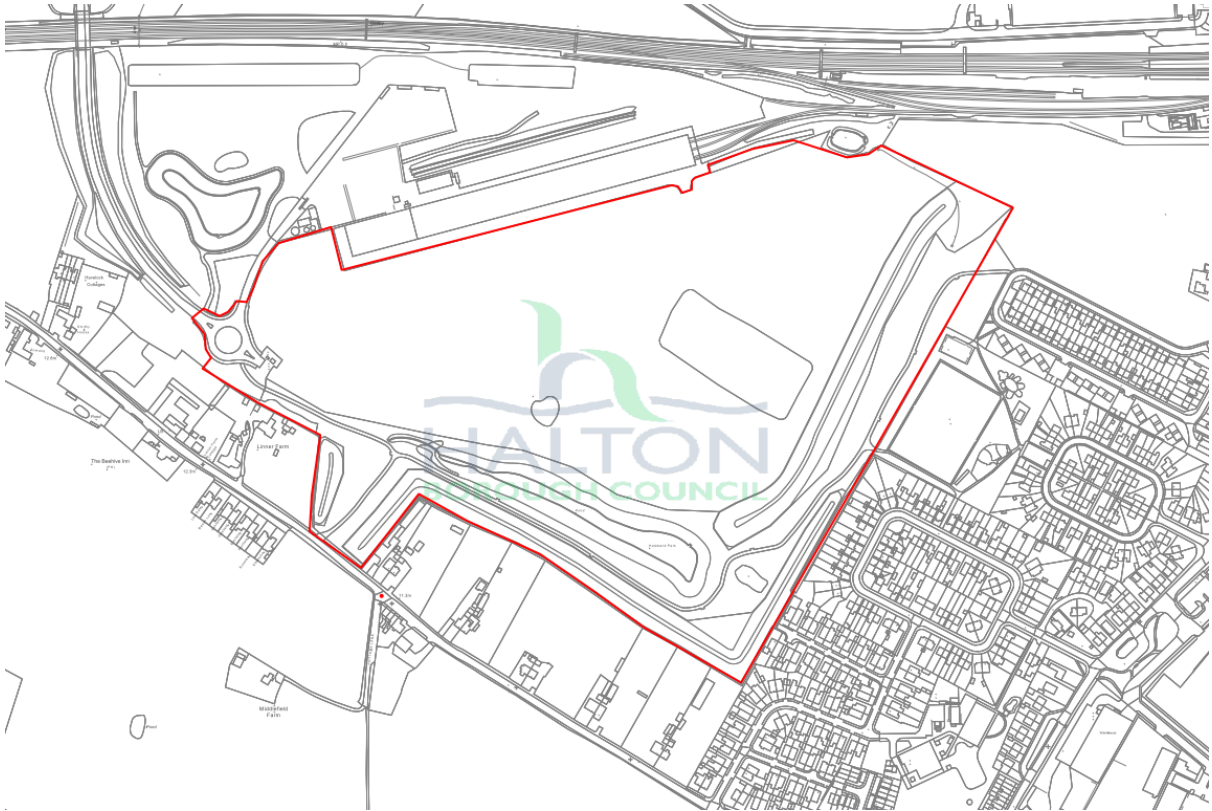
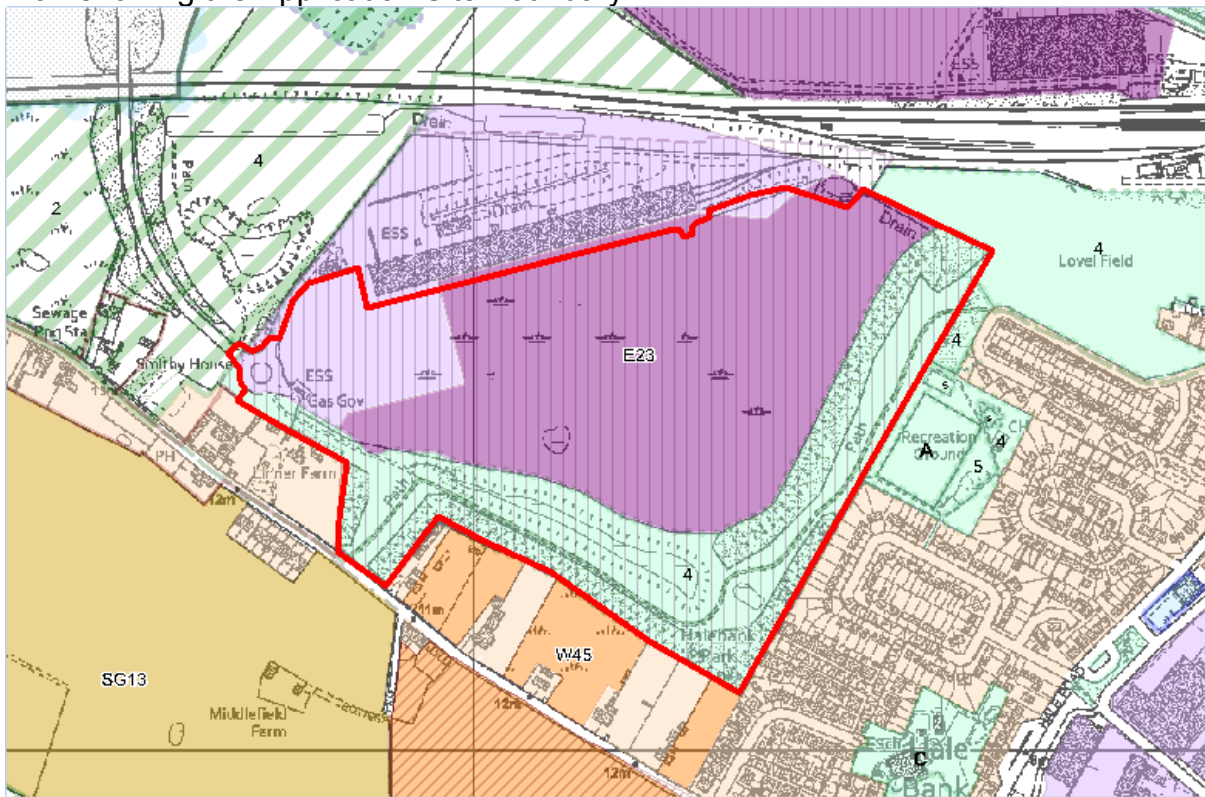


APPLICATION NO:	22/00152/FULEIA
LOCATION:	Land Off Lovels Way, Halebank, Widnes, Cheshire.
PROPOSAL:	Proposed storage and distribution unit (B8 use) with ancillary offices (E(g)(i) use), electricity substation, two security gatehouses, vehicle wash, highways infrastructure including accesses, car parking, service and delivery areas and associated other works including ground works, drainage and landscaping.
WARD:	Ditton, Hale Village and Halebank.
PARISH:	Halebank Parish Council.
APPLICANT:	Commercial Development Projects Ltd, Marshall House, Huddersfield Road, Elland, HX5 9BW.
DEVELOPMENT PLAN: Halton Delivery and Allocations Local Plan (2022) (DALP) Joint Merseyside and Halton Waste Local Plan (2013) (WLP)	ALLOCATIONS: Strategic Employment Location; Employment Allocation – E23; Primarily Employment Area; Greenspace; Greenway.
DEPARTURE	No.
REPRESENTATIONS:	Representations from six contributors plus representations from both a Ward Councillor and Halebank Parish Council.
RECOMMENDATION:	Grant planning permission subject to conditions and legal agreements.
SITE MAP	



Extract from the Policies Map accompanying the Halton Delivery and Allocations Local Plan showing the Application Site Boundary.



1. APPLICATION SITE

1.1 The Site

The Site is irregular in shape and occupies approximately 22 hectares of land to the east of Lovels Way, Widnes, within the ward of Ditton, Hale Village & Halebank. The Site is bound by Alstrom Rail Technology Centre and a railway (the West Coast Main Line) to the north, Lovels Way to the west, Halebank Park and woodland mound to the south and east associated with Halebank Park.

The site being developed comprises undeveloped land, which is vegetated with scrubby vegetation including scattered, predominantly self-seeded, trees.

The area surrounding the Site is characterised by commercial uses to the north, residential development to the east, residential dwellings and agricultural land to the south, and grassland and industrial uses to the west.

The site has a number of different designations on the Policies Map accompanying the DALP as is shown on the Policies Map extract above.

A large proportion of the site is an Employment Allocation labelled E23 and is dark purple in colour.

Some of the north western section of the site is Primarily Employment Area and is light purple in colour.

The entire site is shown as being within a Strategic Employment Location and is shown by vertical purple lines.

An area of Greenspace is located on the south eastern and south western sides of the site which is green in colour. This Greenspace is the land, which forms Halebank Park.

There is a Greenway running through the designated Greenspace referenced above. This runs through Halebank Park and links Hale Road to Halebank Road. This is shown as a dark green dashed line.

It is understood that the Greenspace and Greenway are included in the application site as the applicant would take ownership of these areas should they obtain planning permission for the proposed development.

The site is adjacent to the Green Belt, which is shown by the diagonal green lines predominantly to the north west of the site. The Halebank Conservation Area is located to the south west of the site and is enclosed with a brown line. There is a scheduled ancient monument located in the locality. This is the Lovels Hall Moated Site and Fishpond. This is located on the northern side of the railway line which is beyond the Alstrom Rail Technology Centre and located within the Green Belt.

1.2 Planning History

Planning Permission has previously been granted for related development in the form of advance structural landscape works (applications 05/00948/FUL and 07/00336/HBCFUL), for associated rail sidings (application 07/00362/FUL) which was renewed in 2010 (application 10/00411/S73) and for a proposed new link road, with associated landscaping, linking the site to the A5300/ A562 Speke Road/ Knowsley Expressway roundabout via Newstead Road and crossing the West Coast Mainline to the north (application 08/00031/HBCFUL).

A planning application for the proposed construction of a single rail-served building for storage and distribution purposes (total gross internal area 109,660sqm/use class B8) together with associated infrastructure, parking, open space, landscaping and ancillary development was submitted to the Council in July 2011 (application 11/00269/FULEIA). The application was approved by the Council in September 2011 but that decision was quashed by the High Court in July 2012. The application was subsequently returned to the Council for determination with permission granted on 9th September 2014.

A revised planning application for the proposed construction of 5 no. railway sidings to be implemented on a phased basis to serve the Mersey Multimodal Gateway (3MG) connecting to the national rail network West Coast Mainline via Ditton Junction sidings (application 14/00382/HBCFUL) was granted on 18th July 2016. A number of condition discharge applications were made in respect of this proposal (applications 16/00554/COND and 17/00181/COND).

A planning application for the proposed construction of a purpose built transport and technology facility (Use Class B2) in three phases. Phase 1 to include a 28,053 sq. m facility with associated access, car parking, HGV parking, service yards, rail sidings, landscaping, substation and associated engineering operations. Phase 2A to include a 7,425 sq. m extension to the facility with a connection to the rail sidings constructed under Phase 1, an additional service yard, additional car parking and associated development. Phase 2B to include a further 15,925 sq. m extension to the facility with additional HGV parking and associated development in November 2015. Planning permission was granted on 17th February 2016. This permission has been partly implemented by Alstom and has also been subject to application 17/00035/NMA (granted 10th March 2017) which proposed amendments to conditions 2 and 3 and application 17/00183/S73 (granted 27th June 2017) which proposed Phase 1 drainage works to be developed in two stages, Stage 1 and Stage 2 with Stage 2 representing the completion of the Phase 1 drainage works. The southern part of the site which has not been implemented is included within the land subject of the current application.

Application to discharge Condition No(s) 9, 11, 12, 19, 22, 23, 24, 26 and 30 of Planning Permission 15/00549/FULEIA (application 17/00296/COND) was granted on 7th September 2017.

More recently, the Alstom Rail Technology Centre has been subject to the following applications:

17/00371/FUL - Proposed addition of 12 no. paint booth extraction flues at roof level – Granted 6th October 2017.

19/00304/FUL - Retrospective application for retention of car park including associated drainage and single storey modular workshop building – Withdrawn 7th April 2021.

20/00173/FUL - Proposed development comprising 3 no. loading docks and access road – Withdrawn 7th April 2021.

20/00648/FUL - Proposed creation of new single rail siding, with associated overhead line equipment, and side access track – Withdrawn 12th January 2022.

2. THE APPLICATION

2.1 The Proposal

Planning permission is sought for a storage and distribution unit (B8 use) with ancillary offices (E(g)(i) use), electricity substation, two security gatehouses, vehicle wash, highways infrastructure including accesses, car parking, service and delivery areas and associated other works including ground works, drainage and landscaping.

Below provides more detail for which planning permission is sought:

Employment Use (Use Class B8) - 512,000 sq.ft

Office use (Use Class E(g)(i)) - 33,000 sq.ft

Security gatehouses - 260 sq.ft (each gatehouse will be 130 sq.ft)

Vehicle wash facility - 1,846 sq.ft

Pump house - 235 sq.ft

Electricity substation - 378 sq.ft

HGV trailer bays - 181no.

Cycle spaces - 102no. cycle parking spaces

Car parking spaces - 480no. parking spaces (including 48no. accessible parking spaces of which 24 are disabled, 24no. electric vehicle ('EV') charging spaces and 24no. car sharing spaces)

The Proposed Development includes a single industrial unit and the main building height would extend to a maximum of c. 18.22m above FFL. The office block is proposed to be three storeys in height. The main building would be located centrally within the site and is rectangular in shape. The office block of the development would be located on the western side of the main building.

The car park for employees will be located to the west of the main building. There would also be an additional 72 docking spaces (where HGV's will dock to load or unload to and from the building) around the north and south perimeters of the building in addition to the trailer bays. A vehicle wash facility would be located in the north east of the site. A one-way circular route for HGVs

around the main building leading to service and delivery areas is proposed which would be secured with security gatehouses at the entry and exit points to the west of the main building.

The use would operate 24 hours per day, 7 days per week and 52 weeks per year. The applicant has advised that the functional requirements of the building dictate the scale, nature, form and layout of the development.

The site would also accommodate areas for habitat creation and enhancement in order to increase biodiversity.

Members should note that the application was originally advertised as being a departure from the development plan. This was due to part of the application site being located within the Green Belt. During the processing of the application, the application site has been amended to ensure that there is no encroachment from the proposed development into the Green Belt. On this basis, the application is no longer considered to be a departure from the development plan.

2.2 Documentation

The application is accompanied by a submission covering letter including a table which sets out all the supporting documents.

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 Delivery and Allocations Local Plan (2022)

The following policies contained within the Halton Delivery and Allocations Local Plan are of relevance:

- CS(R)1 Halton's Spatial Strategy;
- CS(R)4 Employment Land Supply;
- CS(R)7 Infrastructure Provision;
- CS(R)15 Sustainable Transport;
- CS(R)18 High Quality Design;
- CS(R)19 Sustainable Development and Climate Change;
- CS(R)20 Natural and Historic Environment;
- CS(R)21 Green Infrastructure;
- CS(R)22 Health and Well-Being;
- CS23 Managing Pollution and Risk;
- CS24 Waste;

- ED1 Employment Allocations;
- ED2 Employment Development;
- C1 Transport Network and Accessibility;
- C2 Parking Standards;
- HE1 Natural Environment and Nature Conservation;
- HE2 Heritage Assets and the Historic Environment;
- HE4 Greenspace and Green Infrastructure;
- HE5 Trees and Landscaping;
- HE7 Pollution and Nuisance;
- HE8 Land Contamination;
- HE9 Water Management and Flood Risk;
- GR1 Design of Development;
- GR2 Amenity;
- GR3 Boundary Fences and Walls.

3.2 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 for New Development.

Supplementary Planning Documents (SPD)

- 3MG Mersey Multimodal Gateway SPD;
- Planning for Risk SPD;
- Design of New Industrial and Commercial Development SPD;
- Designing for Community Safety Supplementary Planning Documents.

MATERIAL CONSIDERATIONS

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

3.3 National Planning Policy Framework

The National Planning Policy Framework (NPPF) was published in July 2021 to set out the Government's planning policies for England and how these should be applied.

3.4 Equality Duty

Section 149 of the Equality Act 2010 created the public sector equality duty.

Section 149 states:-

(1) A public authority must, in the exercise of its functions, have due regard to the need to:

- a) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under this Act;
- b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;
- c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

Officers have taken this into account and given due regard to this statutory duty, and the matters specified in Section 149 of the Equality Act 2010 in the determination of this application.

There are no known equality implications arising directly from this development that justify the refusal of planning permission.

3.5 Other Considerations

The application has been considered having regard to Article 1 of the First Protocol of the Human Rights Act 1998, which sets out a persons rights to the peaceful enjoyment of property and Article 8 of the Convention of the same Act which sets out his/her rights in respect for private and family life and for the home. Officers consider that the proposed development would not be contrary to the provisions of the above Articles in respect of the human rights of surrounding residents/occupiers.

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

4.1 Highways and Transportation Development Control

No objection to the proposed development subject to conditions and financial contributions secured by legal agreement.

4.2 Lead Local Flood Authority

No objection to the proposed development subject to a condition.

4.3 Contaminated Land Officer

No objection to the proposed development subject to conditions.

4.4 Environmental Health Officer

No objection to the proposed development subject to conditions.

4.5 Landscape

No objection to the proposed development.

4.6 Public Health

No objection to the proposed development.

4.7 Merseyside Environmental Advisory Service – Ecology and Waste Advisor

No objection to the proposed development subject to conditions / legal agreement. This position is subject to appropriate compensation for loss of Priority Habitat to achieve no net loss having been agreed prior to determination.

4.8 Archaeological Advisor

No objection to the proposed development.

4.9 Conservation Advisor

No objection to the proposed development.

4.10 Natural England

No objection to the proposed development.

4.11 United Utilities

No objection subject to conditions.

4.12 The Coal Authority

No observations.

4.13 Historic England

No objection to the proposed development.

4.14 Halebank Parish Council

Objection raised to the proposed development. Full observations set out in Appendix 1 (1.14). Summarised objections and associated commentary in Section 5 (5.7).

4.15 Cheshire Police

No objection. Observations to be attached as an informative.

4.16 National Highways

No objection.

4.17 Environment Agency

No objection subject to a condition.

4.18 Cadent Gas

No objection. Informative note required.

4.19 SP Energy Networks

No objection. Informative required.

4.20 Network Rail

No objection. Attach comments as an informative.

4.21 Knowsley Council

No objection.

4.22 Liverpool Airport

No objection. Informative note required.

4.23 Cheshire Fire and Rescue Service

No objection.

5. REPRESENTATIONS

5.1 The application was originally publicised by one hundred and twenty neighbour notification letters sent on 25th March 2022, ten site notices posted in the vicinity of the site on 24th March 2022 and a press advert in the Widnes and Runcorn Weekly News on 31st March 2022.

5.2 Following the receipt of amended plans and the submission of further Environmental Information in August 2022, further publicity in the form of one hundred and twenty-three (increased to cover those originally consulted plus additional representations received and not previously notified directly) neighbour notification letters sent on 11th August 2022, ten site notices posted in the vicinity of the site on 11th August 2022 and a press advert in the Widnes and Runcorn Weekly News on 11th August 2022.

5.3 Following the receipt of amended plans and the submission of further Environmental Information in September / October 2022, further publicity in the form of one hundred and twenty-three neighbour notification letters sent on 5th October 2022, ten site notices posted in the vicinity of the site on 6th October 2022 and a press advert in the Widnes and Runcorn Weekly News on 13th October 2022.

5.4 Representations from six contributors have been received from the publicity given to the application. A summary of the issues raised are below:

- Far too close to residential areas;
- Possible damage to the water table in a high flood risk area;
- More hardstanding will lead to flooding;
- The road network cannot support new development;
- Object to any road connections onto Halebank Road;
- Access should be via Speke Road only;
- Significant increase in traffic;
- Too many car parking spaces and not enough thought for sustainable travel;
- Reduction in house values;
- Noise and light pollution will be unbearable;
- Proposed development is similar to that quashed previously;
- Loading bays should face Alstom;
- It is adjacent to a Conservation Area;
- Tree planting required to protect residents;
- Will the path through Halebank Park be closed during construction?
- Will the building feature solar panels or create electricity from green energy sources like wind turbines;
- The design does not reflect the character of the area;
- Proposed building is too big and will dominate the parkland;
- The site is currently a wetland with lakes and wildlife;
- No biodiversity net gain;
- The development will not improve the area;

5.5 Cllr Mike Wharton has made the following observations:

I have been contacted by constituents and Halebank Parish Council and want to make sure that the following points will be considered in making a recommendation to the Committee with regard to the above planning application.

- The height of the building and its relationship with residential property.

- The access to Halebank road is emergency access only.
- That the noise impacts of the development are considered and conditioned to adequately protect residents.

5.6 Letters of objection on behalf of Halebank Parish Council have been received and state the following:

5.7 Summary Responses to Issues Raised by Halebank Parish Council

TABLE

Issue Raised by HBPC	Response
<p>Access and Highways</p> <p>In response 1, HBPC were opposed to the proposed access arrangement, which would introduce a second roundabout adjacent to the boundary of the Halebank Conservation Area and a vehicular connection between the development and Halebank Road.</p> <p>In response 2, HBPC no longer objected on highway/access grounds subject to a planning condition being imposed restricting access for motorised traffic (except emergency response vehicles) from gaining access to or egress from Halebank Road.</p>	<p>The second roundabout adjacent to the Halebank Conservation Area and the vehicular connection between the development and Halebank Road has been removed by the applicant. This has been agreed following consultation with HBC Highways and Cheshire Fire and Rescue</p> <p>The applicant has updated the plan to clearly show this being for pedestrians and cyclists. A condition is not considered necessary.</p>
<p>Residential Amenity – Noise Impacts</p> <p>HBPC are concerned that the noise impacts of the development both during construction and post completion will have a severe detrimental impact.</p> <p>HBPC request a planning condition restricting hours of operation between 2300-0700 as was on 15/00549/FULEIA</p>	<p>It is acknowledged that all construction projects will have impacts. The Noise and Vibration considerations in section 6 look at the impact of the proposed development both during the construction phase and post completion. Subject to the measures outlined in the CEMP, the impact of construction noise is considered to be acceptable. During the operational phase, the Council’s Environmental Health Officer raises no objection subject to the use of a noise management plan secured by condition.</p> <p>The noise assessment accompanying application 15/00549/FULEIA was based on the movement of trains and materials by</p>

<p>and 17/00035/NMA for the same reason – to minimise noise disturbance to neighbouring residents.</p> <p>HBPC consider that a bespoke Acoustic Impact Assessment will be required when a prospective end-user for the site is identified.</p>	<p>road and rail only between 07:00 and 23:00. The suitability of night-time movements (23:00-07:00) to and from the site by road and rail was not considered. On this basis, a condition was attached restricting deliveries or dispatch of materials or trains to or from the site whether by road or by rail or movement of trains within the site during the hours 23:00 and 07:00. The Committee Report was also clear that a further assessment and application would be required to vary the condition to allow for night-time movements as set out.</p> <p>The current proposal will operate 24 hours per day. The applicant has undertaken a Noise Impact Assessment based on a worst-case scenario for the proposed development which provides a level of protection and flexibility in the proposed usage and to ensure no significant adverse impact is expected at the noise receptors adjacent to the site.</p> <p>Notwithstanding the above, the applicant notes that a Noise Impact Assessment could be conditioned and completed by the end user to ensure all aspects of their operations and plant items are considered. They also note that this is common place, especially for fixed plant sound.</p> <p>It should also be noted that the applicant accepts that the starting point for external plant is that it should be located to the north of the main building, below roof height, such that it is afforded attenuation from the building and the distance from the local residents. The detailing and subsequent implementation would be secured by a Noise Impact Assessment condition as suggested by HBPC.</p>
<p>Residential Amenity – Artificial Light Nuisance</p> <p>In their first representation HBPC stated that based on the level of detail submitted with the application, there is no evidence that the proposal would not have an unacceptable impact on the living conditions of neighbouring residents with</p>	<p>See second representation below</p>

<p>regard to artificial light nuisance, nor does it demonstrate that the lighting arrangements would not have a detrimental impact on habitats of protected species.</p> <p>The second representation from HBPC confirmed that their concerns regarding artificial light nuisance are satisfied by the additional information provided (document reference M2999-AFC-SW-XX-DR-E 9001 P02) and that appropriate provision of lighting can be secured by condition.</p>	<p>This second representation confirms that the original concerns in relation to artificial light nuisance have been addressed and lighting can be dealt with by condition. See lighting assessment later in the report.</p>
<p>Visual Amenity and Setting of Halebank Conservation Area</p> <p>The proposal seeks a height uplift compared to previously consented buildings as the proposed building is 18m in height, almost 6m higher than Alstom. HBPC do not consider there to be any justification for the proposed quantum and scale of development.</p> <p>HBPC consider that there would be a transformative visual impact on Halebank to the detriment of the amenity of existing residents and to the setting of the Conservation Area. They consider the visual impact to be so severe as to potentially undermine the delivery of Site W24 allocated in the DALP which is expected to provide 484 dwellings during the plan period</p>	<p>The Environmental Statement assesses the effects of the Proposed Development on landscape character and visual amenity. In particular it identifies and assesses the anticipated effects of change resulting from the Proposed Development on the character and features of the landscape; and on people's views and visual amenity within the Landscape and Visual Impact Assessment (LVIA) Study Area.</p> <p>The LVIA does not identify any justification for the proposed development to give rise to significant effects on the landscape of the site, surrounding the site, or in relation to the surrounding visual receptors when considered as a whole and relative to the nature, scale and mitigation associated with the proposals. See detailed landscape and visual assessment later in the report.</p> <p>The immediate setting of Halebank Road Conservation Area are considered to remain largely unaltered as a consequence of the proposed development. The site is well contained by its own boundary vegetation, with the landscape buffer planting associated with the southern and eastern edges of Halebank Park in particular providing a strong physical and visual screening role between the site and the adjoining residential edge of Halebank and the Halebank Conservation Area. The residual effect of the proposed development on the setting of the</p>

<p>HBPC consider that a detailed landscaping scheme with an associated plan for future management and maintenance must be provided by the applicant prior to the determination of the application.</p>	<p>Conservation Area would be minor adverse as whilst the landscape buffers will grow, it would not to be a point that the new building is barely perceptible. The Council's Conservation Advisor raises no objection to the proposed development.</p> <p>In respect of the proposal potentially undermining the delivery of Site W24, the above consideration sets out the position in respect of landscape and visual impact. It is considered that the proposed development does not identify any potential in this regard.</p> <p>Detailed landscaping has been submitted and its subsequent implementation and maintenance would be secured by condition.</p>
<p>Greenspace</p> <p>HBPC consider that the purpose of the Greenspace/Green Infrastructure element to the Strategic Employment Allocation is to provide a physical and functional buffer to the otherwise unacceptable juxtaposition of industry and residential uses.</p> <p>HBPC strongly objected to the proposal for a road through designated Greenspace/Halebank Park in their original representation.</p> <p>HBPC is of the view that the proposed layout does not satisfy the provisions of Policy HE4. Firstly, it is noted that the layout leaves an isolated parcel of open land to the northwest of the proposed carpark. This area would not be suitable for public amenity use as it is separated from Halebank Park by several roads. In addition, this area is actually allocated in the DALP for employment purposes, meaning that a development proposal is likely to come forward later.</p> <p>The most efficient highway layout would be to use the existing roundabout as the main</p>	<p>It is acknowledged that the designated Greenspace is also part of the Strategic Employment Allocation and provides the physical and functional buffer between different land uses as HBPC set out.</p> <p>The road through the designated Greenspace (Halebank Park) has now been deleted on amended plans submitted.</p> <p>The amended scheme does not result in the identified parcel of land being isolated open land. It would be used for landscaping in the form of a pond, reed beds and tree planting.</p> <p>The highway layout now shows access from the existing roundabout and the</p>

<p>point of access into the site. This would also direct traffic and road infrastructure away from residential areas and Halebank Conservation Area. Any surplus areas not required to accommodate the existing development should be amalgamated with Halebank Park in order to satisfy HE4 which seeks the expansion of Greenspace.</p> <p>No landscaping detail provided within the application submission to demonstrate the suitability of the proposals.</p> <p>HBPC consider that the Council should impose planning conditions to guarantee that Halebank Park be accessible to the public at all times and also to ensure that landscaping works are completed prior to the first use of the development. Ongoing maintenance and management of greenspace within the site must be secured by planning obligation.</p> <p>In their second representation, HBPC consider that there are no apparent landscaping proposals for a large proportion of the application site exacerbating the concerns for the visual amenity of surrounding area in views from Halebank Road and Halebank Conservation Area.</p> <p>HBPC consider that a landscaping scheme and suitably worded conditions to secure implementation and future management of ongoing management works for the whole application site is required</p>	<p>second roundabout is deleted. See Transport and Access section later in the report.</p> <p>HBPC have welcomed the landscaping proposals in their second representation following further submissions from the applicant.</p> <p>It is considered that appropriate access and management of Halebank Park in perpetuity is secured through the land sale agreement between the Council and the applicant. It is also considered reasonable to impose appropriate restrictions on permitted development rights relating to the proposed development as the designated Greenspace that forms Halebank Park is within the application site would be subject to management as set out in the Landscape and Ecological Management Plan. See detailed assessment.</p> <p>The applicant's landscaping plan now shows planting in the area referenced by HBPC. As previously stated, the landscape and visual impact of the proposed development is considered to be acceptable.</p> <p>A planning condition securing the implementation of the proposed landscaping scheme along with management and replacement of defective species for five years from planting is considered reasonable.</p>
<p>Other Matters</p> <p>HBPC refer to Planning Permission granted under reference 15/00549/FULEIA (later non-material amendment granted under 17/00035/NMA) being subject to 34 conditions of approval and there being no record of discharge. HBPC state that this calls into question the validity of</p>	<p>The planning application currently under consideration has to be considered on its own merits and if there were to be any breaches of planning control identified on the adjacent site following the investigation of the conditions highlighted by HBPC, this would not be a reason for recommending</p>

15/00549/FULEIA and given HBC's ongoing interest in the application site as landowner, it is incumbent that any potential planning breaches are investigated and resolved expeditiously.

the refusal of this planning application. Appropriate action as necessary would need to be taken with respect of any identified breach of planning control.

HBPC's current position on based on the second/ latest representation received the proposed development is summarised as follows:

HBPC acknowledges that the principle of development is acceptable. HBPC's previous concerns regarding highways, access and artificial light nuisance appear to be resolved subject to the imposition of conditions as suggested. However, the proposed height of the building, the noise impacts of the development once in operation and the incomplete landscape proposals remain unacceptable. Therefore, HBPC's objections on these issues are sustained.

Members should note that HBPC have confirmed that they have no further comments on the latest round of consultation.

6. ASSESSMENT

6.1 Below are the key general policies relevant to the determination of the planning application.

6.2 National Planning Policy Framework (NPPF)

The National Planning Policy Framework (NPPF) was published in July 2021 to set out the Government's planning policies for England and how these should be applied.

6.3 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*

6.4 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.*

6.5 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.*

6.6 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:*

6.7 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.

6.8 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.*

6.9 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.

- 6.10 The Development Plan comprises the Halton Delivery and Allocations Local Plan (DALP) which was adopted on 2nd March 2022 and the Joint Merseyside and Halton Waste Local Plan which was adopted on 18th July 2013. The appraisal of the proposal against the detailed development management policies of the Development Plan follows later in this report. Based on the nature of the proposed B8 use (storage and distribution), the principle of the development, securing economic growth and employment on a site allocated for employment uses as well as being within a Strategic Employment Location in an adopted and up-to-date development plan is considered consistent with NPPF in this regard.
- 6.11 The proposed development clearly contributes to the ‘economic objective’ both by directly creating jobs growth with there likely being 600 full time jobs during construction, and 500 full time jobs during operation as set out in the applicant’s Planning Statement. This is echoed by the Strategic Objectives in the DALP in Policy CS(R)4.
- 6.12 The development has the potential to contribute to the ‘social objective’ of sustainable development by creating job opportunities for the local populous.
- 6.13 The development is on a previously undeveloped site close to existing residential areas, the Green Belt, a Conservation Area and a Scheduled Ancient Monument. These do not in themselves preclude the proposed development from fulfilling an ‘environmental objective’. The appraisal of the development against the detailed development management policies of the Development Plan is set out below.
- 6.14 As set out at paragraph 8 of NPPF, the three overarching objectives 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).
- 6.15 In relation to promoting sustainable transport, Paragraph 105 of NPPF states that significant development should be focused on locations which are or can be made sustainable, through limiting the need to travel and offering a genuine choice of transport modes. This can help to reduce congestion and emissions, and improve air quality and public health. However, opportunities to maximise sustainable transport solutions will vary between urban and rural areas, and this should be taken into account in both plan-making and decision-making.
- 6.16 Lovels Way is complete allowing the efficient movement of freight and staff by road with minimal impact on residential areas. The proposed

development accords with both the concept of sustainable development and the principles of promoting sustainable transport and is consistent with NPPF in these regards.

6.17 The Development Plan – Strategic Policies

The content of the Development Plan is set out at 6.10.

6.18 Policy CS(R)1: Halton's Spatial Strategy states that the Vision for Halton to 2037 is for new development should deliver approximately 180ha (gross) of land for employment purposes. The site is located in the Halebank and Ditton Corridor, Widnes Key Urban Regeneration Area. The focus is to continue to build on the success of this area by supporting and expanding the employment opportunities around the multi-modal freight facility and balancing this with growth to the local community.

6.19 Policy CS(R)4: Employment Land Supply reiterates that the Vision for Halton over the period 2014 to 2037 is to provide 180ha of land for employment purposes. It is also clear that new employment development will be provided on Strategic Employment Locations, Employment Allocations and land within Primarily Employment Areas, which reflect the site designations and the policy content.

