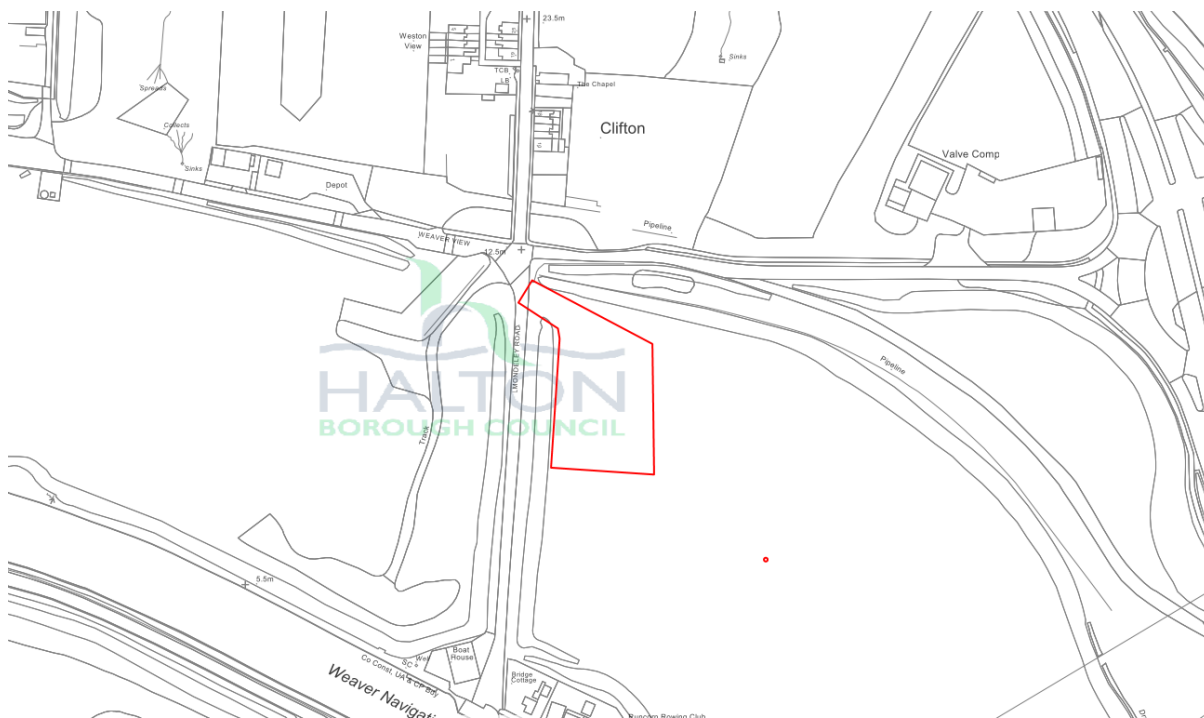


<b>APPLICATION NO:</b>	20/00064/FUL
<b>LOCATION:</b>	Land to the South East of Junction Between Weaver View and Cholmondeley Road, Runcorn.
<b>PROPOSAL:</b>	Proposed construction and operation of 20MW peaking power gas fired generating facility comprising 5 no. generators, site fencing, acoustic fencing, associated plant, car parking and related development.
<b>WARD:</b>	Heath
<b>PARISH:</b>	None
<b>APPLICANT:</b>	Mr B Foden – Riverside Estates Ltd.
<b>AGENT:</b>	Mr Harry Dodd – Nuko Planning.
<b>DEVELOPMENT PLAN:</b>  Halton Unitary Development Plan (2005)  Halton Core Strategy (2013)  Joint Merseyside and Halton Waste Local Plan (2013)	<b>ALLOCATIONS:</b>  Greenspace & Site of Importance for Nature Conservation – HALTON UNITARY DEVELOPMENT PLAN PROPOSALS MAP
<b>DEPARTURE</b>	Yes.
<b>REPRESENTATIONS:</b>	Representations from thirty contributors have been received from the publicity given to the application.
<b>KEY ISSUES:</b>	Development on a designated Greenspace, Impact on Nature Conservation, Ground Contamination and Land Instability, Access, Noise, Air Quality.
<b>RECOMMENDATION:</b>	Grant planning permission subject to conditions.
<b>SITE MAP</b>	



**THIS APPLICATION IS TO BE CONSIDERED BY THE DEVELOPMENT CONTROL COMMITTEE FOLLOWING A CALL IN REQUEST BY HEATH WARD MEMBERS.**

## **1. APPLICATION SITE**

### **1.1 The Site**

The site subject of the application is Land to the South East of Junction Between Weaver View and Cholmondeley Road, Runcorn. The application site is 0.32ha in area and is small part of wider site which is 9.7ha in area all of which is designated as Greenspace and a Site of Importance for Nature Conservation on the Halton Unitary Development Plan Proposals Map.

The site is in relative close proximity to both Weaver View and Cholmondeley Road with access being gained from Cholmondeley Road. The site was previously used as a sludge-settling lagoon.

The site is bound by Clifton Road to the north, the Clifton Roundabout to the north east, the M56 motorway to the east, Cholmondeley Road to the west, the Runcorn Rowing Club development to the south-west and the Weaver Navigation to the south. There are a number of residential properties in Clifton Village further north of the site on Cholmondeley Road. Further to the west along Weaver View is a large Primarily Employment Area located along the edge of Runcorn.

The site is located in relative close proximity to two Proposed Greenways as shown on the Halton Unitary Development Plan Proposals Map. One is adjacent to the Weaver Navigation to the south of the site linking with Clifton

Road and the other one runs along the north eastern boundary of the Site of Importance for Nature Conservation of which the application site is part of linking with Clifton Lane.

The Council submitted the Submission Delivery and Allocations Local Plan to the Planning Inspectorate (DALP) for independent examination on 5th March 2020. This will replace the existing Unitary Development Plan Proposals Map in due course. This proposes to designate the site as Greenspace, a Local Wildlife Site and Local Ecological Network. This is now a material planning consideration, however at this point carries very little weight in the determination of this planning application.

## 1.2 Planning History

The site has no planning history.

## **2. THE APPLICATION**

### 2.1 The Proposal

Proposed construction and operation of 20MW peaking power gas fired generating facility comprising 5 no. generators, site fencing, acoustic fencing, associated plant, car parking and related development.

### 2.2 Documentation

The application is accompanied by the associated plans in addition to a Planning Statement, Air Quality Assessment, Ecological Constraints Report, Ecological Assessment Report, Biodiversity Management Plan, Phase 1 Geo Environmental Desk Study, Noise Impact Assessment, BS5837: 2012 Tree Survey, Arboricultural Implications Assessment & Method Statement, Visual Survey and Qualitative Stability Assessment of Existing Bund.

## **3. POLICY CONTEXT**

Members are reminded that planning law requires for development proposals to be determined in accordance with the development plan, unless material considerations indicate otherwise.

### **THE DEVELOPMENT PLAN**

#### 3.1 Halton Unitary Development Plan (UDP) (2005)

The site is designated as Greenspace and a Site of Importance for Nature Conservation on the Halton Unitary Development Plan Proposals Map.

The site is located in relative close proximity to two Proposed Greenways as shown on the Halton Unitary Development Plan Proposals Map. One is adjacent to the Weaver Navigation to the south of the site linking with Clifton Road and the other one runs along the north eastern boundary of the Site of

Importance for Nature Conservation of which the application site is part of linking with Clifton Lane.

The following policies within the adopted Unitary Development Plan are considered to be of particular relevance;

- BE1 General Requirements for Development;
- BE2 Quality of Design;
- GE6 Protection of Designated Greenspace;
- GE19 Protection of Sites of Importance for Nature Conservation;
- GE21 Species Protection;
- GE27 Protection of Trees and Woodland;
- GE28 The Mersey Forest;
- PR1 Air Quality;
- PR2 Noise Nuisance;
- PR12 Development on Land Surrounding COMAH Sites;
- PR14 Contaminated Land;
- PR16 Development and Flood Risk;
- TP9 The Greenway Network;
- TP12 Car Parking.

### 3.2 Halton Core Strategy (2013)

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

- CS1 Halton's Spatial Strategy;
- CS2 Presumption in Favour of Sustainable Development;
- CS7 Infrastructure Provision;
- CS18 High Quality Design;
- CS19 Sustainable Development and Climate Change;
- CS20 Natural and Historic Environment;
- CS21 Green Infrastructure;
- CS23 Managing Pollution and Risk.

## **MATERIAL CONSIDERATIONS**

Below are material considerations relevant to the determination of this planning application.

### 3.3 Halton Borough Council – Planning for Risk Supplementary Planning Document

1.1 The purpose of this Supplementary Planning Document (SPD) is to:

- complement and expand upon policies set out in the approved Halton Unitary Development Plan (UDP) by providing additional and more detailed policies for:

1. deciding how new developments which create significant potential off site accidental risks should be balanced against the benefits they will bring;
  2. deciding how new developments, in areas already exposed to significant existing potential accidental risks, should be balanced against the benefits they will bring, and;
- explain in more detail how UDP policies should be interpreted.
- 1.2 The reduction in the potential for certain land uses (hazardous installations and Liverpool Airport) to create harm through accidents to people or the environment outside the boundary of these land uses is a sustainable objective of this SPD as is the improved potential to create a safe, healthy and prosperous economy, environment and society.

### 3.4 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.

#### Achieving Sustainable Development

Paragraph 7 of the NPPF states that *the purpose of the planning system is to contribute to the achievement of sustainable development. At a very high level, the objective of sustainable development can be summarised as meeting the needs of the present without compromising the ability of future generations to meet their own needs.*

Paragraph 8 states that *achieving sustainable development means that the planning system has three overarching objectives, which are interdependent and need to be pursued in mutually supportive ways (so that opportunities can be taken to secure net gains across each of the different objectives):*

*a) **an economic objective** – to help build a strong, responsive and competitive economy, by ensuring that sufficient land of the right types is available in the right places and at the right time to support growth, innovation and improved productivity; and by identifying and coordinating the provision of infrastructure;*

*b) **a social objective** – to support strong, vibrant and healthy communities, by ensuring that a sufficient number and range of homes can be provided to meet the needs of present and future generations; and by fostering a well-designed and safe built environment, with accessible services and open spaces that reflect current and future needs and support communities' health, social and cultural well-being; and*

*c) **an environmental objective** – to contribute to protecting and enhancing our natural, built and historic environment; including making effective use of land,*

*helping to improve biodiversity, using natural resources prudently, minimising waste and pollution, and mitigating and adapting to climate change, including moving to a low carbon economy.*

Paragraph 9 states that *these objectives should be delivered through the preparation and implementation of plans and the application of the policies in this Framework; they are not criteria against which every decision can or should be judged. Planning policies and decisions should play an active role in guiding development towards sustainable solutions, but in doing so should take local circumstances into account, to reflect the character, needs and opportunities of each area.*

Paragraph 10 states so that *sustainable development is pursued in a positive way, at the heart of the Framework is a presumption in favour of sustainable development.* As set out in paragraph 11 below:

#### The Presumption in Favour of Sustainable Development

Paragraph 11 states that *for decision-taking this means:*

*c) approving development proposals that accord with an up-to-date development plan without delay; or*

*d) where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless:*

*i. the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or*

*ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.*

#### Decision-making

Paragraph 38 states that *local planning authorities should approach decisions on proposed development in a positive and creative way. They should use the full range of planning tools available, including brownfield registers and permission in principle, and work proactively with applicants to secure developments that will improve the economic, social and environmental conditions of the area. Decision-makers at every level should seek to approve applications for sustainable development where possible.*

#### Determining Applications

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

#### Meeting the Challenge of Climate Change, Flooding and Coastal Change.

Paragraph 148 states that *the planning system should support the transition to a low carbon future in a changing climate, taking full account of flood risk and coastal change. It should help to: shape places in ways that contribute to radical reductions in greenhouse gas emissions, minimise vulnerability and improve resilience; encourage the reuse of existing resources, including the conversion of existing buildings; and support renewable and low carbon energy and associated infrastructure.*

Paragraph 154 states that *when determining planning applications for renewable and low carbon development, local planning authorities should:*

- a) not require applicants to demonstrate the overall need for renewable or low carbon energy, and recognise that even small-scale projects provide a valuable contribution to cutting greenhouse gas emissions; and*
- b) approve the application if its impacts are (or can be made) acceptable. Once suitable areas for renewable and low carbon energy have been identified in plans, local planning authorities should expect subsequent applications for commercial scale projects outside these areas to demonstrate that the proposed location meets the criteria used in identifying suitable areas.*

### 3.5 National Policy Statement on Energy – EN-1 (Overarching National Policy Statement for Energy)

This National Policy Statement (NPS) sets out national policy for the energy infrastructure defined in Section 1.3 below. It has effect, in combination with the relevant technology-specific NPS, on the decisions by the Infrastructure Planning Commission (IPC) on applications for energy developments that fall within the scope of the NPSs.

