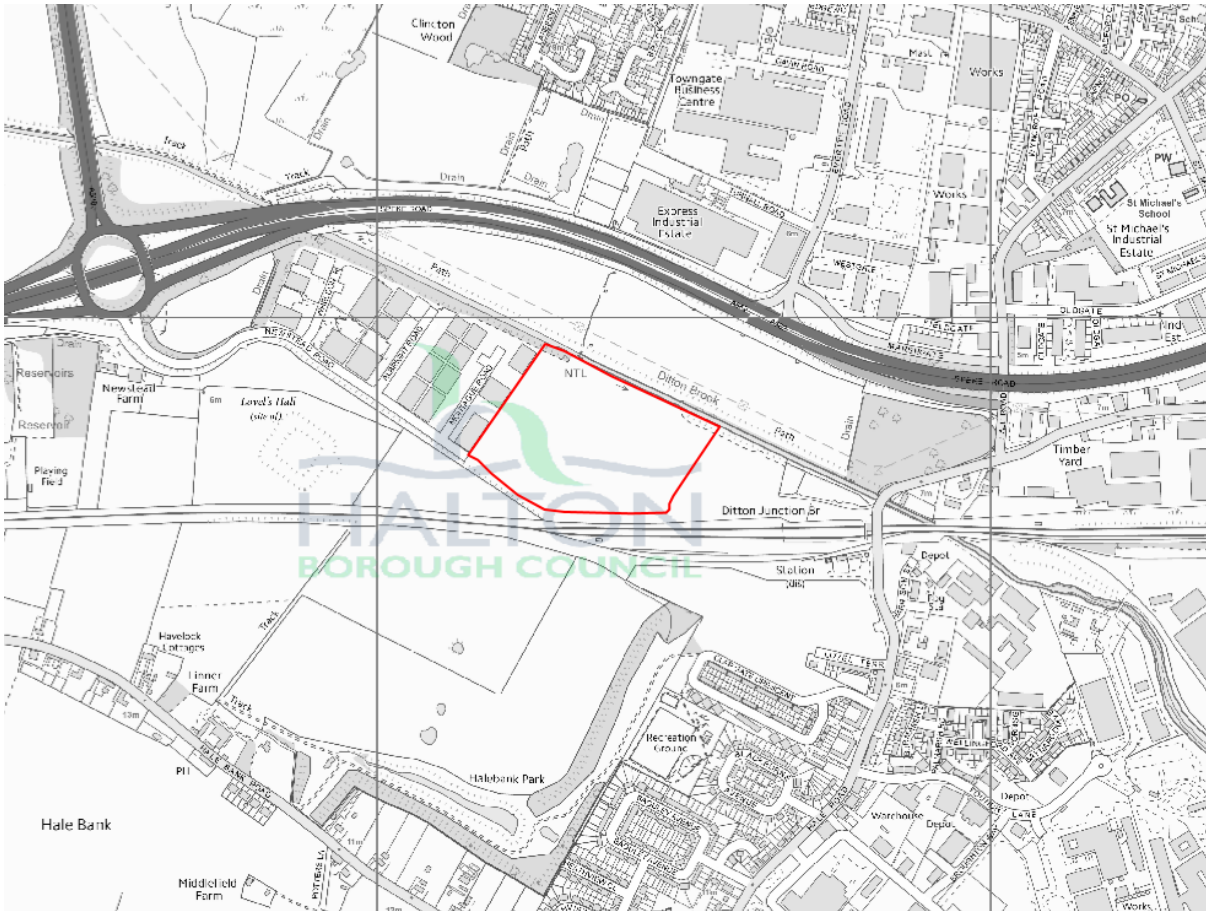


APPLICATION NO:	20/00445/OUT
LOCATION:	Land off Newstead Road bounded by the London and Western Railway and Ditton Brook, Widnes.
PROPOSAL:	Outline application, with all matters reserved, for a B2/B8 development including ancillary office space/staff facilities (Use Class B1) with associated loading bays, HGV/car parking, landscaping, pedestrian/cycle connections and associated infrastructure.
WARD:	Ditton
PARISH:	None
APPLICANT:	Liberty Widnes LLC C/O Prologis UK Ltd
AGENT:	Avison Young, Norfolk House, 7 Norfolk Street, Manchester, M2 1DW.
DEVELOPMENT PLAN: Halton Unitary Development Plan (2005) Halton Core Strategy (2013) Joint Merseyside and Halton Waste Local Plan (2013)	ALLOCATIONS: Proposed Employment Development Site – Unitary Development Plan Proposals Map. 3MG Key Area of Change - Halton Core Strategy Local Plan.
DEPARTURE	No.
REPRESENTATIONS:	No representations received from the publicity given to the application.
KEY ISSUES:	Development on an Employment Development Site, Highways and Transportation, Flood Risk and Drainage.
RECOMMENDATION:	Grant outline planning permission subject to conditions
SITE MAP	



1. **APPLICATION SITE**

1.1 The Site

The site subject of the application is land off Newstead Road in Widnes which is bounded by the London and Western Railway and Ditton Brook. The site is 7.32ha in area. Vehicular, pedestrian and cycle access to the site is from Newstead Road which has been constructed in recent years.

The site is designated as a Proposed Employment Development Site on the Halton Unitary Development Plan Proposals Map.

The site is located within the 3MG Key Area of Change as shown in the Halton Core Strategy Local Plan.

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 an Employment Allocation. This is now a material planning consideration, however at this point carries little weight in the determination of this planning application.

1.2 Planning History

The site has some planning history with the more recent applications being as follows:

- 96/00493/OUT – Outline application for use of land for purposes within Classes B1, B2 & B8 and provision of roads – Granted 05/04/2000.
- 01/00209/REM - Application for approval of Reserved Matters for construction of (part) site access road – Granted 18/05/2001.
- 03/00728/FUL - Proposed erection of 13 No. industrial units (Classes B1, B2 and B8), with servicing, car parking, and ancillary development providing 15727 sq.m. approx. floor space – Granted 09/10/2003.
- 04/00637/FUL - Proposed erection of 9 No. industrial units with servicing, car parking and ancillary development providing 10,000 sq.m of floor space – Granted 13/08/2004.
- 05/00375/FUL - Proposed construction of 3 No. industrial units (B1, B2 and B8 use) with ancillary service areas and car parking – Granted 22/06/2005.
- 15/00428/OUT - Outline planning application with all matters reserved except for means of access for a B2/B8 development comprising a maximum floorspace of 43,321 sqm including ancillary office space/staff facilities with associated loading bays, HGV/car parking, landscaping, pedestrian/cycle connections and associated infrastructure – Granted 12/01/2016.
- 16/00148/S73 - Application under Section 73 of the Town and Country Planning Act to vary conditions 10 and 21 of planning permission 15/00428/OUT to facilitate access by Network Rail, related contractors and parties for the purposes of accessing the rail network as detailed in letter dated 07/04/16 accompanying this application – Granted 27/05/2016.
- 18/00215/FUL - Proposed B2 / B8 storage / distribution unit with ancillary B1 office space and staff facilities, comprising a maximum floorspace of 9960 sqm with associated loading bays, HGV / car parking, landscaping, pedestrian / cycle connections and associated infrastructure – Granted 08/10/2018.

2. **THE APPLICATION**

2.1 The Proposal

Outline application, with all matters reserved, for a B2/B8 development including ancillary office space/staff facilities (Use Class B1) with associated loading bays, HGV/car parking, landscaping, pedestrian/cycle connections and associated infrastructure.

The application form indicates that outline permission is sought for up to 34,200 sqm of gross internal floorspace.

2.2 Documentation

The application is accompanied by the associated plans (all viewable through the Council's website) in addition to a Supporting Planning Statement, Design and Access Statement, Flood Risk Assessment, Sustainable Drainage Statement, Ecological Assessment, Geo-environmental Validation Report, Transport Assessment, Framework Travel Plan, External Lighting Proposals.

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 a Proposed Employment Development Site on the Halton Unitary Development Plan Proposals Map.

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;
- E1 Local and Regional Employment Land Allocations;
- E3 Primarily Employment Areas;
- E5 New Industrial and Commercial Development;
- GE21 Species Protection;
- PR1 Air Quality;
- PR2 Noise Nuisance;
- PR4 Light Pollution and Nuisance;
- PR14 Contaminated Land;
- PR16 Development and Flood Risk;
- TP1 Public Transport Provision as Part of New Development;
- TP6 Cycle Provision as Part of New Development;
- TP7 Pedestrian Provision as Part of New Development;
- TP12 Car Parking;
- TP14 Transport Assessment;
- TP15 Accessibility to New Development;
- TP17 Safe Travel For All;
- TP18 Traffic Management;

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;
- CS4 Employment Land Supply and Locational Priorities;
- CS7 Infrastructure Provision;
- CS8 3MG;
- CS15 Sustainable Transport;
- CS18 High Quality Design;
- CS19 Sustainable Development and Climate Change;

- CS20 Natural and Historic Environment;
- CS22 Health and Well-Being;
- CS23 Managing Pollution and Risk;
- CS24 Waste.

3.3 Joint Merseyside and Halton Waste Local Plan (2013)

The following policies, contained within the Joint Merseyside and Halton Waste Local Plan are of relevance:

- WM8 Waste Prevention and Resource Management;
- WM9 Sustainable Waste Management Design and Layout of New Development.

MATERIAL CONSIDERATIONS

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

3.4 Halton Borough Council – Design of New Commercial and Industrial Development Supplementary Planning Document.

The purpose of this Supplementary Planning Document (SPD) is to complement the Halton Unitary Development Plan (UDP), to provide additional practical guidance and support for those involved in the planning of new development within Halton Borough to: -

- a. Design new industrial and commercial developments that relate well and make a positive contribution to their local environment;
- b. Seek the use of quality materials which respond to the character and identity of their surroundings and reduce environmental impact such as through energy efficiency; and
- c. Create better, more sustainable places

3.5 Halton Borough Council – 3MG (Mersey Multimodal Gateway) Supplementary Planning Document.

The document acts as a 'supplementary planning document' (SPD) to the existing policies of the Halton Unitary Development Plan (UDP). The UDP identifies the Ditton Strategic Rail Freight Park (DSRF) as the opportunity to create a rail freight interchange of regional significance; to underpin the economy of the region; and to contribute to the Government's objective.