6.20 Policy CS(R)7: Infrastructure Provision states that development should be located to maximise the benefit of existing infrastructure and to minimise the need for new provision. This site is accessed by recently introduced transport infrastructure in the form of Lovels Way, which provides vehicular access. The designated Greenspace and Greenway which runs through Halebank Park provides cycling and walking routes as well as links to public transport.

6.21 Policy CS(R)15: Sustainable Transport states that the Council will support a reduction in the need to travel by car, encourage a choice of sustainable transport modes and ensure new developments are accessible by sustainable modes. As stated above, the designated Greenspace and Greenway which runs through Halebank Park provides cycling and walking routes as well as links to public transport.

6.22 Policy CS(R)18: High Quality Design states that achieving and raising the quality of design is a priority for all development in Halton. The appraisal of the development against the detailed development management policies of the Development Plan relating to design is set out below.

6.23 Policy CS(R)19: Sustainable Development and Climate Change states that all new development should be sustainable and be designed to have regard to the predicted effects of climate change including reducing carbon dioxide (CO₂) emissions and adapting to climatic conditions. The application is accompanied by a BREEAM New Construction 2018 Pre-Assessment Report

which concludes that the proposed development could provisionally achieve a maximum BREEAM 'Excellent' rating of 73.29% which is in excess of standard encouraged for non-residential development by the policy.

- 6.24 Policy CS(R)20: Natural and Historic Environment sets out Halton's strategic approach regarding natural and heritage assets, and notes that landscape character contributes to the Borough's sense of place and local distinctiveness.
- 6.25 Policy CS(R)21: Green Infrastructure states that Halton's green infrastructure network will be protected, enhanced and expanded, where appropriate.
- 6.26 Policy CS(R)22: Health and Well-Being states that healthy environments will be supported and healthy lifestyles encouraged across the Borough by ensuring:
- a. proposals for new and relocated health and community services and facilities are located in accessible locations with adequate access by walking, cycling and public transport;
 - b. applications for large scale major developments are supported by a Health Impact Assessment to enhance potential positive impacts of development and mitigate against any negative impacts
 - c. the proliferation of Hot Food Take-Away outlets is managed; and,
 - d. opportunities to widen the Borough's cultural, sport, recreation and leisure offer are supported.
- 6.27 The proposed development exceeds 10,000sqm and falls within the definition of a large scale major development. The application is accompanied by a Health Impact Assessment Review. The summary of the review is that no significant health related effects have been identified which are not addressed by the measures set out within the current planning application proposals. This has been reviewed by the Council's Public Health Manager who confirms their acceptance to the updated review.
- 6.28 Policy CS23: Managing Pollution and Risk sets out the Council's policy:
- To control development which may give rise to pollution;
 - Prevent and minimise the risk from potential accidents at hazardous installations and facilities; and
 - Development should not exacerbate existing levels of flood risk nor place residents or property at risk from inundation from flood waters.
- 6.29 In relation to pollution and flood risk, the appraisal of the development against the detailed development management policies of the Development Plan is set out later in the report.

- 6.30 In respect of reducing risk from hazards, the Council considers 10 chances in a million (cpm) risk of accidental death in one year to be the significant level of off site risk in relation to the potential accident effects on the areas surrounding hazardous installations and Liverpool Airport as set out at paragraph 3.1 of the Planning for Risk SPD. On the basis of the Council's definition, the site does not fall within an identified area of risk surrounding existing hazardous installations and ensures compliance with Policy CS23 and Planning for Risk SPD.
- 6.31 It is noted that as defined by The Town and Country Planning (Development Management Procedure) (England) Order 2015 (as amended), the Health and Safety Executive are required to be consulted on a Development within an area which has been notified to the local planning authority by the Health and Safety Executive for the purpose of this provision because of the presence within the vicinity of toxic, highly reactive, explosive or inflammable substances (otherwise than on a relevant nuclear site) and which involves the provision of—
- (i) residential accommodation;
 - (ii) more than 250 square metres of retail floor space;
 - (iii) more than 500 square metres of office floor space; or
 - (iv) more than 750 square metres of floor space to be used for an industrial process,
- or which is otherwise likely to result in a material increase in the number of persons working within or visiting the notified area.
- 6.32 This site is within the area identified by the Health and Safety Executive and a consultation has been undertaken using the HSE's Planning Advice Web App. The HSE Advice is as follows:
Do Not Advise Against, consequently, HSE does not advise, on safety grounds, against the granting of planning permission in this case.
- 6.33 Policy CS24: Waste is a strategic policy in respect of the Council promoting sustainable waste management in accordance with the waste hierarchy. In relation to sustainable waste management, the appraisal of the development against the detailed development management policies of the Development Plan is set out later in the report.
- 6.34 Principle of Development
As set out in the site description, a large proportion of the site is an Employment Allocation labelled E23 3MG (West) HBC and is allocated for Office, research and development and light industry, general industrial and storage and distribution as set out in Policy ED1.
- 6.35 Some of the north western section of the site is Primarily Employment Area. Policy ED2 states that within Primarily Employment Areas, development for office, research and development, light industrial, factory or storage and distribution uses will normally be acceptable. This proposal is for one of the identified uses in compliance with Policy ED2.

6.36 The entire site is shown as being within the 3MG, Widnes Strategic Employment Location that further supports the suitability of an employment use in this location in compliance with policies CS(R)4 and ED1.

6.37 The application site includes an area of designated Greenspace, which forms Halebank Park. There is a Greenway running through the designated Greenspace which links Hale Road to Halebank Road. The structural landscaping and parkland is shown to remain with tree planting, pond and reed bed creation together with minor alterations to the alignment of the pedestrian and cycle routes.

6.38 It is understood that the Greenspace and Greenway are included in the application site as the applicant would take ownership of these areas should they obtain planning permission for the proposed development. Due to their inclusion in the application site, consideration needs to be given to what could take place in these areas under permitted development rights and what restrictions would need to be imposed to ensure policy compliance in respect of Greenspace and Greenway considerations.

6.39 Part 3 of Policy HE4 of the DALP relates to development proposals within a designated Greenspace. The proposed development shows the structural landscaping and parkland to remain with tree planting, pond and reed bed creation together with minor alterations to the alignment of the pedestrian and cycle routes. On this basis, it is considered that these proposals are ancillary to the enjoyment of the existing green infrastructure and designated Greenspace and would not compromise the integrity or value of the area subject to the following:

- Condition relating to the removal of Permitted Development Rights (Schedule 2, Part 7, Classes H (the erection, extension or alteration of an industrial building or a warehouse) and J (hard surfaces for industrial and warehouse premises) of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) within the area designated as Greenspace / access arrangement.
- The land sale agreement between the Council and the applicant for the area designated as Greenspace (Halebank Park) includes a clause not to use this area or allow or permit it to be used for any purpose other than as public open space.
- Future management would be secured by a condition requiring the implementation of the Landscape and Ecological Management Plan.

6.40 The relevant policy considerations in respect of the site's Greenway designation are set out in Policies C1 and HE4 of the DALP. Firstly considering Policy C1, it states that development will only be permitted where:

- a. It does not prejudice the access on to or through the walking and cycling network or it provides a suitable alternative link of equal quality and convenience; and
- b. It does not affect the enjoyment of the walking and cycling network.

The policy defines the Greenway Network as forming part of the walking and cycling network. Subject to the provisions outlined above being secured, it is not considered that the proposed development would prejudice access on to or through the walking and cycling network and would link in to the proposed storage and distribution unit to ensure its accessibility by sustainable modes.

6.41 Policy HE4 of the DALP states that all development where appropriate will be expected to incorporate high quality green infrastructure that creates and/or enhances green infrastructure networks and provides links to green infrastructure assets and improves access for pedestrians, cyclists and horse-riders. The purpose of planning applications 05/00948/FUL and 07/00336/HBCFUL referenced in the site history was the creation of landscaped open space corridor. This provided improved pedestrian and cycle links as well as a buffer to adjacent land, which may at the time have come forward for commercial development. High quality green infrastructure in this locality has been introduced by the implementation of works to Halebank Park through the referenced planning permission. This has not only improved access for pedestrians and cyclists in the locality but has improved access by sustainable modes to this Strategic Employment Location, which comprises designated Employment Allocation – E23 and a Primarily Employment Area. As these works have already been undertaken, it is considered that they fulfil the appropriate green infrastructure requirements in this instance. Representations received query whether Halebank Park would be closed during construction. There are works to be undertaken within this area as part of the proposed development, however it is not considered that they would necessitate a temporary closure. If there were any requirements for closures, they would likely be temporary and/ or could be managed to restricted areas of work. Future access arrangements would be secured through a maintenance and management plan for the Greenspace.

6.42 In conclusion in respect of the site's designation as both a Greenspace and Greenway, subject to the suggested condition and legal agreement, the proposed development would be ancillary to the enjoyment of the existing green infrastructure and designated Greenspace would not prejudice the access on to or through the walking and cycling network nor affect the enjoyment of its use in compliance with Policies C1 and HE4 of the DALP.

6.43 The Council developed a 3MG Supplementary Planning Document (SPD), which was adopted in August 2009. The policies that the 3MG Mersey Multimodal Gateway SPD were intended to 'supplement' policies which have now been deleted in their entirety by the DALP. Whilst the Council have not formally withdrawn the SPD, the weight that can be afforded to the SPD is

therefore considered very limited. The proposed development needs to be assessed on its accordance with the current development plan.

6.44 Principle of Development Conclusion

In respect of the following site designations of which all have been considered above, the proposed development is considered to accord with the relevant policy considerations and is acceptable in principle.

- Employment Allocation – E23;
- Primarily Employment Area;
- Strategic Employment Location;
- Greenspace;
- Greenway

6.45 Landscape and Visual

The Environmental Statement assesses the effects of the Proposed Development on landscape character and visual amenity. In particular it identifies and assesses the anticipated effects of change resulting from the proposed development on the character and features of the landscape; and on people's views and visual amenity within the Landscape and Visual Impact Assessment (LVIA) Study Area.

6.46 The Environmental Statement sets out the methods used to assess the likely significant effects, the baseline conditions currently existing at the site and surroundings, the potential direct and indirect effects of the development arising from changes to landscape character and visual amenity, and the mitigation measures required to prevent, reduce, or offset the identified significant effects and the residual effects.

6.47 Firstly looking at Landscape Effects, the Environmental Statement details the construction activities that would have a medium impact on the Hale Shore and Farmland LCA (Landscape Character Area), which results in a Temporary Moderate to Minor Adverse Effect. The construction activities are considered to have a low impact on the landscape features within the site, which results in a Temporary Minor Adverse Effect.

6.48 The completed development is considered to have a Low impact on the Hale Shore & Farmland LCA, which results in a Negligible effect. This is due to the completed and operational development not affecting any of the characteristic features of the LCA, and it completely assimilating into the visual context whereby views towards the site from the LCA are already urbanised by the existing Alstom building and buildings within the Liberty Park industrial area, and as such the development will appear against and within an established built backdrop, not appearing any more prominent or visually incongruent.

- 6.49 The completed development is considered to have a Low impact on the landscape features within the site, which results in a Permanent Minor Adverse effect. The development will result in an area of scrubby grassland being lost and replaced with new built form and car parking and service yard areas. The safeguarding of the site's boundary landscape buffer planting, including the protection and improvement through management will bring about localised character improvements over time as the vegetation grows and provides increased visual screening of the development from the Hale Shore & Farmland LCA adjacent, and from the park within the site. After 15 years it is considered that the effects on the LCA and the site will remain Negligible and Permanent Minor Adverse respectively as although the growth of planting over time will reduce sight of the new building, this will not be enough to result in a beneficial effect on the landscape character of the Hale Shore & Farmland LCA, and it will not be enough to outweigh the presence of built form within the site for the effect this has on the landscape features of the site itself.
- 6.50 Secondly looking at Visual Effects, the construction impacts will at worst result in a Temporary Major to Moderate Adverse effect, relating to users of Halebank Park, part of which is located within the site boundary area.
- 6.51 Temporary Moderate Adverse effects will be experienced by a small number of private residents associated with Halebank Road to the south and south-west of the site where construction movements along Halebank Road are visible and the construction within the site is partially and obliquely visible from rear windows but heavily filtered by the existing intervening landscape buffers to the southern edge of Halebank Park (within the site).
- 6.52 Temporary Minor Adverse effects will be experienced by users of Public Footpath W/70 and the public footpath that links Carr Lane and Halebank Road where the construction machinery and gradual building erection will be visible within the visual backdrop but seen within the context of industrial uses within Liberty Park and along the railway sidings.
- 6.53 Temporary Minor Adverse effects will also be experienced by users of Halebank Village Green, users of the recreation ground off Blackburne Avenue, and private residents of the properties overlooking the eastern edges of the site, relating to heavily filtered background visibility of construction activities.
- 6.54 Temporary Minor Adverse effects will be experienced by users of Halebank Road and Lovel Way.
- 6.55 All other receptors will experience a Negligible effect during construction including users of the Trans Pennine Trail and users of Public Footpath W/73.

- 6.56 The completed development will at worst result in a Moderate Adverse effect on users of Halebank Park as the new building will be prominent and seen in close proximity, but it will not appear uncharacteristic within the receiving landscape and the existing visual context, which is already dominated by the background visibility of the existing Alstom building. At Year 15, once the existing vegetation within and surrounding the Park has grown and matured, it is likely that there will be increased visual screening of the proposed development, but not to a sufficient level so as to result in a reduction in the level of effect as there will still be parts of the development that are directly visible in close proximity. Effects at Year 15 will remain Moderate Adverse.
- 6.57 Minor adverse effects will be experienced by neighbouring private residents at Halebank Road and the properties overlooking the eastern edges of the site, relating to heavily filtered views of the completed building, which will be seen adjacent to and in front of the existing Alstom building, thereby representing a minor alteration to the existing visual context that is wholly in keeping with the baseline view. At Year 15, once the existing vegetation within and surrounding the Park has grown and matured, it is likely that there will be increased visual screening of the proposed development, but not to a sufficient level so as to result in a reduction in the level of effect to Negligible as it is likely that the top of the new building will still be visible and therefore could not be considered barely perceptible such as to result in Negligible effects. Effects at Year 15 will remain Minor Adverse.
- 6.58 Minor adverse effects will also be experienced by users of Public Footpath W/70, the public footpath that links Carr Lane and Halebank Road, Halebank Village Green, and the recreation ground off Blackburne Avenue owing to the heavily filtered view of the completed building which will again be seen adjacent to and in front of the existing Alstom building, thereby representing a minor alteration to the existing visual context that is wholly in keeping with the baseline view. Again, at year 15 once the existing vegetation within and surrounding the Park has grown and matured, it is likely that there will be increased visual screening of the proposed development, but not to a sufficient level so as to result in a reduction in the level of effect to Negligible as it is likely that the top of the new building will still be visible and therefore could not be considered barely perceptible such as to result in Negligible effects. Effects at Year 15 will remain Minor Adverse.
- 6.59 All other receptors will experience a Negligible effect during operation, including users of the Trans Pennine Trail and Public Footpath W/73.
- 6.60 In summary following both the consideration of landscape and visual effects, significant effects have only been identified for the following receptor - A Temporary Major to Moderate Adverse effect on recreational users of Halebank Park (within the site) during the construction phase.

- 6.61 The Environmental Statement concludes that the design of the development has avoided significant landscape and visual effects in and has incorporated mitigation to reduce the identified effects. Further mitigation has been incorporated in the form of the measures set out within the CEMP and in the detailed landscaping proposals.
- 6.62 The application is accompanied by an Arboricultural Impact Assessment. 4 groups and one section of one group of trees would be lost as a result of the proposed development. None of the trees to be removed are protected by a Tree Preservation Order. The trees have been identified as retention category 'C' which are low quality. These are not considered to be a constraint to development and that appropriate mitigation should be provided to conserve and where appropriate enhance the character and quality of the local landscape. It should also be noted that the Environmental Statement that the adoption of the proposed mitigation there will be no significant ecological effects in respect of trees.
- 6.63 The Arboricultural Impact Assessment considers impacts on the trees to be retained and sets out where tree protection barriers to BS5837:2012 are required during the construction phase. It is considered their implementation throughout the construction phase should be secured by condition.
- 6.64 The application is accompanied by a detailed landscaping scheme. This scheme would provide appropriate soft landscaping to reflect the character of the area and the local landscape. The implementation of the landscaping scheme along with future maintenance / management and any replacement planting required within 5 years of implementation should be secured by condition. This is considered sufficient to satisfactorily mitigate tree loss across the site and demonstrate compliance with DALP Policy HE5.
- 6.65 The applicant makes clear that the site is allocated for employment development and comprises an area of scrubby grassland, and parts of Halebank Park with screen mounding and landscape buffer planting to the existing park boundaries. They also reference the site being to the immediate south of the existing Alstom employment building as well as it being contained visually and physically by the surrounding industrial land uses, the settlement edge of Hale Bank, and is located within an east-west corridor of industrial areas to the north-west of the Mersey Estuary as identified for this part of Widnes.
- 6.66 The LVIA does not identify any justification for the proposed development to give rise to significant effects on the landscape of the site, surrounding the site, or in relation to the surrounding visual receptors when considered as a whole and relative to the nature, scale and mitigation associated with the proposals.

6.67 The proposed development would affect the Halebank Conservation Area and consequently DALP Policy HE2 needs to be considered. The immediate setting of Halebank Road Conservation Area are considered to remain largely unaltered as a consequence of the proposed development. The site is well contained by its own boundary vegetation, with the landscape buffer planting associated with the southern and eastern edges of Halebank Park in particular providing a strong physical and visual screening role between the site and the adjoining residential edge of Halebank and the Halebank Conservation Area. The residual effect of the proposed development on the setting of the Conservation Area would be minor adverse as whilst the landscape buffers will grow, it would not be a point that the new building is barely perceptible. It should also be noted that the impact on the Halebank Conservation Area has been reduced through the amendments, which have removed the bus and emergency access made through the processing of the application.

6.68 The Council's retained advisor in relation to Conservation has confirmed that, whilst the proposals will inevitably impact on the character and significance of the Conservation Area, the level of potential harm is considered to be at the low level of less than substantial harm and has suggested appropriate conditions be attached to a subsequent planning permission. One of which relates to external facing materials. The applicant has agreed to a more muted grayscale palette of materials to address the observations of the Conservation Advisor. A condition is suggested to agree precise external facing materials. As such no policy objection is raised in respect of the impact on the Conservation Area. In any event the existence of the Conservation Area was known when the site was designated in the Development Plan. The Development Plan must be read as a whole and it is clear that the impact on policies relating to Heritage Assets and the Historic Environment were considered in conjunction with site designations. In accordance with paragraph 202 of NPPF, the public benefits identified within the report significantly outweigh the less than substantial harm identified.

6.69 Landscape and Visual Conclusion

The proposed development is considered to offer a well-designed, high quality development. It is considered that significant efforts have been made to minimise and mitigate likely impacts having particular regard to its visual appearance, screen mounding and landscaping, the environment and the amenity of adjoining residents and communities. The scale, general design and form of the building are not considered unusual or out of character for a development of this type. It is considered to be of a scale and quality of design suited to the designated use of the site and in keeping with the wider development aspirations of this Strategic Employment Location. It is considered that the proposals accord with the development plan having particular regard to DALP Policies CS(R)18 High Quality Design, CS(R)20 Natural and Historic Environment, CS(R)21 Green Infrastructure, HE2 Heritage Assets and the Historic Environment, HE4 Greenspace and Green Infrastructure, HE5 Trees and Landscaping, GR1 Design of Development, GR2 Amenity, GR3 Boundary Fences and Walls and Design of New Commercial and

Industrial Development and Designing for Community Safety Supplementary Planning Documents.

6.70 Ecology and Nature Conservation

The Environmental Statement includes an Ecological Impact Assessment to assess the baseline ecological conditions currently at the site in order to evaluate the potential direct and indirect effects of the proposed development and outline any avoidance and mitigation measures, which may be required to address ecological effects.

6.71 The following international statutory designated sites have been identified within 10km of the site:

- Mersey Estuary Special Protection Area (SPA);
- Mersey Estuary Ramsar.

6.72 The development site is close to the following ecologically designated sites:

- Mersey Estuary SSSI (1km southeast)
- Clinton Wood Local Nature Reserve (600 metres north);
- Hale Road Woodland LNR (300 metres north east);
- Pickerings Pasture LNR (800 metres south east);
- The following Local Wildlife Sites are located within 2km of the site:
- Flood Plain – Ditton Brook - Knowsley;
- Ash Lane Hedge, Ditch and Grassland - Knowsley;
- Ditton Brook - Knowsley;
- Clinton Woods - Halton;
- Hale Road Woodland - Halton;
- Pickerings Pasture - Halton;
- Little Boars Wood - Halton;
- Big Boars Wood - Halton;
- The Mersey Estuary - Halton;
- Pond off Meadway and Grassland - Halton; and
- Rams Brook Plantation - Halton.

6.73 Based on the above, the following ecological surveys have been submitted to deal with habitats and species / species group of local or greater significance:

- Arboricultural Assessment;
- Bat Activity Survey;
- Breeding Bird Survey;
- Great Crested Newt eDNA Survey; and
- Reptile Survey.

6.74 Mitigation measures for the demolition and construction phase of the proposed development include the retention of a portion of the habitats with the site along with their enhancement where possible. Additional mitigation

measures set out relevant to ecology and nature conservation at the construction phase are in the CEMP. No embedded mitigation measures are proposed at the completed and operational phase of the proposed development. Additional mitigation measures set out relevant to ecology and nature conservation at the completed and operational phase include the Biodiversity Management Plan, the Biodiversity Net Gain process to facilitate the creation of habitats and an appropriate lighting scheme to minimise light spill into adjacent areas.

6.75 The residual effects from the construction phase on the identified receptors are considered to be negligible or minor adverse with the exception of breeding birds on which there is considered to be moderate adverse effects. In the long term, the majority of effects for the identified receptors are negligible following the implementation, however a negligible to minor adverse effect on breeding birds would result. There are no identified significant long-term effects on ecological receptors. The identified effects remain unchanged in the cumulative effects assessment.

6.76 The Council's Ecological Advisor has confirmed that due to the nature of the proposals and the distance between the development site and the designated sites identified above, no direct impacts are anticipated.

6.77 In respect of Habitat Regulations Assessment (HRA) and the site's relationship to international statutory designated sites, the applicant has submitted the following updated reports:

- Ornithological Scoping Survey – HBC Fields, Brooks Ecological, Ref: ER-5864-01, December 2021 (Appendix 7.2)
- HRA Screening Report – Mersey Estuary Special protection Area, HBC Fields, Brooks Ecological, Ref: ER-5864-03.6, 14/09/22

6.78 The Council's Ecological Advisor concludes that when embedded mitigation is taken into account in the form of the submitted CEMP that no likely significant effects on the international sites listed above are likely to occur. Natural England have been consulted on the outcomes of the HRA and they have confirmed that they have no objection to the proposed development. The Council's Ecological Advisor has stated that this approach is in accordance with HRA guidance and that due to there being no likely significant effects, that an Appropriate Assessment is not required in this instance. It is therefore recommended that the Council now adopts the latest submitted HRA report which addresses the observation made by Natural England.

6.79 The proposals affect Priority Habitats (Natural Environment and Rural Communities (NERC) Act 2006/Habitats Regulations 2017). These habitats include ponds, reedbed and hedgerows. Site clearance will result in the loss of habitat. The landscaping proposals for the site include the creation of new ponds, reedbed habitats and new hedgerow planting. An updated Biodiversity Net Gain Assessment (Brooks Ecological, September 2022) shows that there

will be an overall 35.05% (45.18 units) loss in Habitat units. The metric shows there will be a 13.74 unit loss of ponds and a 33.64 loss of reedbed as a result of the proposals. Post-development is showing only 4.79 units of ponds and 2.6 units of reedbed being delivered, indicating a net loss of both priority habitats (8.95 pond units and 31.04 units of reedbed).

6.80 Paragraph 180 of NPPF states that if significant harm to biodiversity resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts), adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused. This position is re-affirmed through DALP Policy HE1.

6.81 It is considered impractical to deliver additional pond and reedbed units on site over and above that currently proposed. Options currently being explored to ensure policy compliance by achieving no net biodiversity loss is pond/reedbed creation on sites at Daresbury and Manor Park within the ownership of the applicant and habitat creation on site in the ownership of the local authority/Cheshire Wildlife Trust/Mersey Gateway. The principles of appropriate avoidance/mitigation/compensation for Priority Habitat are required to be agreed with the Council prior to determination and then secured by a legal agreement.

6.82 Considering Protected/Priority Species, based on there being a number of ponds located on site / adjacent to the site, the applicant has undertaken eDNA sampling of the ponds. These surveys did not identify any evidence of great crested newts. The Council's Ecological Advisor has stated that the Council does not need to assess the proposals against the Three Tests (Habitats Regulations).

6.83 A significant population of Common Toad (a Priority Species) was previously recorded within Pond 3. The proposals include modifications to this pond as part of the proposed drainage strategy. To ensure the proposals do not harm the local Common Toad population appropriate avoidance measures will need to be implemented during site clearance as set out in the submitted Ecology Construction Environment Management Plan (ECEMP). The implementation of the ECEMP can be secured by condition.

6.84 The site offers foraging and commuting opportunities for bats (a protected species). Spring, summer and autumn transect surveys of the site have been completed following best practice guidelines. The surveys have identified foraging and commuting activity to the east and south of the site in the area of the proposed habitat retention, and foraging activity associated with the on site ponds. There will be a loss of pond foraging habitat, however new onsite ponds will be created as part of the landscaping of the site. Connectivity across the site will be retained as a result of the landscaping areas at the site boundaries. Impacts on foraging and commuting bats are considered to be low.

- 6.85 Lighting has the potential to impact on wildlife within the surrounding landscape. The application is accompanied by an External Lighting Strategy and a Lighting Plan, which demonstrates that it would not result in excessive light spill on retained habitats to the south and east of the site. The implementation and subsequent maintenance of an appropriate External Lighting Strategy and a Lighting Plan should be secured by condition.
- 6.86 Later in the report, Members will note that the Council's Highway Officer has requested improvements in the form of lighting the existing route through Halebank Park. This will be secured by condition and will ensure light spillage is appropriately considered.
- 6.87 The site has been assessed as having District level value in terms of the breeding bird assemblage. Four breeding bird surveys have been completed by the applicant from April to June 2022. The majority of nesting habitat will be lost from the site as a result of the proposals. Proposed habitat enhancement and creation works as outlined within the Landscape and Ecological Management Plan (LEMP) should retain the suitability of habitats on site for breeding birds.
- 6.88 Vegetation on site provides nesting opportunities for a variety of bird species, which are protected. No tree felling, scrub clearance, hedgerow removal, vegetation management or ground clearance 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 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. Precautionary measures in respect of breeding birds are outlined in the submitted ECEMP, which should be secured by condition.
- 6.89 A proposed bird and bat box plan has been submitted which is considered to be acceptable. Whilst it is acknowledged that these are likely to attract different species than those who favour open fields, its implementation and subsequent maintenance should be secured by condition.
- 6.90 For the construction phase, the applicant has submitted both a CEMP and an ECEMP, which are considered to be acceptable from an Ecology and Nature Conservation perspective based on their implementation throughout construction works to be secured by condition.
- 6.91 It is noted on the previous application relating to the application site (15/00549/FULEIA), the Council's Ecological Advisor stated that the displacement of skylark due to the loss of habitat was justified in that instance as there was a large extent of alternative habitat in the immediate area.

Financial contributions were identified to enable the adjoining land under the control of the Council for barn owls to also be managed for skylark. This has been implemented. A financial contribution for the management of the adjoining land for skylark habitat was part funded by the adjacent Alstom development. A financial contribution of £2,746.79 represents the applicant's contribution to the previously implemented scheme relating to the development of this site.

6.92 For the completed and operational phase, the applicant has submitted a LEMP along with detailed planting plans, which are considered acceptable from an Ecology and Nature Conservation perspective based on their implementation and maintenance/management to be secured by condition.

6.93 Ecology and Nature Conservation Conclusion

The applicant has undertaken the necessary ecological surveys to accompany the application to understand the site's ecology and potential impacts on it. The proposal would result in the loss of habitat to the proposed built development. The creation of new semi-natural habitat as well as habitat enhancement of retained habitat areas will mitigate some of the loss. Off-site compensation is required to mitigate the habitat losses on site and achieve no net biodiversity loss. No significant harm would result for both priority species and protected species as a result of the embedded mitigation within the proposed development.

6.94 It is considered that the proposals accord with the development plan having particular regard to DALP Policies CS(R)20 Natural and Historic Environment, CS(R)21 Green Infrastructure, HE1 Natural Environment and Nature Conservation, HE4 Greenspace and Green Infrastructure, and HE5 Trees and Landscaping.

6.95 Archaeology and Heritage

The Environmental Statement (having regard to the Historic Environment Desk Based Assessment) notes that a historic map regression exercise has identified that the site appears to have been under agricultural use for much of its history. The maps indicate that no buildings have been present on the site in the past, although the field boundaries have been substantially changed from their historic layout and therefore there may have been very localised below ground impacts during the reconfiguration of the field parcels. The Site is considered to have been relatively undisturbed and as such past impacts from previous development are considered negligible.

6.96 A review of the available evidence has confirmed that the site has a low potential to contain finds and features from all periods. The site has been archaeologically tested through the 2006 geophysical works and following on from the evidence contained within the Historic Environment Desk Based Assessment and observations from the Planning Archaeologist, it is considered that sufficient investigative work on the proposed site has been undertaken in association with the works previously granted.

6.97 The national and local lists and Historic Environmental Record (HER) were reviewed and the following built heritage assets were identified as having the potential to require assessment:

- Halebank Conservation Area;
- Lovels Hall (National Heritage List for England (NHLE) - 1014390);
- Linner's Farm (Non Designated Heritage Asset (NDHA));
- Havelock Cottages (NDHA) ; and
- The Beehive Public House (NDHA).

6.98 In respect of the Assessment of Likely Significant Effects during construction, temporary adverse short term effects of minor significance would result at all the above built heritage assets. These are not significant in EIA terms.

6.99 For the completed development prior to the implementation of mitigation, the development would result in adverse permanent effect of minor significance in the Halebank Conservation Area, Lovels Hall and Linner's Farm. Negligible effect would result at Havelock Cottages and The Beehive Inn.

6.100 The proposed mitigation in relation to Halebank Conservation Area, Lovels Hall, Linner's Farm, Havelock Cottages and the Beehive relates to boundary planting and the careful consideration of the developments colour palette. This mitigation does not change the categorisation of effect including significance set out above.

6.101 In relation to Halebank Conservation Area, Lovels Hall, Linner's Farm, this assessment concludes that the proposed development will result in an adverse effect of minor significance on these assets during both the construction and operational phases. Havelock Cottages and the Beehive Inn are assessed as being in receipt of a neutral effect in operation.

6.102 The Council's retained adviser on archaeology notes that the application is supported by a fairly extensive desk based assessment supplied by Orion Heritage, who also outline the historical archaeological works undertaken with previous applications, and conclude that there is a very low likelihood of disturbing or disrupted buried remains relating to the scheduled monument or any other archaeological features within the proposed development area, therefore, there are no further archaeological requirements for this proposed development.

6.103 The Councils retained adviser on Conservation has confirmed that, whilst the development will inevitably impact upon the character and significance of the Conservation area, the proposed planting and landscaping will, where possible, minimise and mitigate those impacts. A more muted palette of external facing materials has been introduced by the applicant to

address earlier observations and it is suggested that the precise details be secured by condition. As such it is advised that the level of potential harm is considered to be at the low level of less than substantial harm as defined by NPPF and should be weighed against the public benefits of the proposed development. In accordance with paragraph 202 of NPPF, the public benefits identified within the report significantly outweigh the less than substantial harm identified.

6.104 Historic England note that Lovel's Hall moated site and fishpond (Scheduled Ancient Monument), and the Halebank Conservation Area, lie close to the site of the proposed development. They note that the scheduled monument is separated from the site of the proposed development by a major railway line and by a very large rail-connected building. As a result, in the opinion of Historic England, there will be minimal impact on its setting. Similarly, there is likely to be very little impact on the setting of the conservation area, due to the existing screening. They therefore raise no objection to the proposed development.

6.105 In respect of archaeology and heritage, the proposals are considered to accord with DALP Policies CS(R)20 and HE2 and NPPF paras.199, 200 and 202.

6.106 Ground Conditions

A range of site investigations have been undertaken by the applicant to establish the baseline ground conditions and to assess the potential impacts that may arise due to the proposed development. The site is identified as having a very limited likely history of contaminative land use as it has mainly been in agricultural use. A number of potentially contaminative historical land uses have been identified in the surrounding areas including railway land, a scrap yard, timber yard and tar and manure works but it is concluded that limited potential sources of land and groundwater contamination were expected to exist on the site and that risk to humans and the environment was low.

6.107 The applicant states that the majority of significant environmental effects would be mitigated through the implementation of the embedded mitigation measures described in the CEMP along with health and safety procedures during the construction phase. During the operational phase, the applicant does not identify any significant impacts and that the site would be suitable for use (Class B8 Storage and Distribution) and that no unacceptable risks would remain subject to the implementation of suitable health and safety procedures.