In England and Wales this NPS is likely to be a material consideration in decision making on applications that fall under the Town and Country Planning Act 1990 (as amended). Whether, and to what extent, this NPS is a material consideration will be judged on a case by case basis.

Paragraph 2.1.2 of EN-1 states that energy is vital to economic prosperity and social well-being and so it is important to ensure that the UK has secure and affordable energy.

Paragraph 2.2.1 of EN-1 states that we are committed to meeting our legally binding target to cut greenhouse gas emissions by at least 80% by 2050, compared to 1990 levels.

Paragraph 2.2.16 of EN-1 states that about a quarter of the UK's generating capacity is due to close by 2018 and new low carbon generation is required which is reliable, secure and affordable.

### 3.6 Other Considerations

The application has been considered having regard to Article 1 of the First Protocol of the Human Rights Act 1998, which sets out a persons rights to the

peaceful enjoyment of property and Article 8 of the Convention of the same Act which sets out his/her rights in respect for private and family life and for the home. Officers consider that the proposed development would not be contrary to the provisions of the above Articles in respect of the human rights of surrounding residents/occupiers.

#### **4. CONSULTATIONS SUMMARY – FULL RESPONSES CAN BE LOCATED AT APPENDIX 1.**

##### 4.1 Highways and Transportation Development Control

No objection to the proposed development subject to conditions.

##### 4.2 Contaminated Land Officer

No objection to the proposed development subject to a condition.

##### 4.3 Environmental Protection

No objection to the proposed development.

##### 4.4 Open Spaces – Trees

No formal tree constraints associated with this site, however the proposal would result in the loss of trees which form part of the Local Wildlife Site. All construction and protection should be in accordance with BS5837 2012.

Opinions have been provided in respect of Ecology and clarification on these is provided both at the relevant part of the assessment (paragraph 6.12) and in Appendix 1.

##### 4.5 Merseyside Environmental Advisory Service – Ecology and Waste Advisor

No objection to the proposed development subject to conditions.

##### 4.6 Natural England

No objection to the proposed development.

##### 4.7 Health and Safety Executive

Do Not Advise Against, consequently, HSE does not advise, on safety grounds, against the granting of planning permission in this case.

##### 4.8 Cadent Gas

They have advised on the constraints that exist in the vicinity of the application site.

##### 4.9 SABIC



No observations to make in this instance.

## **5. REPRESENTATIONS**

5.1 ORIGINAL CONSULTATION - The application was advertised by a press advert in the Widnes and Runcorn Weekly News on 05/03/2020, a site notice posted on Cholmondeley Road on 24/02/2020 and seventeen neighbour notification letters sent on 13/02/2020.

5.2 FURTHER CONSULTATION ON AMENDED SUBMISSION - The application was advertised by thirty-two neighbour notification letters sent on 07/08/2020.

5.3 Representations from thirty contributors have been received from the publicity given to the application. A summary of the issues raised is below:

- Contrary to the Development Plan;
- This is a Site of Nature Conservation;
- Inappropriate development in the Green Belt;
- There are Grade II listed assets within 100m of the site;
- Loss of trees;
- Loss of wildlife, flora and fauna;
- The site has orchids found nowhere else in Cheshire;
- Ecological considerations appear to be overriding human considerations;
- The potential increase in noise and pollution would potentially change the area and the routines of wildlife;
- The mitigation in the biodiversity plan does not take into account the air quality and noise findings;
- The Japanese Knotweed present on site is not a benefit and this along with Himalayan Balsam should be dealt with by the site owner;
- Plant would be as high as a five storey building and a further negative visual impact for existing residents;
- Clifton would be surrounded by industrial plants;
- It would not be in keeping with the immediate locality;
- The cumulative impact that the proposal would have when considered alongside other development in the locality;
- It would set a precedent for further development;
- Noise, smells, pollution, dust, vibration and visual impacts would result from the proposed development;
- A full report with air quality data should be conducted. Not just a desk study;
- Conditions should be applied ensuring emissions are not harmful and to ensure operating noise is within acceptable limits;

- Repairs to the M56 viaduct with quiet tarmac which will have a considerable impact on noise levels in the area. A new noise survey should be conducted;
- 14m high vent stacks would be a blot on the landscape;
- The size of the plant is not clear;
- The documents state both 8MW and 20MW. Which is correct?
- Construction noise/dust/road mess;
- A construction management plan would be useful to manage traffic and utilities issues;
- Effect on property prices;
- Ongoing operational traffic;
- Why can't this be built at Fiddlers Ferry which is closing?
- Why couldn't the proposed development be further down Cholmondeley Road?
- Enough is enough in Runcorn;
- Halton is high on the multiple deprivation index and doesn't need to be made worse;
- How are more power generating entities required?
- There is another let down power facility for National Grid only 400 yards to the south;
- This doesn't conform with the plans of the Government for renewable energy sources;
- Did Halton no sign an agreement with the Government to stop all further fossil fuel projects?
- The impact that the proposal would have on climate change due to emissions;
- This is not a landfill site, however it does contain unknown chemical waste from the 1960's;
- Travellers have got stuck on this site previously and have had to be treated in accordance with the HAZCHEM regulations;
- Potential contamination of canals and waterways;
- Will the previous disaster at Weston Village be repeated?
- Further consultation in Beechwood West should have been undertaken;
- A meeting with residents could have been held to discuss the proposal;
- Concerns over site safety due to the unmanned nature of the facility;
- The use of CCTV would be an intrusion of privacy;
- The proposal would compromise the continued survival of the Runcorn Rowing Club;
- Appeal decisions provided by the applicant are not relevant to this specific application.

5.4 It should be noted that Mike Amesbury MP has made the following representation:

*I would like to raise my objections to the plans for the following reasons;*

*1) Beechwood is a large residential area very close to this proposed development. I am informed that there has been no neighbour consultation to residents in areas such as Martindale, Embleton and Honister Groves as well as Wisenholme and Ambleside Closes, which seems like a missed opportunity to consult residents who are close enough to be impacted by the operation and emissions from the plant, if built.*

*2) It seems to me that this proposal is the wrong type of development in the wrong place.*

*3) There are already significant emissions in the area from the Rocksavage power station and the Energy from Waste plant as well as Inovyn operations. I am concerned about the additional air quality impact of this plant alongside significant road and rail infrastructure within close proximity of a large residential area in my constituency (Beechwood).*

5.5 Councillor Chris Loftus has also sought assurances that objections for Beechwood residents will be taken into consideration.

## **6. ASSESSMENT**

Key Policy Consideration leading to Principle of Development Assessment

### **6.1 Development on a Greenspace Designation**

The site is designated as Greenspace on the Halton Unitary Development Plan Proposals Map.

Protection is provided to designated Greenspaces within Policy GE6 of the Halton Unitary Development Plan and there is a presumption against development unless it is ancillary to the enjoyment of the Greenspace.

Policy GE6 does however set out some exceptions which may be made where the loss of the amenity value, which led to the designation of the site as greenspace is adequately compensated for. Policy GE6 sets out the following:

*Loss of amenity value may be compensated for where either of the following criteria can be satisfied:*

*a Development on part of the site would fund improvements that raise the overall amenity value of the greenspace, as measured against the criteria for designation of greenspace set out in the justification to this policy. In assessing whether a proposal would raise the overall amenity value of the site,*

*consideration will also be given to the extent to which accessibility to and through the site, including linkages with other greenspaces, would be improved.*

*b The developer provides a suitable replacement greenspace of at least equal size and amenity value, or significantly enhances the amenity value of nearby greenspace. In assessing whether a proposal would significantly improve the amenity value of a nearby greenspace, consideration will be given to the extent to which the quality and accessibility of the space would be enhanced.*

*c No proposal should result in a loss of amenity for local residents by forcing them to travel to a less convenient location.*

*d In all exceptional cases there would have to be clear and convincing reasons why development should be permitted or that loss of amenity value could be adequately compensated.*

## 6.2 National Planning Policy relevant to Development on a Designated Greenspace

Paragraph 97 of the National Planning Policy Framework (NPPF) states that:

*Existing open space, sports and recreational buildings and land, including playing fields, should not be built on unless:*

*a) an assessment has been undertaken which has clearly shown the open space, buildings or land to be surplus to requirements; or*

*b) the loss resulting from the proposed development would be replaced by equivalent or better provision in terms of quantity and quality in a suitable location; or*

*c) the development is for alternative sports and recreational provision, the benefits of which clearly outweigh the loss of the current or former use.*

The scope of Paragraph 97 is broad and whilst the terminology used differs from that in the Unitary Development Plan (Open Space rather than Greenspace), it is considered that the site's use fits within this definition and is therefore a material consideration in the determination of this application.

## 6.3 Protection of Sites of Importance for Nature Conservation

Policy GE19 of the Halton Unitary Development Plan relates to the Protection of Sites of Importance for Nature Conservation and is worded as follows:

*1 Development and land use change will not be permitted if it is likely to have a significant effect on a Site of Importance for Nature Conservation, as defined on the Proposals Map, unless it can be clearly demonstrated that there are reasons for the proposal that outweigh the need to safeguard the substantive nature conservation of the site.*

*2 In all cases where development or land use change is permitted which would damage the nature conservation of the site or feature, such damage will be kept to a minimum. Where appropriate, the authority will consider the use of conditions or planning obligations to provide compensatory measures.*

*3 New sites identified during the Plan period will receive the same protection as those identified on the Proposals Map.*

#### 6.4 National Policy relevant to Habitats and Biodiversity

Paragraph 175 of the National Planning Policy Framework (NPPF) states that:

*When determining planning applications, local planning authorities should apply the following principles:*

- a) if significant harm to biodiversity resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts), adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused;*
- b) development on land within or outside a Site of Special Scientific Interest, and which is likely to have an adverse effect on it (either individually or in combination with other developments), should not normally be permitted. The only exception is where the benefits of the development in the location proposed clearly outweigh both its likely impact on the features of the site that make it of special scientific interest, and any broader impacts on the national network of Sites of Special Scientific Interest;*
- c) development resulting in the loss or deterioration of irreplaceable habitats (such as ancient woodland and ancient or veteran trees) should be refused, unless there are wholly exceptional reasons<sup>58</sup> and a suitable compensation strategy exists; and*
- d) development whose primary objective is to conserve or enhance biodiversity should be supported; while opportunities to incorporate biodiversity improvements in and around developments should be encouraged, especially where this can secure measurable net gains for biodiversity.*

#### 6.5 Principle of Development

The relevant policy on which the principle of development needs to be assessed is set out in paragraphs 6.1 to 6.4 above. Paragraph 47 of NPPF states that applications for planning permission be determined in accordance with the development plan, unless material considerations indicate otherwise. It is considered that the development plan policies referenced are in general conformity with the NPPF and full weight should be given to these.