3.6 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.

3.7 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.

Highways and Transportation Development Control – No objection.

Contaminated Land Officer – No objection.

Lead Local Flood Authority – No objection.

Environmental Protection – No objection.

Regeneration – No objection.

Merseyside Environmental Advisory Service – Ecology and Waste Advisor – No objection.

Health and Safety Executive – No objection.

Knowsley Metropolitan Borough Council – No objection.

Environment Agency – No objection.

Natural England – No objection.

Cadent Gas – No objection.

Network Rail – No observations received at the time of writing this report.

Halebank Parish Council – No observations received at the time of writing this report.

5. REPRESENTATIONS

5.1 The application was advertised by a press advert in the Widnes and Runcorn Weekly News on 03/09/2020, three site notices posted on 27/08/2020 and one hundred and sixty five neighbour notification letters sent on 27/08/2020.

5.2 No representations have been received from the publicity given to the application.

6. ASSESSMENT

6.1 Principle of Development

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.

The site is designated as a Proposed Employment Development Site on the Halton Unitary Development Plan Proposals Map. The site is specifically identified in Policy E1 of the Halton Unitary Development Plan as the “Ex. Sleeper Depot, Ditton Junction” as part of wider site reference 242 for the provision of 17.24 hectares for B1, B2 and B8 uses.

The site is located within the 3MG Key Area of Change as shown in the Halton Core Strategy Local Plan with the relevant policy being CS8. Within the 3MG Supplementary Planning Document, the application site is referred to as Site D with the most appropriate uses being B1, B2 and B8.

The application is in outline form with all matters reserved for future consideration. The application seeks to establish the principle of B2/B8 development including ancillary office space/staff facilities (Use Class B1) which accords with the site designation on the proposals map, the site’s location with the 3MG Key Area of Change and the 3MG Supplementary Planning Document.

The application is accompanied by an illustrative masterplan showing a distribution warehouse which would be sympathetic to the surrounding uses and the area as a whole. Access to the site is provided from Newstead Road via the A5300/A562 junction. Whilst matters such as layout, appearance, scale and landscaping are reserved for future consideration, it is considered that a suitable form of development can be accommodated on the site in accordance with planning policy.

It should also be noted that outline planning permission for B2/B8 development has been granted on this site previously, however this has now lapsed.

The proposed development of the site for a B2/B8 development including ancillary office space/staff facilities (Use Class B1) with associated loading bays, HGV/car parking, landscaping, pedestrian/cycle connections and associated infrastructure is considered to be acceptable in principle in accordance with Policy E1 of the Halton

Unitary Development Plan, Policy CS8 of the Halton Core Strategy Local Plan and the 3MG Supplementary Planning Document.

6.2 Highways and Transportation

The proposed development would be accessed from a single highway access from the A5300/A562 junction which serves existing businesses off Newstead Road and is the responsibility of Knowsley Council. The internal estate roads within Halton are adopted by Halton Borough Council. Whilst access is reserved for future consideration, the Council must be satisfied that a suitable solution can be achieved.

The application is accompanied by a Transport Assessment. Knowsley Council have commented that under normal circumstances, they would not accept the 2015 traffic count for the A5300 Knowsley Expressway/A562 Speke Road part signalised grade separated roundabout junction due to it being too out of date, particularly in light of the highway changes to the road markings that were undertaken since then, and would have requested a revised count be carried out. However, it is acknowledged that during current covid lockdown restrictions it would be inappropriate to do this due to reduced traffic levels on the network and therefore the use of the 2015 count data factored up to the development opening year is accepted on this occasion.

They also note that the total floorspace for both phase 1 and phase 2 of the development is slightly less than the previous 2015 outline consent that has subsequently lapsed, and that phase 1 has been treated as a committed development in the Transport Assessment (TA) as it has been built but is currently unoccupied. The trip rates assuming 100% B2 use for phase 1 are accepted.

Under the worst case scenario, Knowsley Council conclude that although some of the A5300/A562 junction links are approaching capacity in both 2022 and 2027, and the A562 westbound off-slip is over capacity, the introduction of the development would not have a significant increase on the operation of the junction as the highest increase is 3%. The degree of saturation of the A562 westbound off-slip would be the same with and without the development. In addition there would only be a minor increase in vehicle queuing of up to 6 vehicles on all links. The junction does include Microprocessor Optimised Vehicle Actuation (MOVA) that was in place prior to 2015 when the traffic count was undertaken and it is acknowledged that this would result in slightly better results on the highway network than the traffic model can predict.

Knowsley Council have raised no objection to the outline planning application but have requested the attachment of a planning condition to remove permitted development rights, to prevent the increase of any building floor space on the site (including mezzanine floor areas) over and above that stated in the current application to ensure that the proposed development does not have a severe impact on the road network in Knowsley.

The Council's Highway Officer has not raised an objection to the proposed development based on highway impact on the adopted highway in Halton.

The Council's Highway Officer has made observations on the applicant's illustrative masterplan and does not have any objections to the vehicle parking provision indicating that there would be sufficient space for disabled parking spaces and electric vehicle charging points. Whilst the illustrative masterplan does not show clear information in regard to cycle parking, it is considered that scope exists within the scheme to secure, covered and located cycle parking in a convenient and visible position for cycle safety to encourage usage could be achieved. This can be secured by condition.

The Council's Highway Officer has made observations on the layout of the proposed site as shown on the illustrative masterplan as set out in their consultation response in Appendix 1. Whilst amendments to the layout shown are suggested, the conclusion is that a suitable layout can be achieved when a reserved matters application dealing with layout and access is submitted.

The granting of an outline planning permission would be conditional on a reserved matters application being made including both layout and access. Any conditions relating to those matters would be attached at the reserved matters stage.

In conclusion, it is considered that a suitable highway and transportation solution for the amount of development sought can be presented at a reserved matters stage based on the amount of development sought to ensure compliance with planning policy.

6.3 Flood Risk and Drainage

The application is accompanied by a Flood Risk Assessment (FRA) and a Sustainable Drainage Statement (SDS). These have been reviewed by the Lead Local Flood Authority (LLFA) and the Environment Agency (EA).

The LLFA is satisfied that the proposed development would likely be at low risk of flooding from fluvial, tidal and groundwater sources. With regards to surface water flood risk and drainage the LLFA would not accept the current drainage strategy proposed as it is designed to attenuate up to the 100 year +20% climate change allowance, rather than the 100 year + 40% climate change allowance, which is the standard the Council would expect drainage strategies to be designed to. The LLFA has also found the SDS document to lack details of how the potential impacts of tidal locking on the flap valve (which the site discharges to) was considered and measures taken as part of this proposal to reduce the potential impacts of tidal locking at the

proposed site with a similar factor of safety allowance for tidal locking as for unit 1 on the adjacent site.

Taking in to account the above mentioned issues, the LLFA would expect, based upon the current drainage layout plans provided, the increase in attenuation required to include the increase in climate change allowance and any storage for tidal locking to be able to fit within the parking areas. The LLFA advise that this can be secured by conditions.

The EA are satisfied that the submissions made demonstrate that the proposed development would not be at an unacceptable risk of flooding or exacerbate flood risk elsewhere. They advise that the mitigation measures outlined in the FRA should be secured by condition as set out in their consultation response located in Appendix 1.

The attachment of the suggested conditions would ensure that the proposal is acceptable in terms of flood risk and drainage in compliance with Policy PR16 of the Halton Unitary Development Plan, Policy CS23 of the Halton Core Strategy Local Plan and the National Planning Policy Framework.

6.4 Noise

The Council's Environmental Health Officer acknowledges that the application site is located within an established commercial area and has benefitted from a previous outline planning permission for B2/B8 development.

The closest noise sensitive area is Lovell Terrace, some 135m south of the development site. It is not expected that a development of this nature would cause a loss of amenity in respect of noise once operational, though issues surrounding vehicle movement can sometimes occur if tonal manoeuvring alarms are used on vehicles as opposed to broadband / white sound alarms. The Council's Environmental Health Officer suggests that this should be secured by condition along with a restriction on construction hours as set out in their consultation response.

Based on the above and the attachment of the suggested conditions, the proposal is considered acceptable from a noise perspective in compliance with Policies BE1 and PR8 of the Halton Unitary Development Plan and Policy CS23 of the Halton Core Strategy Local Plan.

6.5 Ground Contamination

The application is accompanied by a Geo-Environmental Validation Report.

The Council's Contaminated Land Officer and the Environment Agency have reviewed the supporting document which summarises the work undertaken under a previous permission to investigate and remediate the site.

Contamination, a result of the former site use as a timber treatment works (creosoting of railway sleeper timbers), was identified and determined to require remediation. Significant earthworks were undertaken to remove foundations and other in ground obstructions and create a level development platform. A programme of in situ treatment was completed to reduce the level of risk posed to controlled waters by the creosote contamination. These works were agreed to by the Council and the Environment Agency and the verification reporting accepted, the works having met the remedial objectives.

The current development proposals are in line with the intended use as set in the original risk assessment for the site and therefore the remediation already undertaken and approved means the site is suitable for use.

The Council's Contaminated Land Officer has stated that the only remaining item is to undertake a piling risk assessment (secured by condition), as there is some residual contamination on site and it will be necessary for the applicant to demonstrate that the proposed works will not increase the risk to controlled waters, particularly the deeper aquifer in the underlying sandstone.

The Environment Agency has stated that, whilst they are satisfied that no further works are required at this current time in respect of controlled waters, they have suggested planning conditions which secure a piling risk assessment, the dealing of unidentified contamination and no drainage system for the infiltration of surface water to ensure controlled waters are adequately protected during the development of the site.