6.108 The Environmental Statement identifies that a number of residual effects have been identified during the construction phase. They include the following:

- Vegetation clearance having the potential to degrade soil quality on-site, however following mitigation, a negligible residual (not significant) effect would result;

- Potential loss of topsoil and subsoil on site along with the construction of the site compound and temporary haul roads has the potential to result in the pollution of soils, aquifers, inland river and pond by surface water run-off and infiltration. Following mitigation, a negligible residual effect would result;
- Site preparation works / earthworks has the potential to result in the pollution of the inland river and pond by surface water run-off. Following mitigation, this would result in a negligible residual effect;
- Contaminated site soils has the potential to result in adverse impacts on health of construction personnel and off-site receptors through direct contact and inhalation. Following mitigation, a negligible residual effect would result;
- Contaminated site soils has the potential to result in the pollution of surface water through potentially contaminated surface water run-off. Following mitigation, a negligible residual effect would result;
- Machinery on site has the potential to result in spillages and leakages of oil, fuel and other potentially polluting substance that could impact on soils, surface water and groundwater. Following mitigation, this would result in a negligible residual effect.

6.109 On the completion of the construction phase, it concludes that the site would be suitable for a B8 (storage and distribution) use and that no unacceptable risks will remain. During the operational phase, unacceptable risks would be managed through appropriate maintenance. In the cumulative scenario, minor beneficial effects would result from the remediation of any contaminated sites during the construction phase.

6.110 The Council's Contaminated Land Officer does not object to the proposed development and is satisfied with the content of the remediation strategy subject to a post earthworks ground gas risk assessment being undertaken. A condition requiring the implementation of an appropriate remediation strategy and the submission of verification reporting upon completion of the site works is suggested.

6.111 In conclusion, in respect of ground conditions, the proposal is considered to accord with DALP policies CS23 (Managing Pollution and Risk), HE7 (Pollution and Nuisance) and HE8 (Land Contamination).

6.112 Flood Risk and Drainage

The Environmental Statement and its accompanying site-specific Flood Risk Assessment (FRA) considers the potential effects of the proposed development on existing hydrology and flood risk of the proposed development on the local area. The FRA has been updated in response to early consultation responses from the Environment Agency (EA)/ Lead Local Flood Authority (LLFA)

6.113 A Drainage Strategy has also been prepared for the site and incorporated in the FRA, which identifies the proposed development

discharging surface water runoff into an existing detention basin before out falling to Ditton Brook. Foul water drainage is to be pumped to the existing sewer network to the south of the site.

6.114 The majority of the Site is located in Flood Zone 1, indicating a less than 1 in 1,000-annual probability of flooding. Flood risk increases to Flood Zone 2 (between a 1 in 100 and 1 in 1,000-annual probability of flooding) and Flood Zone 3 (greater than 1 in 100-annual probability of flooding) in the north-east of the Site. However, the north-eastern area of the Site within Flood Zone 3 is identified as being in an area benefitting from flood defences. A sequential approach appears to have been taken with regard to flood risk with all buildings located within Flood Zone 1 and development within Flood zone 2 and 3 limited to car parking.

6.115 The proposed development comprises of a storage and distribution warehouse and associated infrastructure, which is classified as “Less Vulnerable” Development with regard to flood risk.

6.116 The applicant indicates that the Finished Floor Level (FFL) is to be set at 10.5m, with external levels to be a minimum of 150mm below FFL. The FFL of 10.5 is circa 1m higher than existing levels at the eastern end of the building and 0.3m lower than existing levels at its western end.

6.117 The applicant has identified a number of potential environmental impacts in terms of drainage and flood risk, which may occur during the construction phase. These include:

- Off-site flood risk from increased surface run off as a result of soil compaction;
- Materials handling, storage, stockpiling, spillage, and disposal;
- Excavation and foundation construction within the site and site preparation;
- Installation of temporary and permanent infrastructure and roads;
- Construction of proposed commercial unit(s) etc;
- Construction of drainage runs and utilities duct runs;
- Formation of landscaping.

6.118 Of the impacts identified above, only off-site flood risk from increased surface run off as a result of soil compaction is assessed as being significant by the applicant. Appropriate mitigation is set out below.

6.119 For the completed and operational development, a number of minor adverse effects as detailed below which are considered to be not significant by the applicant.

- Contamination of surface water run-off;
- Increase in peak surface water run-off rates;
- On-site flood risk from surface water as a result of hardstanding areas;
- Risk of watercourses being blocked.

- 6.120 Additional measures are proposed by the applicant to mitigate any significant environmental effects with regards to drainage and flood risk. This includes the measures during the construction phase as set out in the Construction and Environmental Management Plan (CEMP) to meet the relevant guidance.
- 6.121 For the completed and operational phase, the applicant sets out that a maintenance and management regime will be implemented to prevent the build-up of debris and/or rubbish in any adjacent watercourses which could otherwise block natural flows and increase flood risk. The surface water management scheme will be prepared based on the principles of sustainable drainage (SuDS). The developer will be responsible for appointing a Management Company for the site to manage and maintain the areas of Green Infrastructure, SuDS features and site drainage.
- 6.122 The applicant concludes in Table 10.5: Residual Effects Summary in the Environmental Statement that if the suggested mitigation measures are followed there should be no significant residual effects from the stated impacts during the construction or operational phases of development. Following the mitigation measures described, the residual impact of the proposed development would have a negligible effect upon flood risk and drainage in all cases.
- 6.123 The Environment Agency have confirmed that the revised FRA is acceptable and would meet the requirements of NPPF subject to a condition securing mitigation in the FFLs not being set lower than 10.5m above ordnance datum and the implementation and maintenance of compensatory flood storage.
- 6.124 The Lead Local Flood Authority (LLFA) consider the development to be appropriate in terms of flood risk and the applicant has developed a drainage strategy based on SuDS to manage surface water runoff. They have recommended conditions, which secure verification reporting in respect of the SUDS system and the submission of 'As-built drawings and specification sheets for materials used in the construction, plus a copy of Final Completion Certificate.
- 6.125 In conclusion, in respect of flood risk and drainage, the proposal is considered to accord with DALP policies CS23 and HE9 and Paragraphs 166, 167 and 169 of NPPF.
- 6.126 Transport and Access
A Transport Assessment has been undertaken to assess the likely impacts of the proposed development on the local highway network. Sustainable transport measures are presented within a Framework Travel Plan.

6.127 Pedestrian access to the site is provided with footways along the Lovels Way access road and footways on Halebank Road. Within 1000m walking distance, additional areas of Halebank comprising residential neighbourhoods, local shops on Hale Road and bus stops, which host services to and from Liverpool, Warrington, Speke and Murdishaw. The nearest railway station to the site is at Hough Green, which is a 4km walk from the site.

6.128 The assessment of likely effects of the proposed development on the local highway network included the following roads:

- Lovel's Way;
- Halebank Road;
- A562 Speke Road; and
- A5300 Knowsley Expressway.

6.129 As part of the embedded mitigation during the construction phase, the applicant envisages that the earthworks relating to the cut and fill balance would be retained and managed within the site boundary. It is also stated that the construction of the development will be phased to minimise off-site HGV movements. The CEMP would minimise the level of disruption caused through traffic management measures, travel plan initiatives and considerate construction practices. It should be noted that vehicular movements to and from the site would be via Lovels Way therefore avoiding the local highway network.

6.130 The applicant has set out a number of embedded mitigation measures for the operational phase of development. These include:

- An access strategy to ensure no impacts on the existing Alstom Rail Technology Centre;
- A design based on the principles of local and national design guidance;
- A framework travel plan to minimise the number of car trips generated by the proposed development by encouraging more sustainable forms of transport.

6.131 The applicant considers that the residual effects of the development at the construction phase are anticipated to be negligible in the short term following the mitigation measures outlined.

6.132 The applicant considers that the residual effects of the development upon the traffic and transport-related environmental factors are anticipated to be negligible in the long term following mitigation, which is not significant. The implementation and reviewing of the framework travel plan would ensure the encouragement of access by sustainable modes and minimise the level of traffic associated with single occupancy trips.

6.133 Walking and Cycling

The accessibility of the site for both pedestrians and cyclists is good from Halebank Road and Hale Road through Halebank Park and also from Lovels Way as set out by the applicant. The Council's Highway Officer does set out improvements in the form of lighting the existing route through Halebank Park and also through directional signage as well as implementation of the details outlined in the Framework Travel Plan to encourage access by sustainable modes. The lighting of the existing route through Halebank Park should be secured by condition as it is within the application site. The requested directional signage would be positioned at the following locations and would require a financial contribution of £20,000:

- 3 x Hale Road;
- 3 x Newstead Road;
- 4 x Lovels Way;
- 2 x Clapgate Crescent;
- 3 x Hale Bank Road; and
- 2 x Mersey View Road accessing from the National Cycle Network (NCN) 62 at Pickering's Pasture.

Further cycle and bus route improvements in the locality in conjunction with those secured through application 15/00549/FULEIA amounting to a contribution of £49,871.62 should be secured by legal agreement.

6.134 It is acknowledged that the pedestrian and cycling routes link in well to the proposed development in respect of routes to the building and also to the cycle parking area. The Council's Highway Officer has made clear the requirement for a safe crossing point, which demarcates that cyclists and pedestrians may be crossing in the line of HGVs and that this could take the form of a raised table, signage or dedicated zebra style crossing point. A suitable scheme should be secured by condition.

6.135 In conclusion in respect of walking and cycling, the proposed development would not have a detrimental impact on the existing walking and cycling network and would link in well to the existing network encouraging travel by sustainable modes.

6.136 Sustainable Transport and Accessibility

DALP Policy C1 (2) sets out criteria in respect of Sustainable Transport and Accessibility which will allow the Council to support development proposals.

6.137 The proposed development gives priority to walking and cycling in its design as already set out above and links to local facilities and also the public transport network. It is considered to meet criterion a. and b.

6.138 The proposal includes 24no electric vehicle charging point car parking spaces and therefore promotes the use of Ultra Low Emission Vehicles (ULEV). The precise detail of this provision, its implementation and subsequent

maintenance should be secured by condition. This would ensure criteria c. is met.

6.139 The level of car and cycle parking on the latest plan meets with the DALP Appendix D requirements and therefore meets criteria d.

6.140 The parking and servicing layout as shown on the access arrangement plan is considered appropriate for the proposed development and would not result in any severe highway safety issues. The proposal is considered to meet criteria e.

6.141 Criteria f. relates to the proposed development being located within 400 metres walking distance of a bus stop or railway station with a suitable level of service wherever possible. As set out above, the proposed development is within 1000m of bus stops, which host services to and from Liverpool, Warrington, Speke and Murdishaw. The nearest railway station to the site is at Hough Green, which is a 4km walk from the site.

6.142 There are bus stops located within 400 metres of the application site, however it is noted that the walking distance to entrance of the building is further. The application originally included access from Halebank Road, which would have allowed buses and emergency vehicles to access the site and would have allowed a bus stop to be located within 400 metres of the entrance of the building. The cost of extending both bus services currently operating in Halebank would be approximately £400,000 per annum due to timetabling and the additional buses that would be required to deliver the service. This was deemed cost prohibitive by the applicant nor would it be reasonable for the Council to insist on this especially in the context of the size of the proposed building (over 300m in length), the likely distances travelled by employees whilst on shift versus the distance to the bus stop and the fact that the site is an allocated employment site. On the basis of this and also based on the concerns raised over the impact on the Greenspace in respect of the implementation of the access road, the applicant removed this from the proposed development. This approach is accepted especially given the reported likely requirement for the calculated contribution of £400,000 per annum to be ad infinitum for the life of the development in order to fund the required bus services and the wider benefits of the scheme.

6.143 Whilst the application originally included provision for a secondary access to the site for emergency vehicles from Halebank Road, it should however be noted that Cheshire Fire and Rescue Service has confirmed that it cannot insist that the applicant provide this in addition to the existing access route over the railway line on Lovels Way. They do however highly recommend one from a worst case scenario perspective, where a fire incident occurs and the bridge is unavailable due to a road traffic accident on the bridge blocking their access. The applicant shows a footpath/cycleway linking from Halebank Road to the site access road which could be used by the Cheshire Fire and

Rescue Service in the very unlikely event that it is required. The approach taken in respect of access for emergency vehicles is considered to be acceptable.

6.144 Acknowledging that the proposal does not meet criteria f., DALP Policy C1 (2) is clear that appropriate mitigation measures will be required at the developer's expense. Mitigation in the form of lighting the existing pedestrian and cycle route through Halebank Park (secured by condition), new directional signage (financial contribution secured by legal agreement), further cycle and bus route improvements in the locality (financial contribution secured by legal agreement) and the implementation of the travel plan to encourage access by sustainable modes (secured by condition) is considered to represent appropriate mitigation for the walking distance to a bus stop for employees at the application site.

6.145 Notwithstanding the above consideration, should the mitigation outlined not be considered to be sufficient to wholly outweigh any deficiency and there is considered a non-compliance with DALP Policy C1 (2f) due to walking distance to the nearest bus stop, it is considered that any such deficiency would be outweighed by the wider benefits of the scheme as outlined through the report sufficient to demonstrate overall development plan compliance. Thus, on any approach to the application, officers are satisfied that this constitutes sustainable development that should be granted.

6.146 In addition to the mitigation measures set out, bus accessibility will be a consideration on following planning application which is located in relative close proximity to this site:

- 22/00423/OUTEIA (Proposed hybrid planning application comprising; Full planning permission for the construction of the primary access points, primary internal link road and site enabling works including site levelling and Outline planning permission, with all matters reserved except for access, for the construction of up to 500 residential dwellings (use class C3), later living units (C2), a new primary school, a local centre (use class E) and associated infrastructure and open space) at Land Off Hale Gate Road, Widnes, Cheshire

6.147 This application relates to proposed residential allocation W24 in the DALP, is directly adjacent to Halebank Road and has the potential to improve sustainable transport and access in the area further.

6.148 Criteria g. relates to the development being accessible to all. It is considered that as a result of all of the above consideration in relation to sustainable transport and accessibility, that the proposed development would be accessible to all who would visit and work at the site.

6.149 Transport Assessment

The Transport Assessment (TA) has assessed the operation of the local highway network for the 2022 application year and 2027 future assessment year at the following locations:

- Junction 1 – Lovels Way / Newstead Road roundabout; and
- Junction 2 – A562 Speke Road / A5300 Knowsley Expressway / Newstead Road signalised gyratory.

The scenarios considered look at base flows, committed development, land allocations and future flows with traffic growth applied.

6.150 Junction 1 is predicted to operate within its practical capacity in future year scenarios with or without the proposed development in place. Junction 2 is predicted to experience increases in delay and reduction in capacity as a result of the proposed development, but the impact is considered to be negligible and mitigation is not considered to be necessary.

6.151 The Council's Highway Officer notes the existing consented development for this site (40,066sqm) following the development by Alstom and also the additional floorspace that is being sought by this application. This amounts to an additional 10,566sqm over and above the previously consented scheme. They accept the position set out in respect of junction 1. They consider that whilst there are presently no highway safety concerns at the junction 2 referenced it operates close to capacity. They also note that the situation for motorists is not an improving picture with the forecast for 2027 taking certain arms of the roundabout beyond capacity. They conclude that whether future highway safety concerns will result is not apparent however it would not be reasonable to suggest that the proposed development is the primary cause. They therefore raise no objection as they do not consider that an unacceptable impact on highway safety would occur or the residual cumulative impacts on the road network would be severe.

6.152 It should be noted that both junctions 1 and 2 referenced above are within the Borough of Knowsley. Knowsley Metropolitan Borough Council have confirmed that they have no objection to the scheme. This is largely based upon the permitted 40,000sqm of the scheme, which could be built as already outlined in addition to financial contributions previously made by the Council towards highway improvements. Knowsley Metropolitan Borough Council originally requested that measures were secured to extend the No Waiting at Anytime TRO from the Knowsley Expressway Gyratory to incorporate Newstead Road and the Newstead Road / Lovels Way roundabout. The applicant responded to this point and do not believe that the existing TROs would need to be extended based on the level of parking provision at the proposed development and there is nothing to suggest that traffic associated with the proposed development would wait/park on these roads. The more recent consultation responses from Knowsley Metropolitan Borough Council do not respond directly on this point or reiterate the request. On this basis, it is not considered that a financial contribution can be justified.

6.153 National Highways have been consulted on the application and raise no objection to the proposed development based on its impact on the Strategic Road Network. They are therefore satisfied that no additional modelling of Tarbock Island (M62 / M57 Junction) is required.

6.154 A financial contribution for off-site signage for the application site was secured by application 15/00549/FULEIA and has been part funded by the adjacent Alstom development. The road signage relating to the wider development site accessed from Lovels Way has been implemented in full and a financial contribution of £85,837.21 represents the applicant's contribution to the scheme.

6.155 Based on the above which confirms that the Council's Highway Officer, Knowsley Metropolitan Borough Council and National Highways do not object to the proposed development, it is considered that the impact of the proposed development is not significant or severe in the context of the NPPF and also compliant with relevant local planning policy.

6.156 Travel Plan

The application is accompanied by a Framework Travel Plan, which aims to encourage people to choose alternative transport modes over single occupancy car use, and it includes a range of measures designed to achieve this goal. These include the following:

- Appointment of Travel Plan Coordinator;
- Production of Welcome Packs;
- Measures to Encourage Walking;
- Measures to Encourage Cycling;
- Measures to Encourage Public Transport; and
- Measures to Encourage Car Sharing and Use of Electric Vehicles (EV).

6.157 Some of the measures have already been referenced in the above assessment. The Council's Highway Officer has commented that the travel plan is thorough and considers the future sustainable accessibility of the site. The implementation and subsequent monitoring / management of the travel plan for a five-year period should be secured by condition.

6.158 Parking Standards

The Council's Parking Standards are set out in Appendix D of the DALP. For storage and distribution uses, the standard is a maximum of 1 space per 100sqm. This equates to a maximum car parking requirement of 507no. spaces.

6.159 The proposed development originally included 380no. car parking spaces. The Council's Highway Officer was concerned that any under provision of parking may result in Lovels Way being used as an over flow car park with

the cycle way/pedestrian routes being blocked by parked vehicles. They also noted that the adjacent Alstom site has already extended its concrete parking apron to accommodate additional parking from its original provision.

6.160 On the basis of the above observations, the applicant increased car parking provision to 480no. spaces. This now falls within (+/- 10%) range set out in DALP Policy C2 and the Council's Highway Officer considers this provision to be acceptable.

6.161 10% of the proposed car parking spaces are larger in dimension (3.6m x 5m) to ensure a sufficient number of accessible spaces are provided to meet the Council's Parking Standards. The applicant is seeking to meet the overall need to encourage the use of ultra-low emissions vehicles through the provision of 24no. car parking spaces with electric vehicle charging points (5% of overall provision). The applicant also proposes to dedicate 24no. car parking spaces to car sharers in the interests of sustainable access. The overall approach to car parking by the applicant is considered to be acceptable.

6.162 In respect of cycle parking, Appendix D of the DALP makes reference to a standard of 1 cycle / motorcycle space per 100sqm with a minimum of 2. In the context of the large storage and distribution building proposed, this would result in a particularly high requirement of 507no. spaces. In this instance, the applicant proposes 102no. covered cycle parking spaces which the Council's Highway Officer considers to be a convenient and well located facility and raises no objection to the level of provision shown and it is considered to be acceptable.

6.163 It is recommended that conditions should be attached securing the implementation of maintenance of the car parking and servicing provision as well as cycle parking. A condition securing the submission of details of the proposed electric vehicle charging points along with implementation and maintenance is also recommended to be attached.

6.164 Transport and Access Conclusion

The site is considered accessible for both pedestrians and cyclists. Improvements in the form of lighting the existing route through Halebank Park, directional signage as well as implementation of the details outlined in the Framework Travel Plan would encourage access by sustainable modes and represent appropriate mitigation for the walking distance to a bus stop for employees at the application site.

6.165 The Transport Assessment demonstrates that an unacceptable impact on highway safety would not occur or the residual cumulative impacts on the road network would not be severe.

- 6.166 An appropriate level of car parking provision would be provided to accord with the Council's parking standards. Convenient covered cycle parking provision forms part of the proposal. Electric vehicle charging point provision to encourage the use of ultra-low emission vehicles is provided.
- 6.167 In conclusion, in respect of transport and access, the proposed development is considered to accord with DALP Policies CS(R)15, C1, C2, GR1 and GR2 and NPPF.
- 6.168 Air Quality
The Site is not located within an existing Air Quality Management Area (AQMA). The closest AQMA to the Site is located in the neighbouring local authority of Liverpool City Council. The Liverpool AQMA is located approximately 2km west of the Site and was designated for the potential exceedance of the annual mean NO₂ air quality objective.
- 6.169 The Environmental Statement assesses the potential impacts arising from the construction of the proposed development. This includes a Construction Phase Dust Assessment and an assessment of Construction Phase Road Traffic Emissions. For the operational phase, a detailed assessment of operational phase road traffic emissions has also been undertaken.
- 6.170 The Construction Phase Dust Assessment identifies existing sensitive receptors within the guidance and considers dust soiling and human health effects. Any impacts associated with the construction of the development are identified as likely to be short term and temporary in nature. Site specific mitigation measures are identified as being required to minimise the emission of dust during construction phase activities and are included within the Construction Environmental Management Plan. Residual impacts from the construction phase are considered not to be significant.
- 6.171 The existing sensitive receptor locations considered in the Operational Phase Road Traffic Emissions Assessment have been chosen based on their relative proximity to road links within the study area. Any impacts associated with operational phase road traffic emissions are identified as likely to be long term in nature. Impacts will be positive or negative depending on whether an increase or decrease is experienced on the local road network. The impact of the development is determined with regard to the percentage change in pollutant concentrations relative to the relevant air quality assessment level. The Environmental Statement concludes that the completed development will result in negligible increases in pollutant concentrations, no exceedances of the relevant air quality objectives are predicted and will result in an overall negligible and not significant impact.
- 6.172 The Council's Environment Health Officer has stated that construction dust has been assessed as a high risk to residential properties and that the impact is addressed within the CEMP, which will mitigate the impact on residents. As a short-term impact, they consider this to be acceptable.

- 6.173 The Council's Environment Health Officer has commented that the main operational impact on air quality would potentially be the increase in traffic. This has been assessed utilising ADMS – roads. The site benefits from a purpose built access road and will therefore have no significant impact on residential pollution levels. The impact at residential areas is calculated as being negligible.
- 6.174 In conclusion, in respect of air quality, the proposal is considered to accord with DALP policies CS23 and HE7.
- 6.175 Noise and Vibration
In respect of noise and vibration, an assessment has been undertaken to determine the likely effects during the construction and operation phases on nearby receptors. This includes a full weekday and weekend background sound survey in positions considered representative of the closest residential receptors to the site. Noise predictions have been undertaken at a number of noise sensitive receptors.
- 6.176 No embedded mitigation measures are included for the construction phase which are relevant to noise and vibration. Best Practicable Means to reduce noise levels at nearby sensitive receptors have been set out by the applicant and are included in the CEMP.
- 6.177 In the operation phase, as part of embedded mitigation measures, the assessment suggest that noisiest activities, such as HGV loading and washing facilities, have been located as far from the receptors as practicable resulting in an increased distance and shielding of noise where possible. Given the proximity of the site to sensitive (residential) receptors, the Environmental Statement suggests that best practice measures are followed and enforced in regard to a Noise Management Plan at the operational phase of development, especially during the night-time periods.
- 6.178 The construction of the proposed development would at worst have a minor adverse residual effect at one of the receptors which is not considered significant. For the operational phase, the road traffic noise assessment predicts a negligible adverse residual effect for all residential receptors and along affected routes, which again is not significant.
- 6.179 Halebank Parish Council noted that road and rail movement to and from Alstom (granted by applications 15/00549/FULEIA and 17/00035/NMA) is restricted between 2300-0700 by planning condition to avoid noise impacts on residents. It is noted from the noise assessment accompanying application 15/00549/FULEIA was based on the movement of trains and materials by road and rail only between 07:00 and 23:00. The suitability of night-time movements (23:00-07:00) to and from the site by road and rail was not considered. On this basis, a condition was attached restricting deliveries or dispatch of materials or trains to or from the site whether by road or by rail or movement of trains within the site during those hours. The Committee Report was also clear that a further

assessment and application would be required to vary the condition to allow for night-time movements as set out should such proposals arise.

6.180 Halebank Parish Council has stated that they consider that the greater quantum of development and unrestricted hours of operation will have a negative impact on the living conditions of residents in the surrounding area of Halebank as a result of noise related nuisance.

6.181 The Council's Environmental Health Officer has considered the proposed development and notes that the construction phase noise has been assessed in line with BS5228-1. The applicant's CEMP refers to proposed site works during the following hours:

0700-1800 Monday-Friday;

0700-1300 Saturday;

No working on Sundays or Bank Holidays.

Provision is also sought for powerfloating operations outside of these hours for a limited period. It also indicates that letters and schedules will be provided to neighbouring properties advising of exact pour dates. They also consider that reasonable sound reduction is anticipated due to distance alone.

6.182 The Council's Environmental Health Officer has stated that construction noise is assessed differently to operational noise as its impact is not permanent, although it is acknowledged that such a large scale development will take some months to complete. They also accept that the size of the site would indicate that the impact would not be felt at any individual property for the entire duration of the construction, but that there would be periods of greater and lesser disturbance. Residents would also be protected from disturbance at night by virtue of the hours of construction set out in the CEMP whilst noting the provision for powerfloating. Subject to the measures outlined in the CEMP being secured by condition, the impact of construction noise is considered to be acceptable.

6.183 The Council's Environmental Health Officer has considered operational noise and notes that traffic noise has been assessed in line with the Design Manual for Roads and Bridges (DMRB) guidance. The vast majority of vehicle movements will access the site to the north along the purpose built roads keeping traffic away from the residential areas of Widnes and reducing the impact.

6.184 The Council's Environmental Health Officer initially commented that all plant should be located to the north of the main building, below roof height, such that it is afforded attenuation from the building and the distance from the local residents and that deliveries should only be made to bays to the north of the site at night.

6.185 The applicant has responded to these observations and outlined their reasons in acoustic terms. BS4142:2014 does not give clear guidance on an increase in noise levels between 0dB and 5dB above background level externally which is predicted as a result of the proposed development. The applicant maintains that the background noise levels are low and BS4142:2014 references the use of absolute noise levels in such instances. They maintain that applying this approach and assuming that a bedroom window is open allows noise levels internally to comply with the BS8233:2014 standards for 'good' internal noise levels. The applicant has recommended a condition restricting plant to the north of the main building and that a noise impact assessment be undertaken by the end user to ensure that noise impacts are appropriately assessed and minimised.

6.186 Taking this into account, together with the considerable level of boundary treatment employed to mitigate noise from the site, the Environmental Health Officer accepts the applications rationale and raises no objection in respect of operational noise subject to the use of a noise management plan which the applicant has referenced as a tool to ensure the best noise environment for local residents. This can be secured by appropriately worded planning condition.

6.187 The noise related objections raised by Halebank Parish Council have been carefully considered. Firstly, the reasoning behind the hours restriction on movements to and from the site on application 15/00549/FULEIA has been explained. The noise assessment accompanying this application considers the impact of 24 hour operation and the Environmental Health Officer raises no objection to the proposed development in respect of noise and vibration subject to the condition securing a noise management plan. It is therefore considered that a reason for refusal on the grounds of noise cannot be sustained.

6.188 In conclusion, in respect of noise and vibration, the proposal is considered to accord with DALP policies CS23 and HE7 and NPPF.

6.189 Climate Change

The applicant has undertaken a climate change assessment to ascertain the potential impact of the proposed development on climate change. The baseline conditions for greenhouse gas (GHG) emissions from within the site boundary are expected to be very low given current land uses and limited human and natural activity including energy consumption (fuel, power), industrial process. Total carbon dioxide vehicular emissions from the surrounding network have been estimated to result in 32.6 thousand tonnes of carbon dioxide equivalent. The mean annual temperature across the region varies from around 9°C to just over 10.5°C. Rainfall across the northwest region tends to be associated with Atlantic depressions or with convection, with most rainfall occurring in autumn

and winter months. Meanwhile, the majority of rainfall during the summer months originates from convection caused by solar surface heating, which forms shower clouds leading to showers and thunderstorms. Historically, the nearby city of Manchester receives 830mm on average each year, which is much lower than amounts of rainfall at areas of higher altitude within the northwest region.

6.190 The applicant sets out that the impacts of climate change during the construction phase would be managed through the CEMP, which would contain detailed procedures to mitigate any potential impacts associated with extreme weather events. These measures include a Dust Management Plan, appropriate storage of materials and consideration of lower embodied carbon material choices.

6.191 The applicant notes that at the operational phase of the development, resilience to climate change would be considered periodically through the maintenance regimes. The travel plan, which has been developed to support the application, recommends many mitigation measures which will help reduce GHG emissions associated with the transport of employees to and from the site during the operational phase. The suitability of the travel plan is considered in the Transport and Access section of the report.

6.192 The applicant does not anticipate there to be any significant effects with regard to GHG emissions at the construction phase. At the operational phase, the GHG emissions from transport are expected to result in a minor adverse effect. The applicant intends to mitigate these effects through sustainable transport measures including the travel plan referenced above and the provision of EV charging. The applicant also refers to the proposed building aiming to achieve a BREEAM score of excellent. This is supported by a BREEAM New Construction 2018 Pre-Assessment Report. The applicant concludes that there are not any significant effects with regard to impacts from climate change during the operational phase of the development.

6.193 Having considered the applicant's submissions in relation to climate change, they demonstrate how the development has been designed to have regard to the predicted effects of climate change including reducing carbon dioxide emissions and adapting to climatic conditions. The proposed development would exceed the BREEAM 'Very Good' standard that is encouraged as a minimum standard for new non-residential development in DALP Policy CS(R)19. In conclusion, in respect of climate change, the proposal is considered to accord with DALP policies CS(R)19 and NPPF.

6.194 Lighting

The application is accompanied by an External Lighting Strategy and a Lighting Plan. The proposed lighting has the potential to impact on residential dwellings, road and rail users and public rights of way users.

6.195 Lighting also has the potential to impact on wildlife within the surrounding landscape. Appropriate consideration and policy compliance in this regard are covered elsewhere in the Ecology and Nature Conservation section of the report.

6.196 The lighting strategy for this development proposes LED Luminaires mounted on the building and columns at heights of 8 and 10m. An LED scheme would deliver the following advantages over traditional light sources:

- Provide minimised glare using control optics;
- Highly reduced zero upward light (due to reflection);
- Dimming control (if required);
- Reduced maintenance; and
- Improved energy saving for the end user.

6.197 Further mitigation to reduce light pollution would be provided through the existing and proposed enhanced landscaping schemes which act as buffer for residential dwellings, road and rail users and public rights of way users.

6.198 Halebank Parish Council initially raised concerns regarding artificial light nuisance, however they have confirmed their satisfaction to the updated scheme, which has regard for the operational requirements of the proposed development whilst ensuring unnecessary light pollution beyond the area intended to be lit does not occur.

6.199 A detailed External Lighting Strategy and a Lighting Plan has been provided by the applicant, which is considered acceptable. Its implementation and subsequent maintenance should be secured by condition.

6.200 Members will note that the Council's Highway Officer has requested improvements in the form of lighting the existing route through Halebank Park. This will be secured by condition and will ensure light spillage is appropriately considered.

6.201 In conclusion, in respect of lighting, it is considered that subject to the suggested conditions, the proposals would minimise unacceptable light pollution and risks that would negatively impact the quality of the environment and is considered to accord with DALP policies CS23 and HE7.

6.202 Health Impact Assessment

DALP Policy CS(R)22 states healthy environments will be supported and healthy lifestyles encouraged across the Borough by ensuring applications for large scale major developments are supported by a Health Impact Assessment to enhance potential positive impacts of development and mitigate against any negative impacts.

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

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

6.205 The current proposed development has been considered by the Council's Public Health Manager and the application is supported by an HIA Review. The submission with this application takes the form of a review rather than a full update or a new full HIA due to the findings of the 2013 NIA still being applicable.

6.206 The applicant has engaged with the Council's Public Health Team and has obtained the latest ward data (2017) to form their review.

6.207 The HIA review notes the following:

- The site has been subject to previous planning applications of a similar nature which have been subject to HIAs;
- The likely health related effects are not anticipated to differ significantly from those identified in the previous HIAs;
- No significant health related effects have been identified during construction or operation of the development subject to the implementation of mitigation measures (CEMP and ES).

6.208 It is noted that the applicant is willing to commit to a series of measures to address health related effects, benefits and issues as a result of the development. Examples of those would include the noise management plan, travel plan and green space enhancements to mitigate the visual effects on

nearby receptors as well as habitat improvements as considered in more detail in the relevant sections of the report.

6.209 The summary of the HIA review is that no significant health related effects have been identified which are not addressed by measures set out within the current planning application proposals.

6.210 The Council's Public Health Manager considers the document succinct and covers the relevant considerations including additional data and information on both health and the types of jobs that will be created. No objection is therefore raised.

6.211 In conclusion, in respect of the health impact of the proposed development, the requirements of DALP Policy CS(R)22 are considered to have been fulfilled.

6.212 Waste Management

The proposal is major development and involves excavation and construction activities which are likely to generate significant volumes of waste. The Council's retained adviser has confirmed that the applicant has submitted sufficient information on site waste management to comply with policy WM8 of the Merseyside and Halton Joint Waste Local Plan (WLP) and the National Planning Policy for Waste (paragraph 8). In terms of operational waste management, it is considered that there will be sufficient space for the storage of waste including separated recyclable materials as well as access to enable collection in order to demonstrate compliance with Waste Local Plan Policy WM9.

6.213 Issues raised in representations

All issues raised in the representation received, which are material to the planning application's consideration are responded to above.

