. Standard land contamination conditions will not require the submission of a piling risk assessment that is protective of controlled waters.***

*4. Other matters raised*
*We note the other comments raised.*
***Noted.***

*5. The EA do refer to an absence of a borehole log. The report contains all the data, but it can be hard to identify from the multiple split version.* (EA provided advice to the applicant in relation to the presentation of this data).

***We have successfully downloaded the relevant information referred to above.***

On the basis of the above discussions the Environment Agency have recommended the following conditions:-

***"Condition – Land contamination***
*No development approved by this planning permission shall commence until a remediation strategy to deal with the risks associated with contamination of the site has been submitted to, and approved in writing by, the Local Planning Authority. This strategy will include the following components:*
*1. A site investigation scheme, based on (preliminary risk assessment) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site.*
*2. The results of the site investigation and the detailed risk assessment referred to in (2) and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.*
*3. A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in the remediation strategy in (3) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.*
*Any changes to these components require the written consent of the local planning authority. The scheme shall be implemented as approved.*
*Reason*
*To ensure that the development is not put at unacceptable risk from, or adversely affected by, unacceptable levels of water pollution in line with the National Planning Policy Framework.*

***Condition – Verification***
*Prior to any part of the permitted development being bought into use a verification report demonstrating completion of the works set out in the approved remediation strategy and the effectiveness of the remediation shall be submitted to and approved, in writing, by the local planning authority. The report shall include results of sampling and monitoring carried out in accordance with the approved verification plan to demonstrate that the site remediation criteria have been met. It shall also include any plan (a long-term monitoring and maintenance plan) for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action, as identified in the verification plan, and for the reporting of this to the local planning authority.*

*Reason*
*To ensure that the site does not pose any further risk to human health or the water*

*environment by demonstrating that the requirements of the approved verification plan have been met and that remediation of the site is complete. This is in line with the National Planning Policy Framework.*

***Condition - Piling***
*Piling or any other foundation designs using penetrative methods shall not be permitted other than with the express written consent of the local planning authority, which may be given for those parts of the site where it has been demonstrated that there is no resultant unacceptable risk to groundwater. The development shall be carried out in accordance with the approved details.*

*Reason*
*To ensure that the proposed piling activity is protective of controlled waters in line with the National Planning Policy Framework.*

***Request for consultation on discharge of condition***
*We ask to be consulted on the details submitted for approval to your Authority to discharge this condition and on any subsequent amendments/alterations."*

The proposal has satisfied the requirements of both the Lead Local Flood Authority and the Environment Agency in relation to the drainage of the site. Although concerns have been raised by United Utilities in relation to the reliance on existing sewers, for reasons of practicality, land ownership restrictions and viability, it is considered that it would be unreasonable to refuse the application on the basis of this. United Utilities are obliged to permit connections for drainage purposes, providing that applicants have fully demonstrated that the drainage hierarchy has been used and that other opportunities are unworkable. On this basis the proposal satisfies UDP Policy PR16 and the NPPF.

Contaminated Land
Whilst the Environment Agency has commented in relation to ground conditions advice is also taken from the Council's Land Contamination Officer and those comments are as follows:-

*"The applicant has submitted an Environmental Statement in support of the application that includes within the appendices an environmental risk assessment covering land contamination impacts.*

- *Geo-environmental risk assessment, WSR Recycling, ref 183131/ERA/001, AA Environmental Ltd, October 2018.*

*The above document presents a detailed desk study, site walkover and preliminary risk assessment. Whilst no new site investigations were undertaken for this assessment, a significant investigation was undertaken by RPS Ltd on the site in 2012 and this is heavily relied upon for this current review. That work is approaching 7 years old, however it is unlikely that the key geo-environmental factors have changed significantly in that period.*

*The summary of the assessment is that there are a number of potentially significant impacts as a result of soil and groundwater contamination present on site as a result*

*of past land-uses.. At this stage a number of mitigation measures are recommended, namely the effective encapsulation of the impacted soils beneath hardstanding – it is understood that the site is to have a concrete of tarmac surface where not occupied by buildings – breaking pollutant linkages to human health and to introduce some betterment to the groundwater situation by reducing infiltration (also enhanced by the improvement of drainage on site). A moderate ground gas risk has been identified for the reduced level elements of the new buildings and basic level, in line with situation CS2 as per BS8485, of gas protection measures will be required.*