Based on the above, the proposal is considered acceptable from a ground contamination perspective subject to the attachment of the suggested conditions in compliance with Policy PR14 of the Halton Unitary Development Plan and Policy CS23 of the Halton Core Strategy Local Plan.

6.6 Habitats Regulation Assessment

The following European designated sites are adjacent to the development site:

- Mersey Estuary SPA;
- Mersey Estuary Ramsar.

The Habitats Regulations Assessment (HRA) undertaken by the Council's Ecological Advisor as set out in Appendix 1 is adopted by the Council as its own assessment.

The conclusion of this assessment is that with mitigation/preventative measures secured by condition (production and implementation of a Construction Environment Management Plan (CEMP)), there will be no adverse effect upon the integrity of European sites.

Natural England have been consulted on the HRA and have raised no objection subject to appropriate mitigation in the form of a Construction Environment Management Plan (CEMP) being secured.

6.7 Ecology

The application is accompanied by an Ecological Assessment Report which has been reviewed by the Council's Ecological Advisor.

The Ecological Assessment Report highlights that the proposals would affect a Priority Habitat (namely Open Mosaic Habitats on Previously Development Land). The Council's Ecological Advisor has advised that compensation should be secured.

As noted in the consideration of application 15/00428/OUT, the loss of habitat was regrettable, however the wider benefits of the scheme in terms of securing redevelopment of previously developed land and securing potential future jobs for the Borough outweighed any harm resulting from such loss and that on-site mitigation and replacement planting were considered to have been maximised.

It is noted that the site has now been remediated to create a level development platform and the Ecological Assessment Report is suggesting that the creation of a green wall on the warehouse building would go some way towards mitigating for the loss of opportunities available to wildlife on site.

Having regard for the site history and the suggestion made in the Ecological Assessment Report for the creation of a green wall, along with a replacement planting scheme, Officers consider that the proposal would on balance be acceptable.

The proposed development would result in the loss of bird breeding habitat. To mitigate for this loss, a condition securing bird nesting boxes should be attached. Protection from tree felling, scrub clearance, vegetation management, ground clearance and/or building works during the breeding bird season should also be secured by condition

The habitats on site are suitable for badger and hedgehog. Badger are protected, whilst hedgehog is a Priority Species. A condition securing the following reasonable avoidance measures should be put in place to ensure that there are no adverse effects on them:

- A pre-commencement check for badger and hedgehog;
- All trenches and excavations should have a means of escape (e.g. a ramp);
- Any exposed open pipe systems should be capped to prevent mammals gaining access; and
- Appropriate storage of materials to ensure that mammals do not use them.

As recommended by the applicant's ecological consultant, a pre-commencement inspection of the adjacent stretch of Ditton Brook should be undertaken as a precaution and be secured by condition.

In respect of reptiles and amphibians, a condition securing the following reasonable avoidance measures should be put in place to ensure that there are no adverse effects on them:

- Existing vegetation on the site will be gradually cut and removed under ecological supervision to encourage any amphibians / 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 so as to prevent amphibians / 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 amphibians / 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, so as to remove any hazard to amphibians / reptiles.

Invasive species (Indian balsam) are present within the site boundary. Indian balsam is listed on Schedule 9 of the Wildlife and Countryside Act. A condition securing its management / eradication is suggested.

Habitats adjacent to the site may provide foraging and commuting habitat for bats. Lighting for the development may affect the use of these areas so a lighting scheme which protects ecology and does not result in excessive light spill onto the adjacent habitats is suggested.

The attachment of conditions securing the above would ensure that the proposal is acceptable in terms of ecology in compliance with Policy GE21 of the Halton Unitary Development Plan and Policy CS20 of the Halton Core Strategy Local Plan.

6.8 Lighting Impacts

The application is accompanied by an External Lighting Proposals Report. This report is an indicative scheme of external lighting for various areas of the development including associated car parking, lorry/service yard, access road and landscaping.

It is noted that design factors in the report include energy usage, effect of light spillage on the surrounding neighbourhood and spill of light into the night sky. It also states that the lighting design would be sensitive and coherent with the principles set out with the ILP (Institute of Lighting Professionals) reduction of light pollution, BSEN 12464-2 and other institutional guides for exterior lighting.

It is considered that a detailed scheme for lighting which is sympathetic to its surroundings and also provide protection for ecology as set out in 6.7 can be secured by condition. This would ensure compliance with Policies GE21 and PR4 of the Halton Unitary Development Plan and Policies CS20 and CS23 of the Halton Core Strategy Local Plan.

6.9 Risk

Policy PR12 of the Halton Unitary Development Plan 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.

Whilst being within the consultation zone, the individual accidental risk level does not exceed 10 chances per million in a year. The proposal is therefore considered to accord with Policy PR12 of the Halton Unitary Development Plan.

It should also be noted that the HSE does not advise against the granting of planning permission on safety grounds in this case.

6.10 Health and Well-Being

Policy CS22 of the Halton Core Strategy Local Plan states that healthy environments will be supported and healthy lifestyles encouraged across the borough by ensuring that applications for large scale major developments are supported by a Health Impact Assessment (HIA) to enhance potential positive impacts of development and mitigate against any negative impacts.

The application is accompanied by a HIA in accordance with the policy. This assessment demonstrates that the delivery of the proposed development will have predominantly positive health impacts within the Borough, through tackling deprivation, education and awareness, providing employment to tackle financial issues and mental well-being within local residents.

In order to maximise the health and well-being benefits associated with the proposals, a number of actions are recommended. None are considered to justify further planning intervention by planning condition or any other means.

The proposal is considered to be compliant with Policy CS22 of the Halton Core Strategy Local Plan.

6.11 Sustainable Development and Climate Change

Policy CS19 of the Halton Core Strategy Local Plan outlines some principles which will be used to guide future development in relation to sustainable development and climate change.

NPPF is supportive of the enhancement of opportunities for sustainable development and it is considered that any future developments should be located and designed where practical to incorporate facilities for charging plug-in and other ultra-low emission vehicles.

The incorporation of facilities for charging plug-in and other ultra-low emission vehicles is realistically achievable for this development and the suitability of a detailed scheme would be considered at the reserved matters and any conditions attached at that point.

The Design and Access Statement accompanying the application includes a section on sustainability. This indicates that the building will aim to achieve BREEAM Very Good rating, through the use of energy efficient, water efficient and sustainable waste management.

The energy and water efficiency measures identified meet the requirements of bullet points 3 to 5 of Policy CS19 of the Halton Core Strategy Local Plan, however, it is noted that the development aims to meet BREEAM rating very good, whereas bullet point 2 of the policy encourages BREEAM rating excellent. The policy encourages this rather than making it a requirement. It is not considered that a refusal on this basis could be sustained especially given the wider benefits of the scheme in terms of securing redevelopment of previously developed land and securing potential future jobs for the Borough.

Based on all the above, the proposal is considered compliant with Policy CS19 of the Halton Core Strategy Local Plan.

6.12 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. The Council's Waste Advisor has stated that the submission of a Waste Audit / Site Waste Management Plan should be secured by condition.

In terms of on-going waste management, Officers consider that the site is of a sufficient dimension to allow for such provision to be made. The proposed layout would be considered at reserved matters stage.

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.

6.13 Planning Balance

There is a presumption in favour of granting sustainable developments set out in NPPF where the proposal is in accordance with an up-to-date development plan. 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.

It is considered that the development plan policies referenced are in general conformity with the NPPF, therefore up-to-date and full weight should be given to these.

As noted in paragraph 6.7, the loss of priority habitat is regrettable, however the wider benefits of the scheme in terms of securing redevelopment of previously developed land and securing potential future jobs for the Borough outweighs any harm resulting from such loss and that on-site mitigation and replacement planting are considered to have been maximised. It is considered that the proposal is acceptable and that this proposal represents sustainable development which is in accordance with an up-to-date development plan.

7. **CONCLUSIONS**

The proposal would bring forward B2/B8 development on a Proposed Employment Development Site in accordance with the Unitary Development Plan Proposals Map and the site's location with the 3MG Key Area of Change and the 3MG Supplementary Planning Document.

The site is sufficiently distant for residential properties to ensure that amenity would not be unduly compromised and the Council's Environmental Health Officer raises no objection on the grounds of noise.

Highways Officers at both Halton Borough Council and Knowsley Council are satisfied that the amount of development proposed would not have a severe highway impact and that a satisfactory layout and access arrangement can be achieved at the reserved matters stage.

Both the Council's Contaminated Land Officer and the Environment Agency raise no objection to the proposed development and are satisfied that the conditions suggested would ensure that the proposed works will not increase the risk to controlled waters.

The Lead Local Flood Authority and the Environment Agency are satisfied that there would not be at an unacceptable risk of flooding or exacerbate flood risk elsewhere and that a satisfactory drainage solution can be achieved by condition.

The loss of priority habitat in the form of Open Mosaic Habitats on Previously Developed Land is regrettable, however the wider benefits of the scheme in terms of securing redevelopment of previously developed land and securing potential future jobs for the Borough is considered to outweigh any harm resulting from such loss and that on-site mitigation and replacement planting were considered to have been maximised. In respect of other ecological matters, suggested conditions would ensure that the proposal is acceptable.

As the proposal is an outline application with all matters reserved, it is considered that a satisfactory solution can be achieved at the reserved matters stage to ensure the delivery of sustainable development of an appropriate design quality. The proposal is considered to accord with the Development Plan.

8. RECOMMENDATION

Grant outline planning permission subject to conditions:

9. CONDITIONS

1. Time Limit – Outline Permission.
2. Submission of Reserved Matters.
3. Development Parameters.
4. Floorspace Restriction.
5. Removal of Permitted Development Rights.
6. Restriction on Construction Hours - (Policy BE1).
7. Vehicle Manoeuvring Alarm details – (Policy BE1).
8. Restriction on External Storage – (Policy E5).
9. Piling Risk Assessment – (Policies PR14 and CS23).
10. Dealing with Unidentified Contamination – (Policies PR14 and CS23).
11. No drainage system for infiltration of surface water – (Policies PR14 and CS23).
12. Sustainable Urban Drainage System – (Policies PR16 and CS23).
13. Verification of Sustainable Urban Drainage System – (Policies PR16 and CS23).
14. Implementation of Mitigation Measures set out in the Flood Risk Assessment – (Policies PR16 and CS23).
15. Construction Environmental Management Plan – (Policies BE1, GE21 and CS20).
16. Bird Nesting Boxes Scheme – (Policies GE21 and CS20).
17. Breeding Birds Protection – (Policies GE21 and CS20).
18. Reasonable Avoidance Measures – Badgers and Hedgehogs – (Policies GE21 and CS20).