POLICY GE6 of HALTON UNITARY DEVELOPMENT PLAN

Firstly considering Policy GE6 of the UDP, the proposal would result in approximately 0.32ha of the 9.7ha site which is designated Greenspace being developed for a 20MW peaking power gas fired generating facility.

The justification for Policy GE6 sets out a criteria on which the amenity value of a greenspace is measured.

The table below will consider the impact that the proposed development would have on the amenity value of this designated greenspace.

<b>AMENITY VALUE OF GREENSPACE</b>	<b>IMPACT OF THE PROPOSED DEVELOPMENT</b>
An important link in the greenspace systems.	This designated greenspace is located adjacent to other designated greenspaces and whilst only a small proportion of the site would be developed, it would have some impact in this regard.
An important link in the strategic network of greenways.	The site does not form part of any existing, proposed or potential greenways and is not part of the strategic network of greenways in Runcorn. The site is however adjacent to two proposed greenways. The proposed development would not impact on their potential future implementation.
Value for organised sport and recreation.	The site has no value for organised sport and recreation.
Value for informal or unorganised recreation.	This site is in private ownership and is not available for informal or unorganised recreation.
Value for children's play, either as an equipped playing space or more casual or informal playing space.	This site is in private ownership and is not available for children's play.
Value as an allotment.	This site is not used as an allotment. The proposed development would therefore not compromise the site's value as an allotment.
Wildlife and landscape interest.	The site is a designated Site of Importance for Nature Conservation designated for its grassland and woodland habitats (more recently described as a Local Wildlife Site). The site's designation makes clear the value of the site in this regard. The proposed development would inevitably have an impact on the site,

	<p>however the Council's Ecological Advisor is satisfied that that this can be appropriately mitigated on the wider Local Wildlife site in the applicant's control in the form of a long-term habitat management plan. This would ensure that the site's amenity value in respect of wildlife and landscape interest would not be compromised.</p>
<p>Value for an existing or potential role as part of the Mersey Forest.</p>	<p>The map accompanying Policy GE28 'The Mersey Forest' of the Halton Unitary Development Plan states that the site is in an area which should have woodland cover of 20-30%. The wider Local Wildlife Site already comprises of areas of woodland along its northern and eastern boundaries and the long term habitat management plan would ensure the appropriate management of these areas. The proposed development would result in the loss of a group of Category C trees, however they could be adequately compensated for through appropriate woodland management / additional tree planting within the Local Wildlife Site. This would ensure compliance with Policy GE28 and that the site's value as part of the Mersey Forest would not be compromised by the proposed development.</p>
<p>Value for environmental education</p>	<p>This site is currently in private ownership and is not available for environmental education. The proposed development would therefore not compromise the site's value for environmental education.</p>
<p>Visual amenity value (such as providing a visual break or visual variety in an otherwise built up area)</p>	<p>The wider Local Wildlife Site has a positive visual amenity value in Clifton by virtue of its woodland boundaries which conceal views of the centre of the site somewhat. The proposed development would be located inside of the woodland boundary, however it is noted that the 14m stacks would be visible from outside of the site which would have</p>

	some impact on the site's overall visual amenity value.
Its structural value, such as defining local communities or providing a buffer between incompatible uses (such as noise attenuation zones)	The site is not considered to be buffer between incompatible uses.
The enhancement of the attractiveness of the area.	The wider Local Wildlife Site has a positive visual amenity value in Clifton, however due the positioning of the proposed development, it is not considered that the attractiveness of the area would be unduly compromised.
A contribution to the health and sense of well-being of the community.	The site is a greenspace not accessible by members of the public, however its visual amenity value particularly for people residing in the locality is noted. It is not considered that the appearance of the area would unduly compromise the health and sense of well-being of the community.

The above table demonstrates the amenity values that result from the designated Greenspace and how the proposed development would impact on these. It is evident that some loss of amenity value would result if the proposed development were to be permitted on this site.

Where a loss in amenity value would result, there are exceptions set out in Policy GE6 which indicate where a loss in amenity value may be adequately compensated for.

The applicant acknowledges that the proposal would result in the loss of amenity value as is highlighted in the assessment above with the key value being its wildlife and landscape interest. The applicant has presented an Outline Biodiversity Management Plan which sets out draft ecological mitigation and enhancement measures in relation to the proposed development. The applicant is of the view that their proposal meets exception a) of Policy GE6 as set out at paragraph 6.1.

#### PARAGRAPH 97 OF THE NATIONAL PLANNING POLICY FRAMEWORK

The site's use fits within the definition of paragraph 97 of NPPF and is therefore a material consideration in the determination of this application. As set out above, the applicant has presented an Outline Biodiversity Management Plan which sets out draft ecological mitigation and enhancement measures in relation to the proposed development to ensure that the overall quality of the open space is enhanced to compensate for development on part of the site to meet exception b) within paragraph 97 of NPPF.



## POLICY GE19 OF THE HALTON UNITARY DEVELOPMENT PLAN

The policy indicates that development and land use change will not be permitted if it is likely to have a significant effect on a Site of Importance for Nature Conservation. The wider site designated as a Site of Importance for Nature Conservation (now termed a Local Wildlife Site) is 9.7ha in area and the application site is small part of it at 0.32ha. The development would inevitably have an impact on the Local Wildlife Site, however the applicant considers that the Outline Biodiversity Management Plan which sets out draft ecological mitigation and enhancement measures would provide appropriate compensatory measures to ensure compliance with this policy.

## PARAGRAPH 175 OF THE NATIONAL PLANNING POLICY FRAMEWORK

The proposal demonstrates that harm to biodiversity resulting from a development can be compensated for through the Outline Biodiversity Management Plan which accompanies the application. The application needs to be considered based on the suitability of this site for the proposed development. As the harm to biodiversity can be compensated for in this instance, it is not considered that the proposal is contrary to the provisions of paragraph 175 of the NPPF.

## PRINCIPLE OF DEVELOPMENT CONCLUSION

The proposed development would result in the loss of designated greenspace with the amenity values highlighted as well as the loss of a small part of a Local Wildlife Site.

The applicant has presented an Outline Biodiversity Management Plan which sets out draft ecological mitigation and enhancement measures in relation to the proposed development. The Council's Ecological Advisor is satisfied that the Outline Biodiversity Management Plan adequately outlines the principles of appropriate mitigation to ensure the Priority Habitats are not harmed by the proposals.

It is considered that the qualitative improvements proposed to the Local Wildlife Site in the form of the Outline Biodiversity Management Plan would ensure that the proposal meets the policy requirements of Policies GE6 and GE19 of the Halton Unitary Development Plan and Paragraphs 97 and 175 of the National Planning Policy Framework.

The necessary mitigation and enhancement would be need to be secured by condition. The proposed development is therefore considered to be acceptable in principle having regard for site designations.

### 6.6 Proposed Greenways

The site is located in relative close proximity to two Proposed Greenways as shown on the Halton Unitary Development Plan Proposals Map. One is adjacent to the Weaver Navigation to the south of the site linking with Clifton

Road and the other one runs along the north eastern boundary of the Site of Importance for Nature Conservation of which the application site is part of linking with Clifton Lane.

It is not considered that the proposed development would prejudice the future implementation of the Proposed Greenways shown on the Halton Unitary Development Plan Proposals Map which fall outside the application site. The proposal is therefore considered to be compliant with Policy TP9 of the Halton Unitary Development Plan.

## 6.7 Energy Considerations

The application proposes the construction and operation of 20MW peaking power gas fired generating facility

The National Policy Statement on Energy – EN-1 at paragraph 2.1.2 is clear that energy is vital to economic prosperity and social well-being and so it is important to ensure that the UK has secure and affordable energy. At Paragraph 2.2.16 of EN-1, it states that about a quarter of the UK's generating capacity is due to close by 2018 and new low carbon generation is required which is reliable, secure and affordable.

The purpose of the power plant is to meet electricity demand at peak times, as large coal fired plants close and before the infrastructure is in place to store all energy generated from renewables. It is therefore supportive of renewable generation and will be supplementary to this. Support for such proposals is contained in policy CS19 'Sustainable Development and Climate Change' of the Halton Core Strategy Local Plan subject to unacceptable harm to the environment not resulting from the proposal.

It is noted that peaking power generation forms an important part of the balancing services procured by the National Grid in order for it to balance demand and supply, and to ensure security and quantity of electricity supplies.

It is also noted that the proposal would rely on a non-renewable energy source to provide energy to the National Grid, however peaking power generation capacity does form part of the renewable energy infrastructure in order to cover intermittency of generation. The appeal decisions provided by the applicant emphasise this point and the Inspectors conclude that this type of plant could reasonably be described as low carbon energy 'associated infrastructure'.

NPPF is clear at Paragraph 148 that the planning system should support the transition to a low carbon future in a changing climate and at Paragraph 154 should not require applicants to demonstrate the overall need for renewable or low carbon energy, and recognise that even small-scale projects provide a valuable contribution to cutting greenhouse gas emissions. NPPF is clear that the application should be approved if its impacts are (or can be made) acceptable.

The representations raise a number of questions with regard to energy matters. With regard to the requirement for more power generating entities, there is a clear requirement for these as set out in the National Policy Statement on Energy and that applicants should not have to demonstrate need for such facilities as set out in NPPF. In respect of the question regarding Halton signing an agreement with the Government to stop all further fossil fuel projects, the Council as Local Planning Authority needs to determine the application in accordance with the Development Plan and also in accordance with other material considerations which are set out in this report. The refusal of this application based on the fact that it is a non-renewable energy source cannot be sustained.

The impacts of the proposal will be considered in detail throughout the report, however the in principle support for such plants is noted above.

### 6.8 Highways, Transportation and Accessibility

The Highway Officer notes that the application proposes the provision of 3 formally laid out car parking spaces within the site. It is considered that this will likely be sufficient for the use of service engineers however it is reasonable to assume that intermittently there will be need for replacement of parts equipment which will require the use of heavier machinery to the site. The Highway Officer is satisfied that such space is available within the site a condition securing the submission of servicing layout demonstrating how larger service vehicles can enter and exit the site in forward gear in the interests of highway safety.

The Highway Officer has also stated that a detailed scheme for the construction of the site access which would constitute off-site highway works (entering into a Section 278 agreement with the Highway Authority) should be secured by condition. The maintenance of a safe visibility splay at the site access should also be secured by condition.