*There are also a number of data gaps identified in the assessment and conceptual model that need to be filled via additional site investigation, which will inform a remediation strategy for the site. The report makes sound recommendations for the additional works as listed in table 6.1 in the conclusions section of the report. Given the level of assessment completed to date and the need for demolition of buildings before investigations can take place, I believe it is both practicable and reasonable for these additional assessment actions and the subsequent detailed remedial strategy to be submitted as part of conditions on an approval.*

*I note that there have been ongoing discussions between the applicant and the Environment Agency regarding the risks to controlled waters and issues relating to the culvert in close proximity to the eastern boundary of the site. Proposals for further site investigation and assessment will need to take the requirements of the EA into account.*

*Therefore, I have no objection in principle to the application but would recommend that any approval is conditioned to require the submission of a plan for further site investigation and assessment, remedial strategy and subsequent verification reporting."*

It is recommended that the Council's Contaminated Land Officer's conclusions are formed into a suitably wording planning condition. The comments of the Environment Agency – which also recommend conditions in relation to contaminated land and monitoring of the culvert - can be attached to any planning permission as an informative.

Other Waste Issues, Sustainable Development and Climate Change

The Councils retained advisor in relation to issues relating to waste and sustainability has provided the following comments:-

*"Having reviewed the submitted Environmental Statement I advise that, subject to the satisfactory receipt of any additional information required by the Council under paragraph 25 of the EIA Regulations, it satisfies these requirements and can be used as a basis for determination of the application.*

***Merseyside and Halton Joint Waste Local Plan (WLP)***
*The proposal assists in achieving the vision and six of the strategic objectives (SO1, SO2, SO3, SO4, SO6 & SO7) of the Waste Local Plan. It helps meet the resource recovery-led strategy by providing additional treatment facilities to balance against export for landfill and residual waste treatment outside of Merseyside and Halton, therefore helping Merseyside and Halton achieve net self-sufficiency in terms of waste management.*

*The site is an existing operational facility. It delivers some of the existing capacity requirements of the WLP area and for Halton in particular, therefore its continued operation is supported by policy WM7 of the WLP. Compliance with policies WM1, WM2, WM3 and WM5 was not required due to it being an operational facility. Nevertheless, it does fall within the Area of Search for Halton.*

*The proposal involves demolition and construction and as such policy WM8 applies. It is proposed that a SWMP will be produced for the construction phase. This can be incorporated into the CEMP and secured using a suitably worded planning condition.*

*Policy WM10 (High Quality Design and Operation of Waste Management Facilities) also applies. The policy requires environmental performance and sustainable design to achieve a BREEAM Excellent rating or equivalent standard for industrial buildings; the design and appearance of the building to take account of its setting; and for unacceptable impacts to be avoided.*

*The new buildings are proposed to be similar to the existing warehouse on site, and lie within an industrial area, although I will be guided by planning colleagues regarding acceptability of design. Amenity impacts are addressed through the environmental statement and I will be guided by technical specialists as to whether proposed measures are sufficient.*

*It is not proposed the BREEAM Excellent rating will be achieved as the buildings are not heated or insulated and contain no fixed waste infrastructure. However, it is stated that LED lighting will be used, improved environmental performance will also be achieved through a shift from diesel to electric power. Consideration is being given to use of solar panels on the roof. Rainwater harvesting is also proposed on two buildings and surface water attenuation on one building. The harvested rainwater will be re-used for site purposes. Whilst not achieving BREEAM Excellent rating, I am satisfied that measures will be put in place to achieve improved environmental performance. These measures could be secured using a suitably worded condition.*

*I will be guided by Highways colleagues as to whether sufficient information has been submitted to comply with policy WM11 (Sustainable Waste Transport).*

*Subject to Environmental Health and Drainage colleagues being satisfied, I consider that sufficient information has been submitted to demonstrate compliance with policy WM12 (Criteria for Waste Management Development).”*

In relation to the land allocation policies for waste, whilst the area is identified as being within an Area of Search for Halton, there are no site allocation or search policies to apply to development at existing waste sites, of which this is one. Rather any proposed additional development at an existing waste site is controlled through the application of development management policies in relation to design, operation and construction phase activities. As such this proposal complies with those related policies WM8 and WM10 of the Waste Local Plan. Matters of highway safety and environmental health are dealt with elsewhere in this report. However with specific regard to Policy WM11, the site provides a choice of transport for staff – cycle parking is provided within the scheme and the site is close to bus links; improved site screening is proposed with the details to be agreed by condition; the site access will be improved. The applicant has

provided additional information to address the requirement for an assessment of alternative transport and carbon emissions and this is reported below.