19. Reasonable Avoidance Measures – Reptiles and Amphibians – (Policies GE21 and CS20).
20. Pre commencement inspection of Ditton Brook – (Policies GE21 and CS20).
21. Scheme detailing the installation of green walls to provide habitat for invertebrate species and planting scheme of native species of shrub, and grassland and wildflower mixes on the grassed area, native shrub and grassland species – (Policies GE21 and CS20).
22. Scheme for the management / eradication of Indian Balsam.
23. Lighting Scheme – (Policies BE1, GE21, PR4, CS20 and CS23).
24. Waste Audit – (Policy WM8).

Informatives

1. Environment Agency 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 by contacting dev.control@halton.gov.uk

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

TRANSPORT ASSESSMENT

As I previously stated in the original planning response the modelling for the A562 WB Off-slip uses, as previously agreed with Knowsley Borough Council, 2015 figures with a growth factor applied. Whilst the figures presented indicate a worrying over capacity at this stretch of slip road and on the Circulatory E and the A5300, we would usually allow for small percentage change in traffic from a development as being 'within

normal daily variation' limits. However, this is sometimes considered differently where it pushes a junction over capacity or makes an existing problem significantly worse.

Looking at the figures in the TA, even if we did consider it this way, there seems to be sufficient space available for an increase in the level of queuing on the circulatory (15 max in the report) to allow more of the green time to the off-slip and less to the circulatory and therefore development impact is likely to be minimal. This is probably what is happening in reality, particularly if the junction has equipment to optimise the green time depending on traffic (such as MOVA). As such we would consider this to be something that can reasonably be managed and would not object to the proposal on this basis. It is noted that Knowsley Metropolitan Borough Council's Highways Department do not object to the application and have included conditions to mitigate against possible highway concerns.

PARKING

The vehicle parking represents a shortfall of 368 car parking spaces based upon then UDP, however in such circumstances of larger industrial developments it is appropriate to use the Cheshire Standard. Based on this standard the Highway Authority would not have any objections to the vehicle parking provision. In spite of this it is necessary for 10% disabled parking provision to be provided as a standard and in addition we would require 10 number Electric Vehicle charging points. It would be acceptable to provide the first five initially and allow the supply to be installed to cater for a further five within 5 years of completion.

The plans provided do not provide clear information in regard to cycle parking. Cycle parking under the UDP is 10% provision of the required vehicle parking. This must be secure, covered and located in a convenient and visible position for cycle safety to encourage usage.

LAYOUT OF PROPOSED SITE

The proposed spur off the main Newstead Road highway into the site (plan number 14136 P0003) indicates a double width access road which can accommodate multiple stacking of HGV's. We would consider this access splay from Newstead Road excessive in its design width to safely accommodate the cycle route and pedestrian crossing. We would wish to see this splay amended and narrowed to create a safer environment for all road users.

The pedestrian crossing point identified on the plan 14136 P0003, does not appear to appropriately meet the needs of pedestrian users and is unclear as to its purpose. The plan does not adequately indicate how pedestrians and cyclists safely enter the site and access the building for the B2/B8 or B1 use. The crossing point identified does not appear satisfactory for cyclists or pedestrians and creates a conflict at the entrance point for larger vehicles. The Highway Authority would wish to see a clearer plan which outlines how pedestrian and cycle users are expected to safely and conveniently enter/ exit and move through the site to the cycle parking and unit entrance points. Equally the HGV exit point appears to be overly wide for what would be deemed necessary and it would be unlikely that two HGV's would be required to exit simultaneously. I would also question why there is a necessity for an exit splay to

the east when all vehicles exiting here would travel in a westerly direction. This has the effect of widening a crossing point for pedestrians and cyclists unnecessarily.

The plan indicates that the 3m cycleway/footway serving the site is proposed to be reduced in width to 2m around the site boundary. Whilst I understand the plan is merely indicative, we would expect the width to remain at 3m and would condition this.

Having spoken to the developer on all matters the Highway Authority have agreed to the following-

SUMMARY & CONDITIONS

- 10% disabled parking provision- **To be a condition of the application**
- EV Charging space provision initially 5 installed and a further 5 within 5 years operational. – **To be a condition of the application.**
- Boundary treatment details to be approved by Highway Authority- **This will be assessed under reserved matters**
- Tracking details for HGV demonstrating that a larger vehicle can enter and exit the site in forward gear. – **This will be assessed under reserved matters**
- Details of the safe access routes into the site for pedestrian and cycle users.- **This will be assessed under reserved matters**
- Cycle parking which is covered, secure and in a visible location. – **To be a condition of the application**
- Redesign of the HGV access and exit splays onto Newstead Road. – **This will be assessed under reserved matters.**

2. Contaminated Land Officer

The application is supported by the following document;

- Liberty Widnes LLC Plot 2 Liberty Park Widnes, Geo-environmental validation report, ref BMT2518, BWB Consulting, July 2020

I have reviewed the application and considered the land contamination implications for the development, and can make the following comments.

The supporting document summarises the work undertaken under a previous permission to investigate and remediate the site. Contamination, a result of the former site use as a timber treatment works (creosoting of railway sleeper timbers), was identified and determined to require remediation. Significant earthworks were undertaken to remove foundations and other in ground obstructions and create a level development platform. A programme of in situ treatment was completed to reduce the level of risk posed to controlled waters by the creosote contamination. These works were agreed to by HBC and the Environment Agency and the verification reporting accepted, the works having met the remedial objectives.

The current development proposals are in line with the intended use as set in the original risk assessment for the site and therefore the remediation already undertaken and approved means the site is suitable for use. The only remaining item is to undertake a piling risk assessment, as there is some residual contamination on site and it will be necessary for the applicant to demonstrate that the proposed works will not increase the risk to controlled waters, particularly the deeper aquifer in the underlying sandstone.

I do not have any objection to the application, but recommend that if permission is granted it should be conditioned to require a piling risk assessment to be submitted prior to construction commencing.

3. Lead Local Flood Authority

After reviewing 20/00445/OUT planning application LLFA found the following:

- The site is located off Newstead Road, Widnes. The site is bound to the south by the railway and open fields, to the east and west by industrial units and to the north by Ditton Brook. It is 7.32ha and considered to be Greenfield site, currently open space.
- The proposed development is for a B2/B8 development including ancillary office space/staff facilities (Use Class B1) with associated loading bays, utilising a total floor space of circa 360,000ft², HGV/car parking, landscaping, pedestrian/cycle connections and associated infrastructure. The site would be classified as 'Less Vulnerable' according to NPPF guidance.
- The applicant has provided the following documents to support the application in relation to drainage and flood risk: OTH_2LPW-BWB-ZZ-XX-RP-YE-0001_FRA_S2_P02_Report_plus_Appendix 1 to 2.pdf, OTH_2LPW-BWB-ZZ-XX-RP-CD-0001_SDS_S2-P02.pdf
- The Flood Risk Assessment (FRA) indicates the majority of the site lies within fluvial Flood Zone 1, with the northern boundary of the site marginally located within Flood Zones 2 and 3 on the Environment Agency Flood Map for Planning, with this area of flood risk associated with Ditton Brook, a tidally influenced watercourse. The FRA states 'a review of the modelled levels in comparison to the topographical survey indicates that the majority of the site along with the industrial unit footprint are elevated above the 1 in 100 year, the 1 in 100 year +30% climate change and 1 in 1000 year fluvial and 1 in 200 year tidal design events.
- With regards to flood risk to the site from other sources the FRA states:
 - o The St Helens Canal is located approximately 2.8km south east of the site and consequently is considered to pose a low risk [of flooding to the site].
 - o The site is shown to fall within an area predicted to be at a low susceptibility to groundwater flooding.
 - o The site is shown to fall outside the area of risk of reservoir failure.
 - o Surface water flood risk on the Environment Agency Long Term Flood Risk Maps shows the site to predominantly site within an area of very low surface water flood risk, with a small areas of low risk shown within the site. The FRA

mentions as the surrounding area falls away from the site, so any overland flows could be routed away from the site.

- The nearby sewer networks direct flows away from the site, there is no historic record of flooding from these sewers.
- The FRA indicates that due to the site levels being located above the modelled water levels and modelled flood extents from Ditton Brook, the current layout would be removed from the floodplain and therefore would not have an impact on the floodplain and therefore compensatory storage would not be required.
- Further to this the FRA details the following to mitigate flood risk on site:
 - Finished floor levels will be set a minimum of 300mm above the 1 in 100 year + 30% climate change fluvial and 1 in 200 year tidal flood levels, and a minimum of 150mm above surrounding ground levels to mitigate against pluvial events.
 - Ground levels should be profiles to divert pluvial runoff from the built development and towards the nearest drainage point.
 - No building or planting should take place within the 8m easement of the top of bank of Ditton Brook.
 - Safe access and Egress can be achieved via Newstead Road (located in Flood Zone 1).
 - The future site occupier's should register for the EA's free flood warning service to receive updates of potential flood risk from the Brook.
- The proposed development would increase the area of impermeable surfaces and therefore increase surface runoff, which could increase flood risk to areas outside the development.
- To mitigate the developments impact on the runoff regime the applicant proposes to incorporate surface water attenuation and storage as part of the proposal. The application has provided a Sustainable Drainage Strategy (SDS) to support the application.
- The SDS document states 'based on the proposed use and lifetime of the development of 50 years it is proposed to apply a 20% allowance to account for ... climate change'. The LLFA would not accept this statement and would require any drainage strategy or this site to be designed to attenuate up to and including the 100 year design event +40% increase in peak flows to allow for climate change.
- The SDS document indicates the existing conditions are as such:
 - Located to the east of the site is a culvert that discharges into Ditton Brook via a flap valve.
 - The underlying geology of the site is identified as superficial deposits of clay, silt and sand.
 - Currently it's considered a proportion of any surface water on the site infiltrates, with the remaining flowing to the watercourse at the boundary of the site.
 - An assessment of current runoff rates, using the IH124 method, indicate a runoff rate per hectare of 5.1l/s.
 - The current runoff volume calculated within Mirco Drainage is 1764m³.