The Highway Officer has requested that a construction management plan condition be attached. This is something which would be more appropriately dealt with by way of an informative relating to the Considerate Contractors Scheme.

Based on all the above, the proposed development is considered to be acceptable from a highways perspective in compliance with Policies BE1, and TP12 of the Halton Unitary Development Plan.

### 6.9 Flood Risk and Drainage

As the site is less than 1ha in area, located in Flood Zone 1 and not in a critical drainage area, the site is not affected by flooding from either surface water or from rivers according to the Environment Agency's flood mapping and a Flood Risk Assessment is not required in this instance.

It is considered that a detailed drainage strategy which should be secured by condition.

Based on the above, the proposal is considered to be acceptable from a flood risk and drainage perspective in compliance with Policy PR16 of the Halton Unitary Development Plan and Policy CS23 of the Halton Core Strategy Local Plan.

#### 6.10 Noise

The application is accompanied by a Noise Impact Assessment. This has been conducted at the nearest noise sensitive property to the proposed development. The results of the survey have been used to assess the background sound at the nearest receptors and specify appropriate noise limits for the new plant and equipment.

The assessment results indicate that the rating level is -7dB below the background and therefore in accordance with BS4142 is below the level considered to be an adverse impact on the nearest human receptors.

The Environmental Health Officer has considered the Noise Impact Assessment and notes the nearest existing houses are 130m from the proposed site and that the assessment is in line with BS4142:2014.

The Environmental Health Officer has advised that the result of the BS4142 assessment indicates that noise from the plant will be 7dB below the existing background levels at night and this represent a worst case scenario as the difference will be even greater during daytime hours. 7dB below background indicates that the plant should generally be inaudible at the residential properties.

A representation has been received stating the re-surfacing of the M56 in the past 6 months will have reduced the existing background levels. TRL (Transport Research Laboratory) data indicates that the reduction in noise from a resurfaced road, is 1-6dB dependent on weather conditions and wind direction.

Dependent therefore on the wind direction the noise would still be inaudible at residential properties for a significant amount of time and where it may be audible it will still be at 1db below background which would not be a figure on which we could justify an objection or request additional noise attenuation through conditions. For an objection to be upheld, the noise levels would have to be a minimum of 5db above existing levels and possibly closer to 10 dependent on the circumstances.

Based on the above, the proposal is considered acceptable from a noise perspective in compliance with Policies BE1 and PR2 of the Halton Unitary Development Plan and Policy CS23 of the Halton Core Strategy Local Plan.

#### 6.11 Air Quality

The application is accompanied by an Air Quality Assessment which considers the combustion emissions from the plant which have the potential to cause air quality impacts during normal operation. The results of the assessment indicated that the operation of the facility is not predicted to result in exceedances of the relevant air quality standards at any location of human exposure within the vicinity of the installation. Impacts were classified as not significant at all human and ecological receptor locations in accordance with the relevant guidelines.

The Environmental Health Officer notes that the proposed site will require an environmental permit from the Environment Agency to operate, which will control emissions to within certain parameters.

The Environmental Health Officer has stated that the applicant has provided an air quality report that assesses the impact of nitrogen dioxide in relation to the nearest residential area which is 130m from the site. The report compares current levels and predicted levels with the national air quality objectives. The rationale is based on the plant operating for 1500 hours of the year (approximately one sixth of the year). The report uses ADMS-5 to predict the level and distribution of the nitrogen dioxide utilising weather data, and taking into account the topography and ground type in addition to various other parameters. The methodology is consistent with good practice and indicates that there is likely to be a negligible impact on local air quality on the basis of limited operating hours. The general background levels are currently less than 50% of the national objective levels and proposed plant will not increase the levels beyond 50%. On this basis, the Environmental Health Officer does not object to the application in respect of air quality.

Based on the above, the proposal is considered acceptable from an air quality perspective in compliance with Policy PR1 of the Halton Unitary Development Plan and Policy CS23 of the Halton Core Strategy Local Plan.

## 6.12 Ground Contamination

The application is accompanied by a Phase 1 Geo Environmental Desk Study and a Visual Survey and Qualitative Stability Assessment of Existing Bund.

These have been reviewed by the Contaminated Land Officer. There have been discussions with the applicant regarding ground conditions at the proposed site, specifically in relation to the ground stability given the site's previous use as a sludge-settling lagoon. The main point of concern is the stability of the main body of the waste upon which the development is to be sited as there is evidence of very soft or thixotropic material.

The applicant acknowledges that specific site investigation will be necessary to determine the exact ground conditions (for both geo-technical and contamination purposes), but has proposed to undertake such works if planning permission is granted as part of a package of pre-commencement works, to be controlled by condition on the permission. The applicant has also provided reassurances that there are solutions to the potential ground stability that are both technically and financially viable for this project.

Considering the above points and the low sensitivity to contamination of the development, the Contaminated Land Officer has concluded that the site investigation, risk assessment and, where necessary, a remedial strategy with follow up verification reporting for both land contamination and ground stability risks can be dealt with by condition.

The above suggested condition would ensure that the issue raised in representations regarding ground stability in that people have got stuck on the site previously.

The attachment of the suggested condition above will ensure compliance with Policy PR14 of the Halton Unitary Development Plan and Policy CS23 of the Halton Core Strategy Local Plan.

#### 6.13 Ecology

The application is accompanied by an Ecological Constraints Report, Ecological Assessment Report, Biodiversity Management Plan

Firstly considering Protected European Sites, the Council's Ecological Advisor has stated that there is no pathway that could result in likely significant effects on the European sites for the reasons set out in their consultation response in Appendix 1 and the proposals do not warrant a detailed Habitats Regulations Assessment in this instance. It should also be noted that Natural England consider that the proposed development will not have likely significant effects on statutorily protected sites and has no objection to the proposed development.

Secondly considering Protected National Sites as set out in the Ecological Advisor's observations in Appendix 1, except for the Mersey Estuary SSSI (designated for wintering and migrant birds) the SSSI's within 5km of the site are designated for woodland habitats. Due to the simple nature and small size of the proposals and that minimal trees works are required it is considered highly unlikely that construction work and land take would harm the features for which the SSSI sites are designated.

Operation of the site has the potential to negatively impact on air quality. However, the submitted air quality assessment report concludes that air quality impacts at the ecological receptors (designated sites) are predicted to be not significant in accordance with the IAQM guidance. The Council's Ecological Advisor accepts this and it is concluded that the proposals will not harm the designated sites surrounding the development site.

Thirdly considering the 12 local non-statutory designated sites all designated either for wetland or woodland habitat, the Council's Ecological Advisor considered it highly unlikely the proposed development will harm the features for which the Local Wildlife Sites are designated.

The site itself is a Local Wildlife Site designated for its grassland and woodland habitats. The following protected habitats are present within the site:

- Lowland Calcareous Grassland;
- Lowland mixed deciduous woodland;
- Open mosaic on previously developed land;
- Ancient Semi-natural woodland;
- Unimproved Cheshire Grassland; and
- Lime Beds.

The proposed development would affect these Priority Habitats (Natural Environment and Rural Communities (NERC) Act 2006). The Council's Ecological Advisor has stated that detailed mitigation measures can be secured in the form of a long-term habitat management plan to include, but not be limited to, the following:

- Grassland management;
- Management of open mosaic habitat/scrub control;
- Woodland management;
- Invasive species management;
- Management of bare ground;
- The installation of suitable bird boxes; and
- The creation of basking and invertebrate banks, wood/log piles (hibernacula).

During the processing of the application, the applicant has submitted an Outline Biodiversity Management Plan which adequately outlines the principles of appropriate mitigation to ensure the Priority Habitats are not harmed by the proposals. The Council's Ecological Advisor considers the principles of mitigation to be acceptable and implementation should be secured by condition.

Fourthly considering Protected Species, the Ecological Assessment Report states that no evidence of bats or Great crested newt was recorded within the site. Our Ecological Advisor has stated that the Council does not need to consider the proposals against the three tests (Habitats Regulations).

Conditions securing protection for breeding birds and the implementation of Reasonable Avoidance Measures (RAMs) for common lizard and terrestrial mammals during the construction phase are suggested.

Fifthly considering Invasive Species, it is noted that Japanese Knotweed is present within the site boundary. A method statement securing the information outlined in the Council's Ecological Advisor's observation in Appendix 1 should be secured by condition along with a condition which secures the submission of a validation report.

One of the representations states that Himalayan Balsam should be dealt with by the site owner. This is not one of the botanical species that has been identified on the application site.

Members will note that the Open Spaces Officer has expressed some opinions with regard to Ecology in their consultation response. Clarification has been sought on the observations made and it was advised that the Local Planning Authority employ an ecological consultant to review the proposal and that the observations made in respect of Ecology are only opinions. The Open Space Services observations were made in advance of the proposal being reviewed by the Council's Ecological Advisor – Merseyside Environmental Advisory Service. The observations made by Merseyside Environmental Advisory Service are noted and it is understood that the Local Planning Authority should follow the observations made by their own qualified professional advisor in relation to Ecology.

The proposal from an Ecology perspective is compliant with Policies GE21 of the Halton Unitary Development Plan and Policy CS20 of the Halton Core Strategy Local Plan.

#### 6.14 Trees

The application is accompanied by an BS5837: 2012 Tree Survey, Arboricultural Implications Assessment & Method Statement.

There are no Tree Preservation Orders in force at this site and the area does not fall within a designated Conservation Area.



The submission shows that tree groups 4, 5 and 9 are affected by the proposal. Groups 4 and 5 would be subject to pruning and group 9 would be removed. These trees are afforded a tree retention category as C, which in terms of a BS5837 2012 survey would not see them as being a constraint to development. The Open Spaces Officer has stated that the retention category does not appear to take into account that the trees are situated within a designated Local Wildlife Site, however the Outline Biodiversity Management Plan is considered to ensure appropriate mitigation for Priority Habitats as concluded by the Council's Ecological Advisor. On this basis the trees works are not considered to be a constraint to development and the applicant's submission indicates that mitigation planting is recommended as part of a landscape scheme and can suitably replace and enhance the initial loss of canopy cover. This would also ensure that the site's contribution to the Mersey Forest is acceptable. Conditions relating to mitigation planting and tree protection in accordance with British Standard are suggested.

Based on the above, the proposal is considered acceptable from a tree perspective in compliance with Policies BE1, GE27 and GE28 of the Halton Unitary Development Plan and Policy CS21 of the Halton Core Strategy Local Plan.

#### 6.15 External Appearance

As noted previously within the report, the wider Local Wildlife Site already comprises of areas of woodland along its northern and eastern boundaries and a bund which has been constructed along the western boundary. This restricts views of the site from outside its boundaries.

The main structure of the plant would be a maximum of 8.02m in height with 5no. flues at a height of 14m and would be functional in appearance. Given the size of the plant proposed in particular the flues, the development would be visible from outside of the site.

In respect of the appearance of the locality and other features within the landscape, the site is located in relative close proximity to a swathe of plant and machinery associated with the chemical industry which forms the western edge of Runcorn. Other landscape features in relative close proximity to the site include electricity pylons, wind turbines and the M56 Weaver Viaduct.

The site's position in relation to the residential properties at Clifton Village is noted, however based on the appearance of the wider locality and the screening which exists around the site, it is not considered that the proposal would be seriously detrimental to the appearance of the locality. It is suggested

that the submission of existing and proposed site levels are secured by condition.