With regard to Waste Policy WM10, Halton Core Strategy Policy CS19 (Sustainable Development and Climate Change) seeks to encourage BREEAM Excellent standard from 2013. As a new build, it is also expected that the building should comply with BREEAM Excellent rating, as required by the policy WM10. The Supporting Statement indicates that it is not possible to meet BREEAM rating standards due to the proposed nature of the waste transfer station and commercial arrangements. The applicant has provided a detailed response in respect to BREEAM and policies CS19 and WM10. They argue that efforts to secure a BREEAM rating would be inappropriate and counterproductive in this case. Amongst other factors, they cite;- a site wide shift from diesel power to electrical-powered systems; LED lighting is to be used; translucent roof panels to be used to allow natural light in; and potential for solar panels.

When considered against the justification to policies CS19 and WM10 this justification is considered acceptable and it is not considered that refusal of planning permission could be justified on these grounds. The overall improved environmental performance in relation to the buildings and operations are in conformity with the Development Plan when taken as a whole, and meet the principles of achieving sustainable development as required by the NPPF.

The applicant has provided additional information to clarify how the proposal addresses the requirements of policy WM11 as set out below:-

**WM11 – 1. Make use of alternatives to road transport for movement of wastes (such as water and rail transport and, where appropriate, use of pipelines and conveyors to neighbouring sites), wherever possible.**
*"The applicant has no direct access to railway sidings or port facilities. There can be no loading onto the railway along the southern boundary. WSR are seeking to work with other companies in the regeneration area (Stobarts) to determine suitable loading facilities that could feed onward recovery sites. Currently no commercial contracts have been entered into, but the economic use of the local rail heads is an objective for WSR. This will continue to be explored.*

*Currently predominantly Refuse Derived Fuel is locally used at the Runcorn* (EFW site)*. In the event that surplus material is generated, export is a potential outlet utilising the local port facilities, subject to commercial viability."*

**WM11 – 2. Ensure there are sustainable choices of travel for its employees and visitors (such as, walking, cycling, public transport).**
*"The application contains the commitment to promote green travel for its employees and operatives including cycling, walking, car sharing and the use of public transport. The promotion of more sustainable travel options will be fully detailed in a Travel Plan, which will be produced prior to construction works commencing and is to be a condition*

*of any planning permission. Increased biking facilities are proposed at the development drawings."*

**WM11 – 3. Provide mitigation for the effects of road transport on local amenity including use of screening, sound insulation and time tabling traffic movements.**

*"Junction improvements from the site to Ditton Road are being proposed, that will reduce any potential bottle necking at the entrance and subsequent idling on the external road network and improve safety over the current approved configuration.*

*The dispatch of recovered waste/materials is programmed to occur less intensively in key operational periods when the road network is at its busiest. The site is fully screened to the north minimise noise and emissions entering the local area. To the south, east and west the new facilities will screen emissions. The majority of loading and unloading occurs within the onsite enclosures.*

*The use of larger transport vehicles results in greater efficiencies per tonne transferred to and from the site."*

**WM11 – 4. Ensure safe access to and from the public highway and adequate capacity of local highway infrastructure.**

*"As mentioned previously, the current configuration of the access at the site can cause bottle necking. A proposed re-configuration has been submitted to the Council to ensure safe access and to stop idling on the existing carriage way.*

*The design of the site has been completed to ensure that emergency vehicles can have unrestricted access to all areas of the site."*

**WM11 - 5. Reduce the impact of transport on climate change and carbon emissions.**

*"Whilst the vehicles carrying loads has increased in weight and the assumption is carbon emissions, the increased load capacity ensures greater efficiency in terms of the tonnes transferred per vehicle movement and at worst is neutral in CO2 emissions per tonne.*