- The SUS document indicated the following with regard to a drainage strategy for the proposed development:
 - o Due to unfavourable underlying conditions and groundwater levels, disposal of surface water via infiltration is deemed not feasible.
 - o Therefore the site is proposed to discharge to Ditton Brook, through the culvert to the east of the site through the infrastructure designed and constructed as part of previous work for the wider development area.
 - o The two existing surface water 'stubs' within the site are proposed to be utilised, with the total runoff from the site along with associated attenuation apportioned to each stub.
 - o As the development would be required to restrict the runoff rate to Greenfield (or current QBAR), attenuation storage will be required.
 - o Attenuation is likely to be in the form of below ground storage, with filter strips utilised within the parking areas to convey flows to the attenuation. Oil separators are proposed to be used to manage potential hydrocarbons.
 - o The current drainage strategy is designed to attenuate the 100 year +20% climate change design flows and a volume of 3690m³. The LLFA would require for this to be designed to the 100 year +40% climate change peak flows and associated volumes. Based upon the current drainage layout plans provided the LLFA would expect the increase in attenuation required to fit within the parking areas.
- The SDS document indicates consideration of the potential impacts of tidal locking on the flap valve have previously been considered as part of the wider scheme. The LLFA would require details of how this was considered and measures taken as part of this proposal to reduce the potential impacts of tidal locking at the proposed site with a similar factor of safety allowance for tidal locking as for unit 1 to be submitted as part of a detailed drainage strategy.

In summary, the LLFA is satisfied that the proposed development would likely be at low risk of flooding from fluvial, tidal and groundwater sources. With regards to surface water flood risk and drainage the LLFA would not accept the current drainage strategy proposed as it is designed to attenuate up to the 100 year +20% climate change allowance, rather than the 100 year + 40% climate change allowance, which is the standard HBC would expect drainage strategies to be designed to. The LLFA has also found the SDS document to lack details of how the potential impacts of tidal locking on the flap valve (which the site discharges to) was considered and measures taken as part of this proposal to reduce the potential impacts of tidal locking at the proposed site with a similar factor of safety allowance for tidal locking as for unit 1. Taking in to account the above mentioned issues, the LLFA would expect, based upon the current drainage layout plans provided, the increase in attenuation required to include the increase in climate change allowance and any storage for tidal locking to be able to fit within the parking areas. Therefore the LLFA would require the following conditions to be applied, should the LPA be minded to approve the application:

No development shall take place until a details of the implementation, maintenance and management of a SUDS scheme for the disposal of surface water in accordance with the SUDS hierarchy have been submitted to and approved by the local planning authority. The scheme shall be implemented and thereafter managed and maintained in accordance with the approved details. Those details shall include:

- i. infiltration testing, soakaway design and/or attenuation and filtration structures and calculations to demonstrate a reduction in surface water runoff rate to greenfield rates for new roof/hardstanding areas.
- ii. Details to demonstrate the system is robust to tide-locked conditions combined with discharges from upstream catchments to the receiving surface water culvert.
- iii. Details to show the system will attenuate flows up to and including the 100 year +40% climate change allowance.
- iv. A detailed management and maintenance plan for the lifetime of the development which shall include the arrangements for adoption by, or connection to any system adopted by, any public body or statutory undertaker, or any other arrangements to secure the operation of the sustainable drainage scheme throughout its lifetime.

No development shall be occupied until a verification report confirming that the SUDS system has been constructed in accordance with the approved design drawings and in accordance with best practice has been submitted to and approved by the local planning authority. This shall include:

- i. Evidence that the SuDS have been signed off by an appropriate, qualified, indemnified engineer and are explained to prospective owners & maintainers plus information that SuDS are entered into the land deeds of the property.
- ii. An agreement that maintenance is in place over the lifetime of the development in accordance with submitted maintenance plan; and/or evidence that the SuDS will be adopted by third party.
- iii. Submission of 'As-built drawings and specification sheets for materials used in the construction, plus a copy of Final Completion Certificate.

4. Environmental Protection

This site is located within an established commercial area of the borough, and the site has held previous outline planning permission under 15/00428/OUT under which the site transport infrastructure was constructed. The site also neighbours a recent B2/B8 development, granted permission under 18/00215/FUL.

The closest noise sensitive area is Lovell Terrace, some 135m south of the development site.

We would not typically expect a development of this nature to cause a loss of amenity in respect of noise once operational, though issues surrounding vehicle movement can sometimes occur if tonal manoeuvring alarms are used on vehicles as opposed to broadband / white sound alarms.

We would request that the applicant submits a lighting scheme to ensure that this is appropriate and does not lead to a loss of amenity, and would also wish to ensure that all development occurs at appropriate times on a development of this size.

Conclusion

Environmental Health has no objection to the application, subject to the following conditions being applied, in the interests of residential amenity;

- There shall be no construction work audible at the site boundary, or deliveries within the application site outside of the following hours;
 - 07:30 – 19:00 Monday to Friday
 - 07:30 – 13:00 Saturday
 - There shall be no construction work or deliveries within the application site on Sundays or Bank Holidays
 - Prior to the installation of any external lighting, full details of the lighting scheme shall be submitted and agreed in writing with the Local Planning Authority
 - During the site operations, all vehicles on site shall utilise with broadband / white sound manoeuvring alarms.
5. Regeneration – Regeneration supports this application as it is an integral part of 3MG and employment for the borough.
6. Merseyside Environmental Advisory Service – Ecology and Waste Advisor.

FIRST CONSULTATION RESPONSE DATED 15TH SEPTEMBER 2020.

Habitats Regulations Assessment

The development site is adjacent to the following European sites. These sites are protected under the Conservation of Habitats & Species Regulations 2017 (as amended) and Core Strategy Local Plan policy CS20 applies:

- Mersey Estuary SPA; and
- Mersey Estuary Ramsar.

In line with Sweetman (2018), I have undertaken the assessment of likely significant effects, using the Source-Pathway-Receptor model, which is based upon the essential features and characteristics of the project only (Appendix 1). This concludes that,

without mitigation/preventative measures, that there will be likely significant effects on the following European sites

- Mersey Estuary SPA; and
- Mersey Estuary Ramsar.

Appropriate Assessment is therefore required in accordance with Regulation 63 (Habitats Regulations 2017). I have completed the Appropriate Assessment report (Appendix 2, table 2) which concludes that, with mitigation/preventative measures secured through the appropriate planning mechanisms, there will be no adverse effect upon the integrity of European sites.

I advise that Natural England is consulted on the outcome of the Appropriate Assessment **prior to determination** and any points which may arise should be addressed. Natural England's views, together with the outcome of the Appropriate Assessment, are required to be included within the Planning Committee/Delegated report.

To ensure that the conclusions of the Appropriate Assessment remain valid, I advise that provision of the following is secured by a suitably worded planning condition:

- A full and detailed Construction Environmental Management Plan (CEMP) which includes, but is not limited to, details of how the transfer of construction-related pollutants into the adjacent Ditton Brook will be avoided.

If there are any material amendments to the proposals, I advise that they must be re-screened for likely significant effects. This includes amendments prior to determination and subsequent approval/discharge of conditions.

Ecology

The applicant has submitted an Ecological Assessment report in accordance with Core Strategy Local Plan policy CS20 (*TEP, August 2020, 6985.02.001, version 2.0*) which meets BS 42020:2013.

Priority Habitat

As stated within the submitted Ecological Assessment report, the proposals affect a Priority Habitat (namely Open Mosaic Habitats on Previously Development Land) and Core Strategy Local Plan policy CS20 applies. The principles of appropriate compensation for the loss of Priority Habitat is required to be agreed with the Council **prior to determination**.

Designated sites

The proposals are close to the following designated sites and Core Strategy Local Plan policy CS20 applies:

- Mersey Estuary SSSI;
- Hale Road Woodland LNR and LWS;
- Clincton Wood LNR and LWS;
- Pickering Pastures LNR;
- Flood Plain, Ditton Brook;

- Ditton Brook LWS; and
- Ash Lane hedge and ditch and grassland LWS.

However, I advise that the production and implementation of the CEMP will ensure that harm to these designated sites is avoided.

Breeding birds

Vegetation on site may provide nesting opportunities for breeding birds, which are protected and Core Strategy Local Plan policy CS20 applies. The following planning condition is required (alternatively this could be included within the CEMP).

CONDITION

No tree felling, scrub clearance, vegetation management, ground clearance and/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 buildings, trees, scrub, hedgerows and vegetation are to be checked first by an appropriately experienced ecologist to ensure no breeding birds are present. If present, details of how they will be protected are required to be submitted for approval.

The proposed development will result in the loss of bird breeding habitat and Core Strategy Local Plan policy CS20 applies. To mitigate for this loss, details of bird nesting boxes (e.g. number, type and location on an appropriately scaled plan) that will be erected on the site should be provided to the Local Planning Authority for agreement. The following planning condition is required.

CONDITION

The development hereby permitted shall not be occupied until details of bird boxes to include number, type and location on an appropriately scaled plan as well as timing of installation, has been provided for approval and implemented in accordance with those details.

Terrestrial mammals

The habitats on site are suitable for badger and hedgehog and Core Strategy Local Plan policy CS20 applies. Badger are protected, whilst hedgehog is a Priority Species. The following reasonable avoidance measures should be put in place to ensure that there are no adverse effects on them:

- A pre-commencement check for badger and hedgehog;
- All trenches and excavations should have a means of escape (e.g. a ramp);
- Any exposed open pipe systems should be capped to prevent mammals gaining access; and
- Appropriate storage of materials to ensure that mammals do not use them.