It is noted that the site would need to be enclosed in an appropriate manner and that details should be secured by condition.

The applicant makes reference to the requirement for CCTV. A detailed scheme is not provided and should be secured by condition to ensure satisfactory appearance.

This would ensure compliance with Policies BE 1 & BE 2 of the Halton Unitary Development Plan and Policy CS18 of the Halton Core Strategy Local Plan.

#### 6.16 Risk

Policy PR12 of the Halton Unitary Development Plan is relevant to the determination of the application. It states that development on land within consultation zones around notified COMAH sites will be permitted provided that all of the following criteria can be satisfied:

- a) The likely accidental risk level from the COMAH site is not considered to be significant.
- b) Proposals are made by the developer that will mitigate the likely effects of a potential major accident so that they are not considered significant.

The justification for the above policy indicates that the accidental risk level from the COMAH site is not considered to be significant where an individual accidental risk level does not exceed 10 chances per million in a year.

Appendix D of the Planning for Risk Supplementary Planning Document includes maps which identify this risk and this site is outside of the area affected by an individual accidental risk of in excess of 10 chances per million in a year.

On this basis, the likely individual accidental risk would not be considered significant.

The Health and Safety Executive (HSE) is a statutory consultee for certain developments within the Consultation Distance of major Hazard sites / pipelines. Their assessment indicates that the risk (societal risk) to harm to people at the proposed development site is such that HSE does not advise, on safety grounds, against the granting of planning permission in this case.

In terms of risk, for the reasons outlined above, it is considered that the proposal is in compliance with the Council's adopted policies in Policy PR12 of the Halton Unitary Development Plan, Policy CS23 of the Halton Core Strategy Local Plan and also the Council's Planning for Risk Supplementary Planning Document.

## 6.17 Waste Management

Policies WM8 and WM9 of the Joint Merseyside and Halton Waste Local Plan are applicable to this application along with policy CS24 of the Halton Core Strategy Local Plan. In terms of waste prevention, construction management by the applicant will deal with issues of this nature and based on the development cost, the developer would be required to produce a Site Waste Management Plan.

In terms of on-going waste management, there is sufficient space on site to deal with this.

The proposal is considered to be compliant with policies WM8 and WM9 of the Joint Merseyside and Halton Waste Local Plan and policy CS24 of the Halton Core Strategy Local Plan.

## 6.18 Issues raised in the representations not addressed above

The application site is not located in the Green Belt as designated by the Halton Unitary Development Plan. The proposal does not therefore constitute inappropriate development in the Green Belt.

The representation that there are Grade II listed assets within 100m of the site is incorrect and they are in fact over 250m away from the application site. It is not considered that the proposed development would compromise the character and setting of the listed building.

It is not considered that the granting of this planning application would set a precedent for further development. Each application would need to be considered on its merits.

In relation to the representation regarding the size of the plant not being clear, the plans are scaled and the elevations dimension both the height of the main structure plus the height to the top of the flues.

The representations questions whether the peaking power gas fired generating facility is 8MW or 20MW. As per the description of the development, the proposal is for a 20MW facility.

As with most forms of development, it is inevitable that there will be some form of disruption. The Highway Officer has requested that a construction management plan condition be attached. This is something which would be more appropriately dealt with by way of an informative relating to the Considerate Contractors Scheme. The appropriate site construction management would ensure that implementation of the development is not

significantly detrimental to the amenity of the locality. In this regard, a restriction on the hours of construction is considered appropriate.

The potential effect on property prices is not a reason on which a refusal could be sustained. The planning system does not exist to protect the private rights of one individual against another.

In relation to the location of the proposed development, questions have been posed as to why the development cannot be located elsewhere. This application has to be considered on its merits and the suitability of this site for the proposed use.

Halton's position on the multiple deprivation index is not a reason on which a refusal could be sustained. The suitability of the use proposed and the impact on amenity is considered in detail throughout this report.

In respect of the issues raised regarding potential contamination of canals and waterways and a repeat of the previous disaster at Weston Village, as considered in the ground contamination assessment, the undertaking of a site investigation, risk assessment and, where necessary, a remedial strategy with follow up verification reporting for both land contamination and ground stability risks can be dealt with by condition and should ensure that the site is dealt with in an appropriate manner.

Representations have been made that further neighbour consultation in Beechwood West should have been undertaken. Publicity in excess of the statutory requirements has been undertaken on this planning application. All representations received have been summarised and addressed within the report.

Representations state that a meeting with residents could have been held to discuss the proposal. The applicant has not entered in pre-application discussions with the Council nor have they undertaken any public consultation on the proposal ahead of the submission of the application. Whilst these are encouraged, they are not mandatory.

Concerns have been raised over site safety due to the unmanned nature of the facility. This is a management issue for the applicant along with the implementation of appropriate site security. Concerns have also been raised that the use of CCTV would be an intrusion of privacy. If CCTV were to capture images beyond the site boundary, the use of the system is subject to the data protection laws.

Concerns have been raised that the proposal would compromise the continued survival of the Runcorn Rowing Club. This issue has not been raised by the Runcorn Rowing Club themselves and it is not considered that their operation would be unduly compromised by the proposed development.

An issue has been raised that the appeal decisions provided by the applicant are not relevant to this specific application. It is acknowledged that they may relate to different sites with different locational characteristics, however the purpose of providing these is set out in the applicant's planning statement in terms of the categorisation of the proposal as low carbon energy.

#### 6.19 Planning Balance

Based on the above assessment, it is considered that the proposed scheme would not have an adverse impact that would outweigh its benefits through the creation of low carbon energy to allow National Grid to balance demand and supply, and to ensure security and quantity of electricity supplies whilst ensuring that the impacts on the designated Greenspace and Local Wildlife Site are appropriately mitigated as well as the proposal being sympathetic to surrounding land uses.

When assessed against the policies in the NPPF taken as a whole, taking into account the details of the scheme and any material planning considerations, the proposal is thus sustainable development for which the NPPF and Policy CS2 of the Halton Core Strategy Local Plan carries a presumption in favour. As such, the proposal is considered to accord with national guidance in the NPPF and the Development Plan subject to appropriate planning conditions.

### 7. CONCLUSIONS

The proposed development would result in the loss of designated greenspace with the amenity values highlighted as well as the loss of a small part of a Local Wildlife Site, however the Outline Biodiversity Management Plan adequately outlines the principles of appropriate mitigation to ensure the Priority Habitats are not harmed by the proposals. These qualitative improvements secured by condition would ensure that the proposal mitigates for both the loss of designated Greenspace and the loss of a small part of a Local Wildlife Site.

The purpose of the power plant is to meet electricity demand at peak times, as large coal fired plants close and before the infrastructure is in place to store all energy generated from renewables. It is therefore supportive of renewable generation and will be supplementary to this. This type of plant could reasonably be described as low carbon energy 'associated infrastructure for which is supported by national planning policy.

An appropriate site access would be provided along with space within the site for parking and servicing.

The noise assessment accompanying the application indicate that the proposal would have a rating level of 7dB below the background noise level and would not result in an adverse impact.

A representation has been received stating the re-surfacing of the M56 in the past 6 months will have reduced the existing background levels. TRL (Transport

Research Laboratory) data indicates that the reduction in noise from a resurfaced road, is 1-6dB dependent on weather conditions and wind direction.

Dependent therefore on the wind direction, the noise would still be inaudible at residential properties for a significant amount of time and where it may be audible it will still be at 1db below background which would not be a figure on which would justify an objection on noise grounds or allow additional noise attenuation to be requested by condition.

The air quality assessment accompanying the application indicates there is likely to be a negligible impact on local air quality on the basis of limited operating hours. The general background levels are currently less than 50% of the national objective levels and proposed plant would not increase the levels beyond 50%.

Given the low sensitivity to contamination of the proposed development, the Contaminated Land Officer concludes that a site investigation, risk assessment and, where necessary, a remedial strategy with follow up verification reporting for both land contamination and ground stability risks can be dealt with by condition.

The proposed development would not have likely significant effects on statutorily protected European or National sites. In terms of impact on the Local Wildlife Site, the Outline Biodiversity Management Plan adequately outlines the principles of appropriate mitigation to ensure the Priority Habitats are not harmed by the proposals. In relation to protected species, the Ecological Assessment Report supporting the application states that no evidence of Bats or Great Crested Newt was recorded within the site.

The proposed trees works are not considered to be a constraint to development and the applicant's submission of the Outline Biodiversity Management Plan along with a condition securing mitigation planting can suitably replace and enhance the initial loss of canopy cover.

Based on the appearance of the wider locality and the screening which exists around the site coupled with existing landscape features, it is not considered that the proposal would be seriously detrimental to the appearance of the locality which would warrant the refusal of the application.

The proposal would therefore allow for the creation of low carbon energy whilst ensuring that the impacts on the designated Greenspace and Local Wildlife Site are appropriately mitigated as well as the proposal being sympathetic to surrounding land uses. The proposal is therefore considered to be acceptable.

## **8. RECOMMENDATION**

Grant planning permission subject to conditions:

## **9. CONDITIONS**

1. Time Limit – Full Permission.
2. Approved Plans.
3. Existing and Proposed Site Levels (Policy BE1)
4. Boundary Treatments Scheme (Policies BE1 and BE22)
5. CCTV Scheme (Policy BE1)
6. Mitigation Planting Scheme (Policies BE1 and GE27)
7. Tree Protection Measures – (Policy GE27)
8. Breeding Birds Protection – (Policy GE21 and Policy CS20)
9. Outline Biodiversity Management Plan – (Policy GE21 and Policy CS20)
10. Reasonable Avoidance Measures – Common Lizard and Terrestrial Mammals – (Policy GE21 and Policy CS20)
11. Japanese Knotweed Method Statement – (Policy GE21 and Policy CS20)
12. Japanese Knotweed Validation Report – (Policy GE21 and Policy CS20)
13. Hours of Construction – (Policy BE1)
14. Off Site Highway Works – (Policy BE1)
15. Visibility Splay – Site Access with Cholmondeley Road (Policy BE1)
16. Parking and Servicing Provision – (Policies BE1 and TP12)
17. Ground Contamination / Ground Stability - (Policy PR14 and Policy CS23)
18. Detailed Drainage Strategy – (Policy PR16 and Policy CS23)

#### Informatives

1. Considerate Constructor Scheme Informative.
2. Cadent Gas Informative.

### **10. BACKGROUND PAPERS**

The submitted planning applications are background papers to the report. Other background papers specifically mentioned and listed within the report are open to inspection at the Council's premises at Municipal Building, Kingsway, Widnes, WA8 7QF in accordance with Section 100D of the Local Government Act 1972

### **11. SUSTAINABILITY STATEMENT**

As required by:

- The National Planning Policy Framework (2019);
- The Town and Country Planning (Development Management Procedure) (England) Order 2015; and
- The Planning (Listed Buildings and Conservation Areas) (Amendment) (England) Regulations 2015.

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.

## **Appendix 1 – Full Consultation Responses.**

### 1. Highways and Transportation Development Control

#### APPROVAL SUBJECT TO CONDITIONS

The details list car parking as part of the development in the description however the application itself provides no details on vehicle parking. Given the units size we would expect to see some level of parking provision for service vehicles and for staff. Other applications which have been received within the borough have all been subject to some small level of parking provision.