*Although not stipulated in the Environmental Statement, WSR and its parent company Beauparc are committed to greening its fleet of haulage vehicles. The group are progressively replacing the HGV fleet to new vehicles with Euro(vi) compliant engines. The typical age of the WSR Heavy Goods Vehicles is currently at 9 years old. This is primarily the fleet that was acquired with the facility. WSR and Beauparc's investment regime is reducing the average age of its plant to circa 5 years old. The intention is for this to be achieved over the next four year period. This investment and replacement of the oldest plant improves the reliability but more significantly directly reduces carbon and particulate emissions. This is due to the engines improvement in efficiency and improved mileage rates. This policy and investment are and will continue to reduce greenhouse emissions.*

*The proposed introduction of the travel plan for staff and operatives will encourage the use of sustainable transport and reduce the emissions and carbon footprint of this form.*

*The assessment presented in the Environmental Statement has been undertaken in accordance with the Environmental Protection UK and Institute of Air Quality Management guidance and determined as negligible."*

With particular reference to traffic impact the applicant has provided the following clarification of the submitted Transport Statement:-
*"To ensure a robust assessment was developed, conservative assumptions were applied on the load weight by waste type. These are derived from the current load data. The assumptions are detailed in the Transport Statement. Table 5.2 of the Transport Statement looks at the tonnages operating in each building per annum and assesses the number of trips per enclosure for import and export. For the import of waste, this identified there would be 21.1 two-way movements associated with import. For export, recovered and treated materials/waste are bulked up and transferred over a 16 hour period during weekdays and 7 hours on Saturday. The assessed two way movements are 4.8 per hour. The combined number of two way movements is 25.9 two way movements per hour.*

*In reality the number of two-way movements is over assessed and less will occur for the proposed 450,000 tonnes per annum. This is for the following reasons:*

- *Average load weight has been conservatively derived. In reality they are currently higher. The tonnage per load will further increase with proposed investment in the WSR HGV fleet;*
- *Whilst imports will occur during core processing hours during week days and Saturdays, exports will occur 24/7 and note solely over a 16 hour period. The greater dispatch periods will reduce the number of export movements from 4.8 per hour;*
- *The assessment assumes that there will be no combined two way movements i.e. 'piggy backing'. This is where WSR vehicles importing waste for processing are then loaded for dispatch. This occurs on an estimated 10% of incoming loads and will reduce two way movements by the same percentage."*

It is considered that the proposal complies with WLP WM11.

The proposal complies with Policy WM12 on the basis of the information that has been submitted in relation to the above.

WLP Policy WM0 reflects the NPPF requirement to take a positive approach to approve planning applications that achieve sustainable development. The remainder of the Policies within the JWLP seek measures by which proposals can achieve this.

Given that the details provided by the applicant have satisfied the policy requirements of the WLP and the waste policy of Halton's UDP, it is considered that the proposal complies with WM0.

Other Matters Arising as a Result of Consultation

The Council received the following response from Newtwork Rail in relation to land in their ownership adjoining the site to the south:-

*"(1) A storage bay is proposed adjacent to the railway boundary. Network Rail is concerned that this will increase loading and increase the liability at the railway boundary.*
*Alterations in loading must be agreed with Network Rail within 15m of the railway boundary. Additionally the storage bay must not be placed hard against or in close proximity to the railway boundary and should be situated so that it will not impact the railway and its boundary as a permanent arrangement.*

*Until we have details of the storage bay and agree loading and location we are placing a holding objection to the proposal.*

*(2) The developer is to submit directly to Network Rail, a Risk Assessment and Method Statement (RAMS) for all works to be undertaken within 10m of the operational railway under Construction (Design and Management) Regulations, and this is in addition to any planning consent. Network Rail would need to be re-assured the works on site follow safe methods of working and have also taken into consideration any potential impact on Network Rail land and the existing operational railway infrastructure. Builder to ensure that no dust or debris is allowed to contaminate Network Rail land as the outside party would be liable for any clean-up costs. Review and agreement of the RAMS will be undertaken between Network Rail and the applicant/developer. The applicant /developer should submit the RAMs directly to: AssetProtectionLNWNorth@networkrail.co.uk*