These measures can be secured by a suitably worded planning condition or they can be included within the CEMP.

Riparian mammals

As recommended by the applicant's ecological consultant, I advise that a pre-commencement inspection of the adjacent stretch of Ditton Brook is undertaken as a precaution. This can be secured by a suitably worded planning condition or be included within the CEMP.

Reptiles and Amphibians

Regarding reptiles and amphibians, I advise that the undertaking of the following Reasonable Avoidance Measures (RAMs) during the construction phase as a precaution are secured by a suitably worded planning condition (or they can be included as part of the CEMP):

- Existing vegetation on the site will be gradually cut and removed under ecological supervision to encourage any amphibians / 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 so as to prevent amphibians / 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 amphibians / 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, so as to remove any hazard to amphibians / reptiles.

Invasive species

Indian balsam is present within the site boundary. Indian balsam is listed on Schedule 9 of the Wildlife and Countryside Act and national Planning Policy Guidance applies¹. 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;
- The method that will be used to prevent the plant/s spreading further, including demarcation;
- The method of control that will be used, including details of post-control monitoring; and
- How the plants will be disposed of after treatment/removal.

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.

Habitats adjacent to the site may provide foraging and commuting habitat for bats. Lighting for the development may affect the use of these areas. A lighting scheme can be designed so that it protects ecology and does not result in excessive light spill onto the adjacent habitats in line with NPPF (paragraph 180). This can be secured by a suitably worded planning condition. It would be helpful for the applicant to refer to *Bat Conservation Trust website* <https://www.bats.org.uk/news/2018/09/new-guidance-on-bats-and-lighting>

Waste

¹ <https://www.gov.uk/guidance/prevent-the-spread-of-harmful-invasive-and-non-native-plants>

The proposal is major development and involves excavation and construction activities which are likely to generate significant volumes of waste. Policy WM8 of the Merseyside and Halton Waste Joint Local Plan (WLP), the National Planning Policy for Waste (paragraph 8) and Planning Practice Guidance (paragraph 49) apply. These policies require the minimisation of waste production and implementation of measures to achieve efficient use of resources, including designing out waste and minimisation of off-site disposal.

In accordance with policy WM8, evidence through a waste audit or a similar mechanism (e.g. a site waste management plan) demonstrating how this will be achieved must be submitted and can be secured by a suitably worded planning condition.

Sustainable Development and Climate Change

The Design and Access Statement (*UMC Architects RevB 13.08.2020-MYDEB Newstead Road Widnes*) includes a section on sustainability. This indicates that the building will aim to achieve BREEAM Very Good rating, through the use of energy efficient, water efficient and sustainable waste management.

The energy and water efficiency measures identified meet the requirements of bullet points 3 to 5 of Core Strategy Local Plan policy CS19 (Sustainable Development and Climate Change), however, it is noted that the development aims to meet BREEAM rating very good, whereas bullet point 2 of the policy requires BREEAM rating excellent. I will be guided by planning colleagues on this matter.

Having reviewed the planning application and supporting documents and considered the project against the provisions of the EIA Regulations (including screening criteria presented in Schedule 3) and the relevant National Planning Practice Guidance, I accordingly consider that the proposals are unlikely to give rise to significant environmental effects from an EIA perspective, and that **EIA is therefore not required in this case.**

EIA Screening

1. This application is replacing 15/00428/OUT which is lapsed. The 2015 application was subject to EIA screening and not considered to be EIA development. The scale of development is marginally smaller this time, and therefore, it is unlikely that EIA will be required.
2. The development is an industrial estate development scheme under Schedule 2, 10(a) of the EIA Regulations 2017. Such projects require screening if they are above 0.5ha in extent. This scheme, at approximately 7.32ha, exceeds the stated threshold and therefore screening for EIA is required. The precise end use of the development is unclear but will include B2/BI use class.
3. Screening for Schedule 2 projects is undertaken on a case-by-case basis guided by a range of indicative criteria and thresholds in order to reach a determination of whether a project will, by virtue of its nature, size or location, give rise to likely significant environmental effects and thereby be subject to a requirement for EIA.

4. Government on-line planning guidance assists the screening process for this case by clearly stating that EIA is unlikely to be required if the site area of new development is less than 20ha in size. Key issues to consider are traffic, emissions and noise. In this case the new development is less than 20ha in size, and is unlikely to result in significant emissions or noise. There will be an increase in traffic, but the site is well placed for access to main highways and transport modelling is taking place.
5. Regarding Schedule 3, the proposals are unlikely to have an adverse effect on the integrity of European sites as determined by the HRA. Other statutory designated and locally designated sites are also unlikely to be significantly impacted by the proposed development. As noted above, the proposals will affect Priority Habitat and this will require mitigation. However, it is not considered on this occasion that impacts on the Priority Habitat are sufficient enough alone to trigger the requirement for EIA.
6. In addition, the site is not 'environmentally sensitive' according to any of the other criteria set out in Schedule 3 of the EIA Regulations.
7. **The development therefore fulfils none of the criteria which might lead to a positive screening for EIA. I accordingly consider that the proposals are unlikely to give rise to significant environmental effects and that EIA is therefore not required in this case.**

SECOND CONSULTATION RESPONSE DATED 23RD NOVEMBER 2020.

Habitats Regulations Assessment

The development site is adjacent to the following European sites. These sites are protected under the Conservation of Habitats & Species Regulations 2017 (as amended) and Core Strategy Local Plan policy CS20 applies:

- Mersey Estuary SPA; and
- Mersey Estuary Ramsar.

In line with Sweetman (2018), I have undertaken the assessment of likely significant effects, using the Source-Pathway-Receptor model, which is based upon the essential features and characteristics of the project only (Appendix 1). This concludes that, without mitigation/preventative measures, that there will be likely significant effects on the following European sites

- Mersey Estuary SPA; and
- Mersey Estuary Ramsar.

Appropriate Assessment is therefore required in accordance with Regulation 63 (Habitats Regulations 2017). Following Natural England advice of 14 October 2020, I have completed a revised Appropriate Assessment report (Appendix 2, table 2) which concludes that, with mitigation/preventative measures secured through the appropriate planning mechanisms, there will be no adverse effect upon the integrity of European sites.

I advise that Natural England is consulted on the outcome of the revised Appropriate Assessment **prior to determination** and any points which may arise should be addressed. Natural England's views, together with the outcome of the Appropriate Assessment, are required to be included within the Planning Committee/Delegated report.

To ensure that the conclusions of the Appropriate Assessment remain valid, I advise that provision of the following is secured by a suitably worded planning condition:

- A full and detailed Construction Environmental Management Plan (CEMP) which includes, but is not limited to, the following details of how the transfer of construction-related pollutants into the adjacent Ditton Brook will be avoided:
 - Covering and containment of any areas of exposed topsoil or similar materials and watering down of these when not in use;
 - Restrictions on the movement of larger vehicles around site in order to reduce soil compaction and reduce potential for increased surface water runoff rates on the surface;
 - Keeping of wheel washing and other wash down facilities in a designated bunded impermeable area, away from Ditton Brook, with surplus surface water disposed via the foul water system or adequately treated prior to appropriate discharge;
 - Undertaking of on-site refuelling activities in a bunded areas over impermeable surfaces to prevent runoff and infiltration into Ditton Brook; and
 - The placement of straw bales on the site boundary adjacent to the watercourse in order to collect any sediment within runoff that would potentially enter the watercourse. Bales will also be placed within the watercourse as an extra measure to collect any sediment in the event that there is any runoff from the development site. Replacement of bales as and when they started to become clogged and in turn less effective.

If there are any material amendments to the proposals, I advise that they must be re-screened for likely significant effects. This includes amendments prior to determination and subsequent approval/discharge of conditions.

Appendix 1: Source-Pathway-Receptor & Assessment of Likely Significant Effects

Application: 20/00445/OUT Land To The South Of Newstead Road Bound By The London And Western Railway And Ditton Brook

The source-pathway-receptor model assesses individual elements of a proposal that may result in significant effects on European sites. If there is a source-pathway-receptor link, then this effect is assessed for significance within the HRA. All potential effects, regardless of scale, duration or permanence are identified and assessed for significance. Figure 1 below shows how the model works.

A 2018 ECJ judgement, known as *People Over Wind* or *Sweetman v Coillte Teoranta* ruled that avoidance and mitigation measures included within the proposals solely to

avoid or reduce harmful effects on a European site cannot be considered at the Assessment of Likely Significant Effects (ALSE) stage. These measures should instead be assessed within the framework of an Appropriate Assessment. This requires a distinction during the ALSE between essential features and characteristics of a project (e.g. its nature, scale, design, location, frequency, timing and duration) and avoidance and mitigation measures designed solely to avoid or reduce adverse effects on a European site.