In the interests of highway safety we would require a construction management plan which outlines the provision within the site for the storage of plant and materials, site accommodation, loading, unloading and manoeuvring of employees and visitors vehicles during the construction period. This should also address the hours of construction works.

I would also condition the construction an access into the site to prevent debris from the verge being tracked onto the highway from vehicles. We would require proposed boundary treatment details submitted prior to any start on site and it will be necessary for the applicant to enter into a Section 278 agreement with the Highway Authority in order to have this access constructed. Through the same agreement the vegetation can also be managed as it will be necessary for cutting back of vegetation on the junction of Clifton Lane and Cholmondeley Road in order to achieve the necessary safe visibility splay at the access.

The application proposes the provision of 3 formally laid out car parking spaces within the site. This will likely be sufficient for the use of service engineers however it is reasonable to assume that intermittently there will be need for replacement of parts equipment which will require the use of heavier machinery to the site. As such we would require details which demonstrate how larger service vehicles can enter and exit the site in forward gear in the interests of highway safety.

#### CONDITIONS

- Construction management plan as per provisions included above.
- Section 278 agreement for the construction of the access
- Tracking details for a larger service vehicle.



## 2. Contaminated Land Officer

Further to my comments made 26 March 2020, there has been some discussion with the applicant regarding ground conditions at the proposed site, specifically in relation to the ground stability (given the site's previous use as a sludge-settling lagoon).

The applicant was asked for further detail regarding the ground stability and the suitability for the intended use. An assessment on the bank stability has been provided and it is concluded that there is very low risk of bank instability effecting the development, and vice versa. However, the main point of concern is the stability of the main body of the waste upon which the development is to be sited (there is evidence of very soft or thixotropic material).

The applicant acknowledges that specific site investigation will be necessary to determine the exact ground conditions (for both geo-technical and contamination purposes), but has proposed to undertake such works if planning permission is granted as part of a package of pre-commencement works, to be controlled by condition on the permission. The applicant has also provided reassurances that there are solutions to the potential ground stability that are both technically and financially viable for this project.

Considering the above points and the low sensitivity to contamination of the development, it is reasonable to conclude that the outstanding issues can be controlled by condition. So further to my previous comments, I have no objection to the proposed scheme but any permission should include conditions requiring site investigation, risk assessment and, where necessary, a remedial strategy with follow up verification reporting. Such assessment should consider both land contamination and ground stability risks.

## 3. Environmental Protection

Environmental Health has considered this application with regard to air quality in relation to human health impacts, and noise.

### Air Quality

The proposed site will require an environmental permit from the Environment Agency to operate, which will control emissions to within certain parameters.

The applicant has provided an air quality report that assesses the impact of nitrogen dioxide in relation to the nearest residential area which is 130m from the site. The report compares current levels and predicted levels with the national air quality objectives. The rationale is based on the plant operating for 1500 hours of the year (approximately one sixth of the year). The report uses ADMS-5 to predict the level and distribution of the nitrogen dioxide utilising weather data, and taking into account the topography and ground type in addition to various other parameters. The methodology is consistent with good practice and indicates that there is likely to be a negligible impact on local air

quality on the basis of limited operating hours. The general background levels are currently less than 50% of the national objective levels and proposed plant will not increase the levels beyond 50%. There is no tangible reason to object to the application on the basis of air quality.

## Noise

The nearest existing houses are 130m from the proposed site. The applicant has provided an acoustic assessment in line with BS4142:2014. The assessment compares the existing noise environment with the proposed noise generated by the plant, and adjusts the figures to take into account the distinctive acoustic characteristics of the plant. The methodology and its application appears satisfactory.

The result of the BS4142 assessment indicates that noise from the plant will be 7dB below the existing background levels at night. This represent a worst case scenario as the difference will be even greater during daytime hours. 7dB below background indicates that the plant should generally be inaudible at the residential properties.

## Conclusion

Both the air quality and noise reports indicate that there should be minimal disturbance or exposure to existing residents and Environmental Health would therefore have no material reason to object to the application.

## Update Sept 2020

Comments have been received from a member of the public stating the re-surfacing of the M56 in the past 6 months will have reduced the existing background levels. TRL (Transport Research Laboratory) data indicates that the reduction in noise from a resurfaced road, is 1-6dB dependent on weather conditions and wind direction.

For an objection to be upheld the noise levels would have to be a minimum of 5db above existing levels and possibly closer to 10 dependent on the circumstances. Dependent therefore on the wind direction the noise will still be inaudible at residential properties for a significant amount of time and where it may be audible it will still be at 1db below background which would not be a figure on which we could justify an objection or request additional noise attenuation through conditions.

## 4. Open Spaces – Trees

There are no formal tree constraints associated with this site however the site is a designated Local Wildlife Site and sits within the Liverpool City Region Ecological Network Nature Improvement Area.

Section 10 of the submitted Planning Application Form highlights the boxes that there are 'no' trees or hedges either on or adjacent to the proposed

development site that could influence the development. Submitted drawing 'Proposed Site Plan' highlights trees both within and outside of the proposed development plot for removal. The submitted Trees and Construction document shows that tree groups 4, 5 and 6 are significantly affected by the proposal. These trees are afforded a tree retention category as C, which in terms of a BS5837 2012 survey would not see them as being a constraint to development. However that retention category does not appear to take into account that the trees are situated within a designated Local Wildlife Site and that they are a significant contributor to the sites Nature Conservation value. The submitted Trees and Construction (section 5.5.2) document also 'suggests' that load bearing systems such as cellweb should be used for roadways over tree roots. HBC should insist that any such constructions are complicit with the guidance in BS5837 2012.

### **Planning Statement**

The submitted Planning Statement (section 4) states that Avian Ecology have identified the eastern side of the site as the highest in ecological value and therefore the proposals are contained to the western fringes of the site. It should be noted that it was not only the eastern side of the site that satisfied the selection criteria for Local Wildlife Site, it was the whole of the site including the area proposed for development. The Non-Technical Summary of the submitted ecological report also states *'it is also considered that the entire site meets the qualifying criteria for the priority habitat: Open Mosaic on Previously developed Land'*. This would be in addition to the selection criteria already met and documented in the sites Citation (Lowland Calcareous Grassland BAP Priority Habitat, Inventory for England, Lowland Meadows BAP Priority Habitat Inventory for England).

Section 6 of the statement describes the location as having *'rich biodiversity across the site'*. However a percentage of that rich biodiversity will be lost as a result of this proposal and it is not known what long term impact this development could have on the remainder of the site and the surrounding habitats/ associated species.

### **Ecological Constraints Report**

The submitted Ecological Constraints Report (Non-Technical Summary) states *'A number of notable botanical species were recorded within the former lagoon basin during the survey, including species listed as being of regional and national importance. Badger, common lizard and Schedule 1 bird species (Cetti's warbler and kingfisher) were all confirmed to be present within the site boundaries'*.

It also records that a number of ecological sensitive receptors within the proximity of the proposed development site are a material consideration at planning whereby Natural England need to be consulted.

The submitted Ecological Constraints Report (section 2.3 Determining the Risk) affords the *'Risk Rating'* to the site as *'Moderate'* however as quoted in the document, this *'is a subjective process based on all relevant and available information'*. It is my opinion, based on the evidence provided, that the risk to this site is high. The submitted document records a number of protected

habitats and species (some which are the only record for Cheshire) present on the site that could be directly, and/or indirectly affected by the proposal.

Table 3.1.3, Priority Habitats, records three NERC S.41 and three CBAP priority habitats on the site. Sections 3.2.8, 3.2.17, 3.2.18, 3.2.9, 3.2.10 and 3.2.14 go on to detail the species and habitats found across the site. Paragraphs 3.2.10 and 3.2.14 describe the habitats that would be directly affected by this proposal.

Section 3.3.2 (Birds) records that twenty nine species were recorded within the site, fourteen of those species being of conservation value. Table 3.3.1 lists those species and their conservation status. Section 3.3.4 states that *'the mosaic of habitats within the site are considered likely to support an assemblage of ground and arboreal nesting species of conservation value'*. The proposed permanent removal of trees and woodland could compromise these species. Sections 3.3.5 – 3.3.9 describe the species and associated habitats within this site and its wider value.

Section 3.3.12 records that the site is of value to bats and though omitted from the document text, but recorded in the Non-Technical Summary, it is believed that badger has been recorded on the site.

Section 3.3.24 states *'At least 12-15% of nationally rare and scarce invertebrates are recorded on UK brownfield sites, including at least forty invertebrate species which are largely or wholly confined to brownfield sites. It is considered that the habitat mosaics present within the Site may support a diverse range of terrestrial and aquatic invertebrate species'*.

Table 3.3.22 records the site as having excellent Great Crested Newt habitat suitability and section 3.3.22 records a common lizard at the site. Both are protected species.

This site was subject to a planning proposal in 2015. The Planning Officer dealing with that proposal, Rob Cooper, wrote:

*'the site is a local wildlife site which benefits from protection in the Unitary Development Plan as a 'SINC', and policy. The site comprises of calcareous grassland surrounded by a bund of neutral grassland. Its unusual conditions mean its species-rich with many unusual species of flowering plants and bryophytes. There is a good spider population. Lapwings breed on the lagoon and water birds frequent Clifton Drain which borders the lagoon. The habitat is identified as priority habitat in the Biodiversity Action Plan for Halton and England.*

*Unfortunately for this reason the Local Planning Authority could not support your proposals for this site as they would be detrimental to this habitat and be contrary to Policy GE19 and GE21 of the Unitary Development Plan and Policy CS20 of the Core Strategy Local Plan.*

It is my opinion that the Nature Conservation value of this site will be compromised by this proposal and the statement from Rob is still appropriate. I would also advise that the council employ an ecological consultant to review this proposal.

If this proposal is successful, we would recommend that all works comply with current bird nesting legislation.

*Wildlife and Countryside Act 1981 Part 1 Section 1 (1)*

*Consult W&C Act 1981 (with amendments) for full details of protection afforded to wild birds.*

## **CLARIFICATION ON OBSERVATIONS MADE BY OPEN SPACE SERVICES IN RELATION TO ECOLOGY FROM DIVISIONAL MANAGER – PLANNING AND DEVELOPMENT**

As discussed I have spoken with Paul Wright and he has agreed that Open Space Services advised the Local Planning Authority employ an ecological consultant to review the proposal and that the observations made in respect of Ecology are only opinions. The Open Space Services observations were made in advance of the proposal being reviewed by the Council's Ecological Advisor – Merseyside Environmental Advisory Service. The observations made by Merseyside Environmental Advisory Service are noted and it is understood that the Local Planning Authority should follow the observations made by their own qualified professional advisor in relation to Ecology.

### 5. Merseyside Environmental Advisory Service – Ecology and Waste Advisor

#### OBSERVATIONS RECEIVED 03/03/2020

1. Having reviewed the application and supporting documentation, our advice is set out below in two parts.
  - Part One deals with issues of regulatory compliance, action required **prior to determination** and matters to be dealt with through planning conditions. Advice is only included here where action is required or where a positive statement of compliance is necessary for statutory purposes.
  - Should the Council decide to adopt an alternative approach to MEAS Part 1 advice, I request that you let us know. MEAS may be able to provide further advice on options to manage risks in the determination of the application.
  - Part Two sets out guidance to facilitate the implementation of Part One advice and informative notes.