6.214 Financial Contributions

DALP Policy CS(R)7 states that *"where new development creates or exacerbates deficiencies in infrastructure it will be required to ensure those deficiencies or losses are compensated for, adequately mitigated or substituted for in a timely manner. On larger developments that will be completed in phases or over a number of years, an agreed delivery schedule of infrastructure works may be appropriate. Where infrastructure provision is not made directly by the developer, contributions may be secured by an agreement under Section 106 of the Act including where appropriate via a phased payment schedule"*

6.215 In accordance with DALP Policy CS(R)7 works would normally be required with respect to the identified deficiencies and mitigation to make the development acceptable in planning terms.

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

<u>WORKS</u>	<u>CONTRIBUTION</u>	<u>TIMESCALE FOR PAYMENT</u>
Off Site Signage	£105,837.21	Prior to the commencement of development.
Cycle and Bus Route Improvements	£49,871.62	Prior to the commencement of development.
Skylark Field Commuted Sum	£2,746.79	Prior to the commencement of development.
Habitat Creation Commuted Sum	£200,000.00	Prior to occupation of the development.

6.217 In this instance, the Council/applicant would need to enter into an agreement under Section 111 Local Government Act 1972 rather than Section 106 of the Town and Country Planning Act 1990 as the applicant Commercial Development Projects Ltd does not currently have an interest in all the sites subject of the agreement. This agreement will require Commercial Development Projects Ltd to enter into an agreement under Section 106 Town and Country Planning Act 1990 with the Council when it has acquired an interest in the relevant land.

6.218 Regulation 122 of the Community Infrastructure Levy Regulations 2010 provides that at paragraph (2) subject to paragraph (2A) (set out below), a planning obligation may only constitute a reason for granting planning permission for the development if the obligation is:

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

Paragraph (2A) states:

Paragraph (2) does not apply in relation to a planning obligation, which requires a sum to be paid to a local planning authority in respect of the cost of monitoring (including reporting under these Regulations) in relation to the delivery of planning obligations in the authority's area, provided—

- (a) the sum to be paid fairly and reasonably relates in scale and kind to the development; and
- (b) the sum to be paid to the authority does not exceed the authority's estimate of its cost of monitoring the development over the lifetime of the planning obligations which relate to that development.

6.219 The identified deficiencies and associated contributions are considered to fulfil the requirements of DALP Policies CS(R)7, CS(R)15, CS(R)20, C1, C2, GR1, GR2 and HE1 and meet the relevant tests as set out under the Community and Infrastructure Levy 2010. It follows that the above requirements are justified to be secured by legal agreement. These contributions will be secured as set out above.

6.220 Cumulative Effects

A comprehensive assessment of the potential effects of the construction and operational phases of the proposed development have been considered as part of the Environmental Impact Assessment undertaken by the applicant.

6.221 Any adverse effects identified through the assessment have been minimised as far as possible by the applicant through the design process or appropriate mitigation measures. Those effects associated with the construction activities would be controlled by the CEMP and ECEMP.

6.222 Effects during demolition and construction period are considered to be short term negligible for the majority of impacts which are not considered to be significant. Some minor adverse effects are anticipated with regards to the potential effects on heritage assets, but these are also deemed not to be significant. Moderate adverse effects are also anticipated with regards to townscape character, visual amenity and heritage assets though these are also not considered to be significant. Some major-moderate adverse effects are anticipated with regards to townscape and visual amenity which are significant. These are anticipated to be short term and last only the duration of the construction phase.

6.223 Potential environmental impacts of the completed development are reported to be predominantly negligible and not considered to be significant. There are some minor or moderate adverse impacts identified at completed development stage relating to ecology and landscape receptors however, these are also deemed to be not significant.

6.224 The proposed development constitutes a sustainable, high quality development, which accords with national and local planning policy whilst not having a significant effect on the environment. It would create jobs for local residents on an allocated employment site. The proposed completed development is considered to be sympathetically designed and would contribute to the economic, social and environmental aspirations of the Borough balancing the negative effects of the proposal on some receptors.

6.225 In conclusion, in respect of the cumulative effects of the proposed development, the requirements of DALP Policy are considered to have been fulfilled in so far as they relate to such cumulative effects.

7. MATERIAL CONSIDERATIONS

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

7.2 With regard to other material considerations

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

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

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

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

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

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

- National policy
- Planning history of the site
- Overshadowing
- Overlooking and loss of privacy
- Adequate parking and servicing
- Overbearing nature of proposal
- Loss of trees
- Impact on green belt

- Loss of ecological habitats
- Archaeology
- Contamination by a previous use
- Effect on Listed Building(s) and Conservation Areas
- Access and highways safety
- Traffic generation
- Noise and disturbance from the scheme
- Disturbance from smells
- Public visual amenity
- Flood risk
- Planning gain
- Local finance considerations
- Cumulative impact of the development

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

- Loss of value to an individual property
- Loss of a private individual's view
- Boundary disputes including encroachment of foundations or gutters
- Private covenants or agreements
- The applicant's personal conduct or history
- The applicant's motives
- Potential profit for the applicant or from the application
- Private rights to light
- Private rights of way
- Damage to property
- Loss of trade to individual competitors
- Age, health, status, background and work patterns of the objector
- Time taken to do the work
- Building and structural techniques
- Matters covered by other statute
- Alcohol or gaming licence

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

7.5 Paragraph 47 of NPPF states that applications for planning permission should be determined in accordance with the development plan unless material considerations indicate otherwise. Paragraph 11 states that plans and decisions should apply a presumption in favour of sustainable development, approving development proposals that accord with an up-to-date development plan without delay. Sustainable development is recognised to include "economic", "social", and "environmental" objectives as set out in Paragraph 8.

7.6 Paragraph 81 of NPPF advises that significant weight should be placed on the need to support economic growth and productivity, taking into account both local business needs and wider opportunities for development.

8. CONCLUSIONS

8.1 Applications must be determined in accordance with the development plan unless material considerations indicate otherwise. National Planning Practice Guidance is clear that if decision takers choose not to follow the National Planning Policy Framework, where it is a material consideration, clear and convincing reasons for doing so are needed.

8.2 Consideration should be given to the matters listed in the report in favour of the proposed development which are, inter alia:

- Creation of jobs growth with there likely being 600 full time jobs during construction, and 500 full time jobs during operation;
- Creation of job opportunities for the local population;
- The economic investment;
- Sustainability of the development;
- Local finance consideration.

8.3 Consideration should also be given to the adverse impacts of the development which, inter alia, include:

- Landscape and Visual Impact;
- Archaeology and Heritage;
- Noise Impacts during the construction phase;
- Greenhouse Gas Emissions.

8.4 Any development of such a scale and use undoubtedly has the potential for significant impact on the environment, the landscape and character of the area and the lives of adjoining residents especially during the construction phase. The application has been assessed with regard to the appropriate policy criteria and the impact of the development has been thoroughly assessed through the Environmental Impact Assessment. The Environmental Statement concludes that the proposal will not have a significant detrimental impact on the environment, the character of the area, highways, amenity of surrounding residents or on any other grounds.

8.5 It is noted from previous Committee Reports relating to this site that previous phases of development have been subject to a number of European and Government grants to deliver infrastructure to enable the site to come forward for development. Section 70(2) of the Town and Country Planning Act 1990 (as amended) provides that a local planning authority must have regard to a local finance consideration, including grant or other financial assistance, as far as it

is material. Whether or not such a finance consideration is material to the decision will however depend on whether it could help to make the development acceptable in planning terms.

- 8.6 Weight should be given to the local finance consideration as the monies provided to the Council have been given to make the wider development site (including the adjacent Alstom development) accessible and acceptable in planning terms.
- 8.7 The scheme is considered to offer a well-designed, high quality development. It is considered that significant efforts have been made to minimise and mitigate likely impacts having particular regard to its visual appearance, previously constructed screen mounding and enhanced soft landscaping. The application connects directly via Lovels Way to Speke Road (A562) and Knowsley Expressway (A5300) and does not utilise local roads. Measures have been incorporated that encourage access to the site, by employees, by modes other than the private car including through Halebank Park.
- 8.8 The scale, general design and form of the building are considered to be acceptable for this type of development. It is considered to be of a scale and quality of design suited to the site designations. The Environmental Statement demonstrates how development impacts will be satisfactorily addressed. On this basis it is considered that the relevant development plan policies have been satisfied.
- 8.9 Officers consider that the proposed development is compliant with the development plan as a whole. National planning policy states that applications must be determined in accordance with the development plan unless material considerations indicate otherwise. In this case, none of the material considerations provide clear and convincing reasons to depart from the development plan.

9. RECOMMENDATION

That the application be approved subject to the following:

- a) entering a legal agreement under Section 111 of the Local Government Act 1972 require Commercial Development Projects Ltd to enter into an agreement under Section 106 Town and Country Planning Act 1990 with the Council when it has acquired an interest in the relevant land relating to:

FINANCIAL CONTRIBUTIONS

Off Site Signage - £105,837.21

Cycle and Bus Route Improvements - £49,871.62

Skylark Field Commuted Sum - £2,746.79

Habitat Creation Commuted Sum (for use on sites in the ownership of others such as Local Authority/Cheshire Wildlife Trust/Mersey Gateway) - £200,000.00

OTHER OBLIGATIONS

Pond/reedbed creation on sites within the ownership of the applicant (Provisional sites have been identified at Daresbury and Manor Park); along with the submission of appropriate Biodiversity Management Plans.

b) Conditions relating to the following:

(1) The development must be begun within three years of the date of this decision notice.

Reason - Section 91 (as amended) of the Town and Country Planning Act 1990.

(2) The development shall be carried out in accordance with the following application drawings:

PLANS

Planning Location Plan - M2999-P105 Rev C
Site Layout - M3179-100-1 Rev E
Sub-station Details - M2999-P106
Gatehouse Island Details - M2999-P107 Rev A
Vehicle Wash - M2999-P108
Sprinkler Tank Pump House - M2999-P109
Planning Condition Plan – 01 – M2999-P111
Planning Condition Plan – 02 – M2999-P112
Proposed Services Plan - 3179-102 Rev D
Fencing Layout Plan - M3179-104 Rev C
Proposed Access Arrangement - 80191-CUR-00-XX-DR-TP-75001-P08
Detailed Planting Plans - DR-5864-02.01 Rev A
Detailed Planting Plans - DR-5864-02.02 Rev A
Detailed Planting Plans - DR-5864-02.03 Rev A
Landscape Masterplan - DR-5864-02.04 Rev A
Tree Product Packages - GBU-STANDARD-3102 rev C
Tree Product Packages - GBU-STANDARD-3103 rev C
Tree Product Packages - GBU-STANDARD-3106 rev C
Electrical Services External Lighting Calculations - M2999-AFC-SW-XX-DR-E P05
Floor Layout Plan - M2999-200
Office Layout Plans - M2999-201
Roof Plan - M2999-202
Elevations - M2999-301 Rev A
Swept Path Analysis 16.5m Articulated HGV - 80191-CUR-00XX-DR-TP-05001-P09
Bird and Bat Box Plan – ER-5864-09.2

REPORTS

Construction Environmental Management Plan - September 2022

BREEAM New Construction 2018 Pre-Assessment Report - 11 February 2022
Statement of Community Involvement - March 2022
Health Impact Assessment Review - 25 July 2022
External Lighting Strategy – Received 09.08.2022
Arboricultural Impact Assessment - AR-5864-01 January 2022 Revised October 2022
Design and Access Statement

ENVIRONMENTAL STATEMENT (MARCH 2022)

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Volume 2: Main Text – Chapter 3: Site Description - March 2022
Volume 2: Main Text – Chapter 4: Alternatives - March 2022
Volume 2: Main Text – Chapter 5: The Proposed Development - March 2022
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Volume 2: Main Text – Chapter 8: Archaeology and Heritage - March 2022
Volume 2: Main Text – Chapter 9: Ground Conditions - March 2022
Volume 2: Main Text – Chapter 11: Transport and Access - March 2022
Volume 2: Main Text – Chapter 12: Air Quality - March 2022
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Volume 3: Appendices - Appendix 2.1: EIA Scoping Report - November 2021
Volume 3: Appendices - Appendix 2.2: EIA Scoping Opinion - 21 December 2021
Volume 3: Appendices - Appendix 6.1: LVA Methodology Summary and Criteria Tables
Volume 3: Appendices - Appendix 6.2: Landscape Character Area Extracts
Volume 3: Appendices - Appendix 6.3: SPD Extracts
Volume 3: Appendices - Appendix 6.4: Landscape Character Assessment Table
Volume 3: Appendices - Appendix 6.5: Visual Assessment Table
Volume 3: Appendices - Appendix 7.5: Alstom Ecology Chapter Part 1 - November 2015
Volume 3: Appendices - Appendix 7.6: Alstom Phase 1 Survey Update - June 2014
Volume 3: Appendices - Appendix 7.7: Alstom Aquatic Invertebrates - May 2014
Volume 3: Appendices - Appendix 7.8: Alstom Barn Owl and Bat Activity - October 2010
Volume 3: Appendices - Appendix 7.9: GCN Survey 2014 - June 2014
Volume 3: Appendices - Appendix 7.10: GCN Survey Report 2016 - April 2016

Volume 3: Appendices - Appendix 7.11: Japanese Knotweed Survey - February 2016
Volume 3: Appendices - Appendix 8.1: Historic Environment - February 2022
Volume 3: Appendices - Appendix 9.1: Geo-Environmental Desk Study - June 2011
Volume 3: Appendices - Appendix 9.2: Phase 1 Environmental Assessment - October 2015
Volume 3: Appendices - Appendix 9.3: July 2011 Land Contamination ES Chapter - July 2011
Volume 3: Appendices - Appendix 9.4: Geo-environmental Desk Study - 5862-JPG-XX-XX-RP-G-0601-S2-P02 - January 2022
Volume 3: Appendices - Appendix 9.5: Preliminary Logs - 21 July 2011
Volume 3: Appendices - Appendix 9.6: RSA Lab Analysis - 13 July 2011
Volume 3: Appendices - Appendix 9.7: Exploratory Hole Location Plan - 30467-02-F1 - July 2011
Volume 3: Appendices - Appendix 9.8: Exceedance Plan Soils - 30467-02-F2 - July 2011
Volume 3: Appendices - Appendix 9.9: Exceedance Plan Leachate - 30467-02-F3 - July 2011
Volume 3: Appendices - Appendix 11.1: Transport Assessment - 80191-CUR-XX-XX-T-TP-00001-P02 - 2 February 2022
Volume 3: Appendices - Appendix 11.2: Travel Plan - 80191-CUR-XX-XX-T-TP-00002-P02 - 2 February 2022
Volume 3: Appendices - Appendix 12.1: Air Quality Assessment Glossary
Volume 3: Appendices - Appendix 12.2: Air Quality Construction Phase Dust Assessment
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ENVIRONMENTAL STATEMENT ADDENDUM (AUGUST 2022)

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Volume 2: Main Text - Chapter 7: Ecology - August 2022 - Supersedes March 2022 ES

Volume 2: Main Text - Chapter 8: Archaeology and Heritage - August 2022
Volume 2: Main Text - Chapter 9: Ground Conditions - August 2022
Volume 2: Main Text - Chapter 10: Drainage and Flood Risk - August 2022 – Supersedes March 2022 ES
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Volume 2: Main Text - Chapter 14: Climate Change - August 2022
Volume 2: Main Text - Chapter 15: Cumulative Effects - August 2022
Volume 2: Main Text - Chapter 16: Summary of Mitigation and Residual Effects - August 2022
Volume 3: Appendices - Appendix 0.1: Consultation Responses
Volume 3: Appendices - Appendix 6.6: Photomontages - August 2022
Volume 3: Appendices - Appendix 6.7: Landscape and Visual Response Letter - 3 August 2022
Volume 3: Appendices - Appendix 7.1a: Preliminary Ecological Appraisal - ER-5864-02.3 – 25 January 2022
Volume 3: Appendices - Appendix 7.2a: Ornithological Survey - ER-5864-01.1 – December 2021
Volume 3: Appendices - Appendix 7.5: Alstom Ecology Chapter Part 1 - November 2015
Volume 3: Appendices - Appendix 7.6: Alstom Phase 1 Survey Update - June 2014
Volume 3: Appendices - Appendix 7.7: Alstom Aquatic Invertebrates - May 2014
Volume 3: Appendices - Appendix 7.8: Alstom Barn Owl and Bat Activity - October 2010
Volume 3: Appendices - Appendix 7.9: GCN Survey 2014 - June 2014
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Volume 3: Appendices - Appendix 7.11: Japanese Knotweed Survey - February 2016
Volume 3: Appendices - Appendix 7.13: Breeding Bird Survey
Volume 3: Appendices - Appendix 7.14: GCN eDNA Survey
Volume 3: Appendices - Appendix 7.15: Reptile Survey
Volume 3: Appendices - Appendix 10.2: Drainage Impact Assessment - 5862-JPG-XX-XX-RP-D-0622-S2-P02 – June 2022
Volume 3: Appendices - Appendix 10.3: Drainage Maintenance and Management Report - 5862-JPG-XX-XX-RP-D-0623-S2-P01 – July 2022
Volume 3: Appendices - Appendix 11.3: Transport Response Letter - 80191-CUR-XX-XX-T-TP-00004-P01 – 18 July 2022
Volume 3: Appendices - Appendix 13.1: Noise and Vibration Response Letter - 50-462-R1-4 – 19 July 2022

SUPPLEMENTARY SUBMISSION (OCTOBER 2022)

Ecology Construction Environmental Management Plan - ER-5864-08.1
Remediation Strategy - 5862-JPG-XX-XX-RP-G-0605-S2-P04 – 17.10.2022.

Factual Report on Geo-environmental Ground Investigation - 5862-JPG-XX-XX-RP-G-0603-S2-P02 – 30.09.2022
Geo-environmental Ground Investigation Interpretative Report -5862-JPG-XX-XX-RP-G-0604-S2-P02 – 29.09.2022
Habitat Regulations Assessment No ER-5864-03.8– 31.01.2022 – Revised 25.11.2022
Appendix 7.4b: BNG Assessment - ER-5864-04.4 – 16 March 2022
Landscape and Ecology Management Plan – ER-5864-10 – 03.10.2022.
Appendix 7.16a: Bat Activity Survey - ER-5864-06.3 – 12.07.2022 – Revised 03.10.2022
Flood Risk Assessment and Drainage Strategy - 5862-JPG-XX-XX-RP-G-0620-S2-P05 – January 2022 – Revised 12.10.2022
ES Addendum Letter - 30 September 2022

Reason - For the avoidance of doubt.

- (3) The development hereby permitted shall be carried out in accordance with the proposed site levels and finished floor levels as shown on the plans detailed below:

JPG - Proposed Levels – Scale 1:1250 – 5862-JPG-ZZ-ZZ-DR-C-1201 S4 P05 – Date 21.07.22 (Contained within Flood Risk Assessment and Drainage Strategy - 5862-JPG-XX-XX-RP-G-0620-S2-P05 – January 2022 – Revised 12.10.2022)

Reason - To ensure that the development is carried out satisfactorily, in accordance with Policy GR 1 of the Halton Delivery and Allocations Local Plan.

- (4) The development shall be carried out in accordance with the Construction Environmental Management Plan detailed below throughout the construction phase:

Marshall Construction Group – Construction Environmental Management Plan – September 2022 – Received 30.09.2022.

Reason - To allow the Local Planning Authority to ensure that sufficient regard is given to minimising potential impacts on neighbours and the environment in accordance with Policies CS23, HE1, HE7, HE8 and HE9 of the Halton Delivery and Allocations Local Plan.

- (5) The development shall be carried out in accordance with the Landscape and Ecological Management Plan detailed below including monitoring and management as set out:

Brooks Ecological - Landscape and Ecological Management Plan HBC Fields – Report Reference ER-5864-10 – Date 03.10.2022 – Received 03.10.2022.

Reason – In order to ensure appropriate landscape and ecological management in accordance with Policies CS(R)20 and HE1 of the Halton Delivery and Allocations Local Plan.

- (6) The development shall be carried out in accordance with the Ecology Construction Environmental Management Plan detailed below throughout the construction phase:

Brooks Ecological - Ecology Construction Environmental Management Plan – Report Reference ER-5864-08.1 – Date 12.09.2022 Revised 15.09.2022 – Received 30.09.2022.

Reason - In the interests of ensuring appropriate protection for ecology, in accordance with Policies CS(R)20 and HE1 of the Halton Delivery and Allocations Local Plan.

- (7) The bat and bird box plan detailed below shall be implemented prior to the first occupation of the proposed development and be maintained thereafter.

Brooks Ecological – Bird and Bat Box Plan – Report Reference ER-5864-09.2 – Date 12.09.2022 Revised 03.10.2022 – Received 03.10.2022.

Reason - In the interests of ensuring appropriate mitigation for ecology, in accordance with Policies CS(R)20 and HE1 of the Halton Delivery and Allocations Local Plan.

- (8) The lighting scheme detailed below shall be implemented prior to the first occupation of the proposed development and be maintained thereafter.

Lighting Project Solutions – New Industrial Development HBC Fields, Widnes – External Lighting Strategy – Received 09.08.2022.

A. F. CONNELL LTD – Electrical Services External Lighting Calculations – M2999-AFC-SW-XX-DR-E – 9001 – P05 – Received 25.11.2022.

Reason - In the interests of ensuring appropriate protection for neighbours and ecology, in accordance with Policies CS(R)20, HE1 and HE7 of the Halton Delivery and Allocations Local Plan.

- (9) No above ground works shall take place until a scheme detailing precise finishes of hard landscaping have been submitted to and approved in writing by the Council as Local Planning Authority. The approved scheme shall be fully implemented prior to the first occupation of the proposed development.

Reason - To ensure that an appropriate hard landscaping scheme is implemented in accordance with policy GR1 of the Halton Delivery and Allocations Local Plan.

- (10) The boundary treatments scheme detailed below shall be implemented prior to the first occupation of the proposed development and be maintained thereafter:

Building Management Services Ltd - Fencing Layout Plan - M3179-104 Rev C – Date Jul 2022 – Received 30.09.2022.

Reason – To ensure that an appropriate boundary treatments scheme is implemented and maintained thereafter in accordance with Policies GR1 and GR3 of the Halton Delivery and Allocations Local Plan.

- (11) Notwithstanding the details on the submitted plans, no above ground works shall take place until a scheme detailing precise external facing materials have been submitted to and approved in writing by the Council as Local Planning Authority. The development shall be carried out in accordance with the agreed scheme.

Reason - To ensure that the development has a satisfactory appearance, in accordance with Policy GR1 of the Halton Delivery and Allocations Local Plan.

- (12) No above ground works shall take place until a scheme detailing precise external finishes including colour coating of the security gatehouses, sprinkler tanks, pump house, vehicle wash and external transformer have been submitted to and approved in writing by the Council as Local Planning Authority. Each element of the development shall be carried out in accordance with the agreed scheme.

Reason - To ensure that the development has a satisfactory appearance, in accordance with Policy GR1 of the Halton Delivery and Allocations Local Plan.

- (13) The development hereby permitted shall be carried out in accordance with the approved Flood Risk Assessment and Drainage Strategy – JPG - 5862-JPG-XX-XX-RP-G-0620-S2-P05 – January 2022 – Revised 12.10.2022 which includes the following mitigation measures and be maintained thereafter:

Finished floor levels shall be set no lower than 10.50 metres above Ordnance Datum (AOD) (Appendix I)

Compensatory flood storage shall be provided with a minimum volume of 300m³ (Section 5.1 and Appendix K)

Reason - To reduce the risk of flooding to the proposed development and future occupants and to prevent flooding elsewhere by ensuring that compensatory storage of flood water is provided in accordance with Policies CS23 and HE9 of the Halton Delivery and Allocations Local Plan.

- (14) No development shall be occupied until a verification report has been submitted to and approved in writing by the Council as Local Planning Authority confirming that the Sustainable Urban Drainage System has been constructed in accordance with the approved design drawings set out below and also in accordance with best practice:

Flood Risk Assessment and Drainage Strategy – JPG - 5862-JPG-XX-XX-RP-G-0620-S2-P05 – January 2022 – Revised 12.10.2022

Drainage_Impact_Assessment – JPG - Reference 5862-JPG-XX-XX-RP-D-0622-S2-P02 – Date June 2022.

Drainage_Maintenance_and_Management-Plan – JPG – Reference 5862-JPG-XX-XX-RP-D-0623-S2-P01- Date July 2022.

For the avoidance of doubt, the verification report shall include the submission of as-built drawings and specification sheets for materials used in the construction, plus a copy of Final Completion Certificate.

Following implementation of the Sustainable Urban Drainage System, it shall be maintained and managed in accordance with the agreed details thereafter.

Reason - To ensure that surface water is drained appropriately from the site, in accordance with policies CS23 and HE9 of the Halton Delivery and Allocations Local Plan.

- (15) The development shall be carried out in accordance with the tree protection measures set out the following document throughout the construction period:

Brooks Ecological – Arboricultural Impact Assessment Plus Tree Survey – Fields off Hale Bank Road Widnes – Report reference AR-5864-02.01 – January 2022 Revised October 2022 – Received 21.10.2022.

Reason - To ensure that the development is carried out with minimum loss of existing landscape features and, in particular, that trees to be retained on the site suffer minimum disturbance, in accordance with Policy HE5 of the Halton Delivery and Allocations Local Plan.

- (16) No development shall take place other than site setup and earthworks until the following has been undertaken:

An updated remedial strategy upon completion of the revised ground gas risk assessment which has subsequently be submitted to and agreed in writing by the Council as Local Planning Authority.

The agreed remedial strategy shall be demonstrably and successfully completed in accordance with the details agreed above before the proposed use commences.

Reason - To ensure that any contamination is treated to the satisfaction of the Local Planning Authority in accordance with National Planning Policy Framework which states that as a minimum, after carrying out the development and the commencement of its use, the land should not be capable of being determined as contaminated land under Part IIA of the Environmental Protection Act 1990. Also in accordance with policies CS23 and HE8 of the Halton Delivery and Allocations Local Plan.

- (17) Within 4 weeks of the completion of the implementation of the agreed strategy required by condition number 16, a Site Validation/Completion Report completed by a suitably qualified professional shall be submitted to and approved in writing by the Council as Local Planning Authority. This shall include details on the remediation works undertaken; validation testing of the adequacy of the remediation; certificates of the suitability of the imported cover materials from a suitably qualified independent person; the fate of any excavated material; and any necessary verification-monitoring programme including details of any installed post-completion monitoring devices, together with measures to be undertaken should action limits be exceeded.

Reason - To ensure that any contamination is treated to the satisfaction of the Local Planning Authority in accordance with National Planning Policy Framework which states that as a minimum, after carrying out the development and the commencement of its use, the land should not be capable of being determined as contaminated land under Part IIA of the Environmental Protection Act 1990. Also in accordance with policies CS23 and HE8 of the Halton Delivery and Allocations Local Plan.

- (18) If, during development, contamination not previously identified is found to be present at the site then no further development shall be carried out until a remediation strategy detailing how this contamination will be dealt with has been submitted to, and approved in writing by the Council as Local Planning Authority. The remediation strategy shall be implemented as approved.

Reason - To ensure that any contamination is treated to the satisfaction of the Local Planning Authority in accordance with National Planning Policy

Framework which states that as a minimum, after carrying out the development and the commencement of its use, the land should not be capable of being determined as contaminated land under Part IIA of the Environmental Protection Act 1990. Also in accordance with policies CS23 and HE8 of the Halton Delivery and Allocations Local Plan.

- (19) The soft landscaping scheme detailed on the plans below within the area shown in red on Planning Condition Plan – 01 – M2999-P111 be implemented by the end of the first planting season following the occupation of the development and be maintained thereafter.

Brooks Ecological – Detailed Planting Plan – Drawing No: DR-5864-01.01
Rev A – Date October 2022 – Received 03.10.2022.

Brooks Ecological – Detailed Planting Plan – Drawing No: DR-5864-01.02
Rev A – Date October 2022 – Received 03.10.2022.

Brooks Ecological – Detailed Planting Plan - Drawing No: DR-5864.01.03
Rev A – Date October 2022 – Received 03.10.2022.

Brooks Ecological – Landscape Masterplan – Drawing No: DR-5864.01.04
Rev A – Date October 2022 – Received 03.10.2022.

Any planting, which within a period of 5 years of implementation dies, is removed, or becomes seriously damaged or diseased shall be replaced during the next planting season with others of a similar size or species, unless the Council as Local Planning Authority gives written consent to a variation.

Should replacement planting be necessary, the Council shall be notified in writing not less than 7 days prior to the planting taking place. Notification shall include details of the problem with the implemented scheme and the specification and timing of the replacement planting.

Reason - To ensure that an appropriate landscaping scheme is implemented and maintained in accordance with policies GR1, GR3 and HE5 of the Halton Delivery and Allocations Local Plan.

- (20) The soft landscaping scheme detailed on the plans below within the area shown in green on Planning Condition Plan – 02 – M2999-P112 shall be implemented prior to first occupation of the proposed development and be maintained thereafter.

Brooks Ecological – Detailed Planting Plan – Drawing No: DR-5864-01.01
Rev A – Date October 2022 – Received 03.10.2022.

Brooks Ecological – Detailed Planting Plan – Drawing No: DR-5864-01.02
Rev A – Date October 2022 – Received 03.10.2022.

Brooks Ecological – Detailed Planting Plan - Drawing No: DR-5864.01.03
Rev A – Date October 2022 – Received 03.10.2022.

Brooks Ecological – Landscape Masterplan – Drawing No: DR-5864.01.04
Rev A – Date October 2022 – Received 03.10.2022.

Any planting, which within a period of 5 years of implementation dies, is removed, or becomes seriously damaged or diseased shall be replaced during the next planting season with others of a similar size or species, unless the Council as Local Planning Authority gives written consent to a variation.

Should replacement planting be necessary, the Council shall be notified in writing not less than 7 days prior to the planting taking place. Notification shall include details of the problem with the implemented scheme and the specification and timing of the replacement planting.

Reason - To ensure that an appropriate landscaping scheme is implemented and maintained in accordance with policies GR1, GR3 and HE5 of the Halton Delivery and Allocations Local Plan.

- (21) The approved Framework Travel Plan detailed below shall be implemented in accordance with the timetable contained therein and shall continue to be implemented as long as any part of the development is occupied and in use.

Appendix 11.2: Travel Plan - 80191-CUR-XX-XX-T-TP-00002-P02 – 2 February 2022

An annual report shall be submitted to the Council no later than 1 month following the anniversary of the first occupation of the development for a period of 5 years. The report shall include a review of the Travel Plan measures, monitoring data and updated action plan.

Reason - To maximise opportunities for travel by modes of transport other than the private car, and to ensure that the development is sustainable, in accordance with policies CS(R)15 and C1 of the Halton Delivery and Allocations Local Plan.

- (22) The development shall not be occupied until 102no. covered cycle parking spaces have been implemented in accordance with a scheme providing precise details which has first been submitted to and approved in writing by the Council as Local Planning Authority. The approved scheme shall be maintained thereafter.

Reason - To ensure that the cycle parking provision is both functional and of a satisfactory appearance, in accordance with Policies CS(R)15, C1, C2 and GR1 of the Halton Delivery and Allocations Local Plan.

- (23) The proposed development shall not be brought into use until the areas indicated on the plans detailed below to be set aside for related parking and

servicing have been surfaced, drained and permanently marked out or demarcated in accordance with the details and specifications shown.

Building Management Services - Site Layout Plan - M3179-100-1 Rev E – Date Mar 2022 – Received 30.09.2022.

Curtins - Proposed Access Arrangement - 80191-CUR-00-XX-DR-TP-75001-P08 – Date 24.11.21 – Received 30.09.2022

Curtins - Swept Path Analysis 16.5m Articulated HGV - 80191-CUR-00XX-DR-TP-05001-P09 – Date 24.11.21 – Received 30.09.2022

The parking and servicing areas shall be retained as such thereafter.

Reason - To ensure that adequate provision is made on the site for the traffic generated by the development, including allowance for safe circulation, manoeuvring, loading and unloading of vehicles as well as parking, and that hard-surfaced areas have a satisfactory appearance, in accordance with policies C1 and C2 of the Halton Delivery and Allocations Local Plan.

- (24) Highway improvement works comprising the new site access arrangement from Lovels Way as detailed on the plan below shall be implemented prior to the development being brought into use

Building Management Services - Site Layout Plan - M3179-100-1 Rev E – Date Mar 2022 – Received 30.09.2022.

Curtins - Proposed Access Arrangement - 80191-CUR-00-XX-DR-TP-75001-P08 – Date 24.11.21 – Received 30.09.2022

Reason - To ensure that sufficient measures are taken such that the highway network can accommodate the development and that the traffic generated does not result in unsatisfactory highway or transportation conditions. This is in accordance with Policies C1 and C2 of the Halton Delivery and Allocations Local Plan.

- (25) The development shall not be occupied until lighting within Halebank Park to improve the overall security and attractiveness for both pedestrians and cyclists has been implemented in accordance with a detailed scheme, which has first been submitted to and approved in writing by the Council as Local Planning Authority. The approved scheme shall be maintained thereafter.

Reason – To encourage journeys to be made by sustainable modes of travel including walking, cycling and public transport in accordance with Policies CS(R)15 and C1 of the Halton Delivery and Allocations Local Plan.

(26) The development shall not be occupied until proposed vegetation removal within Halebank Park to improve the security of the Greenspace / Greenway to create lines of site including onto Clapgate Crescent has been implemented in accordance with a detailed scheme which has first been submitted to and approved in writing by the Council as Local Planning Authority.

Reason – To encourage journeys to be made by sustainable modes of travel including walking, cycling and public transport in accordance with Policies CS(R)15 and C1 of the Halton Delivery and Allocations Local Plan.

(27) The development shall not be occupied until a safe cyclist / pedestrian crossing point across the HGV exit from the proposed development has been implemented in accordance with a detailed scheme, which has first been submitted to and approved in writing by the Council as Local Planning Authority. The approved scheme shall be maintained thereafter.