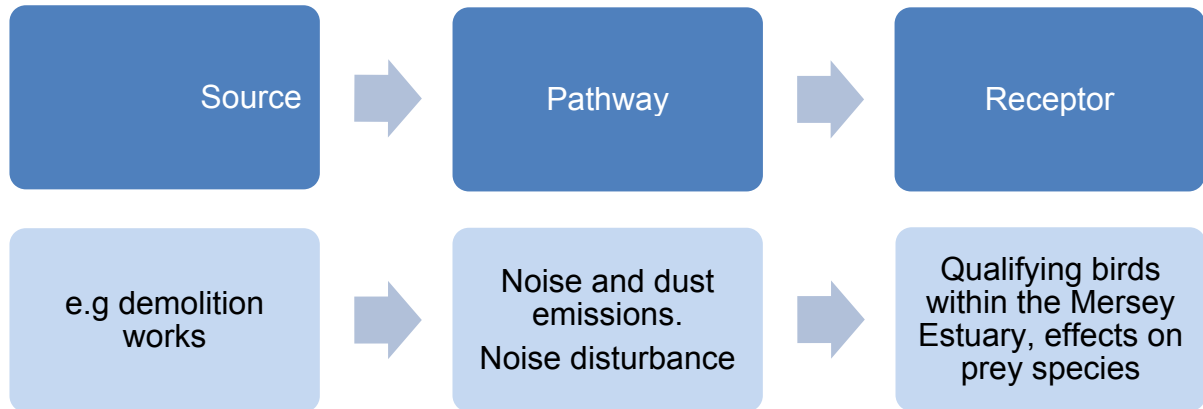


Figure 1 – Source-Pathway-Receptor Model

Source	Pathway	Receptor	Likely Significant Effects?
Site construction: habitat loss	The proposed development will occur approximately 1.2km to the north of the European sites. The proposed development will therefore result in no loss of designated habitats or of functionally-linked habitats. No pathway	Qualifying features of European sites <i>Mersey Estuary SPA</i> <i>Mersey Estuary Ramsar</i>	No likely significant effects
Site construction: noise and visual disturbance	Due to the distance separating the proposed development from the European sites, adverse noise and visual disturbance effects during construction can be discounted. No pathway	Qualifying features of European sites <i>Mersey Estuary SPA</i> <i>Mersey Estuary Ramsar</i>	No Likely significant effects
Site construction: transfer of construction related pollutants	Transfer of construction-related pollutants into European sites via Ditton Brook. Pathway	Qualifying features of European sites <i>Mersey Estuary SPA</i> <i>Mersey Estuary Ramsar</i>	Ditton Brook lies adjacent to the northern site boundary. There is therefore a risk that construction works may result in the transfer of construction-related pollutants into European sites via the brook. Likely significant effects
Operational phase: noise	Due to the distance	Qualifying features of	No Likely significant effects

<p>and visual disturbance</p>	<p>separating the proposed development from the European sites, adverse noise and visual disturbance effects during the operational phase of the proposed development can be discounted. No pathway</p>	<p>European sites <i>Mersey Estuary SPA</i> <i>Mersey Estuary Ramsar</i></p>	
<p>Operational phase: habitat degradation due to transfer of pollutants</p>	<p>The submitted Flood Risk Assessment (<i>BWB, 4 August 2020, 2LPW-BWB-ZZ-XX-RP-YE-0001_FRA</i>) states that surface water on the site will be disposed of via the foul water to ensure that flood risk in the wider area is not increased. Therefore, no outlet for surface water will be created into the banks of Ditton Brook and any risk of contaminated surface waters entering European sites via the watercourse during the operational phase of the development has been</p>	<p>Qualifying features of European sites <i>Mersey Estuary SPA</i> <i>Mersey Estuary Ramsar</i></p>	<p>No Likely significant effects</p>

	<p>removed. Levels within the site will be profiled towards the drainage features within the development. Each of which is to be designed to the appropriate standards and guidance. No pathway</p>		
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Conclusion of Test of Likely Significant Effects

Without the implementation of avoidance and mitigation measures, the proposals are likely to have significant effects on European sites.

Appropriate Assessment is required in accordance with Regulation 63 (Habitats Regulations 2017) and this is included within **Appendix 2**.

Appropriate Assessment

Application 20/00445/OUT Land To The South Of Newstead Road Bound By The London And Western Railway And Ditton Brook

Appropriate Assessment determines if the proposals will have an adverse effect on the integrity of European sites. A clear distinction has been made between embedded mitigation measures, which are essential features and characteristics of the proposals and additional avoidance and mitigation measures that are solely designed to avoid significant effects on European sites.

Table 2. Appropriate Assessment

Receptor	Likely significant effect	Proposed Mitigation Measures	Adverse effect on site integrity with mitigation?
Qualifying features of: <i>Mersey Estuary SPA</i> <i>Mersey Estuary Ramsar</i>	Transfer of dust and construction-related pollutants to the European sites	Construction Environment Management Plan (CEMP) which includes, but is not limited to, the following pollution prevention measures: <ul style="list-style-type: none"> Covering and containment of 	Provided that the production and implementation of a Construction Environment Management Plan (CEMP) is <u>secured by a suitably worded planning condition</u> there will be no adverse effect on

		<p>any areas of exposed topsoil or similar materials and watering down of these when not in use;</p> <ul style="list-style-type: none">• Restrictions on the movement of larger vehicles around site in order to reduce soil compaction and reduce potential for increased surface water runoff rates on the surface;• Keeping of wheel washing and other wash down facilities in a designated bunded impermeable area, away from Ditton Brook, with surplus surface water disposed via the foul water system or adequately treated prior to appropriate discharge;• Undertaking of on-site refuelling activities in a bunded areas over impermeable surfaces to prevent runoff and infiltration into Ditton Brook; and• The placement of straw bales on the site boundary adjacent to the watercourse in order to collect any sediment	<p>the integrity of the European sites.</p>
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		<p>within runoff that would potentially enter the watercourse. Bales will also be placed within the watercourse as an extra measure to collect any sediment in the event that there is any runoff from the development site. Replacement of bales as and when they started to become clogged and in turn less effective.</p>	
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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. Knowsley Metropolitan Borough Council

Under normal circumstances KMBC Highways would not accept the 2015 traffic count for the A5300 Knowsley Expressway/A562 Speke Road part signalised grade separated roundabout junction due to it being too out of date, particularly in light of the highway changes to the road markings that were undertaken since then, and would have requested a revised count be carried out. However, it is acknowledged that during current covid lockdown restrictions it would be inappropriate to do this due to reduced traffic levels on the network and

therefore the use of the 2015 count data factored up to the development opening year is accepted on this occasion.

It is noted that the total floorspace for both phase 1 and phase 2 of the development is slightly less than the previous 2015 outline consent that has subsequently lapsed, and that phase 1 has been treated as a committed development in the Transport Assessment (TA) as it has been built but is currently unoccupied. The trip rates assuming 100% B2 use for phase 1 are accepted.

As the proposed split between B2 and B8 use is unknown for phase 2, scenario 1 in the TA is accepted as the worst case scenario for 100% B2 use. Scenario 2 for a 50:50 split is not agreed as this examines a lower level of traffic generation than could occur and would not be agreed unless a planning condition was imposed to limit the proposed floor space to 50% B2 use. These highway comments are therefore based solely on scenario 1 which is deemed appropriate.

For scenario 1 in the development opening year of 2022, the A5300/A562 junction links are up to 97% capacity in the AM peak hour with the development in place compared to 94% without development, except for the A562 westbound off-slip that is well over capacity at 121% with and without the development. In the PM peak, the junction links are up to 91% capacity with and without the development. In the AM peak the vehicle queues would increase from 69 to 75 on the A562 westbound off-slip with the development, and with an increase from 9 to 14 vehicles in the PM peak on the eastern circulatory carriageway with the development. There would be no bigger increases in queuing greater than 6 vehicles on any link when comparing the 2022 scenario with and without development.

For scenario 1 in the future year of 2027, the A5300/A562 junction links are up to 99% capacity in the AM peak hour with the development in place compared to 96% without development, except for the A562 westbound off-slip that is well over capacity at 125% with and without the development. In the PM peak, the junction links are up to 93% capacity with and without the development. In the AM peak the vehicle queues would increase from 80 to 86 on the A562 westbound off-slip with the development, and with an increase from 10 to 15 vehicles in the PM peak on the eastern circulatory carriageway with the development. There would be no bigger increases in queuing greater than 6 vehicles on any link when comparing the 2027 scenario with and without development.

Although some of the A5300/A562 junction links are approaching capacity in both 2022 and 2027, and the A562 westbound off-slip is over capacity, the

introduction of the development would not have a significant increase on the operation of the junction as the highest increase is 3%. The degree of saturation of the A562 westbound off-slip would be the same with and without the development. In addition there would only be a minor increase in vehicle queuing of up to 6 vehicles on all links. The junction does include MOVA that was in place prior to 2015 when the traffic count was undertaken and it is acknowledged that this would result in slightly better results on the highway network than the traffic model can predict.

On this basis Knowsley Highways has no objection to the planning application but requests that if approved the planning decision notice includes a planning condition, or removal of permitted development rights, to prevent the increase of any building floor space on the site (including mezzanine floor areas) over and above that stated in the current application. Knowsley Highways asks that any such future proposed increase in floor space is the subject of a new planning application and updated TA, with a revised traffic count of the A5300/A562 junction and updated junction modelling, to enable the examination of the additional trip generation and traffic impact of such proposals.

9. Environment Agency

Environment Agency Position

Flood Risk

We have reviewed the Flood Risk Assessment (FRA) from BWB (Ref 2LPW-BWB-ZZ-XX-RP-YE-0001_FRA Rev P02 dated 04/08/2020) submitted with the application and we are satisfied that it demonstrates that the proposed development will not be at an unacceptable risk of flooding or exacerbate flood risk elsewhere. The proposed development must proceed in strict accordance with the FRA and the mitigation measures identified as it will form part of any subsequent planning approval. Therefore, we consider that planning permission for the proposed development should only be granted if the following mitigation measures as set out below are implemented and secured by way of planning conditions on any planning permission.

Condition

The development shall be carried out in accordance with the submitted Flood Risk Assessment (FRA) from BWB (Ref 2LPW-BWB-ZZ-XX-RP-YE-0001_FRA Rev P02 dated 04/08/2020) and the following mitigation measures it details:

1. Finished floor levels shall be set no lower than 7.1 metres Above Ordnance Datum (AOD) or 150 mm above external ground levels whichever is greater.
2. The preparation of an emergency evacuation plan, including the registration with Floodline on 0345 988 1188 to receive Flood Warnings.

These mitigation measures shall be fully implemented prior to occupation and subsequently in accordance with the scheme's timing/phasing arrangements. The

measures detailed above shall be retained and maintained thereafter throughout the lifetime of the development.

Reason

To reduce the impact of flooding on the proposed development and future occupants and to ensure safe access and egress from and to the site.

Contaminated Land

We have also reviewed the following reports with respect to potential risks to controlled waters from land contamination in relation to the proposed development of Plot 2 (Liberty Park) located at Newstead Road, Widnes.