In this case Part One comprises paragraphs 3 to 20, while Part Two comprises paragraphs 21 to 25.

#### **Part One**

2. The purpose of the power plant is to meet electricity demand at peak times, as large coal fired plants close and before the infrastructure is in place to store all waste generated from renewables. It is therefore supportive of renewable generation and will be supplementary to this.

3. The proposal is in compliance with the penultimate bullet point of Core Strategy Local Plan policy CS19 (Sustainable Development and Climate Change) subject to other technical specialist being satisfied that unacceptable harm that cannot be mitigated does not arise from the proposal.

#### *Ecology*

4. The applicant has submitted an ecology report in accordance with Local Plan policy CS20 (*Ecological Constraints Report, Avian Ecology, 10 October 2019*) which meets BS 42020:2013. The report is acceptable.

#### *Protected Sites*

##### *European*

5. The site is approximately 2.6km east of the Mersey Estuary SPA and Ramsar sites. I have considered the proposals and the possibility of likely significant effects on European sites using the source-pathway-receptor model. I advise that there is no pathway that could result in likely significant effects on the European sites and the proposals do not warrant a detailed Habitats Regulations Assessment for the following reasons:

- The proposals will not result in any direct land take of the European sites;
- The habitats and topography within the site make it highly unlikely the site provides functionally linked land; and
- Due to the distance between the European sites and the proposed development site it is highly unlikely noise or emissions will harm the features for which the European sites are designated.

##### *National*

6. The site is close to the following Nationally designated sites:
  - Flood Brook Clough SSSI – 300m north-east;
  - Frodsham Railway and Road Cuttings – 1.5km south-west;
  - Mersey Estuary SSSI – 2.6km west;
  - Beechmill Wood and Pasture SSSI – 2.7km west;
  - Dunsdale Hollow SSSI – 3.3km south-west;
  - Warburtons and Well Wood SSSI – 3.7km south-east; and
  - Hatton's Hey Wood, Whittles Corner and Bank Rough SSSI – 3.9km south-east.
7. Except the Mersey Estuary SSSI (designated for wintering and migrant birds) the SSSI's within 5km of the site are designated for woodland habitats. Due to the simple nature and small size of the proposals and that minimal trees works are required it is considered highly unlikely that construction work and land take would harm the features for which the SSSI sites are designated.
8. Operation of the site has the potential to negatively impact on air quality. However, the applicant has submitted an air quality assessment report (*Air Quality Assessment, Redmore Environment, 22 January 2020, Ref: 3262r1*) which assesses both potential daily and annual deposition rates during operation of the engines. The report concludes that air quality impacts at the ecological receptors (designated sites) are predicted to be not significant in accordance with

the IAQM guidance. This is accepted and it is concluded that the proposals will not harm the designated sites surrounding the development site.

9. The proposed development is within the Natural England SSSI Impact Risk Zone (IRZ) (January 2020). As the proposed development falls within the category “*All general combustion processes. Incl: energy from waste incineration, other incineration, landfill gas generation plant, pyrolysis/gasification, anaerobic digestion, sewage treatment works, other incineration/ combustion*”. Natural England must be consulted on the planning application **prior to determination**.

#### *Local (non-statutory)*

10. The site is close to 12 non-statutory designated sites all designated either for wetland or woodland habitat. For the reasons stated above it is considered highly unlikely the proposed development will harm the features for which the Local Wildlife Sites are designated.

#### *Protected Habitats*

11. The site itself is a Local Wildlife Site designated for its grassland and woodland habitats. The following protected habitats are present within the site:
  - Lowland Calcareous Grassland;
  - Lowland mixed deciduous woodland;
  - Open mosaic on previously developed land;
  - Ancient Semi-natural woodland;
  - Unimproved Cheshire Grassland; and
  - Lime Beds.
12. The proposals affect these Priority Habitats (*Natural Environment and Rural Communities (NERC) Act 2006*) and Local Plan policy CS20 applies. The principles of appropriate mitigation are required to be agreed with the Council **prior to determination**.
13. Once the principles have been agreed, detailed mitigation measures can be secured through a suitably worded planning condition or legal agreement. I advise the production of a long-term habitat management plan to include, but not be limited to, the following:
  - Grassland management;
  - Management of open mosaic habitat/scrub control;
  - Woodland management;
  - Invasive species management;
  - Management of bare ground;
  - The installation of suitable bird boxes; and
  - The creation of basking and invertebrate banks, wood/log piles (hibernacula).

#### *General Ecology* *Breeding Birds*

14. Built features or vegetation on site may provide nesting opportunities for breeding birds, which are protected and Local Plan policy CS20 applies. The following planning condition is required.

#### CONDITION

15. No tree felling, scrub clearance, hedgerow removal, vegetation management, ground clearance or building works is to take place during the period 1 March to 31 August inclusive. If it is necessary to undertake works during the bird breeding season then all trees, scrub, hedgerows and vegetation and the old lagoon are to be checked first by an appropriately experienced ecologist to ensure no arboreal and terrestrial breeding birds are present. If present, details of how they will be protected are required to be submitted for approval.

#### *Bats*

16. The proposed site plan and Arboricultural Impact Assessment (*Arboricultural Implications Assessment and Method Statement, Indigo Surveys, December 2019, Ref: 19571/A3*) indicate that trees will be affected by the proposals. The trees may provide potential roost features for bats. Bats are protected species and a material consideration. Local Plan policy CS20 applies. I advise that a preliminary roost assessment is required **prior to determination**. Further details are provided in Part Two.

#### *Amphibians*

17. Great crested newt is known in the area and the site may provide habitat for great crested newt which is a protected species. Local Plan policy CS20 applies. Protected Species are a material consideration. In line with Government guidance a great crested newt presence survey is required **prior to determination**. Further details are provided in Part Two. Common toad is protected and may also be present within the site. A search for evidence of this species should also be included during the Great crested newt survey.

#### *Reptiles*

18. Common lizard is present within the site. However, due to the small scale of the proposals and proportion of reptile habitat that will be lost full reptile surveys are not considered necessary. As a precaution, the undertaking of the following Reasonable Avoidance Measures (RAMs) during the construction phase should be secured by a suitably worded planning condition:

- Existing vegetation on the site will be gradually cut and removed under ecological supervision to encourage any reptiles present to move away from the affected areas;
- The working area, together with any storage areas, will be kept clear of debris, and any stored materials will be kept off the ground on pallets to prevent reptiles from seeking shelter or protection within them; and
- Any open excavations (e.g. foundations / footings / service trenches etc) will be covered with plywood sheeting (or similar) at the end of each working day. The edges of these sheets will be covered with a thick layer of topsoil (or similar) to prevent reptiles from seeking shelter beneath them. Any excavation must be in-filled and made good to ground level with compacted stone or similar at the earliest opportunity, to remove any hazard to reptiles.



### *Mammals*

19. Terrestrial mammals may be present within the site. The RAMs required for the protection of reptiles (paragraph 17) are considered sufficient to ensure the proposals will not harm the local mammal population.

## **Part Two**

### *Bats*

20. A preliminary roost assessment assesses the trees on site for their suitability for roosting bats and the value of the habitats for foraging and commuting. The survey and report are essential to determine if the Local Planning Authority needs to assess the proposals against the three tests (Habitats Regulations) and whether an EPS licence is likely to be granted. Surveys must follow Standing Advice and best practice guidance<sup>1</sup>. Any deviation from these guidelines must be fully justified.
21. If the preliminary roost assessment categorises the trees as having a greater than low suitability further surveys will be required. These can only be carried out between May and August/September.

### *Great crested Newt*

22. The survey and report are essential to determine if the Local Planning Authority needs to assess the proposals against the three tests (Habitats Regulations) and whether an EPS licence is likely to be granted. Surveys must follow Standing Advice and best practice guidance<sup>2</sup> which states that a minimum of four visits are undertaken with at least two undertaken between mid-April and mid-May. Any deviation from these guidelines must be fully justified.
23. It should be noted that the presence of great crested newts does not normally prevent the grant of planning permission, provided that avoidance, mitigation and/or compensation measures submitted are satisfactory.
24. Please note that if the e-DNA survey is positive or returns false positive or negative results, full traditional surveys for great-crested newts will be required. As these surveys are time sensitive, it may be in the applicant's best interest to proceed with full advice from their ecological consultant which is likely to include two traditional surveys from mid-April to mid-May.

Collins J (2016) Bat Surveys for Professional Ecologists: Good Practice Guidelines, 3rd edition, Bat Conservation Trust ISBN-13: 978-1-872745-96-1

<sup>2</sup> <https://www.gov.uk/great-crested-newts-surveys-and-mitigation-for-development-projects#survey-methods>

OBSERVATIONS RECEIVED 07/09/2020

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<sup>1</sup> Collins J (2016) Bat Surveys for Professional Ecologists: Good Practice Guidelines, 3rd edition, Bat Conservation Trust ISBN-13: 978-1-872745-96-1

<sup>2</sup> <https://www.gov.uk/great-crested-newts-surveys-and-mitigation-for-development-projects#survey-methods>

25. Having reviewed the application and supporting documentation, our advice is set out below in two parts.

- Part One deals with issues of regulatory compliance, action required **prior to determination** and matters to be dealt with through planning conditions. Advice is only included here where action is required or where a positive statement of compliance is necessary for statutory purposes.
- Should the Council decide to adopt an alternative approach to MEAS Part 1 advice, I request that you let us know. MEAS may be able to provide further advice on options to manage risks in the determination of the application.
- Part Two sets out guidance to facilitate the implementation of Part One advice and informative notes.

In this case Part One comprises paragraphs 3 to 8, while Part Two comprises paragraph 9.

## Part One

26. The applicant has submitted the following additional information to address previous comments:

- *Ecological Assessment Report, Avian Ecology, 18/06/2020; and*
- *Outline Biodiversity Management Plan, Avian Ecology, 24 June 2020.*

### *Protected Species*

27. The report states that no evidence of bats or Great crested newt was recorded within the site. The Council **does not** need to consider the proposals against the three tests (Habitats Regulations).

### *Protected Habitats*

28. The Biodiversity Management Plan adequately outlines the principles of appropriate mitigation to ensure the Priority Habitats are not harmed by the proposals. The principles of mitigation are accepted and the Outline Biodiversity Management Plan should be accepted as an approved document.

### *Invasive Species*

29. Japanese knotweed is present within the site boundary. Japanese knotweed is listed on Schedule 9 of the Wildlife and Countryside Act and national Planning Policy Guidance applies<sup>3</sup>. The applicant should submit a method statement, prepared by a competent person, which includes the following information:

- A plan showing the extent of the plant(s);
- The methods that will be used to prevent the plant/s spreading further, including demarcation;
- The methods of control that will be used, including details of post-control monitoring; and
- How the plants will be disposed of after treatment/removal.

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<sup>3</sup> <https://www.gov.uk/guidance/prevent-the-spread-of-harmful-invasive-and-non-native-plants>

The method statement should be submitted for approval to the Local Planning Authority prior to commencement of any works on site. The method statement can be secured by a suitably worded planning condition.

30. A validation report is then required confirming the remediation treatment carried out and that the site has been free of Japanese knotweed for 12 consecutive months for approval in writing by the Local Planning Authority. This can be secured by a suitably worded planning condition.
31. All previous comments regarding Protected sites, detailed mitigation, breeding birds, reptiles and mammals remain valid.