*(3) The developer/applicant must ensure that their proposal, both during construction and as a permanent arrangement, does not affect the safety, operation or integrity of the existing operational railway / Network Rail land.*

*There must be no physical encroachment of the proposal onto Network Rail land, no over-sailing into Network Rail air-space and no encroachment of foundations onto Network Rail land and boundary treatments.*

*Any construction works on site and any future maintenance works must be conducted solely within the applicant's land ownership.*

*(4) Any scaffolding which is to be constructed within 10 metres of the Network Rail / railway boundary must be erected in such a manner that at no time will any*

*poles over-sail the railway and protective netting around such scaffolding must be installed. The applicant / applicant's contractor must consider if they can undertake the works and associated scaffolding / access for working at height within the footprint of their land ownership boundary. The applicant is reminded that when pole(s) are erected for construction or maintenance works, must have at least a 3m failsafe zone between the maximum height of the pole(s) and the railway boundary.*

(5) *If vibro-compaction machinery / piling machinery or piling and ground treatment works are to be undertaken as part of the development, details of the use of such machinery and a method statement must be submitted to the Network Rail Asset Protection Engineer for agreement.*

- *All works shall only be carried out in accordance with the method statement and the works will be reviewed by Network Rail. The Network Rail Asset Protection Engineer will need to review such works in order to determine the type of soil (e.g. sand, rock) that the works are being carried out upon and also to determine the level of vibration that will occur as a result of the piling.*
- *The impact upon the railway is dependent upon the distance from the railway boundary of the piling equipment, the type of soil the development is being constructed upon and the level of vibration. Each proposal is therefore different and thence the need for Network Rail to review the piling details / method statement.*
  *Maximum allowable levels of vibration - CFA piling is preferred as this tends to give rise to less vibration. Excessive vibration caused by piling can damage railway structures and cause movement to the railway track as a result of the consolidation of track ballast. The developer must demonstrate that the vibration does not exceed a peak particle velocity of 5mm/s at any structure or with respect to the rail track.*

(6) *The demolition works on site must be carried out so that they do not endanger the safe operation of the railway, or the stability of the adjoining Network Rail structures and land. The demolition of the existing building(s), due to its close proximity to the Network Rail boundary, must be carried out in accordance with an agreed method statement. Review of the method statement will be undertaken by the Network Rail Asset Protection Engineer before the development and any demolition works on site can commence. Network Rail would like to add that the applicant is strongly recommended to employ companies to demolish buildings / structures belonging to the National Federation of Demolition Contractors. This will ensure that all demolition works are carried out to professional standards and the company itself will also include liability insurance as part of its service and that demolition works on site do not impact the safety and performance of the railway.*

(7) *The applicant must ensure that the proposal drainage does not increase Network Rail's liability, or cause flooding pollution or soil slippage, vegetation*

*or boundary issues on railway land. Therefore, the proposal drainage on site will ensure that:*

- *All surface waters and foul waters drain away from the direction of the railway boundary.*
- *Any soakaways for the proposal must be placed at least 30m from the railway boundary.*
- *Any drainage proposals for less than 30m from the railway boundary must ensure that surface and foul waters are carried from site in closed sealed pipe systems.*
- *Suitable drainage or other works must be provided and maintained by the developer to prevent surface water flows or run-off onto Network Rail's property.*
- *Proper provision must be made to accept and continue drainage discharging from Network Rail's property.*
- *Drainage works must not impact upon culverts on developers land including culverts/brooks etc that drain under the railway.*
- *The developer must ensure that there is no surface or sub-surface flow of water towards the operational railway.*
- *Rainwater goods must not discharge in the direction of the railway or onto or over the railway boundary.*

*(8) As the proposal includes works which may impact the existing operational railway and in order to facilitate the above, a BAPA (Basic Asset Protection Agreement) will need to be agreed between the developer and Network Rail. The developer will be liable for all costs incurred by Network Rail in facilitating this proposal, including any railway site safety costs, possession costs, asset protection costs / presence, site visits, review and agreement of proposal documents and any buried services searches. The BAPA will be in addition to any planning consent.*

*The applicant / developer should liaise directly with Asset Protection to set up the BAPA (form attached). AssetProtectionLNWNorth@networkrail.co.uk"*

The issues raised are with regard to the protection of private land interests which the LPA has no duty to uphold through planning conditions. The information has been passed to the applicant and will be added to any subsequent decision notice as an informative.