- Geo-environmental Validation report. Plot 2. Liberty Park. Widnes. Prepared by BWB. Report Ref: BMT 2518. Revision 1. Date: July 2020.
- Sustainable Drainage Statement. Plot 2 Liberty Park. Widnes. Prepared by BWB. Report Ref: BMT 2518_SDS. Revision P02. Date: 5th August 2020.

The site has previously been subject to remediation/validation works as documented within the Geo-Environmental Validation report dated July 2020.

Whilst we are satisfied that no further works are required at this current time in respect of controlled waters as documented within our correspondence dated 16th March 2017 (Ref: S0/2016/116073/13-L03, as attached) we ask that the following planning conditions are included within any planning permission granted for the site to ensure controlled waters are adequately protected during the development of the site.

The site is located within a sensitive environmental setting with respect to controlled waters. Further information is required to demonstrate the proposed development will be protective of relevant controlled water receptors.

Condition

If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the local planning authority) shall be carried out until the developer has submitted a remediation strategy to the local planning authority detailing how this unsuspected contamination shall be dealt with and obtained written approval from the local planning authority. The remediation strategy shall be implemented as approved.

Reason

To ensure that the development is not put at unacceptable risk from, or adversely affected by, unacceptable levels of water pollution in line with paragraph 170 of the National Planning Policy Framework.

Given the applicant is proposing a piled foundation solution into the bedrock and the potential for residual contamination to be present within the groundwater we ask that the applicant prepares an appropriate piling risk assessment (taking into account the potential artesian nature of the deeper groundwater within the sandstone aquifer) in line with best practice and guidance such as the Environment

Agency document NC/99/73 'Piling and Penetrative Ground Improvement Methods on Land Affected by Contamination: Guidance on Pollution Prevention' to ensure the proposed piling method is protective of controlled waters.

Condition

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

Reason

To ensure that the proposed piling activity is protective of controlled waters in line with paragraph 170 of the National Planning Policy Framework.

Given the potential for residual contamination to be present within the groundwater any infiltration to ground of surface water from SUDS has the potential to mobilise any existing residual groundwater contamination.

Controlled waters are particularly sensitive in this location because the proposed development site is located adjacent to Ditton Brook.

In light of the above, we do not believe that the use of infiltration SuDS is appropriate in this location. We therefore request that the following planning condition is included as part of any permission granted.

Condition

No drainage systems for the infiltration of surface water to the ground are permitted other than with the written consent of the local planning authority. Any proposals for such systems must be supported by an assessment of the risks to controlled waters. The development shall be carried out in accordance with the approved details.

Reason

To ensure that the development will not be put at unacceptable risk from, or be adversely affected by, unacceptable levels of water pollution in line with paragraph 170 of the National Planning Policy Framework.

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

Advice to applicant

The site is adjacent to Ditton Brook, which is designated "main river". There is also a raised flood defence wall along the southern bank of Ditton Brook, which affects the north-east corner of the site.

Under the Environmental Permitting (England and Wales) Regulations 2016, a permit may be required from the Environment Agency for any proposed works or structures, in, under, over or within eight metres of the top of the bank of

Ditton Brook. This was formerly called a Flood Defence Consent. A permit may also be required for any proposals within 8 metres of the landward toe of the raised flood defence wall. Some activities are also now [excluded](#) or [exempt](#). A permit is separate to and in addition to any planning permission granted. Further details and guidance are available on the GOV.UK website: <https://www.gov.uk/guidance/flood-risk-activities-environmental-permits>.

The site lies within an area where the Environment Agency is able to issue warnings of flooding. For more information about this service please see; <https://www.gov.uk/sign-up-for-flood-warnings>

Informatives

Model Procedures and good practice

We recommend that developers should:

- Follow the risk management framework set out on our '[Land Contamination Risk Management](#)' guidance.
- Refer to the [Environment Agency Guiding principles for land contamination](#) for the type of information that we required in order to assess risks to controlled waters from the site. The Local Authority can advise on risk to other receptors, such as human health.
- Consider using the [National Quality Mark Scheme for Land Contamination Management](#) which involves the use of competent persons to ensure that land contamination risks are appropriately managed.
- Refer to the [contaminated land](#) pages on GOV.UK for more information.

The redevelopment of the site may give rise to waste management issues and we would advise the Applicant as follows:

Reuse of material on site

The CLAIRE Definition of Waste: Development Industry Code of Practice (version 2) provides operators with a framework for determining whether or not excavated material arising from site during remediation and/or land development works are waste or have ceased to be waste.

Under the Code of Practice:

- excavated materials that are recovered via a treatment operation can be re-used on-site providing they are treated to a standard such that they fit for purpose and unlikely to cause pollution
- treated materials can be transferred between sites as part of a hub and cluster project
- some naturally occurring clean material can be transferred directly between sites.

Developers should ensure that all contaminated materials are adequately characterised both chemically and physically, and that the permitting status of any proposed on site operations are clear. If in doubt, the Environment Agency should be contacted for advice at an early stage to avoid any delays.

The Environment Agency recommends that developers should refer to:

- the Position statement on the Definition of Waste: Development Industry Code of Practice and;
- The [Environmental regulations](#) page on GOV.UK.

Waste to be taken off site

Contaminated soil that is, or must be disposed of, is waste. Therefore, its handling, transport, treatment and disposal is subject to waste management legislation, which includes:

- Duty of Care Regulations 1991
- Hazardous Waste (England and Wales) Regulations 2005
- Environmental Permitting (England and Wales) Regulations 2017
- The Waste (England and Wales) Regulations 2011

Developers should ensure that all contaminated materials are adequately characterised both chemically and physically in line with relevant guidance and that the permitting status of any proposed treatment or disposal activity is clear. If in doubt, the Environment Agency should be contacted for advice at an early stage to avoid any delays.

SuDS – infiltration

Approved Document Part H of the Building Regulations 2010 establishes a hierarchy for surface water disposal, and encourages a SuDS approach. The first option for surface water disposal should be the use of SuDS, which encourage infiltration such as soakaways or infiltration trenches. In all cases, it should be established that these options are feasible, can be adopted and properly maintained and would not lead to any other environmental problems. For example, using soakaways or other infiltration methods on contaminated land carries groundwater pollution risks and may not work in areas with a high water table. Where the intention is to dispose to soakaway, these should be shown to work through an appropriate assessment carried out under Building Research Establishment (BRE) Digest 365.

SuDS – further information

Further information on SuDS can be found in:

- the CIRIA C697 document SuDS manual
- HR Wallingford SR 666 Use of SuDS in high density developments
- CIRIA C635 Designing for exceedance in urban drainage – good practice the Interim Code of Practice for Sustainable Drainage Systems – the Interim Code of Practice provides advice on design, adoption and maintenance issues and a full overview of other technical guidance on SuDS.

Regulatory position statements

If dewatering and discharging into surface water is required during development the following Regulatory Position Statement would apply: ‘Temporary dewatering from excavations to surface water’

<https://www.gov.uk/government/publications/temporary-dewatering-from-excavations-to-surface-water>

If during development discharge into groundwater is required an assessment needs to be carried out to determine whether one of the groundwater exclusions exempting permit application applies.

<https://www.gov.uk/government/publications/groundwater-activity-exclusions-from-environmental-permits/groundwater-activity-exclusions-from-environmental-permits>

10. 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 - SUBJECT TO APPROPRIATE MITIGATION BEING SECURED

We consider that without appropriate mitigation the application would:

- have an adverse effect on the integrity of Mersey Estuary Special Protection Area (SPA) , Mersey Estuary Ramsar and Mersey Estuary Site of Scientific Interest (SSSI)

In order to mitigate these adverse effects and make the development acceptable, the following mitigation measure should be secured:

- The production and implementation of a Construction Environment Management Plan (CEMP)

We advise that an appropriate planning condition or obligation is attached to any planning permission to secure these measures.

Natural England's further advice on designated sites is set out below.

Habitats Regulations Assessment (HRA)

Natural England notes that an appropriate assessment of the proposal has been undertaken in accordance with regulation 63 of the Conservation of Species and Habitats Regulations 2017 (as amended). Natural England is a statutory consultee on the appropriate assessment stage of the Habitats Regulations Assessment process.

The appropriate assessment concludes that your authority is able to ascertain that the proposal will not result in adverse effects on the integrity of any of the sites in question.

Having considered the updated HRA by MEAS received by us on the 16 October 2020, and the measures proposed to mitigate for all identified adverse effects that could potentially occur as a result of the proposal, Natural England advises

that we concur with the assessment conclusions providing that the below mitigation measure is appropriately secured in any planning permission given.

- We advise that a detailed Construction Environment Management Plan (CEMP) is produced and agreed prior to commencement of any works on site. The CEMP should provide specific details on mitigation measures to prevent the pollution of the adjacent watercourse. The

measures as set out within the Appropriate Assessment should be incorporated into the CEMP.

We would be pleased to provide advice on the discharge of planning conditions or obligations attached to any planning permission to address the issues above.

Mersey Estuary SSSI

Our concerns regarding the potential impacts upon the Mersey Estuary SSSI coincide with our concerns regarding the potential impacts upon the international designated sites, therefore we are content that providing the application is undertaken in strict accordance with the details submitted and providing the above conditions are secured, the development is not likely to damage the interest features for which the site has been notified.

Please note that if your authority is minded to grant planning permission contrary to the advice in this letter, you are required under Section 281 (6) of the Wildlife and Countryside Act 1981 (as amended) to notify Natural England of the permission, the terms on which it is proposed to grant it and how, if at all, your authority has taken account of Natural England's advice. You must also allow a further period of 21 days before the operation can commence.

11. Cadent Gas – Observations have been provided detailing the presence of apparatus which the applicant needs to be mindful of. The detailed observations should be provided to the applicant by way of an informative on any subsequent approval.
12. Network Rail – No observations received at the time of writing this report.
13. Halebank Parish Council – No observations received at the time of writing this report.