The approved cyclist / pedestrian crossing point scheme shall be fully implemented prior to the first occupation of proposed development and be maintained thereafter.

Reason – To encourage journeys to be made by sustainable modes of travel including walking, cycling and public transport in accordance with Policies CS(R)15 and C1 of the Halton Delivery and Allocations Local Plan.

(28) The development shall not be occupied until Electric Vehicle Charging Points for the 24no. spaces as shown on the site layout plan (Site Layout - M3179-100-1 Rev E) has been implemented in accordance with a detailed scheme, which has first been submitted to and approved in writing by the Council as Local Planning Authority. The approved scheme shall be maintained thereafter.

Reason– To ensure that the development incorporates facilities for charging plug-in and other ultra-low emission vehicles to help reduce pollution in accordance with the National Planning Policy Framework and policy C2 of the Halton Delivery and Allocations Local Plan.

(29) Notwithstanding The Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended), the development hereby approved as shown in red on Planning Condition Plan – 01 – M2999-P111 shall only be used for purposes that fall within The Town and Country Planning (Use Classes) Order 1987 (as amended) as set out below:

Use Class B8 - Storage or Distribution (including ancillary offices) – up to 50,632sqm

Reason - In the interests of maintaining the amenities of residents in the locality and to ensure the proper functioning of the area, in accordance with Policies GR1 and GR2 of the Halton Delivery and Allocations Local Plan.

- (30) Precise details of any outdoor storage or display of equipment, plant, goods or material within the site other than that shown in the approved plans shall be implemented in accordance with details, which have first been submitted to and approved in writing by the Council as Local Planning Authority.

Reason - In the interests of visual amenity, in accordance with Policies GR1 and GR2 of the Halton Delivery and Allocations Local Plan.

- (31) Notwithstanding the provisions of Schedule 2, Part 7, Classes H and J of the Town and Country (General Permitted Development) Order 1995 (as amended), or any Order revoking or re-enacting that order, no further development shall take place within the area defined in green on Planning Condition Plan – 02 – M2999-P112 unless planning permission is sought from and granted by the Council as Local Planning Authority.

Reason – To ensure appropriate protection for Halebank Park as a designated Greenspace and Green Infrastructure in accordance with Policies CS(R)21 and HE4 of the Halton Delivery and Allocations Local Plan.

- (32) The development shall not be occupied until noise operational management measures have been implemented in accordance with a detailed scheme, which has first been submitted to and approved in writing by the Council as Local Planning Authority. The approved scheme shall be carried out thereafter.

Reason - To ensure that the amenity of the locality is not unduly compromised in accordance with Policies CS23 and HE7 of the Halton Delivery and Allocations Local Plan.

- (33) The proposed development shall not be occupied until a noise impact assessment detailing external plant to be installed by the end user and has been implemented following it having been submitted to and approved in writing by the Council as Local Planning Authority.

For the avoidance of doubt, all external plant should be located on the northern side of the building below roof height, such that it is afforded attenuation from the building and the distance from local residents.

Reason - To ensure that the amenity of the locality is not unduly compromised in accordance with Policies CS23 and HE7 of the Halton Delivery and Allocations Local Plan.

- (34) The proposed development shall be implemented in accordance with the measures set out in the BREEAM New Construction 2018 Pre-Assessment Report - 11 February 2022 in order to have regard for the predicted effects of climate change and deliver a BREEAM 'Very Good' standard or above.

Reason – To ensure that the proposed development is sustainable and is designed to have regard for the predicted effects of climate change in accordance with Policy CS(R)19 of the Halton Delivery and Allocations Local Plan.

- c) That if the S111 Agreement is not executed within a reasonable period of time, that authority be delegated to the Operational Director – Policy, Planning and Transportation in consultation with the Chair or Vice Chair of the Committee to refuse the application.

10. INFORMATIVES

1. Natural England Informative
2. United Utilities Informative
3. Cheshire Police Informative
4. Cadent Gas Informative
5. SP Energy Networks Informative
6. Network Rail Informative
7. Liverpool Airport Informative

11. BACKGROUND PAPERS

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

12. SUSTAINABILITY STATEMENT

As required by:

- The National Planning Policy Framework (2021);
- 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

1.1 Highways and Transportation Development Control

ORIGINAL HIGHWAY RESPONSE DATED 30.06.2022

HIGHWAYS RESPONSE- HIGHWAY OBJECTION- DALP PARKING STANDARDS & POLICY'S C1 & C2.

FURTHER CLARIFICATION IS SOUGHT ON SAFE PEDESTRIAN AND CYCLE ROUTES THROUGH THE SITE AND BUS PROVISION AGREEMENT.

Further to your consultation we have considered the proposed application as the Highway Authority and would make the following comments;

CONTEXT

The application seeks consent for 50,632sqm (544,998sq.ft) of employment floor space comprising of 47,566 sqm (512,000 sq.ft) of B8 warehousing and 3,065 sqm (33,000 sq.ft) of office space. This is in addition to an existing 11,222sqm of B2 General Industry warehousing.

An initial application (15/00549/FULEIA & 17/00035/NMA) obtained planning approval for 51,288sqm of employment floor space. Of this stage one saw 11,222sqm of B2 General Industry warehousing delivered in 2017. This left 40,066sqm permitted development as yet undelivered. The new application for 61,854sqm already accounts for the remaining 40,066sqm and seeks permission for the additional 10,566sqm of floor space in excess of the original consent. As such the applicant is assessing the highway impact of the development upon this additional unconsented site area.

VEHICLE PARKING- OBJECTION DALP PARKING STANDARDS & POLICY C2 (3)

Halton's Delivery and Allocations Local Plan (DALP) considers maximum parking standards to ensure that all developments provide an appropriate level of safe, secure, accessible and viable parking in relation to the type and mix of the proposal.

The Transport Assessment states that the 2015 application consented 440 car parking spaces for 51,288sqm. Based on this ration of 1 space per every 116.5sqm it would allow for 513 car parking spaces in total for the 61,854sqm.

The maximum permitted parking provision in the DALP for this use would be 1 space per 100sqm which would allow for up to 105 parking spaces for 10,566sqm. The Transport Assessment indicates the provision of 380 spaces in total for the 50,632sqm which equates to 126 spaces less than the DALP maximum standard. It is noted that the original parking provision at the Alstom site has already extended its concrete parking apron to accommodate additional parking from its original provision. The Highway Authority would be concerned that any under provision of parking may result in Lovels Way being used as an over flow car park with the cycle way/pedestrian routes being blocked by parked vehicles.

The proposed parking numbers represents a reduction in parking from the standards greater than 10%. Given the scale of the site and the present lack of future user, the Highway Authority would object to the numbers proposed. It would be necessary to demonstrate how the DALP standards could be accommodated on a plan even if the additional space are not proposed to be formally marked out. This would allow the end user the facility to increase parking numbers if required to future proof the site in accordance with DALP Policy C2 point 3.

The Council will require parking provision according to the standards set out in Appendix D. Any significant variation (+/- 10%) from these standards must be justified on a case-by-case basis, and would need to demonstrate there are no harmful impacts on the street scene or the availability of on-street parking.

CYCLE PARKING PROVISION

The covered cycle parking from the plans is adjacent to the main development building which is a convenient and secure location. There is a little confusion in regard to the cycle access and whether it will be clear to cyclists how they safely enter the site and equally the route through the car park to direct them to the cycle storage. It would be prudent to create a route through the car park which allows vehicles to know that they may encounter cyclists.

TRANSPORT ASSESSMENT

The junction assessment at junction 2 (A562/A5300/ Newstead) for 2021 observed demonstrates that the roundabout is working within capacity albeit with westbound traffic on the roundabout circulation reaching the higher end of saturation. The following base plus committed development plus development traffic naturally presents a stress factor those figures bringing the 'ahead right' circulatory traffic closer to saturation particularly in the 2027 model at the AM peaks. Previous discussions on the junction have illustrated that changes to the phasing of the lights here could alleviate some of the issues in the peak hour however this would likely only mitigate the delays. The degree of additional saturation however is not adversely affected to a significant amount purely as a result of the development traffic being added to the figures. Table 5.6 indicates that there is an addition of 18 movements in the AM peak hour and

18 in the PM peak hour increasing to 22 vehicles in the sensitivity test respectively. The modelling presented also indicates that these figures remain constant in the 2027 forecast.

No.	Description	Traffic Figures					
		2021		2022		2027	
		AM	PM	AM	PM	AM	PM
1	Observed	1	2	-	-	-	-
2	Base + Committed Development	-	-	20	21	22	23
3	Base + Committed Development + Development Traffic	-	-	38	39	40	41
4	(Sensitivity Test) Base + Committed Development + Draft Allocations + Development Traffic	-	-	42	43	44	45

As a result, despite the high degree of saturation predicted (95.1% in the Am peak in the 2027 model table 6.5), the increase in traffic flows from the Newstead development are unlikely to be discernible from the existing daily variations in flow.

In 5.7.4 Curtins provided data which was able to illustrate the number of trips generated by the 11,222sqm Alstom development. This shows that whilst the AM peak numbers were broadly comparable to those anticipated as part of the 2015 application, the PM peak numbers were approximately twice those that had been anticipated.

5.7.4 As part of the traffic surveys, Curtins were able to ascertain the number of trips generated by the operational Alstom site and draw a comparison against the previously consented trips, which is shown in Table 5.4 below.

Time Period	AM (08:00 – 09:00)			PM (17:00 – 18:00)		
	Arrive	Depart	Total	Arrive	Depart	Total
2015 Consented Trips Associated with 11,222sqm Floorspace						
Total Vehicles	22	6	28	6	28	33
HGVs	2	2	4	0	1	1
2021 Observed Trips from Traffic Surveys						
Total Vehicles	18	3	21	7	53	60
HGVs	2	0	2	0	0	0
Difference in Trips						
Total Vehicles	-4	-3	-7	+1	+25	+27
HGVs	0	-2	-2	0	-1	-1

Table 5.4 – Difference in Consented and Operational Trip Generation

Given the numbers it suggests that the AM peak at the development does not fall between the hours of 8am and 9am though the PM peak looks to be accurate.

Trip generation figures have been similarly used to predict the anticipated level of demand associated with the proposed use on the site for the additional 10,566sqm uplift which appear to be representative of the predictions in 2015 for the Alstom site. It would seem that, given the observed trips from traffic surveys it would be necessary to uplift the PM peak time departing figures to reflect the data. As such the number of two way trips generated by the proposal could be higher than the 26 and 31 predicted.

Time Period	2015 Consented Trip Rates (per 100 sqm)			Proposed Development Trip Generation (10,566 sqm uplift)		
	Arrive	Depart	Total	Arrive	Depart	Total
Total Vehicles						
AM (08:00 – 09:00)	0.193	0.055	0.248	20	6	26
PM (17:00 – 18:00)	0.052	0.248	0.297	5	26	31
Heavy Goods Vehicles (HGVs)						
AM (08:00 – 09:00)	0.017	0.017	0.034	2	2	4
PM (17:00 – 18:00)	0.004	0.008	0.012	0	1	1

Table 5.3 – 2015 Consented Trip Rates and Proposed Development Trip Generation (10,566 sqm)

However, it is noted that the application in 2015 was for B2 and are not wholly representative of a B8 use.

Whilst there are presently no highway safety concerns at the junction it operates close to capacity. It is clear that the situation for motorists is not an improving picture with the forecast for 2027 taking certain arms of the roundabout beyond capacity. Whether this will lead to future highway safety concerns is not apparent however it would not be reasonable to suggest that this development is the primary cause. Equally whilst the combined figures are far from encouraging it is welcomed to see improvements in the availability and provision of sustainable transport links to and from the site with improved bus services and a connected cycleway from Halebank Road connecting into the site.

ADDITIONAL ROAD CONNECTIONS FROM THE LOVELS WAY ROUNDABOUT

The Framework Travel Plan refers to Lovels Way’s extension toward the three arm roundabout junction. Whilst the northern arm connects to Alstom the eastern arm was not fully built out. 4.1.8 provides some context in regard to the future plans to extend this roadway to a new roundabout junction for HGV access, an access to the car park and a link for the bus route. It would be necessary to consult with the Highways Department and enter into any necessary agreements in regard to the construction and potential future adoption of the roads.

CYCLE/PEDESTRIAN ACCESS TO THE SITE- CLARIFICATION SOUGHT.

The Travel Plan 4.1.9 indicates that the existing 3m wide cycleway along the southern side of the carriageway would continue south-eastbound toward the proposed bus gate on the southern arm of the new roundabout. From here it appears that cycle facilities end and a 1.8 footway is to be created. Are cyclists advised to dismount at this point? We would like to see a fully connected cycleway which provides the facility for cyclists to cycle safely to the development site without having to dismount and walk with their bikes the final leg of the journey. Are there any details of how cyclists can safely travel to their destination point to reach the new 51 (102 in total) covered cycle stands from this point without the unwelcome requirement to dismount?

The cycleway which runs the eastern and southern most perimeter of the site crosses the HGV service road close to the proposed roundabout close to the bus access gate. We would require further details which demonstrate how this

is to be made safe for crossing especially in poor light. We would expect to see some form of traffic calming in advance of the crossing point with tactile crossings and the area to be well lit.

EV CHARGING POINTS

The application advises of 19 EV charging spaces. We would require further details of what electrical installations here are proposed.

BUS ACCESS PROVISION

The application provides some detail in regard to a controlled bus access off Halebank Road. We would require further clarification on how this is proposed to operate to allow bus services and emergency vehicles to pass. Equally we would require confirmation of who would be responsible for its ongoing maintenance. It would be necessary for buses to enter and exit the site and the access gate in forward gear, as such details of the access arrangement and turning facilities would be required.

There is some suggestion of a grass-crete surface being employed here however the bus operators have indicated that for the purposes of traction this is not an ideal solution. We would require further clarification of the proposed construction detail in relation to this access route.

In terms of the bus service provision, Ian Boyd in Transport Co-ordination team has indicated that it would be necessary to secure a funding agreement with the developer for the purposes of providing two additional services to the site. This would be in the region of £400,000 per year however this figure is subject to a more definitive amount being sought from the bus operators nearer the time the services were required to be implemented.

SUMMARY

It is clear that the A5300/A562/Newstead Road junction (within Knowsley Metropolitan Borough Council's boundary) has significant challenges in regard to present and future traffic flows however it is noted that the current application, whilst playing its part in the problems, does not play a significant role in isolation. It is conceivable that alterations to the phasing of the traffic signals, changing working patterns and improved sustainable travel options may play a role in mitigating some of these issues.

The degree of car parking proposed falls short of what would be required. As such it fails to meet with DALP Policy C2 & C1 where appropriate provision for car parking and cycle parking is made. It may only be necessary to demonstrate that an increase in the parking to the DALP standard can be accommodated and set aside.

There is some clarity required in regard to the safe circulation of cyclists from the proposed roundabout into and through the site which demonstrates that cycle users are safely and conveniently accommodated through this route and to the building. Other matters for consideration are-

- The applicant would be required to enter into any necessary agreements with the Highway Authority in regard to off-site works. .
- Details of the proposed EV charging units
- Bus access operational details and ongoing maintenance responsibility
- Agreement for the provision of two bus services serving the site.

UPDATED HIGHWAY RESPONSE RECEIVED 21.10.2022

The parking amendment would be deemed acceptable in line with DALP requirements.

Parking

The Council requested an increase in car parking provision. Therefore, this has amended and the new site layout demonstrates that there now 480 no. car parking spaces, 48 of which are accessible spaces (10% provision), 24 of which comprise electric vehicle (EV) charging points (5% provision), and 24 of which are spaces dedicated to car sharers (5% provision).

Parking and pedestrian areas would be segregated by landscaping from the key vehicular routes through the site and will be accessible from the roundabout to the existing footpath and cycle routes that connect to Halebank. A cycle route is also proposed within the site up to the cycle parking area which is positioned next to the main entrance”

The relocated position of cycle parking provides a convenient and well located facility. The route is accessible from Halegate Road through designated access route as well as from Blackburn Avenue and Clapgate Crescent. It will be necessary to create a clear and safe crossing point which demarcates that cyclist and pedestrians may be crossing in the line of HGV's, this could take the form of a raised table, signage or dedicated zebra style crossing point.

The Delivery and Allocations Local Plan Policy C1 **Sustainable Transport and Accessibility** states that

2. The Council will support development provided that:
 - a. It gives priority to walking, cycling and public transport within its design where appropriate;
 - b. there is inclusive walking and cycling provision to local facilities and sustainable networks;
 - c. Promotes the use of Ultra Low Emission Vehicles (ULEV)
 - d. Appropriate provision for car and cycle parking is made;
 - e. Road designs are well laid out and where appropriate incorporate highway safety measures, such as traffic management and traffic calming schemes, where appropriate
 - f. It is located within 400 metres walking distance of a bus stop or railway station with a suitable level of service wherever possible;

and

g. It is accessible to all.

Bus stops are located within 400m from the site access however it is noted that the walking distance from the bus stop to the sites main building access is further. The applicant entered into discussions with HBC Transportation department although it is understood that the cost for providing two additional bus services was quoted at approx. £400,000 per annum and was deemed to be cost prohibitive by the applicant. The Highway Authority are satisfied that the applicant has made necessary improvements in the design to incorporate safe cycling, sustainable access to and through the site as well as well-located cycle parking. The Travel Plan submitted by the applicant is thorough and considers the future sustainable accessibility of the site. Within this there are plans to appoint a dedicated Travel Plan Coordinator to take responsibility for ensuring that the various elements of the plan are monitored and operate effectively to offer a genuine choice of travel modes. Within this remit there is the aim to produce travel plans outlining the operations aims and objectives with commitments to

- Improving directional signage within and adjacent to the site
- Improved lighting for security of pedestrians and cyclists alike
- Events such as national walking month promoted.
- The discouragement of parking spaces to those who live within 2km of the site
- Educational material to promote healthy life choices associated with walking and cycling which improve health both physically and mentally.
- Showers and locker rooms for those who do chose to cycle to work
- Bike repair station on site
- Implementation of non-car user business mileage rate incentives aimed at allowing cycles to replace company cars for shorter journeys.

These strategies are effective measures that ensure all the support required is provided to make active travel choices a realistic travel option for staff and are fully supported by the Highway Department. Equally they show a commitment to reducing the environmental impact the development could have.

Whilst omission of a suitable bus service is not fully policy compliant in terms of servicing the development, the cost of providing an additional service marginally closer to the site may not necessarily provide good value in line with the financial implication imposed upon the applicant. It may be that the bus service doesn't present best value. As such additional improvements for cycle and walking routes outlined above within the area to access this site from Hale Road would represent and provide a greater value to the wider area, environment and public.

In mitigation against the condition, and following a site visit speaking to staff using the pathway, the Highway Authority would require works to improve the existing cycle link from Clapgate Crescent, Widnes through to the site. This would involve lighting of the existing route which is presently dark and intimidating for staff at certain parts of the day. We would also require

directional signage from Hale Road and the site location which provide information on routes to destination points. Additionally some vegetation works along the path to make the path more visible from the road and create a safer environment would be necessary as well as implementation of the details outlined within the proposed Travel Plan.

Previously specified financial contributions

There have been financial contributions calculated based upon previous applications submitted to the Council. These include-

- Hale Road white lining of £15,000. Given that the bus access gate from Hale Bank Road no longer forms part of the application there would be no further requirement for these works to be committed at this time.
- Off-site road signage £125,000. These works were likely to have been connected to the Mersey Multimodal Gateway (west) development as well as potentially some pedestrian directional signage. The latest planning response from the Highway Authority requires directional signage both off and on site to direct pedestrians and cyclists along the designated and safe traffic free routes. As such the applicant will be responsible on site for a proportion of these however, it will be necessary for additional off-site signage to be installed with multi directional signage with 3 x Hale Road, 3 x Newstead Road, 4 x Lovels Way, 2 x Clapgate Crescent, 3 x Hale Bank Road, and 2 x Mersey View Road accessing from the NCN62 Pickering's Pasture. Financial contribution for these off-site works would require an additional contribution of £20,000 for an enhancement of the sustainable routes. Cycle and bus improvements-£160,000. At this time there are no plans for an additional bus service with improvements into sustainable travel to the site being prioritised. The majority of the cycle improvements outside of signage are within the development site itself and along the 1000m pathway from Clapgate Crescent to the site access as well as approx. 280m from Halebank Road access point and Lovels Way roundabout. Whilst bus improvements are not being factored in at this time, there are, none the less, future plans in line with a proposed residential development on Halebank Road for this proposal to be resurrected. Of the previously calculated £160,000 contribution it is calculated that the lighting of the cycleways, based upon columns being erected every 40m along the route, for the applicant to amount to £53,948. This includes instillation of columns, energy costs (approx. 2048Kw p/a) and maintenance over three years. Given that there will still be a requirement for contribution toward an improved bus service along Halebank Road in the future the Highway Authority would deduct the committed spend for the lighting plus approximately £6000 in vegetation works to improve the overall security along the path to £49,871.62 toward future bus improvement services as the applicant's proportion of the overall financial contribution.
- Emergency access and barrier commuted sum of £100,000. This proposal is no longer considered to be required and as such the financial contribution would no longer be required.

CONDITIONS

- The applicant would be required to enter into any necessary agreements with the Highway Authority in regard to off-site works proposed
- Implementation of the CEMP during the construction phase
- Implementation of parking and servicing
- Details of the proposed EV charging units
- Lighting plan for the cycle route between Clapgate Crescent and the site.
- Contribution toward directional signage off site and a plan demonstrating signage strategy on site
- Measures to provide a safe cycle crossing point of the site HGV road from the cycleway connection.
- Travel Plan to be implemented as per application submission.

1.2 Lead Local Flood Authority

ORIGINAL LEAD LOCAL FLOOD AUTHORITY RESPONSE RECEIVED 29.03.2022

After reviewing 22/00152/FULEIA planning application the LLFA has found the following:

- The site is 22.25ha, it is currently in a greenfield condition.
- The proposed development comprises storage and distribution warehouses and associated infrastructure. This would classify as “Less Vulnerable” Development with regard to flood risk.
- The application has submitted the following documents in relation to flood risk and drainage:
 - A flood risk assessment ref. OTH_Appendix 10.1 - FRA_Part1.pdf
 - An Environmental Statement Chapter (chapter 10) ref. ES Volume 2 – Main Text.
 - A Construction Environmental Management Plan (CEMP) ref. OTH_2022-03-16 HBC Fields, Lovel Way, Widnes; CEMP with Appendices.pdf

The LLFAs comments on the Flood risk assessment are as follows:

- The report notes that the development would be located within areas of Flood Zone 1, 2 and 3. This is compatible with the less vulnerable classification of the proposed development.
- A sequential approach appears to have been taken with regard to flood risk with all buildings located within Flood Zone 1 and development within Flood zone 2 and 3 limited to car parking.
- Assessment of flood risk from tidal and fluvial sources is limited to analysis of flood zone extents from the flood map for planning. There does not appear to

have been any consultation with the Environment Agency and there is no reference to modelled flood levels or any assessment of how flood risk from rivers and the sea will increase over time as a result of climate change.

- Proposed finished floor levels are not stated within the FRA. Therefore, it is unclear whether the levelling of the site would result in a reduction in ground levels which may increase the risk of flooding.
- Flood risk from surface water is noted to generally be low although areas of locally high risk are noted in association with localised depressions. The assessment does not discuss the predicted surface water flow path entering the site from Halen Bank Road to the South. There is no discussion regarding how the risk of flooding would increase over time due to climate change.
- The groundwater flood risk section is generic and does not include any discussion of the results of ground investigations undertaken at the site. As there is an area of boggy ground within the site, it is concerning that the potential for high groundwater levels has not been assessed in detail.
- The risk of sewer flooding is also basic. Section 5.6 identifies that finished floor levels would be set to manage residual risks from exceedance events but does not provide any details.

The LLFAs comments on the drainage strategy are:

- The proposed drainage strategy is to discharge surface water runoff into the Culverted tributary of Ditton Brook which runs through the site via the existing attenuation pond.
- Whilst infiltration testing would normally be required prior to consideration of a discharge to a watercourse, the LLFA understands that this has been considered previously and that the attenuation pond forms part of a surface water drainage strategy for the wider site that was approved previously. The LLFA therefore accepts the proposed discharge location and attenuation storage solution in principle.
- It is proposed that discharge would be restricted to QBar rates during the 1% AEP + 40% rainfall events. Again the LLFA accepts that this rate would be acceptable in principle.
- The drainage strategy sets out performance criteria for the surface water drainage system which include no flooding at the surface during the 3.3% AEP flood event +40%; and no flooding would occur to buildings during the 1% AEP +40% event. Whilst the LLFA is satisfied that these design criteria are suitable, no evidence has been presented to demonstrate that they are achievable using the existing infrastructure. There is no modelling of the drainage system and there is no quantitative analysis of whether the pond has sufficient volume to provide the attenuation required.
- Other than the use of the existing attenuation pond, no other proposals are made for sustainable drainage. Notably, no consideration has been given to

rainwater harvesting or to the use of permeable paving within car parking areas. The “audit” that has been carried out for the feasibility of SuDS techniques considers a limited range of measures and there is little evidence that more sustainable measures have been considered in detail before being dismissed.

- The drainage strategy does not identify that the most northerly areas of the proposed site are at a lower level than the pond which is located within the southern section of the site. Drawings identify the need for pumping stations and rising mains to transfer runoff from the lower areas of the site to the pond. However, this is not discussed within the reporting and it is unclear whether the implications of long term pumping have been considered.
- No consideration has been given to the potential impact of the development on water quality and no measures to mitigate any potential impacts are identified.
- No consideration has been given to construction phase impacts.

The LLFAs comments on the Environment Statement chapter are as follows:

- The ES report refers to planning policies from the now superseded local plan. Reference is also made to sewers for adoption guidance which was withdrawn in 2020.
- Climate change guidance published by the EA in 2016 is referred to in para 10.3 despite this guidance having been updated in October 2021. It is also noted that the report refers to the site as being located within the River Humber basin which is incorrect. The use of superseded guidance and technical errors does not give the reader a high degree of confidence in the assessment.
- Regarding the methodology, generic assessment criteria have been assigned for the magnitude of effect and the importance criteria with no discussion of how these will be related to flood risk and drainage issues. The use of land quality examples of different receptor sensitivities is unhelpful.
- The assessment of baseline flood risk does not identify the different sources of flood risk present at the site or the potential receptors to any increase in flood risk. Overall it is extremely high level and presents little justification for the sensitivities assigned to the different receptors.
- Embedded mitigation is referenced including the setting of finished floor levels 0.15m above wider site levels. This is not detailed within the FRA and it is unclear whether this is committed mitigation. As with the FRA statements are made regarding the performance of the proposed drainage system which do not appear to be backed up by any assessment or detailed design work. It is stated that the proposed drainage system would mimic existing runoff patterns. This ignores the proposal to introduce pumping stations to transfer flow into the basin.
- Potential significant effects to residential receptors are identified due to construction works. This is not mentioned within the FRA.

- The assessment methodology appears to be entirely qualitative and based on professional judgement which is at odds with the statement that there is a high degree of confidence which is attributed to the assessment of each impact. The lack of detail in the assessment actually makes the reader feel a low degree of confidence in the findings of the report.
- It is identified that a CEMP (construction environmental management plan) would be prepared to set out measures to manage construction phase flood risk issues. This is not detailed within the FRA. Following review of the CEMP, it does not appear to include any information on how construction phase impacts on surface water runoff would be managed. Therefore, it is unclear how the conclusion has been reached that the predicted significant impacts would be effectively mitigated.
- Embedded and good practice mitigation such as a construction in accordance with a comprehensive CEMP, a SuDS system and maintenance of this system is likely to be adequate to ensure that there would not be significant impacts on flood risk. However, the detail presented is not sufficient to demonstrate this robustly.

In summary the LLFA notes that the development generally has a low risk of flooding, the development is appropriate in terms of flood risk and a potentially viable surface water management strategy has been identified. However, the assessment lacks detail in a number of key areas. Therefore:

- It is not clear that the development would be safe from flooding and would not increase flood risk elsewhere
- It is not clear that sustainable drainage opportunities have been maximised
- It is not clear that water quality would be effectively managed by the proposed drainage system
- It is not clear that the construction phase impacts predicted would be mitigated effectively.

Based on the lack of information regarding flood risk and the proposed drainage strategy, the LLFA would object the development as proposed and would recommend that the applicant reviews the information submitted, the comments provided and seeks to provide the additional detail requested.

**UPDATED LEAD LOCAL FLOOD AUTHORITY RESPONSE RECEIVED
05.09.2022**

After reviewing 22/00152/FULEIA planning application the LLFA has found the following:

- The site is 22.25ha, it is currently in a Greenfield condition.

- The proposed development comprises storage and distribution warehouses and associated infrastructure. This would classify as “Less Vulnerable” Development with regard to flood risk.
- The application has submitted the following documents in relation to flood risk and drainage:
 - o An Environmental Statement Chapter ref. EIA_Chapter_10-Drainage_&_Flood_Risk_Rev6.
 - o A flood risk assessment ref. 5862-JPG-XX-XX-RP-D-0620-S2-P04-Drainage_and_Flood_Risk_Report.pdf
 - o 5862-JPG-XX-XX-RP-D-0622-S2-P02-Drainage_Impact_Assessment.pdf
 - o 5862-JPG-XX-XX-RP-D-0623-S2-P01-Drainage_Maintenance_and_Management-Plan.pdf
 - o A Construction Environmental Management Plan (CEMP) ref. OTH_2022-03-16 HBC Fields, Lovel Way, Widnes; CEMP with Appendices.pdf

The LLFAs comments on the Flood Risk Assessment are as follows:

- The report notes that the development would be located within areas of Flood Zone 1, 2 and 3. This is compatible with the less vulnerable classification of the proposed development.
- A sequential approach appears to have been taken with regard to flood risk with all buildings located within Flood Zone 1 and development within Flood zone 2 and 3 limited to car parking.
- Proposed finished floor levels are stated within the FRA to 10.31mAOD, with external levels set 0.15m below the FFL. The EA product 4 data shows the max flood level known is 6.540m AOD.
- Flood risk from surface water is noted to generally be low although areas of locally high risk are noted in association with localised depressions. The assessment indicates this is linked to a large depression located north of the site, infilled as part of the Alstrom development. The FRA states ‘EA flood map does not take into consideration the existing basin to the south of the plot, as this is located within the flow path from Hale Bank Road, and it will intercept overland flows. As such the flows do not pass onto site and are collected within the existing basin.
- The FRA indicates flood compensation will be required and clearly provides where and how much compensation will be included.
- With regards to climate change the FRA states ‘overland flows may increase as a result of climate change, however given the significant capacity of the attenuation basin over and above the surface water requirement this is not anticipated to be a flood risk issue.’

- The FRA indicates flood risk from other sources to be low.
- The FRA indicates the surface water drainage strategy is to restrict run-off to existing rates via the use of the existing basin and flow control device with eventual discharge to Ditton Brook via an existing culvert and pipe network. On plot surface water attenuation will be provided via the existing basin.

The LLFAs comments on the Drainage Strategy are:

- The proposed drainage strategy is to discharge surface water runoff into the Culverted tributary of Ditton Brook which runs through the site via the existing attenuation pond.
- Whilst infiltration testing would normally be required prior to consideration of a discharge to a watercourse, the LLFA understands that this has been considered previously and that the attenuation pond forms part of a surface water drainage strategy for the wider site that was approved previously. The LLFA therefore accepts the proposed discharge location and attenuation storage solution in principle.
- It is proposed that discharge would be restricted to Greenfield Qbar rate (68.5 l/s). Again the LLFA accepts that this rate would be acceptable in principle.
- The drainage strategy sets out performance criteria for the surface water drainage system which include no flooding at the surface during the 3.3% AEP flood event +40%; and no flooding would occur to buildings during the 1% AEP +40% event. The LLFA is satisfied that these design criteria are suitable.

The LLFAs comments on the Drainage Maintenance and Management Plan are as follows:

- Generally the Drainage Maintenance and Management Plan is as expected, based on the size of development and the drainage system proposed the LLFA would query the timescales suggested for inspection and maintenance particularly within the first year. The LLFA would suggest increasing the number of inspections during this period, particularly through the winter months, reducing them as necessary after this.

In summary, the development is considered to be appropriate in terms of flood risk and the applicant has developed a drainage strategy based on SuDS to manage surface water runoff.

The LLFA would recommend the following conditions should the planning authority be minded to approve on this basis:

- 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:
 - Submission of 'As-built drawings and specification sheets for materials used in the construction, plus a copy of Final Completion Certificate.

1.3 Contaminated Land Officer

ORIGINAL CONTAMINATED LAND RESPONSE RECEIVED 16.06.2022

Further to your consultation I have considered the contaminated land implications and I have the following comments.

The application is supported by a number of historical and recent documents submitted as appendices to the Environmental Statement produced by the applicant. The key overview document is;

- Geoenvironmental desk study report, Land off Hale Bank Road, Widnes, ref 5862-JPG-XX-XX-RP-G-0601-S2-P02, JPG Group Ltd, January 2022

The above document presents a review of the available information and formulates a preliminary conceptual site model, highlighting the potential hazards and risks posed by land contamination.

The application site has been effectively undeveloped up until recent earthworks associated with adjacent development. Very limited potential sources of contamination have been identified, predominately possible risks associated with infilled ponds and peat deposits. The overall risk assessment has been reported as low to moderate. The report makes recommendations for some additional site investigation and risk assessment to fully characterise the site in relation to the proposed development.