Conclusions

The application seeks permission for proposed development at an existing waste site including demolition of existing buildings (partial enclosure, picking line and external storage bays) and the construction of a replacement enclosure area totalling 2,800sqm; 2,600sqm portal frame building with an air management system – filtering through Granulated Activated Carbon (GAC) and discharge of odours through a 20m stack; two external storage bays; weighbridge; substation; boundary to north of site; and water tanks. The new portal frame building has been specifically designed to

receive and treat malodorous commercial and municipal wastes streams, includes an air tight structure and an air management system which will create a negative air system and discharge to a stack.

Core Strategy Policy CS2, WLP Policy WM0 and NPPF paragraphs 11 and 38 set out the presumption in favour of sustainable development whereby applications that are consistent with national and up-to-date local policy should be approved without delay.

The Council's retained adviser has confirmed that the proposals are compliant with the Joint Waste Local Plan and Core Strategy policy CS24 and the applicant has provided information in relation to energy efficiency and transportation which are consistent with the sustainability objectives of CS19.

The proposals are considered appropriate to the character of the existing site and will result in significant environmental improvement when compared with the existing operations. Proposed improvements to boundaries to the north and south of the site will assist this further. The proposals are accord with site designation UDP Policies E2, E3 and BE3.

The Local Highway Authority, Lead Local Flood Authority, Environmental Health Officers and Environment Agency have confirmed that they raise no objections.

The proposal will result in considerable improvements to the existing waste site, emanating mainly from internalising the vast majority of the waste processing in new and modernised buildings and processes with additional environmental improvements resulting from improved boundary treatments, containment of malodorous wastes and better site operations. The applicant has demonstrated compliance with the Council's development plan and NPPF and members are requested to support the recommendation of approval.

RECOMMENDATION

That the application is approved subject to conditions relating to the following:

1. Standard 3 year timescale for commencement of development
2. Specifying approved and amended plans
3. Grampian style condition relating to off-site highway works to facilitate parking provision and curb re-alignment (TP12)
4. Condition requiring a construction phasing plan – with works to be enabled to be carried out in any order (BE1)
5. Condition requiring submission and agreement of a Construction Environmental Management Plan as outlined in the submitted ES (BE1 and MW1)
6. Materials condition(s), requiring submission and agreement of building external finishing materials (BE2)
7. Condition requiring landscaping scheme (BE1, BE3`and MW1).

8. Condition requiring boundary treatments for north and south of the site (BE22)
9. Condition requiring treatment of the ground level enclosure to stack; fan; and carbon absorber; to the south of building TFS4 as shown on drawing 183131/WTS/OI/004 A (BE2)
10. Condition requiring vehicle access, parking, servicing etc to be constructed prior to occupation of properties/ commencement of use. (BE1)
11. Condition requiring submission and agreement of cycle parking details (TP6)
12. Condition restricting waste throughput to 450,000 tonnes per annum (BE1 and MW1)
13. Condition restricting surface water run-off onto the adopted highway (TP17)
14. A condition requiring a site investigation scheme, remediation and verification plan (PR14)
15. No piling or other foundation design using penetrative methods unless demonstrated that there is no resultant unacceptable risk to groundwater (PR14)
16. Condition(s) restricting external storage locations, height, processing (BE1, PR16 and MW1)
17. Condition relating to/ requiring submission and agreement of a sustainable drainage scheme (BE1 and PR5)
18. Submission and agreement of Site Waste Management Plan (WM8)
19. Submission of a Bird Hazard Management Plan (MW1)
20. Submission and agreement of a lighting scheme (BE1)
21. Submission and agreement of site and finished floor levels (BE1)
22. There shall be no external storage other than that as approved on drawing 183131/WTS/PL/004 A
23. The materials stored in the external storage bays and area as shown on drawing 183131/WTS/PL/004 A shall be stacked no higher than 4m (BE1 and MW1)
24. No materials, waste or otherwise shall be burnt on site (BE1 and MW1)

SUSTAINABILITY STATEMENT

As required by:

- The National Planning Policy Framework;
- The Town and Country Planning (Development Management Procedure) (England) (Amendment No.2) Order 2012; and

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.