## Part Two

32. **The applicant, their advisers and contractors should be made aware that if any European protected species are found, then as a legal requirement, work must cease and advice must be sought from a licensed specialist.**

<https://www.gov.uk/guidance/prevent-the-spread-of-harmful-invasive-and-non-native-plants>

### 6. Natural England

Natural England is a non-departmental public body. Our statutory purpose is to ensure that the natural environment is conserved, enhanced, and managed for the benefit of present and future generations, thereby contributing to sustainable development.

#### SUMMARY OF NATURAL ENGLAND'S ADVICE

#### NO OBJECTION

Based on the plans submitted, Natural England considers that the proposed development will not have significant adverse impacts on statutorily protected nature conservation sites or landscapes.

Natural England's generic advice on other natural environment issues is set out at Annex A.

#### **European sites**

Based on the plans submitted, Natural England considers that the proposed development will not have likely significant effects on statutorily protected sites and has no objection to the proposed development. To meet the requirements of the Habitats Regulations, we advise you to record your decision that a likely significant effect can be ruled out.

#### **Sites of Special Scientific Interest**

Based on the plans submitted, Natural England considers that the proposed development will not have likely significant effects on statutorily protected sites and has no objection to the proposed development.

### **Sites of Special Scientific Interest Impact Risk Zones**

The Town and Country Planning (Development Management Procedure) (England) Order 2015 requires local planning authorities to consult Natural England on “Development in or likely to affect a Site of Special Scientific Interest” (Schedule 4, w). Our SSSI Impact Risk Zones are a GIS dataset designed to be used during the planning application validation process to help local planning authorities decide when to consult Natural England on developments likely to affect a SSSI. The dataset and user guidance can be accessed from the [data.gov.uk](http://data.gov.uk) website

### **Annex - Generic advice on natural environment impacts and opportunities**

#### **Sites of Special Scientific Interest (SSSIs)**

Local authorities have responsibilities for the conservation of SSSIs under s28G of the Wildlife & Countryside Act 1981 (as amended). The National Planning Policy Framework (paragraph 175c) states that development likely to have an adverse effect on SSSIs should not normally be permitted. Natural England’s SSSI Impact Risk Zones are a GIS dataset designed to be used during the planning application validation process to help local planning authorities decide when to consult Natural England on developments likely to affect a SSSI. The dataset and user guidance can be accessed from the Natural England Open Data Geoportal. Our initial screening indicates that one or more Impact Risk Zones have been triggered by the proposed development, indicating that impacts to SSSIs are possible and further assessment is required. You should request sufficient information from the developer to assess the impacts likely to arise and consider any mitigation measures that may be necessary.

#### **Biodiversity duty**

Your authority has a duty to have regard to conserving biodiversity as part of your decision making. Conserving biodiversity can also include restoration or enhancement to a population or habitat. Further information is available [here](#).

#### **Protected Species**

Natural England has produced standing advice<sup>1</sup> to help planning authorities understand the impact of particular developments on protected species. We advise you to refer to this advice. Natural England will only provide bespoke advice on protected species where they form part of a SSSI or in exceptional circumstances.

1 <https://www.gov.uk/protected-species-and-sites-how-to-review-planning-proposals>

2<http://webarchive.nationalarchives.gov.uk/20140711133551/http://www.naturalengland.org.uk/ourwork/conservation/biodiversity/protectandmanage/habspeciesimportance.aspx>

### **Local sites and priority habitats and species**

You should consider the impacts of the proposed development on any local wildlife or geodiversity sites, in line with paragraphs 171 and 174 of the NPPF and any relevant development plan policy. There may also be opportunities to enhance local sites and improve their connectivity. Natural England does not hold locally specific information on local sites and recommends further information is obtained from appropriate bodies such as the local records centre, wildlife trust, geoconservation groups or recording societies.

Priority habitats and Species are of particular importance for nature conservation and included in the England Biodiversity List published under section 41 of the Natural Environment and Rural Communities Act 2006. Most priority habitats will be mapped either as Sites of Special Scientific Interest, on the Magic website or as Local Wildlife Sites. The list of priority habitats and species can be found [here](#)<sup>2</sup>. Natural England does not routinely hold species data, such data should be collected when impacts on priority habitats or species are considered likely. Consideration should also be given to the potential environmental value of brownfield sites, often found in urban areas and former industrial land, further information including links to the open mosaic habitats inventory can be found [here](#).

**Ancient woodland, ancient and veteran trees** You should consider any impacts on ancient woodland and ancient and veteran trees in line with paragraph 175 of the NPPF. Natural England maintains the Ancient Woodland Inventory which can help identify ancient woodland. Natural England and the Forestry Commission have produced standing advice for planning authorities in relation to ancient woodland and ancient and veteran trees. It should be taken into account by planning authorities when determining relevant planning applications. Natural England will only provide bespoke advice on ancient woodland, ancient and veteran trees where they form part of a SSSI or in exceptional circumstances.

### **Protected landscapes**

For developments within or within the setting of a National Park or Area of Outstanding Natural Beauty (AONB), we advise you to apply national and local policies, together with local landscape expertise and information to determine the proposal. The National Planning Policy Framework (NPPF) (paragraph 172) provides the highest status of protection for the landscape and scenic beauty of National Parks and AONBs. It also sets out a 'major developments test' to determine whether major developments should be exceptionally be permitted within the designated landscape. We advise you to consult the relevant AONB Partnership or Conservation Board or relevant National Park landscape or other advisor who will have local knowledge and information to assist in the determination of the proposal. The statutory management plan and any local landscape character assessments may also provide valuable information.

Public bodies have a duty to have regard to the statutory purposes of designation in carrying out their functions (under (section 11 A(2) of the National Parks and Access to the Countryside Act 1949 (as amended) for National Parks and S85 of the Countryside and Rights of Way Act, 2000 for

AONBs). The Planning Practice Guidance confirms that this duty also applies to proposals outside the designated area but impacting on its natural beauty. Heritage Coasts are protected under paragraph 173 of the NPPF. Development should be consistent the special character of Heritage Coasts and the importance of its conservation.

### **Landscape**

Paragraph 170 of the NPPF highlights the need to protect and enhance valued landscapes through the planning system. This application may present opportunities to protect and enhance locally valued landscapes, including any local landscape designations. You may want to consider whether any local landscape features or characteristics (such as ponds, woodland or dry stone walls) could be incorporated into the development in order to respect and enhance local landscape character and distinctiveness, in line with any local landscape character assessments. Where the impacts of development are likely to be significant, a Landscape & Visual Impact Assessment should be provided with the proposal to inform decision making. We refer you to the Landscape Institute Guidelines for Landscape and Visual Impact Assessment for further guidance.

### **Best and most versatile agricultural land and soils**

Local planning authorities are responsible for ensuring that they have sufficient detailed agricultural land classification (ALC) information to apply NPPF policies (Paragraphs 170 and 171). This is the case regardless of whether the proposed development is sufficiently large to consult Natural England. Further information is contained in GOV.UK guidance. Agricultural Land Classification information is available on the Magic website on the Data.Gov.uk website. If you consider the proposal has significant implications for further loss of 'best and most versatile' agricultural land, we would be pleased to discuss the matter further.

Guidance on soil protection is available in the Defra *Construction Code of Practice for the Sustainable Use of Soils on Construction Sites*, and we recommend its use in the design and construction of development, including any planning conditions. Should the development proceed, we advise that the developer uses an appropriately experienced soil specialist to advise on, and supervise soil handling, including identifying when soils are dry enough to be handled and how to make the best use of soils on site.

### **Access and Recreation**

Natural England encourages any proposal to incorporate measures to help improve people's access to the natural environment. Measures such as reinstating existing footpaths together with the creation of new footpaths and bridleways should be considered. Links to other green networks and, where appropriate, urban fringe areas should also be explored to help promote the creation of wider green infrastructure. Relevant aspects of local authority green infrastructure strategies should be delivered where appropriate.

### **Rights of Way, Access land, Coastal access and National Trails**

Paragraphs 98 and 170 of the NPPF highlights the important of public rights of way and access. Development should consider potential impacts on access

land, common land, rights of way, coastal access routes and coastal margin in the vicinity of the development and the scope to mitigate any adverse impacts. Consideration should also be given to the potential impacts on any nearby National Trails, including the England Coast Path. The National Trails website [www.nationaltrail.co.uk](http://www.nationaltrail.co.uk) provides information including contact details for the National Trail Officer.

### **Environmental enhancement**

Development provides opportunities to secure net gains for biodiversity and wider environmental gains, as outlined in the NPPF (paragraphs 8, 72, 102, 118, 170, 171, 174 and 175). We advise you to follow the mitigation hierarchy as set out in paragraph 175 of the NPPF and firstly consider what existing environmental features on and around the site can be retained or enhanced or what new features could be incorporated into the development proposal. Where onsite measures are not possible, you should consider off site measures. Opportunities for enhancement might include:

- Providing a new footpath through the new development to link into existing rights of way.
- Restoring a neglected hedgerow.
- Creating a new pond as an attractive feature on the site.
- Planting trees characteristic to the local area to make a positive contribution to the local landscape.
- Using native plants in landscaping schemes for better nectar and seed sources for bees and birds.
- Incorporating swift boxes or bat boxes into the design of new buildings.
- Designing lighting to encourage wildlife.
- Adding a green roof to new buildings.

You could also consider how the proposed development can contribute to the wider environment and help implement elements of any Landscape, Green Infrastructure or Biodiversity Strategy in place in your area. For example:

- Links to existing greenspace and/or opportunities to enhance and improve access.
- Identifying opportunities for new greenspace and managing existing (and new) public spaces to be more wildlife friendly (e.g. by sowing wild flower strips)
- Planting additional street trees.
- Identifying any improvements to the existing public right of way network or using the opportunity of new development to extend the network to create missing links.

Restoring neglected environmental features (e.g. coppicing a prominent hedge that is in poor condition or clearing away an eyesore).

## **7. Health and Safety Executive**

Land Use Planning Consultation with Health and Safety Executive [Town and Country Planning (Development Management Procedure) (England) Order

2015, Town and Country Planning (Development Management Procedure) (Wales) Order 2012, or Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013]

The Health and Safety Executive (HSE) is a statutory consultee for certain developments within the Consultation Distance of Major Hazard Sites/ pipelines. This consultation, which is for such a development and is within at least one Consultation Distance, has been considered using HSE's planning advice web app, based on the details input on behalf of Halton (B).

**HSE's Advice: Do Not Advise Against, consequently, HSE does not advise, on safety grounds, against the granting of planning permission in this case.**

8. Cadent Gas

An assessment has been carried out with respect to Cadent Gas Limited, National Grid Electricity Transmission plc's and National Grid Gas Transmission plc's apparatus. Please note it does not cover the items listed in the section "Your Responsibilities and Obligations", including gas service pipes and related apparatus.

For details of Network areas please see the Cadent website (<http://cadentgas.com/Digging-safely/Dial-beforeyou-dig>) or the enclosed documentation.

Are My Works Affected?

Searches based on your enquiry have identified that there is apparatus in the vicinity of your enquiry which may be affected by the activities specified.

9. SABIC UK Petrochemicals Ltd

SABIC would have no observations to make in this instance, as the proposed works are outside of the current LUP Land Use Planning Consultation Zones and would therefore not affect SABIC pipeline apparatus.