I am in agreement with the preliminary assessment of the site and I have no objection to the scheme. I do recommend that if it is to be approved it should be conditioned to require the submission of the further site investigation, risk assessment and remedial strategy. A verification report should also be required to demonstrate the completion of the remedial objectives.

UPDATED CONTAMINATED LAND RESPONSE RECEIVED 14.10.2022

Further to your consultation I have considered the contaminated land implications and I have the following comments.

Since the original consultation the applicant has submitted a series of additional documents;

- Factual report, Land off Hale Bank Road, Widnes, ref 5862-JPG-XX-XX-RP-G-0603-S2-P01, JPG Group Ltd, June 2022
- Geo-environmental ground investigation interpretative report, Land off Hale Bank Road, Widnes, ref 5862-JPG-XX-XX-RP-G-0604-S2-P02, JPG Group Ltd, June 2022
- Remedial strategy report, Land off Hale Bank Road, Widnes, ref 5862-JPG-XX-XX-RP-G-0605-S2-P02, JPG Group Ltd, July 2022

The above documents presents the findings of a site investigation based upon the previously submitted desk study, a risk assessment of the potential pollutant linkages associated with the site and a remedial strategy.

The investigation and subsequent risk assessment provide good coverage and characterisation of the site and very little in the way of contamination hazards were identified. The main issue is the presence of elevated methane gas concentrations within several monitoring wells. The desk study and investigation did not identify any major source of ground gases, however, there is a potential for some old pond infill and some other organic-rich deposits noted in one of the site investigation locations to be the source. The concentrations are relatively high but measured gas flows are low. Initial classification of the site requires the inclusion of gas protection measures. However, the applicants consultant has recommended that a programme of delineation and removal of the suspect gas source is implemented prior to construction works and additional gas monitoring be conducted to allow the re-assessment of the risk (with the objective of source removal and down grading of the potential gas risk).

I am satisfied that the current assessment and the proposed measures to better understand and re-assess the gas risk are suitable for the development.

There are a couple of additional comments to be addressed by the applicant;

- The remedial strategy presents criteria for the import of material to site that are based on the Suitable for Use Levels (S4UL). Whilst these are acceptable for the assessment of material on-site, they should not be used as import criteria (potential to significantly increase the contaminant load and introduce new contaminants to site). An alternative set of criteria should be presented to the LPA.
- Can the applicant confirm that an MMP will be produced for the re-use of materials on site?

Assuming the above points are addressed I do not object to the scheme, but recommend that if approved it is conditioned to be developed in accordance with the submitted documents listed above and to require the submission of an updated remedial strategy upon completion of the revised ground gas risk assessment and a verification report upon completion of the site works and prior to occupation of the development.

UPDATED CONTAMINATED LAND RESPONSE DATED 28.10.2022

Further to the original consultation and comments made the applicant has submitted a revised document to support the application, namely;

- Remedial strategy report, Land off Hale Bank Road, Widnes, ref 5862-JPG-XX-XX-RP-G-0605-S2-P04, JPG Group Ltd, July 2022

The revision addresses the concerns raised regarding the originally proposed assessment criteria for the import of material to the site as part of the development. I am now happy with those changes and recommend acceptance of the remediation strategy.

In summary, I do not object to the scheme, but recommend that if approved it is conditioned to be developed in accordance with the submitted documents and to require the submission of an updated remedial strategy upon completion of the revised ground gas risk assessment and a verification report upon completion of the site works and prior to occupation of the development.

1.4 Environmental Health Officer

ORIGINAL ENVIRONMENTAL HEALTH OFFICER RESPONSE RECEIVED 29.06.2022

Environmental Health has considered the application in relation to noise, artificial light, air quality and dust emissions during both the construction and operational phases. The applicant has provided reports on these matters in support of the application which have been considered and Halebank Parish Council (HBPC) have provided their response to these reports. Environmental Health has considered all these documents in compiling this response and the relevant guidance and policies.

Noise

The applicant's report differentiates between the construction and operational phases of the development.

Construction

The construction phase noise has been assessed in line with BS5228-1. This assumes that operating times will be 08:00-18:00 hrs Monday to Friday and 08:00-14:00 hours (although the draft CEMP refers to 07.00-19:00 Mon- Fri and 07:00 to 13:00 Sat). In general the standards would be acceptable in all locations except receptor 7, where it is predicted that the noise levels will be 1.5dB above.

Construction noise is assessed differently to operational noise as it's impact is not permanent, although it is acknowledged that such a large scale development will take some months to complete. It is also accepted that the size of the site would indicate that the impact would not be felt at any individual property for the entire duration of the construction, but that there would be periods greater and lesser disturbance. Residents will also be protected from disturbance at night as the hours of construction can be conditioned and controlled through the CEMP. Mention is made of the need to powerfloat the floors which is an operation that will need to operate overnight. This is a common feature of large scale developments and it is standard procedure to allow this operation to breach the hours of construction condition with prior approval from the LPA and clear communication with the affected residents.

Operational

Traffic noise is assessed in line with the Design Manual for Roads and Bridges (DMRB) guidance. The vast majority of vehicle movements will access the site to the north along the purpose built roads keeping traffic away from the residential areas of Widnes and reducing the impact.

The site operations are assessed in line with the requirements of BS4142:2019. The potential noise sources on the site will be vehicle noise (including forklift truck movements) and noise from any plant on site. The residential areas are subject to a large bund which is the primary means by which noise to the residential areas is mitigated. The noise assessment takes into account the impact of the bund. The size of the site also means that noise from activities to the north will naturally be shielded by the proposed building ensuring that they have minimal impact on residents. The main impact on residents will be from operational activities to the south of the warehouse.

The BS4142 assessment includes penalties for the tonal and intermittent nature of the operations. This is applied in line with the standard. The assessment concludes that the daytime (07:00-23:00hrs) rating noise level (which includes the penalties) will be below background levels in all locations. In terms of the noise exposure hierarchy set out in the Planning policy guidance this would equate to 'No Observed Effect Level' (NOEL) and therefore no further specific conditions would be required. The night time (23:00-07:00hrs) rating levels however are calculated as being 1 & 5 dB above the background level at receptors 2,3,6,7, and 8. The applicant makes the point that these are external levels and will be further subject to mitigation through the fabric of resident's property, even with the windows open. The levels however would indicate that there is a likelihood of audibility within the residents' properties particularly at receptors 2,3 and 8. BS4142 states that the greater the difference between the background and the residual sound the greater the magnitude of impact. 5dB above background is likely to be 'an indication of an adverse impact'. No comment is made specifically regarding the levels between 0 and +4dB, but a general principle of noise impact is only a negative difference can be considered to have no impact. On the basis of the report Environmental Health would consider further mitigation would be appropriate with regard to night time noise.

The applicant admits that they cannot be specific about the noise levels from plant on site as they do not know what the end use will be. This cannot therefore be accurately calculated into any assessment.

The applicant also suggests that a noise management plan should be in place to control the impact of noise particularly during night-time. This suggests that they consider that there would be an impact on residents. A noise management plan would become difficult to enforce over time and therefore Environmental Health would consider more objective measures should be formalised through the planning process.

Noise conclusions

The methodology utilised by the applicant and its application are satisfactory. I do however have some comments to make with regards noise operational noise:

- The application has been accompanied by a CEMP. This needs to be amended to reference the hours for workings as 07:30-19:00 hours Monday to Friday, 07:30-13:00 hours Saturday and no operations on Sundays and bank holidays. The CEMP should also reference the need to seek approval for out of hours of operation (specifically power floating) and to inform residents that of the dates that working will continue overnight.
- All plant should be located to the north of the main building, below roof height, such that it is afforded attenuation from the building and the distance from the local residents.
- Deliveries should only be made to bays to the north of the site at night.

Air Quality

Construction dust has been assessed as a high risk to residential properties. The impact is addressed within the CEMP which will mitigate the impact on residents. As a short term impact this is considered acceptable.

The main operational impact on air quality would potentially be the increase in traffic. This has been assessed utilising ADMS – roads. The site benefits from an access road which does not pass any properties and will therefore have no impact on residential pollution levels. The impact at residential areas is calculated as being negligible.

UPDATED ENVIRONMENTAL HEALTH OFFICER RESPONSE RECEIVED.2022

The applicant has provided a letter detailing an addendum to the original noise report and the original response made by Environmental Health on 24th June 2022. In this response EH requested 3 conditions to be included in any future planning consent.

- The application has been accompanied by a CEMP. This needs to be amended to reference the hours for workings as 07:30-19:00 hours Monday to Friday, 07:30-13:00 hours Saturday and no operations on Sundays and bank holidays. The CEMP should also reference the need to seek approval for out of hours of operation (specifically power floating) and to inform residents that of the dates that working will continue overnight.

This condition has not been queried by the applicant and EH would request a condition to this effect should be included in any future planning consent.

- All plant should be located to the north of the main building, below roof height, such that it is afforded attenuation from the building and the distance from the local residents.

The applicant has not queried this condition, however in the advice of the Development and Control team I would suggest that the wording is amended to have the effect that:

'All external plant should be located to the north of the building.....'
- Deliveries should only be made to bays to the north of the site at night.

The applicant has queried this condition and outlined their reasons in acoustic terms. BS4142:2014 does not give clear guidance on an increase in noise levels between 0dB and 5dB above background level externally. The applicant maintains that the background noise levels are low and BS4142:2014 references the use of the absolute noise levels in such instances. They maintain that applying this approach and assuming that a bedroom window is open allows noise levels internally to comply with the BS8233:2014 standards for 'good' internal noise levels. Taking this into account together with the considerable level of boundary treatment employed to mitigate noise from the site EH accepts their rationale and considers we would be unable to sustain an objection based on the application such a condition.

In addition the applicant has referenced the use of a noise management plan as a tool, to ensure the best noise environment for local residents. EH would ask that any planning consent require a Noise Management Plan be submitted and complied with and that the NMP should include the proposals as laid out in letter submitted by E3P on 19th July 2022 reference 50-462-R1-4 section 6.

1.5 Environmental Services - Design and Development Team

ORIGINAL ENVIRONMENTAL SERVICES - DESIGN AND DEVELOPMENT TEAM RESPONSE RECEIVED 24.05.2022

There is insufficient information in the submission to be able to properly judge what the landscape visual impact of the development will be and exactly what landscape elements are proposed. It is acknowledged that the existing Halebank Park area/landscape buffer is an integral part of developing this area and was created with the intended type of development set out in previous applications 15/00549/FULEIA and 17/00035/NMA. The submitted ES (Vol1_NTS) and visual impact assessment tables do not fully describe what additional mitigation will be implemented. They refer to 'further mitigation' but it is unclear exactly what this will actually comprise of. Furthermore they do not include the impact of the proposed busway connection through the open space and out on to Halebank Road.

Key elements that need to be further explored in the ES/EIA process are:

1. Effect on receptors of a proposed building height of 18m. (Previous LVIA's considered a building of 12m high). Photomontages and sections should be used to help illustrate the effect the added height will have.
2. The closer proximity of the proposed building to Southern edge of development boundary than in previous applications and its effect not only on neighbouring properties but on the public greenspace (Halebank Park) needs to be considered.
3. The ES/EIA needs to show; through visual means, anticipated tree growth of existing landscape screen planting and ultimate growth and positive effect to breaking up views of new development. It also needs to consider seasonal

variations and effect of development including lighting/lighting spill and it needs to consider what additional measures may be needed to offset possible impact of the current proposal. It is acknowledged that the existing screen planting has established and will provide considerable mitigation but this needs to be tested against the effect a taller development will have on identified receptors.

4. Effect of the proposed busway connection (and any control structures) on the character of Halebank Road, and Halebank boundary and in context with landscape character for this part of the borough has not been included in the current information. I consider this to be an important element that has the potential to moderately adversely affect the nature and character of Halebank Road and needs to be carefully considered.

5. Associated with item 4. above consideration of the vehicle entrance and access for pedestrian and cyclists to the POS and how this works in close proximity to a bus access/egress route needs to be better resolved and done in fashion a that respects the landscape character of the area.

A full submission should also include all general landscape details, showing materials, colours, finishes and proposed construction.

The submission should include full softworks planting plan, with a specification for planting and a schedule of softworks establishment maintenance works.

The overall landscape proposals/masterplan (including Halebank Park area) needs to be updated to include all/any proposed additional mitigation planting, as well as any new or altered paths.

In this case the submission should also include the detailed design of the proposed busway access/egress from Halebank Road to the development. This should include any vehicle control system for the busway to prevent unauthorised access. This is an important and contentious entrance/vehicle connection point and needs to blend as much as possible with the park setting, character of Halebank Road as well as function safely adjacent to a POS park entrance that the access road passes through. All elements need to be considered, from road widths, kerb heights, surface materials must all be properly described and sufficiently detailed in order for the full design intention to be fully understood.

UPDATED ENVIRONMENTAL SERVICES - DESIGN AND DEVELOPMENT TEAM RESPONSE RESPONSE RECEIVED 01.09.2022

Further information has been provided since my initial comments dated 24/05/2022 along with detailed signposting to information in the original submission documentation.

I note that the proposed busway link has now been omitted from the submission and I consider this to be beneficial in helping to reduce the overall visual impact of the new development and effectiveness of the POS in helping to provide a landscape buffer along the Southern boundary with Halebank Road.

I have now reviewed this information and detailed answers to my queries (Avison Young-Environmental Statement Addendum, Vol3 Appendices/Annabelle Langhorn, pages 84-86) and consider the answers to satisfy the queries I raised.

I therefore have no further comments or objections to this proposal.

1.6 Public Health

ORIGINAL PUBLIC HEALTH OBSERVATIONS RECEIVED 06.05.2022

Section 6.6.3 of the Planning Statement states:

It is anticipated that the Council may require steps to update the 2013 and 2015 during the course of the determination of the Application in order to take account of the Proposed Development, the updated Development Plan and recent health and the latest socio-economic data.

I think this is entirely appropriate, given the time elapsed since we conducted the original HIA and supplementary statement.

I would particularly be looking to see a recognition, within the section on Health & Wellbeing in the planning statement or separately in an updated HIA that covers whether the developer accepts and intends to follow the Health Management Plan detailed on pages 84-89 of the planning statement.

We produce ward health profiles every 2 years. Were about to update the 2017 ones with 2019 data when the pandemic started and staff were redeployed. Also been some technical difficulties with the Office for National Statistics being unable to provide population figures for the new wards since the ward boundary changes. Looking at it all now but means the latest ward data is 2017. Ditton health profile here <https://www3.halton.gov.uk/Documents/public%20health/JSNA/wardswellbeing/ditton.pdf>

UPDATED PUBLIC HEALTH OBSERVATIONS RECEIVED 28.06.2022

The document is succinct and covers the bases. You have provided additional data and information on both health and the types of jobs that will be created. I can't think of any amends that are needed to it.

As such I'm happy that this is all that need be submitted by way of HIA documentation in support of the planning application.

1.7 Merseyside Environmental Advisory Service – Ecology and Waste Advisor

ORIGINAL ECOLOGY AND WASTE ADVISOR OBSERVATIONS RECEIVED 27.04.2022

Environmental Impact Assessment

The application is supported by an Environmental Statement (Avison Young, March 2022).

The submitted Environmental Statement (ES) presents the findings of an EIA undertaken in accordance with the Town and Country Planning (Environmental Impact Assessment) Regulations 2017 as amended.

The Environmental Impact Assessment Regulations 2017 sets out in Schedule 4 the general requirements for the content of Environmental Statements. These comprise information on: the nature of the development; consideration of alternatives; relevant aspects of the environment; likely environmental impacts arising; proposed mitigation measures; and an indication of any difficulties in compiling the information needed. A non-technical summary of the contents of the Environmental Statement is also required.

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

The ES includes a cumulative assessment which covers both intra and inter-project effects. The proposed assessment method appears reasonable, but I will be guided by individual specialists as to whether the cumulative assessment satisfactorily addresses cumulative impacts for each topic area.

Ecology

The applicant has submitted the following reports in accordance with Local Plan core strategy policies CS(R)20 and HE1 which meet BS 42020:2013:

- *Environmental Statement Volume 2 – Land at Lovel’s Way, Avinson Young, March 2022;*
- *Preliminary Ecological Appraisal Report – HBC Fields, Brooks Ecological, Ref: ER-5864-02 (Appendix 7.1);*
- *Ornithological Scoping Survey – HBC Fields, Brooks Ecological, Ref: ER-5864-01, December 2021 (Appendix 7.2);*
- *HRA Screening Report – HBC Fields, Brooks Ecological, Ref: ER-5864-03.1, 31/01/2022 (Appendix 7.3);*
- *Biodiversity net Gain Assessment – HBC Fields, Brooks Ecological, Ref: ER-5864-04, 16/03/2022 (Appendix 7.4); and*
- *Construction Environmental Management Plan – HBC Fields, Marshall, March 2022.*

Designated Sites

The development site is close to the following designated sites and Local Plan core strategy policies CS(R)20 and HE1 apply:

- Mersey Estuary SSSI (1km southeast)
- Clincton Wood Local Nature Reserve (600 metres north);
- Hale Road Woodland LNR (300 metres north east);
- Pickerings Pasture LNR (800 metres south east);

The following Local Wildlife Sites are located within 2km of the site:

- Flood Plain – Ditton Brook - Knowsley;
- Ash Lane Hedge, Ditch and Grassland - Knowsley;
- Ditton Brook - Knowsley;
- Clincton Woods - Halton;
- Hale Road Woodland - Halton;
- Pickerings Pasture - Halton;
- Little Boars Wood - Halton;
- Big Boars Wood - Halton;
- The Mersey Estuary - Halton;
- Pond off Meadway and Grassland - Halton; and
- Rams Brook Plantation - Halton.

Due to the nature of the proposals and the distance between the development site and the designated sites no direct impacts are anticipated.

Habitat Regulations Assessment (HRA)

The site is near to the following international sites and local plan core strategy policies CS(R)20 and HE1 apply:

- Mersey Estuary SPA (1.1km south east); and
- Mersey Estuary Ramsar (1.2 km south east).

MEAS have previously stated during consultation with the applicant's ecological consultant that the proposals will require HRA to assess potential impacts on the nearby internationally designated sites (Mersey Estuary SPA and Ramsar sites), primarily impacts on potential Functionally Linked Land (FLL) 300 metres south of the proposed development site.

The applicant has submitted the following reports in relation to the HRA:

- *Ornithological Scoping Survey – HBC Fields, Brooks Ecological, Ref: ER-5864-01, December 2021 (Appendix 7.2)*
- *HRA Screening Report – HBC Fields, Brooks Ecological, Ref: ER-5864-03.1, 31/01/2022 (Appendix 7.3)*

The documents state that an ornithological scoping survey was carried out by an experienced ecologist in November 2021 which indicated that the site does not provide supporting habitat for qualifying features of the nationally and internationally designated sites and is therefore not considered to be FLL. This conclusion is accepted. The document concludes that there would be no impact on non-breeding birds (qualifying features) but recommends a breeding bird survey to inform suitable mitigation for the loss of breeding bird habitat.

However, the above reports do not include an assessment of the fields to the south of the proposed development site. These fields may be functionally linked to the international sites and should also be considered as part of the HRA screening.

A survey has previously been completed of land to the south of the site between Autumn 2018 and spring 2019 by Avian Ecology, commissioned by Halton Borough Council to assess the importance of fields to the bird assemblages associated with the Mersey Estuary designated sites.

The Avian Ecology report (Autumn Passage) *Halton HRA Bird Surveys on behalf of Halton Borough Council, Non-breeding bird surveys – interim report, September-mid-November 2018, Avian Ecology, 27 November 2018, Ref: Halto-536-1098*, states that a field (referenced as Field 34) supports >1% of the Golden Plover population associated with the Mersey Estuary designated sites. Field 34 is functionally linked land and lies approximately 500 metres south from the proposed development site.

The Avian Ecology report (Winter) *Halton HRA Bird Surveys on behalf of Halton Borough Council, Non-breeding bird surveys – interim report 2 (Winter), mid-November-mid March 2019, Avian Ecology, 21 March 2019, Ref: Halto-536-1098* did not record any use of the fields within 500 metres to the south of site by qualifying features of the designated sites.

The Avian Ecology report (Spring) *Halton HRA Bird Surveys on behalf of Halton Borough Council, Non-breeding bird surveys – interim report 3 (Spring), mid-March-May 2019, Avian Ecology, 21 March 2019, Ref: Halto-536-1098* did not record any use of the fields within 500 metres to the south of site by qualifying features of the designated sites.

The survey report commissioned by Halton Council to inform its Local Plan allocations only recorded Field 34 as being functionally linked land within 500 metres. Other FLL recorded during the survey was approximately 1.2 km south of the proposed development site and is unlikely to be impacted by the proposals.

The Avian Ecology report is considered to provide a robust base line indicating the extent of the use of the fields to the south of the site by non-breeding birds. There are no additional records of non-breeding birds recorded within the Natural England Annex 3- Roost Locations at Sector Level (NECR173) report or the Natural England Identification of Functionally Linked Land supporting Special Protection Areas (SPAs) waterbirds in the North West of England (NECR361) report.

Given the available historic survey information it is considered that further non-breeding bird surveys are unlikely to be required. However, I advise that a desk-based review of available information (which includes the reports referenced above, data obtained from the County Bird Recorder and WeBS data) should be carried out and included as part of the HRA screening report. This screening should take account of the distance of the application site from potential functionally linked land, and any likely disturbance during construction and operation of the site. The updated HRA screening report is required **prior to determination** of the planning application.

SSSI Impact Risk Zone

The proposed development is within the recently updated (November 2021) Natural England Impact Risk Zone (IRZ). These zones have been identified to trigger consultation with Natural England to assess impacts of development on SSSIs. On this occasion, as the proposals are in the category '*Large non residential developments outside existing settlements/urban areas where net additional gross internal floorspace is > 1,000m² or footprint exceeds 0.2ha*' consultation will be required with natural England prior to determination.

Priority Habitat

The proposals affect Priority Habitats (*Natural Environment and Rural Communities (NERC) Act 2006/Habitats Regulations 2017*) and Local Plan core strategy policies CS(R)20 and HE1 apply. These habitats include ponds, reedbed and hedgerows which will be lost as a result of the development. The principles of appropriate avoidance/mitigation/compensation are required to be agreed with the Council **prior to determination**. Outline landscaping proposals have been provided with the application, however detailed landscaping proposals are required to ensure there is no net loss of priority habitat. Landscaping proposals should include total areas/lengths of habitats that will be lost and those that will be created as part of the proposals. Species lists should also be provided for new and enhanced habitats.

Once the principles have been agreed, detailed avoidance/mitigation/compensation measures can be secured through a suitably worded planning condition or legal agreement.

Protected/Priority Species

Amphibians

The site may provide habitat for great crested newt which is a protected species and Local Plan policies CS(R)20 and HE1 apply. The applicant has submitted previous Great crested newt survey reports from 2015 and 2016. The 2015 Great crested newt eDNA survey recorded evidence of Great crested newt in Pond 3. No evidence of Great crested newt was found using a combination of traditional and eDNA survey techniques in 2016. The GCN surveys are now over 5 years old. The ES states that updated eDNA surveys will be completed in Spring 2022. Protected Species are a material consideration. In line with Government guidance the updated great crested newt presence survey is required **prior to determination**.

The survey and report are essential to determine if the Local Planning Authority needs to assess the proposals against the three tests (Habitats Regulations) and whether an EPS licence is likely to be granted. Surveys must follow Standing Advice and best practice guidance¹ which states that a minimum of four visits are undertaken with at least two undertaken between mid-April and mid-May. Any deviation from these guidelines must be fully justified.

¹ <https://www.gov.uk/great-crested-newts-surveys-and-mitigation-for-development-projects#survey-methods>

It should be noted that the presence of great crested newts does not normally prevent the grant of planning permission, provided that avoidance, mitigation and/or compensation measures submitted are satisfactory.

A significant population of Common toad was previously recorded within Pond 3. Common toad is a Priority Species, protected and Local Plan policies CS(R)20 and HE1 apply. The proposals include modifications to this pond as part of the proposed drainage strategy. To ensure the proposals do not harm the local Common toad population, all works to Pond 3 must be carried out between September and January, when amphibians are likely to be present in the surrounding terrestrial habitats. This can be secured by a suitably worded planning condition.

Reptiles

The site offers suitable habitat for common reptile species. Reptiles are protected species and Local Plan policies CS(R)20 and HE1 apply. Protected species are a material consideration. In line with Government guidance a reptile survey is required **prior to determination**.

The ES states that reptile surveys are programmed for spring (and potentially September) 2022. The survey and report are essential to determine whether these species are present. Surveys must follow Standing Advice and best practice guidance. Any deviation from these guidelines must be fully justified.

Bats

The site offers foraging and commuting opportunities for bats. Bats are a protected species and Local Plan policies CS(R)20 and HE1 apply. The ES states that seasonal bat activity surveys are programmed for April, June and September 2022 and that these will be undertaken following BCT guidelines. The results of these surveys are required **prior to determination** so that the potential impacts of the proposals on bats can be fully assessed.

Lighting for the development may affect the use of foraging and commuting habitat on site by bats. A lighting scheme can be designed so that it protects ecology and does not result in excessive light spill onto important 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>. The lighting plan should be informed by the bat activity surveys scheduled for 2022.

Breeding Birds

Previous breeding bird surveys of the site and adjacent land have identified Cetti's warbler on site, a Schedule 1 species, alongside other red and amber list species such as skylark and reed bunting. Potential nesting habitat for these species will be lost as a result of the development.

The ES states that breeding bird surveys are programmed from late March to early June 2022. These will be undertaken following the Common bird Census

methodology. The presence of Protected/Priority species is a material consideration, and the results of the breeding bird surveys are therefore required **prior to determination**. The results of the breeding bird surveys should be used to devise appropriate mitigation/compensation measures, including provision of new nesting habitat and timing restrictions on site clearance works. These measures can be secured by suitably worded conditions.

Construction Environmental Management Plan (CEMP)

The ES states that a CEMP should be produced setting out precautions required to protect habitats and species during the clearance and construction stages. I advise that the CEMP should include the following:

- Risk assessment of potentially damaging construction activities.
- Identification of “biodiversity protection zones”, including the retained habitat areas to the east and south of the development site.
- Practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction.
- Pollution control measures, including measures to prevent pollutants/runoff entering retained ponds.
- The location and timing of sensitive works to avoid harm to biodiversity features.
- The times during construction when specialist ecologists need to be present on site to oversee works.
- Responsible persons and lines of communication.
- The role and responsibilities on site of an ecological clerk of works (ECoW) or similarly competent person.
- Use of protective fences, exclusion barriers and warning signs.

The applicant has submitted a draft CEMP (*Construction Environmental Management Plan – HBC Fields, Marshall, March 2022*). The CEMP does not however adequately address the ecological protection measures as outlined above. An updated CEMP is required, and should be informed by the additional ecological surveys of the site being undertaken in 2022. The CEMP should be submitted to the local authority for approval. This production of the updated CEMP can be secured by a suitably worded condition.

Biodiversity Management Plan

The ES states that a Biodiversity Management Plan will be produced. The management plan will need to be informed by the detailed surveys being completed in 2022. The management plan should include the following:

- Description and evaluation of features to be managed.
- Ecological trends and constraints on site that might influence management.
- Aims and objectives of management.
- Appropriate management options for achieving aims and objectives.
- Prescriptions for management actions.
- Preparation of a work schedule (including an annual work plan capable of being rolled forward over a five-year period).

- Details of the body or organization responsible for implementation of the plan.
- Ongoing monitoring and remedial measures.
- Details of the legal and funding mechanism(s) by which the long-term implementation of the plan will be secured by the developer with the management body(ies) responsible for its delivery.

The plan shall also set out (where the results from monitoring show that conservation aims and objectives of the BMP are not being met) how contingencies and/or remedial action will be identified, agreed and implemented so that the development still delivers the fully functioning biodiversity objectives of the originally approved scheme.

The management plan should cover a minimum period of 30 years and should be submitted to the local authority for approval. The production of the management plan can be secured by a suitably worded condition.

Biodiversity Net Gain

A BNG assessment has been included in Appendix 7.4 of the ES. Based on the current proposals. The Metric 3.0 calculations are showing a 46% loss in habitat units and a 34% loss in hedgerow units. I advise that landscaping of the site should aim to as a minimum achieve no net loss. Off-site habitat provision should be considered if this cannot be achieved. Once final landscaping and habitat creation proposals are known a revised metric should be submitted showing no net loss.

Waste

The proposal is major development and involves excavation and construction activities which are likely to generate significant volumes of waste. The applicant has submitted sufficient information on site waste management to comply with policy WM8 of the Merseyside and Halton Joint Waste Local Plan (WLP) and the National Planning Policy for Waste (paragraph 8).

Sustainability

The development is targeting to achieve an excellent BREEAM assessment, which exceeds the minimum of 'Very Good' standard specified within Policy CS(R)19: Sustainable Development and Climate Change. This is welcomed.

**UPDATED ECOLOGY AND WASTE ADVISOR OBSERVATIONS RECEIVED
30.08.2022**

Environmental Impact Assessment

The application is supported by an Environmental Statement (Avison Young, March 2022).

The submitted Environmental Statement (ES) presents the findings of an EIA undertaken in accordance with the Town and Country Planning (Environmental Impact Assessment) Regulations 2017 as amended.

The Environmental Impact Assessment Regulations 2017 sets out in Schedule 4 the general requirements for the content of Environmental Statements. These comprise information on: the nature of the development; consideration of alternatives; relevant aspects of the environment; likely environmental impacts arising; proposed mitigation measures; and an indication of any difficulties in compiling the information needed. A non-technical summary of the contents of the Environmental Statement is also required.

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

The ES includes a cumulative assessment which covers both intra and inter-project effects. The proposed assessment method appears reasonable, but I will be guided by individual specialists as to whether the cumulative assessment satisfactorily addresses cumulative impacts for each topic area.

Ecology

The applicant has submitted the following reports in accordance with Local Plan core strategy policies CS(R)20 and HE1 which meet BS 42020:2013:

- *Environmental Statement Addendum Volume 1: Non-technical Summary & Volume 2: Main Text - Land at Lovel's Way, Avinson Young, August 2022*
- *Environmental Statement Addendum Volume 3: Appendices - Land at Lovel's Way, Avinson Young, August 2022*

The Volume 3 Appendices include the following documents which relate to biodiversity and ecology:

- Appendix 7.1a – Preliminary Ecological Appraisal (“PEA”). January 2022.
- Appendix 7.2a – Ornithological Scoping Survey. November 2021.
- Appendix 7.3a – Habitat Regulations Assessment. Brooks Ecological
- Appendix 7.4a – Biodiversity Net Gain Assessment. Brooks Ecological. July 2022.
- Appendix 7.5 – Alstom Ecology ES Chapter.
- Appendix 7.6 – Alstom Extended Phase 1 Survey Update.
- Appendix 7.7 – Alstom Aquatic Invertebrate Survey.
- Appendix 7.8 – Alstom Bat Activity and Barn Owl Survey.
- Appendix 7.9 – Alstom Great Crested Newt Survey (2014).
- Appendix 7.10 – Alstom Great Crested Newt Survey (2016).
- Appendix 7.11 – Alstom Japanese Knotweed Survey.
- Appendix 7.12 – Landscape and Ecology Management Plan (‘LEMP’).
- Appendix 7.14 – Breeding Bird Survey. Brooks Ecological. July 2022.
- Appendix 7.15 – eDNA Survey. Brooks Ecological. April 2022.
- Appendix 7.16 – Reptile Survey. Brooks Ecological July 2022.
- Appendix 7.17 – Bat Activity Survey . Brooks Ecological. July 2022.
- Figure 7.1 – PEA Habitat Map.
- Figure 7.2 – Retained Habitats Plan (exc. infrastructure works).

- Figure 7.3 – Detailed Planting Plan Annabelle Langhorn. Ref: CLPD 070/P01a-P04a

Designated Sites

The development site is close to the following designated sites and Local Plan core strategy policies CS(R)20 and HE1 apply:

- Mersey Estuary SSSI (1km southeast)
- Clincton Wood Local Nature Reserve (600 metres north);
- Hale Road Woodland LNR (300 metres north east);
- Pickerings Pasture LNR (800 metres south east);

The following Local Wildlife Sites are located within 2km of the site:

- Flood Plain – Ditton Brook - Knowsley;
- Ash Lane Hedge, Ditch and Grassland - Knowsley;
- Ditton Brook - Knowsley;
- Clincton Woods - Halton;
- Hale Road Woodland - Halton;
- Pickerings Pasture - Halton;
- Little Boars Wood - Halton;
- Big Boars Wood - Halton;
- The Mersey Estuary - Halton;
- Pond off Meadway and Grassland - Halton; and
- Rams Brook Plantation - Halton.

Due to the nature of the proposals and the distance between the development site and the designated sites no direct impacts are anticipated.

Habitat Regulations Assessment (HRA)

The site is near to the following international sites and local plan core strategy policies CS(R)20 and HE1 apply:

- Mersey Estuary SPA (1.1km south east); and
- Mersey Estuary Ramsar (1.2 km south east).

The applicant has submitted the following reports in relation to the HRA:

- *Ornithological Scoping Survey – HBC Fields, Brooks Ecological, Ref: ER-5864-01, December 2021 (Appendix 7.2)*
- *HRA Screening Report – HBC Fields, Brooks Ecological, Ref: ER-5864-03.4, 15/07/2022 (Appendix 7.3a)*

The documents state that an ornithological scoping survey was carried out by an experienced ecologist in November 2021 which indicated that the site does not provide supporting habitat for qualifying features of the nationally and internationally designated sites and is therefore not considered to be FLL. This conclusion is accepted. The document concludes that there would be no impact on non-breeding birds (qualifying features). Further information, as outlined below, is required to support this conclusion.

A survey has previously been completed of land to the south of the site between Autumn 2018 and spring 2019 by Avian Ecology, commissioned by Halton

Borough Council to assess the importance of fields to the bird assemblages associated with the Mersey Estuary designated sites. The Avian Ecology report is considered to provide a robust base line indicating the extent of the use of the fields to the south of the site by non-breeding birds. There are no additional records of non-breeding birds recorded within the Natural England Annex 3-Roost Locations at Sector Level (NECR173) report or the Natural England Identification of Functionally Linked Land supporting Special Protection Areas (SPAs) waterbirds in the North West of England (NECR361) report.

The survey report commissioned by Halton Council to inform its Local Plan allocations only recorded Field 34 as being functionally linked land within 500 metres. Other FLL recorded during the survey was approximately 1.2 km south of the proposed development site and is unlikely to be impacted by the proposals.

A noise report (*Response to Environmental health Comments – Noise - 22/00152/FULEIA – Lane off Lovels Way, e3p, 19th July 2022, Ref: 50-462-R1-4*) has been prepared for the site as part of the updated ES (Appendix 13.1) which demonstrates anticipated noise levels during operation on and at distance from the site. Impacts upon qualifying bird species would not be expected based on this information provided given that noise levels would not exceed 45dB at the site boundary. This information has not been referred to in the HRA Screening report. No information has been provided as to proposed construction methods and noise levels during construction.

The drainage strategy has been updated for the site. Direct uncontrolled site run-off into Ditton Brook is unlikely due to c.350m from the site with intervening roads and railway. Likewise, run off into the Mersey SPA via Ditton Brooks is unlikely given the above. The proposed development will intend to discharge into Ditton Brook; however, surface water will be subject to a series of treatment measures prior to leaving the site, minimising the off-site effects on ecological receptors. Any artificial drainage required the construction phase will be appropriately screened for contaminants and filtered to prevent impacts. Pollution of the SPA/Ramsar site as a result of runoff from the site is considered unlikely.

The updated HRA screening report briefly references the previous non-breeding surveys completed by Halton Borough Council, however the report does not adequately justify screening out potential disturbance impacts on qualifying bird species utilising adjacent land. Whilst noise/visual disturbance is considered unlikely, the HRA report should be updated to adequately screen out potential impacts with reference to the existing survey data, distance to the closest identified functionally linked land and information relating to construction methods and anticipated noise levels both during construction and operation. The drainage strategy should also be reference in relation to screening out potential pollution of the SPA/Ramsar site. The updated HRA screening report is required **prior to determination** of the planning application.

SSSI Impact Risk Zone

The proposed development is within the recently updated (November 2021) Natural England Impact Risk Zone (IRZ). These zones have been identified to trigger consultation with Natural England to assess impacts of development on

SSSIs. On this occasion, as the proposals are in the category 'Large non residential developments outside existing settlements/urban areas where net additional gross internal floorspace is > 1,000m² or footprint exceeds 0.2ha' consultation will be required with Natural England **prior to determination**.

Priority Habitat

The proposals affect Priority Habitats (*Natural Environment and Rural Communities (NERC) Act 2006/Habitats Regulations 2017*) and Local Plan core strategy policies CS(R)20 and HE1 apply. These habitats include ponds, reedbed and hedgerows.

Site clearance will result in the loss of reedbeds, ponds and native hedgerow from the site. The landscaping proposals for the site include the creation of new ponds and reedbed habitats and new hedgerow planting. The submitted Biodiversity Net Gain Assessment (*Brooks Ecological, July 2022*) shows that there will be an over 400% increase in hedgerow units post development, which is accepted. Overall, there will be a 33.72% loss in Habitat units, and it is not clear from the information submitted whether there will be a net loss of reedbed and pond habitats. I advise that the full Biodiversity Metric calculations should be submitted to determine whether loss of Priority Habitat will occur. Further information in relation to Biodiversity Net Gain is provided below.

The principles of appropriate avoidance/mitigation/compensation for Priority Habitat are required to be agreed with the Council **prior to determination**. Where there will be a net loss of priority habitats from the site appropriate offsite compensation should be agreed with Halton Borough Council. Once the principles have been agreed, detailed avoidance/mitigation/compensation measures can be secured through a suitably worded planning condition or legal agreement.

Protected/Priority Species

Amphibians

A number of ponds are located on site. The applicant has submitted previous Great crested newt survey reports from 2015 and 2016. The 2015 Great crested newt eDNA survey recorded evidence of Great crested newt in Pond 3. No evidence of Great crested newt was found using a combination of traditional and eDNA survey techniques in 2016. eDNA sampling of six suitable ponds (four onsite and two offsite which will be retained) was again undertaken on the 20th April 2022 (*eDNA Sampling Report. May 2022. Brooks Ecological report reference: SI-5864-02*). These surveys did not identify any evidence of great crested newts. The local authority does not need to assess the proposals against the Three Tests (Habitats Regulations).

As a precaution, and due to the presence of common amphibians on site (including Common Toad), I advise that the undertaking of the following Reasonable Avoidance Measures (RAMs) during the construction phase is secured by a suitably worded planning condition, or as part of a CEMP:

- Existing vegetation on the site will be gradually cut and removed under ecological supervision to encourage any amphibians 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 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 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.

The applicant, their advisers and contractors should be made aware that if any great crested newts are found, then as a legal requirement, work must cease and advice must be sought from an ecologist.

Significant population of Common toad was previously recorded within Pond 3. Common toad is a Priority Species, and Local Plan policies CS(R)20 and HE1 apply. The proposals include modifications to Pond 3, and the loss of other ponds from the site. I advise that a method statement should be produced detailing how ponds will be drained down and how modification works to existing ponds will be undertaken in order to minimise biodiversity impacts. The method statement should include a timetable of works. This can be secured by a suitably worded planning condition, or as part of the CEMP.

Bats

The site offers foraging and commuting opportunities for bats. Bats are a protected species and Local Plan policies CS(R)20 and HE1 apply. A Spring and Summer transect survey of the site have been completed, however in order to conform to best practice guidelines a further autumn (Sept/Oct) transect survey is required. The results of this additional survey are required **prior to determination** so that the potential impacts of the proposals on bats can be fully assessed. Surveys to date have identified foraging and commuting activity to the east and south of the site in the area of the proposed habitat retention, and foraging activity associated with the on site ponds.

Lighting for the development may affect the use of foraging and commuting habitat on site by bats. A lighting scheme can be designed so that it protects ecology and does not result in excessive light spill onto important 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>. The lighting plan should be informed by the bat transect surveys completed in 2022, and should specifically avoid lighting of retained habitats to the south and east of the site.

I advise that bat box/tile/brick provision on retained trees or new buildings should be secured by a suitably worded planning condition, or as part of an updated LEMP.

Breeding Birds

Four breeding bird surveys have been completed from April to June 2022 following BTO methodology (*Breeding Bird Survey Report. July 2022. Brooks Ecological report reference: ER-5864-07*). The 2022 surveys identified breeding Cetti's warbler on site (Schedule 1 species), alongside other key breeding species including; skylark, grasshopper warbler, linnet, sedge warbler, whitethroat and reed bunting. Key non-breeding species identified foraging at the site include; kestrel, swift and house martin. A range of more common green listed birds were also noted on site. The site has been assessed as having District level value in terms of the breeding bird assemblage.

The majority of nesting habitat will be lost from the site as a result of the proposals. The ES states that new habitat will be created, however the value of this habitat will be reduced and will be likely to support a less diverse range of breeding birds. Potential nesting habitat for Cetti's Warbler will be lost as a result of the development, however proposed habitat enhancement and creation works as outlined within the LEMP should retain the suitability of habitats on site for this species. I advise that in addition to the new planting proposals, a scheme of bird box provision should be secured by condition, or incorporated into the LEMP. The bird box provision should specifically take account of the species identified during the breeding bird surveys.

Vegetation on site provides nesting opportunities for a variety of bird species, which are protected and Local Plan policies CS(R)20 and HE1 apply. No tree felling, scrub clearance, hedgerow removal, vegetation management or ground clearance 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 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. These measures can be secured by a suitably worded condition, or as part of the CEMP.

Construction Environmental Management Plan (CEMP)

The applicant has submitted a CEMP (*Construction Environmental Management Plan – HBC Fields, Marshall, July 2022*). The CEMP includes measures in relation to:

- Runoff and drainage
- Waste management, including production of a SWMP
- Fuel and chemical storage

The CEMP does not however adequately address the ecological protection measures required on site during clearance and construction works. An updated CEMP is required. I advise that the CEMP should as a minimum include the following in order to minimise the ecological impacts of the proposals during site clearance and construction works:

- Risk assessment of potentially damaging construction activities.

- Identification of “biodiversity protection zones”, including the retained habitat areas to the east and south of the development site.
- Practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction. This should include use of protective fences, exclusion barriers and warning signs.
- Pollution control measures, including measures to prevent pollutants/runoff entering retained ponds.
- The location and timing of sensitive works to avoid harm to biodiversity features.
- Avoidance measures for species including hedgehog, badger, common amphibians and breeding birds.
- Method statement and timings for drain down of existing ponds.
- Sensitive lighting measures during construction to minimise impacts on bats.
- The times during construction when specialist ecologists need to be present on site to oversee works.
- Responsible persons and lines of communication.
- The role and responsibilities on site of an ecological clerk of works (ECoW) or similarly competent person.

The updated CEMP should be submitted to the local authority for approval prior to the start of works on site. The production of the updated CEMP can be secured by a suitably worded condition.

Landscape and Ecological Management Plan (LEMP)

A Landscape and Ecological Management Plan has been submitted:

- *HBC Fields, Widnes - Landscape & Ecological Management Plan, Annabelle Langhorn , 3rd August 2022 Revision*

A planting plan has also been submitted - Detailed Planting Plans (Ref: 10002_CLPD 070/P01c-P04c).

The submitted LEMP includes the following:

- Retention and enhancement of existing habitats to the east and south of the site (ponds, woodland and grassland)
- New native tree and shrub planting
- Native hedgerow planting
- Meadow planting
- Aims and objectives of management
- Prescriptions for management actions
- A work schedule (including an annual work plan)
- Ongoing management regime up to a period of 20 years
- Details of the body or organization responsible for implementation of the plan
- Ongoing monitoring and remedial measures.

The measures outlined in the LEMP are acceptable, however I advise that a revised LEMP is required containing the following:

- A scheme of bat box provision on retained trees or new buildings

- A scheme of bird boxes provision on retained trees or new buildings, taking account of the nesting requirements of species identified during the breeding bird surveys
- Extension of the management plan to a 30 year period

The submission of a revised LEMP can be secured by a suitably worded condition.

Biodiversity Net Gain

A BNG assessment has been included in Appendix 7.4 of the updated ES (*Biodiversity Net Gain Assessment. July 2022. Brooks Ecological report refence: ER-5864-04.1*).

The submitted report indicates that the current baseline Habitat units as 129.86 and Hedgerow Units of 0.92. The current landscaping proposals for the site include grassland, reedbed, native shrub planting, pond creation and new native hedgerows. Enhancement of retained grassland and woodland areas will also take place. Based on the landscaping proposals the calculated values after development are 86.06 Habitat Units and 5.72 Hedgerow Units, equivalent to a 33.725% loss in Habitat Units and a 524% increase in Hedgerow Units. It is not cleared from the BNG assessment report whether the new pond and reedbed creation will be equivalent to that being lost, and I advise that the full Biodiversity Metric calculations/spreadsheets for the proposals should be submitted.

The ES states that the proposals will aim to achieve no net biodiversity loss through offsite provision in addition to onsite habitat creation and enhancement. Initially the applicant states that they will investigate offsite provision on their own land holding, and if no net loss cannot be achieved then loss will be compensated for through payments to the local authority. Further information is required as to proposed offsite compensation, particularly in relation to loss of Priority Habitats. This information is required **prior to determination**.

Waste

The proposal is major development and involves excavation and construction activities which are likely to generate significant volumes of waste. The applicant has submitted sufficient information on site waste management to comply with policy WM8 of the Merseyside and Halton Joint Waste Local Plan (WLP) and the National Planning Policy for Waste (paragraph 8).

Sustainability

The development is targeting to achieve an excellent BREEAM assessment, which exceeds the minimum of 'Very Good' standard specified within Policy CS(R)19: Sustainable Development and Climate Change. This is welcomed and can be secured by a suitably worded planning condition.

UPDATED ECOLOGY AND WASTE OBSERVATIONS RECEIVED 31.10.2022

Ecological Information

The applicant has submitted the following reports in accordance with Local Plan core strategy policies CS(R)20 and HE1 which meet BS 42020:2013:

- Environmental Statement Addendum Volume 1: Non-technical Summary & Volume 2: Main Text - Land at Lovel's Way, Avinson Young, August 2022
- Environmental Statement Addendum Volume 3: Appendices - Land at Lovel's Way, Avinson Young, August 2022
- Bat Activity Survey – HBC Fields, Brooks Ecological, Ref: ER-5864-06.2 14/09/22
- Bird and Bat box plan – HBC Fields, Brooks Ecological, Ref: ER-5864-09,12/09/2022
- HRA Screening Report – Mersey Estuary Special protection Area, HBC Fields,
- Brooks Ecological, Ref: ER-5864-03.6, 14/09/22
- Construction Environmental Management Plan – HBC Fields, Marshall, March 2022
- Ecology Construction Environment Management Plan (ECEMP) – HBC Fields, Brooks Ecological, Ref: ER-5864-08.1, 15/09/22
- Landscape and Ecological Management Plan – HBC Fields, Brooks Ecological, Ref: 5864-10, 03/10/22
- Biodiversity Net Gain Assessment – HBC Fields, Brooks Ecological, Ref: ER-5864-04.4, 30/09/2022

Designated Sites

The development site is close to the following designated sites and Local Plan core strategy policies CS(R)20 and HE1 apply:

- Mersey Estuary SSSI (1km southeast)
- Clinton Wood Local Nature Reserve (600 metres north);
- Hale Road Woodland LNR (300 metres north east);
- Pickerings Pasture LNR (800 metres south east);

The following Local Wildlife Sites are located within 2km of the site:

- Flood Plain – Ditton Brook - Knowsley;
- Ash Lane Hedge, Ditch and Grassland - Knowsley;
- Ditton Brook - Knowsley;
- Clinton Woods - Halton;
- Hale Road Woodland - Halton;
- Pickerings Pasture - Halton;
- Little Boars Wood - Halton;
- Big Boars Wood - Halton;
- The Mersey Estuary - Halton;
- Pond off Meadway and Grassland - Halton; and
- Rams Brook Plantation - Halton.

Due to the nature of the proposals and the distance between the development site and the designated sites no direct impacts are anticipated.

Habitat Regulations Assessment (HRA)

The site is near to the following international sites and local plan core strategy policies CS(R)20 and HE1 apply:

- Mersey Estuary SPA (1.1km south east); and
- Mersey Estuary Ramsar (1.2 km south east).

The applicant has submitted the following updated reports in relation to the HRA:

- Ornithological Scoping Survey – HBC Fields, Brooks Ecological, Ref: ER-5864-01, December 2021 (Appendix 7.2)
- HRA Screening Report – Mersey Estuary Special protection Area, HBC Fields, Brooks Ecological, Ref: ER-5864-03.6, 14/09/22

The documents state that an ornithological scoping survey was carried out by an experienced ecologist in November 2021 which indicated that the site does not provide supporting habitat for qualifying features of the nationally and internationally designated sites and is therefore not considered to be FLL. This conclusion is accepted.

A survey has previously been completed of land to the south of the site between Autumn 2018 and spring 2019 by Avian Ecology, commissioned by Halton Borough Council to assess the importance of fields to the bird assemblages associated with the Mersey Estuary designated sites. The survey report only recorded Field 34 as being FLL within 500 metres. Other FLL recorded during the survey was approximately 1.2 km south of the proposed development site.

A noise report (Response to Environmental Health Comments – Noise - 22/00152/FULEIA – Lane off Lovels Way, e3p, 19th July 2022, Ref: 50-462-R1-4) has been prepared for the site as part of the updated ES (Appendix 13.1) which demonstrates anticipated noise levels during operation on and at distance from the site. Impacts upon qualifying bird species would not be expected based on this information provided given that noise levels would not exceed 45dB at the site boundary.

The drainage strategy has been updated for the site. Direct uncontrolled site run-off into Ditton Brook is unlikely due to c.350m from the site with intervening roads and railway. Likewise, run off into the Mersey SPA via Ditton Brooks is unlikely given the above. The proposed development will intend to discharge into Ditton Brook; however, surface water will be subject to a series of treatment measures prior to leaving the site, minimising the off-site effects on ecological receptors. Any artificial drainage required the construction phase will be appropriately screened for contaminants and filtered to prevent impacts. Pollution of the SPA/Ramsar site as a result of runoff from the site is considered unlikely.

The updated HRA screening report references the Halton Borough Council local plan surveys and the submitted noise and drainage reports. The report concludes that when embedded mitigation is taken into account in the form of the submitted CEMP (Construction Environmental Management Plan – HBC Fields, Marshall, March 2022) that no likely significant effects on the international sites listed above are likely to occur.

I agree with this conclusion. The local authority can accept the submitted HRA report as its own. I advise that Natural England is consulted on the outcome of the Habitat Regulations Assessment prior to determination and any points which may arise should be addressed. Its views, together with the outcome of the HRA, are required to be included within the Planning Committee/Delegated report.

If there are any amendments to the proposals the whole development will need to be reassessed for likely significant effects. This includes amendments prior to determination and through subsequent approval/discharge of conditions or requests to vary the proposal.

SSSI Impact Risk Zone

The proposed development is within the recently updated (April, 2022) Natural England Impact Risk Zone (IRZ). These zones have been identified to trigger consultation with Natural England to assess impacts of development on SSSIs. On this occasion, as the proposals are in the category 'Large non residential developments outside existing settlements/urban areas where net additional gross internal floorspace is > 1,000m² or footprint exceeds 0.2ha' consultation with Natural England is required. Natural England have provided comments on the application (Natural England, 26th April 2022, Ref: 388541) stating that their concerns regarding the potential impacts upon the Mersey Estuary SSSI coincide with concerns regarding the potential impacts upon the international designated sites (SPA and Ramsar site). These issues can therefore be addressed as part of the HRA.

Priority Habitat

The proposals affect Priority Habitats (Natural Environment and Rural Communities (NERC) Act 2006/Habitats Regulations 2017) and Local Plan core strategy policies CS(R)20 and HE1 apply. These habitats include ponds, reedbed and hedgerows.

Site clearance will result in the loss of reedbeds, ponds and native hedgerow. Reedbeds, hedgerows and Ponds are Priority Habitats. The landscaping proposals for the site include the creation of new ponds and reedbed habitats and new hedgerow planting. An updated Biodiversity Net Gain Assessment (Brooks Ecological, September 2022) shows that there will be an overall 35.05% (45.18 units) loss in Habitat units. The metric shows there will be a 13.74 unit loss of ponds and a 33.64 loss of reedbed as a result of the proposals. Post-development is showing only 4.79 units of ponds and 2.6 units of reedbed being delivered, indicating a net loss of both priority habitats (8.95 pond units and 31.04 units of reedbed). A meeting with the applicant and case officer was held on the 13th October 2022. Given the restrictions of the site, it is considered impractical to deliver additional pond and reedbed units on site. Two potential options have been discussed – pond/reedbed creation on a site at Daresbury within the ownership of the applicant, or habitat creation on site in the ownership of the local authority/Cheshire Wildlife Trust.

The principles of appropriate avoidance/mitigation/compensation for Priority Habitat are required to be agreed with the Council prior to determination. Once the principles have been agreed, detailed avoidance/mitigation/compensation measures can be secured through a suitably worded planning condition or legal agreement.

Protected/Priority Species

Amphibians

A number of ponds are located on site. The applicant has submitted previous Great crested newt survey reports from 2015 and 2016. The 2015 Great crested newt eDNA survey recorded evidence of Great crested newt in Pond 3. No evidence of Great crested newt was found using a combination of traditional and eDNA survey techniques in 2016. eDNA sampling of six suitable ponds (four onsite and two offsite which will be retained) was again undertaken on the 20th April 2022 (eDNA Sampling Report, May 2022, Brooks Ecological report reference: SI-5864-02). These surveys did not identify any evidence of great crested newts. The local authority does not need to assess the proposals against the Three Tests (Habitats Regulations).

A significant population of Common toad was previously recorded within Pond 3. Common toad is a Priority Species, protected and Local Plan policies CS(R)20 and HE1 apply. The proposals include modifications to this pond as part of the proposed drainage strategy. To ensure the proposals do not harm the local Common toad population appropriate avoidance measures will need to be implemented during site clearance. Avoidance measures, and a method statement for drain down of ponds, are outlined in the submitted ECEMP (Ecology Construction Environment Management Plan (ECEMP) – HBC Fields, Brooks Ecological, Ref: ER-5864-08.1, 15/09/22). The proposed measures are acceptable, and the ECEMP can be accepted as an approved document.

The applicant, their advisers and contractors should be made aware that if any great crested newts are found, then as a legal requirement, work must cease and advice must be sought from an ecologist.

Bats

The site offers foraging and commuting opportunities for bats. Bats are a protected species and Local Plan policies CS(R)20 and HE1 apply. A spring, summer and autumn transect survey of the site have been completed following best practice guidelines. The surveys have identified foraging and commuting activity to the east and south of the site in the area of the proposed habitat retention, and foraging activity associated with the on site ponds. There will be a loss of pond foraging habitat, however new onsite ponds will be created as part of the landscaping of the site. Connectivity across the site will be retained as a result of the landscaping areas at the site boundaries. Impacts on foraging and commuting bats are considered to be low.

Lighting for the development may affect the use of foraging and commuting habitat on site by bats. A lighting scheme can be designed so that it protects ecology and does not result in excessive light spill onto important 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>. The lighting plan should be informed by the bat transect surveys completed in 2022, and should specifically avoid lighting of retained habitats to the south and east of the site.

A bird and bat box plan has been submitted (Bird and Bat box plan – HBC Fields, Brooks Ecological, Ref: ER-5864-09, 12/09/2022). The proposed bat box provision is acceptable, and the bat box plan can be accepted as an approved document.

Breeding Birds

Four breeding bird surveys have been completed from April to June 2022 following BTO methodology (Breeding Bird Survey Report. July 2022. Brooks Ecological report reference: ER-5864-07). The 2022 surveys identified breeding Cetti's warbler on site (Schedule 1 species), alongside other key breeding species including; skylark, grasshopper warbler, linnet, sedge warbler, whitethroat and reed bunting. Key nonbreeding species identified foraging at the site include; kestrel, swift and house martin. A range of more common green listed birds were also noted on site. The site has been assessed as having District level value in terms of the breeding bird assemblage.

The majority of nesting habitat will be lost from the site as a result of the proposals. The ES states that new habitat will be created, however the value of this habitat will be reduced and will be likely to support a less diverse range of breeding birds. Potential nesting habitat for Cetti's Warbler will be lost as a result of the development, however proposed habitat enhancement and creation works as outlined within the LEMP should retain the suitability of habitats on site for this species. A bird and bat box plan has been submitted (Bird and Bat box plan – HBC Fields, Brooks Ecological, Ref: ER-5864-09, 12/09/2022). The proposed bird box provision is acceptable, and the bird box plan can be accepted as an approved document.

Vegetation on site provides nesting opportunities for a variety of bird species, which are protected and Local Plan policies CS(R)20 and HE1 apply. No tree felling, scrub clearance, hedgerow removal, vegetation management or ground clearance 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 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. Precautionary measures in respect of breeding birds are outlined in the submitted ECEMP and are acceptable. The ECEMP can be accepted as an approved document.

Construction Environmental Management Plan (CEMP)

The applicant has submitted a CEMP (Construction Environmental Management Plan – HBC Fields, Marshall, July 2022). The CEMP includes measures in relation to:

- Runoff and drainage
- Waste management, including production of a SWMP
- Fuel and chemical storage

In addition to the above document, the applicant has now submitted and Ecology Construction Environmental Management Plan (Ecology Construction Environment Management Plan (ECEMP) – HBC Fields, Brooks Ecological, Ref: ER-5864-08.1,

15/09/22). The ECEMP includes the following:

- Risk assessment of potentially damaging construction activities.
- Identification of “biodiversity protection zones”, including the retained habitat areas to the east and south of the development site.
- Practical measures (both physical measures and sensitive working practices)
- to avoid or reduce impacts during construction. This includes protective and silt fencing
- Pollution control measures, including measures to prevent pollutants/runoff entering retained ponds.
- The location and timing of sensitive works to avoid harm to biodiversity features.
- Avoidance measures for species including hedgehog, badger, common toad and breeding birds.
- Method statement and timings for drain down of existing ponds.
- Sensitive lighting measures during construction to minimise impacts on bats.
- The times during construction when specialist ecologists need to be present on site to oversee works.
- The role and responsibilities on site of an ecological clerk of works (ECoW) or similarly competent person.

The measures outlined in the ECEMP are acceptable and should be implemented on site in full. The ECEMP can be accepted as an approved document.

Landscape and Ecological Management Plan (LEMP)

A Landscape and Ecological Management Plan has been submitted:

- HBC Fields, Widnes - Landscape & Ecological Management Plan, Annabelle Langhorn , 3rd August 2022 Revision A planting plan has also been submitted - Detailed Planting Plans (Ref: 10002_CLPD 070/P01c-P04c).

The submitted LEMP includes the following:

- Retention an enhancement of existing habitats to the east and south of the site (ponds, woodland and grassland)
- New native tree and shrub planting
- Native hedgerow planting
- Meadow planting
- Aims and objectives of management
- Prescriptions for management actions
- A work schedule (including an annual work plan)
- Ongoing management regime up to a period of 20 years
- Details of the body or organization responsible for implementation of the plan
- Ongoing monitoring and remedial measures.

The measures outlined in the LEMP are acceptable. The LEMP can be accepted as an approved document.

Biodiversity Net Gain

An updated BNG assessment has been submitted (Biodiversity Net Gain Assessment – HBC Fields, Brooks Ecological, Ref: ER-5864-04.4, 30/09/2022).

The current landscaping proposals for the site include grassland, reedbed, native shrub planting, pond creation and new native hedgerows. Enhancement of retained grassland and woodland areas will also take place. Based on the landscaping proposals the calculated values after development are a loss of -45.18 habitat units (equivalent to - 35.05%) and an increase of +4.8 hedgerow units (equivalent to +524.06%). Habitat loss includes loss of Priority Habitats (ponds and reedbed) as outlined above.

The ES states that the proposals will aim to achieve no net biodiversity loss through offsite provision in addition to onsite habitat creation and enhancement. A meeting with the applicant and case officer was held on the 13th October 2022 to discuss habitat creation options. It was agreed that a sequential approach will be adopted, from provision onsite, habitat creation offsite and a commuted sum as a final last resort. As outlined above, compensation for loss of Priority Habitat will need to be agreed prior to determination. Provision of other habitats to achieve not net loss can be secured through a suitably worded planning condition, based on the agreement that a sequential approach to offsetting will be applied.

1.8 Archaeological Advisor

OBSERVATIONS FROM THE COUNCIL'S ARCHAEOLOGICAL ADVISOR RECEIVED 01.04.2022

Thank you for consulting with APAS regarding the above application, having reviewed the application, supporting documentation and the information held on the Cheshire Historic Environment Records, it is clear that there is a substantial consultation history regarding development at this site. The information held on the HER outlines previous archaeological mitigation works undertaken during key stages of these previous applications and offers a good background to the site and the archaeological remains identified within this current proposed development area.

I note that the application is also supported by a fairly extensive desk based assessment supplied by Orion Heritage, who also outline the historical archaeological works undertaken with previous applications, they offer as conclusion in section 7.3 that there is a very low likelihood of disturbing or disrupted buried remains relating to the scheduled monument or any other archaeological features within the proposed development area, therefore, there are no further archaeological requirements for this proposed development.

1.9 Conservation Advisor

ORIGINAL CONSERVATION ADVISOR OBSERVATIONS RECEIVED **06.05.2022**

We have assessed this application and are of the opinion that Planning Permission should be granted, subject to the following recommendations.

The proposal seeks to construct a large industrial building with associated ancillary buildings, highways network, car parking, and other associated works on an open area of land adjacent to the Halebank Conservation area.

A Heritage impact assessment (HIA) has been submitted with the application which provides a comprehensive understanding and assessment of the surrounding heritage assets, their setting, and potential impacts.

The submitted HIA has identified several heritage assets within a wide vicinity of the application site. The identified listed buildings have been scoped out of the need for assessment due to their siting in relation to the application site and therefore any impact would be negligible at best. This approach is appropriate. The application site is directly adjacent to the Halebank Conservation Area. The character of the CA has been described within the report.

The HIA has also identified three buildings as non-designated heritage assets whose settings have the potential to be impacted by the proposed development, and therefore require assessment. I agree with those assets identified; Linner's Farm, Havelock Cottages, and The Beehive public House, all of which are within the Halebank Conservation Area.

The proposed development will be a major change within the site which is currently providing a large open space filled with naturally grown greenery, albeit of questionable quality in some locations. This openness makes a positive contribution to the setting of the conservation area, Linner's Farm, and Havelock Cottages not only through the presence of the physical space but also through the experience of views in to and out from the area.

The proposal will bring development closer to the linear built form that characterises the conservation area, effectively closing the gap between the larger built-up area of Halebank. The experience of views in and out of the CA will be lost, particularly from the mid to southern parts of the area resulting in harm to their setting, as the appreciation of the assets will be diminished.

The HIA recommends (para 6.9) mitigation in the form of boundary planting to retain a visual and physical softness around the site. This is strongly advised as being crucial should the scheme be granted consent.

The illustrative images provided within the Design and Access statement show the elevational treatment of the building to include large panels of orange and greys. This is of concern due to the potential for harmful visual impact on the surrounding area. A muted material pallet should be observed, such as that

demonstrated by the Alstom building directly north of the site. It is notable how this building blends in to the skyline when viewed from the surrounding areas.

Impact

A low level of less than substantial harm will be caused by the proposal to the setting of Linner's Farm and Havelock Cottages, as well as to the conservation area due to the loss of openness that the application site provides, and has done so through history. This will be particularly evident when entering the CA from the southern end of Halebank Road, and from within Linner's Farm.

Conclusion

There is no objection to the proposal. If Planning Permission is granted, we recommend the following conditions be made:

- Implementation of a soft landscaping scheme throughout the site.
Reason: To preserve the character and appearance of the conservation area.
- Details of the proposed material pallet for the main building.
Reason: To ensure the visual appearance is appropriate.

UPDATED CONSERVATION ADVISOR OBSERVATIONS RECEIVED 29.09.2022

The comments previously submitted still stand in the instance of this re-consultation as the application has not changed in relation to any comments previously made.

1.10 Natural England

ORIGINAL NATURAL ENGLAND OBSERVATIONS RECEIVED 26.04.2022

SUMMARY OF NATURAL ENGLAND'S ADVICE

FURTHER INFORMATION REQUIRED TO DETERMINE IMPACTS ON DESIGNATED SITES

As submitted, the application could have potential significant effects on:

- Mersey Estuary Special Protection Area (SPA)
- Mersey Estuary Ramsar
- Mersey Estuary Site of Special Scientific Interest (SSSI)

Natural England requires further information in order to determine the significance of these impacts and the scope for mitigation.

The following information is required:

A Habitats Regulations Assessment, including:

- Suitable bird survey evidence for overwintering and passage birds associated with the designated sites for the surrounding areas to assess the potential for impacts on SPA birds during the construction phase and operational phase.
- Details of anticipated disturbance levels (noise and visual) during the construction and operational phases along with any measures required to reduce disturbance.
- Details of any potential runoff from the development to the nearby Mersey Estuary SPA via Ditton Brook.

Without this information, Natural England may need to object to the proposal.

UPDATED NATURAL ENGLAND OBSERVATIONS RECEIVED 02.09.2022

Natural England has previously commented on this proposal and made comments to the authority in our letter dated 26 April 2022 Reference number 388541.

The advice provided in our previous response applies equally to this amendment although we made no objection to the original proposal.

The proposed amendments to the original application are unlikely to have significantly different impacts on the natural environment than the original proposal.

Should the proposal be amended in a way which significantly affects its impact on the natural environment then, in accordance with Section 4 of the Natural Environment and Rural Communities Act 2006, Natural England should be consulted again. Before sending us the amended consultation, please assess whether the changes proposed will materially affect any of the advice we have previously offered. If they are unlikely to do so, please do not re-consult us.

UPDATED NATURAL ENGLAND OBSERVATIONS RECEIVED 21.10.2022

Based on the plans submitted, Natural England considers that the proposed development will not have significant adverse impacts on designated sites and had no objection.

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

Internationally and Nationally Designated Sites

Based on the plans submitted, Natural England considers that the proposed development will not have likely significant effects on the any nearby internationally and nationally designated sites and has no objection to the proposed development.

We note that the Drainage & Flood Risk Assessment undertaken by JPG Group (amended 12.10.2022) provides existing measures to reduce the impacts of surface water run-off on nearby designated sites. However, section 22

(Potential Impacts) of the Habitats Regulations Assessment (HRA), undertaken by Brooks Ecological (revised, 03.10.2022), lacks clarity on the impacts of surface water run-off and will therefore need updating to align with the above documentation.

Sites of Special Scientific Interest (SSSI)

Based on the plans submitted, Natural England considers that the proposed development will not damage or destroy the interest features for which any SSSI sites have been notified and has no objection.

1.11 United Utilities

UNITED UTILITIES OBSERVATIONS RECEIVED 04.05.2022

United Utilities wish to make the following comments regarding the proposal detailed above.

DRAINAGE

Following our review of the submitted Flood Risk Assessment, we can confirm the proposals are acceptable in principle to United Utilities and therefore should planning permission be granted we request the following condition is attached to any subsequent Decision Notice to secure the drainage solution:

The drainage for the development hereby approved, shall be carried out in accordance with principles set out in the submitted Flood Risk Assessment (Ref No.5862-JPG-XX-XX-RP-D-0620-52-P02, Dated January 2022) which was prepared by JPG. No surface water shall drain directly or indirectly into the public sewer. Prior to occupation of the proposed development, the drainage schemes shall be completed in accordance with the approved details and retained thereafter for the lifetime of the development.

Reason: To ensure a satisfactory form of development and to prevent an undue increase in surface water run-off and to reduce the risk of flooding.

The applicant can discuss any of the above with Developer Engineer, **Graham Perry**, by email at wastewaterdeveloperservices@uuplc.co.uk.

Please note, United Utilities is not responsible for advising on rates of discharge to the local watercourse system. This is a matter for discussion with the Lead Local Flood Authority and / or the Environment Agency (if the watercourse is classified as main river).

If the applicant intends to offer wastewater assets forward for adoption by United Utilities, their proposed detailed design will be subject to a technical appraisal by our Developer Services team and must meet the requirements outlined in 'Sewers for Adoption and United Utilities' Asset Standards'. This is important as drainage design can be a key determining factor of site levels and layout.

Acceptance of a drainage strategy does not infer that a detailed drainage design will meet the requirements for a successful adoption application. We strongly recommend that no construction commences until the detailed drainage design, has been assessed and accepted in writing by United Utilities. Any work carried out prior to the technical assessment being approved is done entirely at the developer's own risk and could be subject to change.

Management and Maintenance of Sustainable Drainage Systems

Without effective management and maintenance, sustainable drainage systems can fail or become ineffective. As a provider of wastewater services, we believe we have a duty to advise the Local Planning Authority of this potential risk to ensure the longevity of the surface water drainage system and the service it provides to people. We also wish to minimise the risk of a sustainable drainage system having a detrimental impact on the public sewer network should the two systems interact. We therefore recommend the Local Planning Authority include a condition in their Decision Notice regarding a management and maintenance regime for any sustainable drainage system that is included as part of the proposed development. You may find the condition below a useful example.

Prior to occupation of the development a sustainable drainage management and maintenance plan for the lifetime of the development shall be submitted to the local planning authority and agreed in writing. The sustainable drainage management and maintenance plan shall include as a minimum:

- a. Arrangements for adoption by an appropriate public body or statutory undertaker, or, management and maintenance by a resident's management company; and*
- b. Arrangements for inspection and ongoing maintenance of all elements of the sustainable drainage system to secure the operation of the surface water drainage scheme throughout its lifetime.*

The development shall subsequently be completed, maintained and managed in accordance with the approved plan.

Reason: To ensure that management arrangements are in place for the sustainable drainage system in order to manage the risk of flooding and pollution during the lifetime of the development.

Please note United Utilities cannot provide comment on the management and maintenance of an asset that is owned by a third party management and maintenance company. We would not be involved in the discharge of the management and maintenance condition in these circumstances.

WATER AND WASTEWATER SERVICES

If the applicant intends to receive water and/or wastewater services from United Utilities, they should visit our website or contact the Developer Services team for advice. This includes seeking confirmation of the required metering arrangements for the proposed development.

If the proposed development site benefits from existing water and wastewater connections, the applicant should not assume that the arrangements will be suitable for the new proposal.

In some circumstances we may require a compulsory meter is fitted. For detailed guidance on whether the development will require a compulsory meter please visit <https://www.unitedutilities.com/my-account/your-bill/our-household-charges-20212022/> and go to section 7.7 for compulsory metering. If reinforcement of the water network is required to meet potential demand, this could be a significant project and the design and construction period should be accounted for.

To avoid any unnecessary costs and delays being incurred by the applicant or any subsequent developer, we strongly recommend the applicant seeks advice regarding water and wastewater services, and metering arrangements, at the earliest opportunity. Please see 'Contacts' section below.

UNITED UTILITIES PROPERTY, ASSETS AND INFRASTRUCTURE

United Utilities will not allow building over or in close proximity to a water main.

United Utilities may not allow building over or in close proximity to a public sewer.

As the applicant will be aware, there is a **United Utilities Sludge Main** within the site and this is a **critical asset**. We will not allow development over this pressurised sludge pipeline so we require further information prior to any development. This requires further consideration with United Utilities. As the applicants intention with sludge pipeline is not yet confirmed, we request that this is demonstrated prior to any commencement so that the acceptability of the works can be confirmed.

According to our records there is an **easement** associated to the sludge main within the proposed development site which is in addition to our statutory rights for inspection, maintenance and repair. The easement that is dated 10/08/1987 **UU Ref: z38** runs directly through the middle of the site and has restrictive covenants that must be adhered to. It is the responsibility of the developer to obtain a copy of the document, available from United Utilities Legal Services or Land Registry and comply with the provisions stated within the document. Under no circumstances should anything be stored, planted or erected on the easement width.

Nor should anything occur that may affect the integrity of the pipe or United Utilities legal right to 24 hour access.

The applicant should contact PropertyGeneralEnquiries@uuplc.co.uk to discuss how the easement affects the proposal at the earliest opportunity.

A public sewer also crosses the site and we may not permit building over it. We require an access strip for maintenance or replacement. The minimum distances that might be acceptable to United Utilities are detailed within Part H of the Building Regulations however, we recommend the applicant determines the precise location, size, depth and condition of the pipeline as this is likely to influence the required stand-off distance from any structure.

Should the application be approved, we recommend the following condition is included in any decision notice to ensure the protection of United Utilities assets within the site:

No development shall commence (including any earthworks) until details of the means of ensuring all United Utilities assets laid within the site boundary are protected from damage as a result of the development have been submitted to and approved by the Local Planning Authority in writing. The details shall include a survey of the exact location of the United Utilities assets and outline the potential impacts on United Utilities assets from construction activities and the impacts post completion of the development and identify mitigation measures to protect and prevent any damage to United Utilities assets both during construction and post completion of the development. Any mitigation measures shall be implemented in full in accordance with the approved details.

Reason: In the interest of public health and to ensure protection of the public water supply.

Please be aware that United Utilities have abandoned sewers and a live legal easement running diagonally across the site. The applicant will have to contact our property team to release the easement prior to construction.

It is the applicant's responsibility to demonstrate the exact relationship between any United Utilities' assets and the proposed development.

Developer's should investigate the existence and the precise location of water and wastewater pipelines as soon as possible as this could significantly impact the preferred site layout and/or diversion of the asset(s) may be required. Where United Utilities' assets cross the proposed red line boundary, developers must contact our Developer Services team prior to commencing any works on site, including trial holes, groundworks or demolition.

Unless there is specific provision within the title of the property or an associated easement, any necessary disconnection or diversion of assets to accommodate development, will be at the applicant/developer's expense. In some circumstances, usually related to the size and nature of the assets impacted by proposals, developers may discover the cost of diversion is prohibitive in the context of their development scheme.

Where United Utilities' assets exist, the level of cover to United Utilities pipelines and apparatus must not be compromised either during or after construction and there should be no additional load bearing capacity on pipelines without prior agreement from United Utilities. This would include earth

movement and the transport and position of construction equipment and vehicles.

Consideration should also be applied to United Utilities assets which may be located outside the applicant's red line boundary. Any construction activities in the vicinity of our assets must comply with our 'Standard Conditions for Works Adjacent to Pipelines' or national building standards.

The applicant or developer should contact our Developer Services team for advice if their proposal is in the vicinity of water or wastewater pipelines and apparatus. It is their responsibility to ensure that United Utilities' required access is provided within their layout and that our infrastructure is appropriately protected. The developer would be liable for the cost of any damage to United Utilities' assets resulting from their activity. See 'Contacts' section below.

CONTACTS

Website

For detailed guidance on water and wastewater services, including application forms and the opportunity to talk to the Developer Services team using the '**Live Chat**' function, please visit:

<http://www.unitedutilities.com/builders-developers.aspx>

Email

For advice on water and wastewater services or to discuss proposals near to pipelines, email the Developer Services team as follows:

Water mains and water supply, including metering -
DeveloperServicesWater@uuplc.co.uk

Public sewers and drainage - WastewaterDeveloperServices@uuplc.co.uk

Telephone - 0345 072 6067

Property Searches (for asset maps):

A number of providers offer a paid for mapping service including United Utilities. For more information, or to purchase a sewer and water plan from United Utilities, please visit <https://www.unitedutilities.com/property-searches/>

Water and sewer records can be viewed for free at our Warrington Head Office by calling 0370 751 0101. Appointments must be made in advance. Public sewer records can be viewed at local authority offices. Arrangements should be made directly with the local authority.

The position of the underground apparatus shown on asset maps is approximate only and is given in accordance with the best information currently available. United Utilities Water will not accept liability for any loss or damage caused by the actual position being different from those shown on the map.

1.12 The Coal Authority

The Coal Authority Response: No Observations

1.13 Historic England

ORIGINAL HISTORIC ENGLAND OBSERVATIONS RECEIVED 11.04.2022

Historic England Advice

The application is for the construction of a very large storage and distribution depot, with ancillary offices, electricity substation, and security gatehouses. The development has the potential to impact on the setting of designated heritage assets in the area surrounding it, and on buried archaeological deposits within the proposed development site itself.

Chapter 8 ('Archaeology and Heritage') of the Environmental Statement submitted in support of the application assesses the potential impact of the proposed development upon the historic environment. Two designated heritage assets, Lovel's Hall moated site and fishpond, and the Halebank Conservation Area, lie close to the site of the proposed development. The moated site survives as an earthwork in pasture, with a platform approximately 50m square surrounded by a moat, now dry, up to 23m wide and 1.6m deep. Its significance, as a well-preserved example of a single homestead-type moated site, is recognised by its scheduling as an ancient monument (National Heritage List for England entry number 1014390). The monument is some 300m north of the proposed development site. The Halebank conservation area, which contains a number of unlisted cottages and farm buildings of 19th century and earlier date, lies immediately to the south-west of the proposed development site, though screened from it by trees and other planting.

The scheduled monument is separated from the site of the proposed development by the a major railway line and by a very large rail-connected building. As a result, in the opinion of Historic England, there will be minimal impact on its setting. Similarly, there is likely to be very little impact on the setting of the conservation area, due to the existing screening.

An archaeological desk-based assessment, included as Appendix 8.1 of the ES, has reviewed the evidence for significant archaeological deposits or remains to survive on the proposed development site. Previous archaeological work, including geophysical survey and trial trenching, has revealed little of archaeological interest, and the report concludes that the potential for the proposed development to impact on significant archaeological remains is low. As a result, no further archaeological mitigation is proposed.

Historic England agrees that the potential for significant archaeological deposits or remains to survive on the proposed development site is low; subject to any comments the Cheshire Archaeology Planning Advisory Service may make, we also agree that there appears little need for further archaeological mitigation.

Recommendation

Historic England has no objection to the application on heritage grounds.

FURTHER HISTORIC ENGLAND OBSERVATIONS RECEIVED 23.08.2022

Historic England Advice

The amendments made to the application do not affect the impact of the proposed development on the historic environment. The comments in my letter of 11 April 2022 are also relevant to the amended application.

Recommendation

Historic England has no objection to the application on heritage grounds.

FURTHER HISTORIC ENGLAND OBSERVATIONS RECEIVED 12.10.2022

Historic England Advice

The further amendments made to the application do not affect the impact of the proposed development on the historic environment. The comments in my letter of 11 April 2022 are also relevant to the amended application.

Recommendation

Historic England has no objection to the application on heritage grounds.

1.14 Halebank Parish Council

ORIGINAL HALEBANK PARISH COUNCIL OBSERVATIONS RECEIVED 29.04.2022

We act on behalf of Hale Bank Parish Council (HBPC) and refer to the above referenced planning application for Storage, Distribution and Office development on land at HBC Fields, Lovel Way, WA8 8WQ.

HBPC does not object to the principle of development of the site for employment purposes, but has strong reservations about the development and wishes to register objections based on the impacts relating to:

- Access and Highways
- Residential Amenity
- Visual Amenity and the setting of Halebank Conservation Area
- Greenspace

Background

Halton Borough Council (HBC) has had a long-term aspiration for the application site to be developed for employment purposes. This aspiration was reflected by the allocation of the site for employment purposes in the previous development plan, the Halton Unitary Development Plan (UDP) 2002-2016.

The allocation has been carried forward into the recently adopted Halton Delivery and Allocations Local Plan 2014-2037 (DALP).

Planning permission was granted by HBC (under references 15/00549/FULEIA and 17/00035/NMA) for a phased development in general industrial use (Use Class B2). Phase 1 of the approved development has been partially implemented by virtue of the Alstom Transport Facility (Hereafter "Alstom") which occupies the area to the immediate north of the site. However, the

majority of the allocated site remains undeveloped and is the subject of the current planning application.

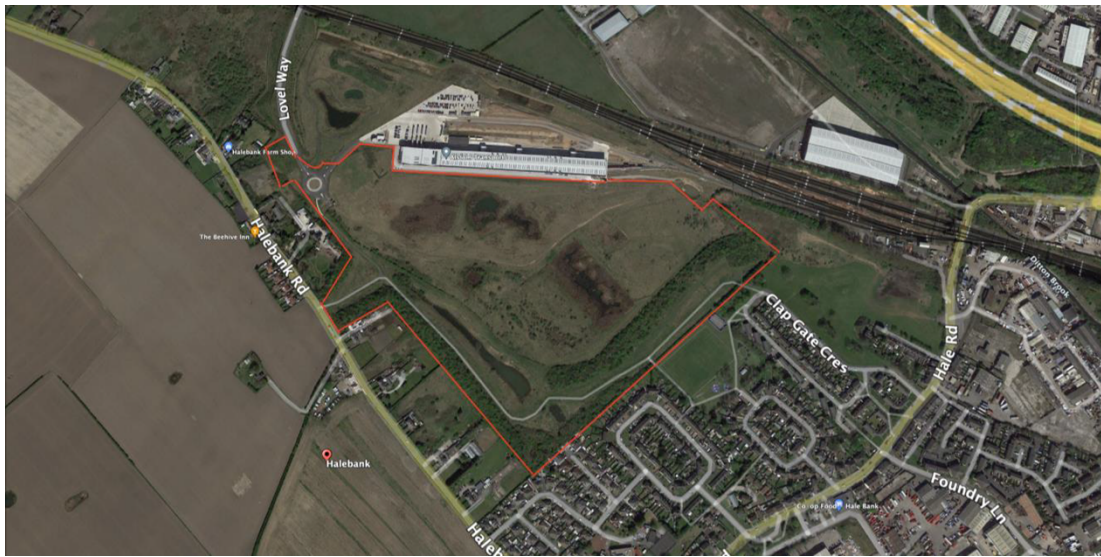


Figure 1: Application Site to the south of Alstom Transport Facility

The plans approved by HBC under 15/00549/FULEIA and 17/00035/NMA and associated planning conditions of approval set the parameters for an acceptable employment-based development of the wider site. For example, the buildings approved under references 15/00549/FULEIA and 17/00035/NMA have a limited visual impact owing to their siting, layout and scale (max height 12650mm). In addition, road and rail movement to and from Alstom is restricted between 2300-0700 by planning condition to avoid noise impacts on residents. The application proposal seeks to bring development closer to the neighbouring residential areas (than Alstom) and adjacent to the boundary of the Halebank Conservation Area. Despite these obvious constraints, the application seeks a greater quantum of development and unrestricted hours of operation.

HBPC is of the view that the development as proposed will result in unacceptable impacts in relation to Access and Highways; Residential Amenity; Visual Amenity and the setting of Halebank Conservation Area and Greenspace/ Green Infrastructure.

Access and Highways

HBPC seeks reassurance that the residential areas of Halebank will be protected from traffic and amenity impacts and that the areas of Greenspace including Halebank Park be fully protected from development. To this end, HBPC makes the following comments on access and highways.

The application site is accessed via a roundabout in the southwest corner which connects to the A562 Speke Boulevard and A5300 Knowsley Expressway via Lovel Way/Newstead Road. The existing roundabout is located to the immediate north of, and impacts on the setting of the Halebank Conservation Area.

The highway works to create the roundabout were carried out as part of the 'A5300 Access and Connectivity Scheme' with Liverpool City Region (LCR) funding. The purpose of the A5300 Scheme was to reduce peak time congestion at the A562/A5300 junction in the interests of current and future economic growth and to provide access to development sites in Halton at Newstead Road and Level Way.

The Alstom Transport facility (15/00549/FULEIA and 17/00035/NMA) utilises the A5300 Scheme highway infrastructure and does not impact on the local roads in Halebank.

HBPC is strongly opposed to the proposed access arrangements for the development proposal (Drawing No. 8091-CUR-00-XX-DR-TP-75001-P04) which would introduce a second roundabout adjacent to the boundary of the Halebank Conservation Area and a vehicular connection between the development and Halebank Road.

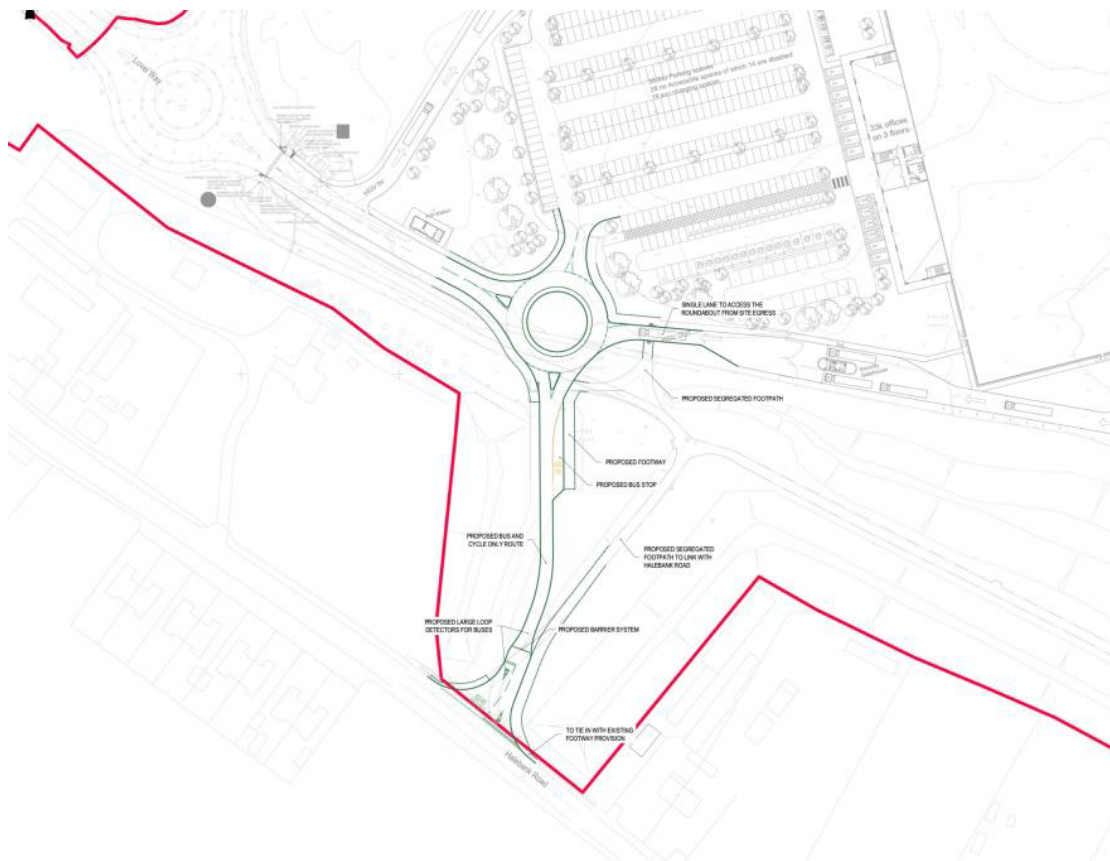


Figure 2: Proposed Access Arrangements (Drawing No. 8091-CUR-00-XX-DR-TP-75001-P04)

The proposed second roundabout is unnecessary. It does not make best use of the roundabout, constructed at public expense with three spurs designed specifically in order to provide access from the A562/A5300 to the development site.

HBPC welcomes the proposal to separate HGVs and private vehicles via the one-way access/egress system for HGVs. However, there is no reason why this cannot be achieved without the second roundabout as the entry and exit to the staff carpark would be separated from the HGV egress with a simple T-Junction layout.

The proposal for a second roundabout seems to be overengineered and the cumulative impact of road infrastructure and movement in such proximity to Halebank Conservation Area would have a negative impact on the significance of the setting a designated heritage asset.

In addition, the application proposals include an undesirable road connection to Halebank Road. HBPC strongly objects to the proposed road connection for the following reasons:

Firstly, the road is proposed to traverse Halebank Park which is designated as Greenspace in the DALP. The principle of a road through Halebank Park is contrary to DALP Policy HE4: Green Infrastructure and Greenspace. Secondly, the introduction of vehicles would be very dangerous in the context of the park environment where children would be playing and riding bikes and there would be walkers with prams and dogs.

Thirdly, HBPC notes the applicant's claim that the proposed road would only be used by buses and controlled by gated access. However, once constructed there is the prospect that the road could become dual purpose and open to other traffic. Moreover, there are currently no buses operating on Halebank Road. The nearest buses operate on Hale Road. The geometry of the junction of Hale Road/Halebank Road is not suitable for bus access. Hence there are no existing or prospective public bus routes on Halebank Road.



Figure 3: Junction of Hale Road/Halebank Road (Source: Google Street View)

Fourthly, there is no need for a bus route to traverse Halebank Park as anyone wishing to travel to the proposed B8 facility is at liberty to use existing bus services and continue on foot from Hale Road.

There are existing pedestrian links through the Park for this purpose. The Summary and Conclusions of Curtin's Transport Assessment supporting the application makes this very point and states, "The site is accessible by

sustainable modes of transport. The surrounding area exhibits good levels of pedestrian and cycling infrastructure and there are several public transport opportunities within acceptable walking distance and/or cycling distances of the site” (Page 51: second paragraph numbered as 8.1.1)

It is claimed that 500 full time jobs will be created. A total of 380 car parking spaces and 102 cycle spaces are proposed. This leaves only 18 staff without dedicated provision for travel to the site by private means (vehicles/cycles). Given Curtin’s conclusions on the general accessibility of the site via existing public transport and walking opportunities, there is no justification for the provision of a new road, particularly when the proposed road would jeopardise a public park.

HBPC notes the applicant’s claim that the proposed road could be used by a dedicated shuttle service operated by the end user of the proposed B8 facility. However, as it seems that any such privately-run bus service would only be for the benefit of a handful of employees, the level of harm to Halebank Park as Greenspace and as a public amenity cannot be justified.

The applicant’s SoCI indicates that the applicant is not in favour of and does not require the proposed road through Halebank Park. Page 17 of the SoCI states that, “*The road proposed through the site is a bus/cycle route only **and has been requested by HBC Highways Officers***”. In HBPC’s view, the Highways Officers at HBC ought to reconsider their request for the following reasons:

- The proposed road connection to Halebank Road would undermine the investment of public funds incurred in respect of the A5300 Scheme.
- The heritage deficit to the setting of Halebank Conservation Area.
- The obvious dangers of a road connection through a park where children will be playing.
- There are no existing or proposed bus routes operational on Halebank Road.
- There are existing pedestrian and cycle routes from existing bus services on Hale Road.
- The proposals include a total of 482 car and cycle spaces for 500 employees, meaning that only 18 employees are anticipated to travel on foot or via public transport.
- A privately run shuttle bus service to cater for such small numbers does not constitute a public benefit.
- The applicant does not want to provide a road connection to Halebank Road.
- Local Residents and HBPC do not want a road connection to Halebank Road.

Any approval for the provision of a road through Halebank Park, which is protected Greenspace would represent a departure from development plan policy, which seems inconceivable given that the DALP is so recently adopted. HBPC is also concerned about the noise and air pollution arising from the volume of trips which will be generated by the proposed development. The proposals include 72 No. HGV Bays for Goods In/Out. Based on a 24hour/day operation will all bays in use, and supposing that it takes 30 mins to unload and 30 minutes to reload, there could be 6,912 HGV movements to and from the site every day. This is 48,382 trips each week, 209, 664 trips each month and

2,525,968 HGV trips per annum. In addition, a staff of 500 would generate 1000 car trips each day or 364,000 car journeys per annum.

On a more favourable note, HBPC welcomes the provision of a Construction Environment Management Plan (CEMP) with the application. The CEMP states that construction traffic to be routed to the A562/A5300. HBC should secure the CEMP and any subsequent iteration via the imposition of suitably worded planning conditions.

To conclude on matters of access and highways, HBPC finds that the current proposals are likely to result in unacceptable traffic and amenity impacts on the residential areas of Halebank.

HBPC is strongly opposed any temporary construction access or permanent vehicular connection to Halebank Road. Areas of Greenspace and Halebank Park ought to be protected from development in accordance with DALP Policy HE4. In addition, HBPC is of the view that all construction and employment related traffic from the development must direct to the A562/A5300.

In order to overcome this objection, HBPC requires the access arrangements to be amended and the proposed road through Halebank Park to be deleted from the scheme. HBPC also requests to be consulted by HBC regarding any proposed conditions of approval relating to access, highways and parking.

Residential Amenity- Noise Impacts

HBPC is concerned that the noise impacts of development – both during construction and post completion- will have a severe detrimental impact on the living conditions of neighbouring residents. HBPC's concerns are heightened as the end-user of the proposed facility has not been identified and therefore assumptions have been made regarding the noise impacts which may not be correct. For example, a greater noise impact would be anticipated if the B8 facility was to store refrigerated as opposed to ambient goods.

In addition, the application proposal seeks to be operational 24 hours/day, 7 days/week, 52 weeks per year which is inappropriate given the volume of residential properties sharing boundaries with the site. There would be no respite from the noise impacts arising from the storage facility itself, HGV movements to and from the site and most significantly the greatest nuisance arising from the noisiest operation which is loading and unloading the HGVs. Bearing in mind that the proposed facility has the capacity for loading/unloading 72 HGVs simultaneously, the noise impacts are anticipated to be severely detrimental.

The applicant's Planning Statement and EIA cover the topic of noise impacts of the proposed development. Both documents confirm that there will be temporary adverse noise and vibration impacts during the construction period. However, there is a discrepancy between the documents when considering the noise impacts post completion of the development. The Planning Statement (Para. 6.48) states that, "*operational noise during the operational phase a*

BS4142 assessment has determined that acceptable internal noise levels can be achieved in bedrooms at night based on fixed plant noise emission limits”.

However, this is contradicted in the EIA (Chapter 13: Noise and Vibration, prepared by E3P), which states in Para. 13.44-46, *“Given the lack of detail on fixed plant items, the impact of these items cannot be determined. However, plant noise emission limits have been set based on no exceedance of existing background sound levels. Where these limits are achieved, there would be a negligible impact at local level... The assessment has shown that the proposed development can be acceptable and suitable levels of noise can be achieved in external and internal areas.”*

The problem with the conclusions reached by E3P is that if the impact of fixed plant cannot be determined, then neither can the required level of acoustic mitigation to reach background sound levels be determined. Therefore, there is no basis to the proposition that satisfactory noise levels can be achieved without detriment to the living conditions of neighbours.

In addition, HBPC note that E3P recommend a ‘Noise Management Plan’ (Para. 13.43) which should include such recommendations reminding operatives that residential receptors are close by; to keep noise to a minimum if possible and to park HGVs away from receptors. The application submission does not include a Noise Management Plan as there is no identified end- user to operate the site. However, HBPC notes that the proposed layout would provide a total of 116 trailer bays in the closest possible proximity to the main residential area of Halebank in clear conflict with E3P advice on noise mitigation.

On any balanced assessment, it cannot be concluded that the noise impacts of the development have been accurately quantified and therefore the question as to whether noise impacts can be adequately mitigated is in doubt. In the absence of further detail, HBC cannot be satisfied that there would not be unacceptable levels of noise and disturbance which would unreasonably and substantially interfere with the use or enjoyment of a home or other premises. This is likely to result in complaints to the Council as this level of noise is classed as a ‘statutory nuisance’ (covered by the Environmental Protection Act 1990). There is no evidence that the proposal will not have unacceptable negative impacts on the living conditions of neighbouring residents with regard to noise related nuisance and planning permission must be refused for non-compliance with DALP Policy HE7: Pollution and Noise.

In HBPC’s view, the noise impacts of the development cannot be assessed and appropriate mitigation identified in the absence of an identified end-user for the development and specific information on the intended fixed plant required for the operation of the site. HBPC would therefore request to be consulted on any proposed conditions of approval relating to noise impacts and acoustic mitigation. In addition, HBPC requests a planning condition restricting hours of operation between 2300-0700 which must be imposed as was for 15/00549/FULEIA and 17/00035/NMA and for the same reason- to minimise noise disturbance to neighbouring residents.

Residential Amenity- Artificial Light Nuisance

The application submission includes an External Lighting Strategy prepared by Lighting Project Solutions. Given the proximity of residential development, HBPC agree with the Strategy's findings that the site location is in IESNA Lighting Environmental Zone E2.

The detailed design of the External Lighting Scheme and Lighting Assessment Report are yet to be considered. Given that the proposed B8 facility is envisaged to be operational 24 hours/day, the impact of lighting on residential and ecological receptors ought to form part of HBC's assessment of the proposals.

In the absence of further detail, HBC cannot be satisfied that the levels of artificial light pollution and intrusion would be acceptable. This is likely to result in complaints to the Council about artificial light nuisance which is classed as a 'statutory nuisance' (covered by the Environmental Protection Act 1990).

There is no evidence that the proposal will not have unacceptable negative impacts on the living conditions of neighbouring residents with regard to artificial light nuisance and planning permission must be refused for non-compliance with DALP Policy HE7: Pollution and Noise. In addition, there is no evidence that the lighting arrangements would not have a detrimental impact on habitats of protected species. Therefore, as it stands the proposals are also contrary to DALP Policy HE1: Natural Environment and Nature Conservation.

Visual Amenity and the Setting of Halebank Conservation Area

Planning Permissions granted under 15/00549/FULEIA and 17/00035/NMA allowed for the construction of buildings with a maximum height of 12650mm to provide an internal area of 51,288m². Externally, the approval allowed for 440 car parking spaces and 52 HGV spaces.

The Alstom scheme as implemented comprises a building with height 12650mm and area of 11,222m². The external areas appear to include parking for approximately 100 private vehicles and around 8 HGVs.

The application proposal seeks an height uplift compared to the previously consented buildings as the proposed building is 18000mm, or six storeys in height- almost six metres taller than Alstom. The proposed internal area is 51,288m² (buildings totalling 61,854m² when combined with Alstom) and there is the capacity to load/unload 72 HGVs simultaneously. In addition, there would be with 380 car parking spaces plus 102 cycle spaces and 116 HGV Trailer Bays.

The scale of development is significantly greater than that anticipated by previous approvals 15/00549/FULEIA and 17/00035/NMA. HBPC is not aware whether there is any justification for the proposed quantum and scale of development proposed as the end-user/operator of the B8 facility has not been identified.

Moreover, the development is sited close to the main residential area of Halebank and adjacent to the boundary of Halebank Conservation Area. There will be a transformative visual impact on Halebank to the detriment of the amenity of existing residents and to the setting of the Conservation Area. HBPC considers that the visual impact will be so severe as to potentially undermine the delivery of Site W24, allocated in the DALP and expected to provide 484 dwellings during the plan period- a matter which should be of some concern to HBC.

Chapter 8 of the applicant's EIA (prepared by Commercial Development Projects Ltd) relates to Archaeology and Heritage. Para. 8.99 considers Alstom in respect of visual amenity and views from Halebank Conservation Area. It finds that the Alstom transport building has a 'long, low profile' which is, 'filtered by a hedgerow'.

Based on these findings, HBPC is of the view that the height of the proposed building ought to be reduced to 12650mm to align with Alstom which has an acceptable impact on visual amenity and on the setting of Halebank Conservation Area. In addition, a detailed landscaping scheme with an associated plan for future management and maintenance must be provided by the applicant prior to determination of this planning application in order to ensure that views are appropriate filtered through greenery.

In the absence of the proposed amendment to the height of the building and lack of landscaping detail, the LPA cannot be satisfied that the application proposal would not have an unacceptable impact on visual amenity and the setting of Halebank Conservation Area. HBPC therefore find the proposal to be contrary to DALP Policies HE2: Heritage Assets and the Historic Environment; HE5: Trees and Landscaping; GR1: Design of Development and GR2: Amenity. Greenspace

The Strategic Employment Allocation identified in the DALP Proposals Map and corresponding application site include circa 9 hectares of publicly accessible Greenspace, comprising Halebank Park. This includes the southern and eastern periphery of the application site is designated as Greenspace/Green Infrastructure and subject to DALP Policy HE4.

The purpose of the Greenspace/Green Infrastructure element to the Strategic Employment Allocation is to provide a physical and functional buffer to the otherwise unacceptable juxtaposition of industry and residential uses.

DALP Policy HE4 recognises the visual, wildlife and structural and public amenity value of greenspace and seeks the provision, enhancement, expansion and protection from loss of greenspace. It is for this reason- as already stated that HBPC strongly objects to the proposal for a road through designated Greenspace/Halebank Park.

HBPC is of the view that the proposed layout does not satisfy the provisions of Policy HE4. Firstly, it is noted that the layout leaves an isolated parcel of open land to the northwest of the proposed carpark. This area would not be suitable

for public amenity use as it is separated from Halebank Park by several roads. In addition, this area is actually allocated in the DALP for employment purposes, meaning that a development proposal is likely to come forward later.

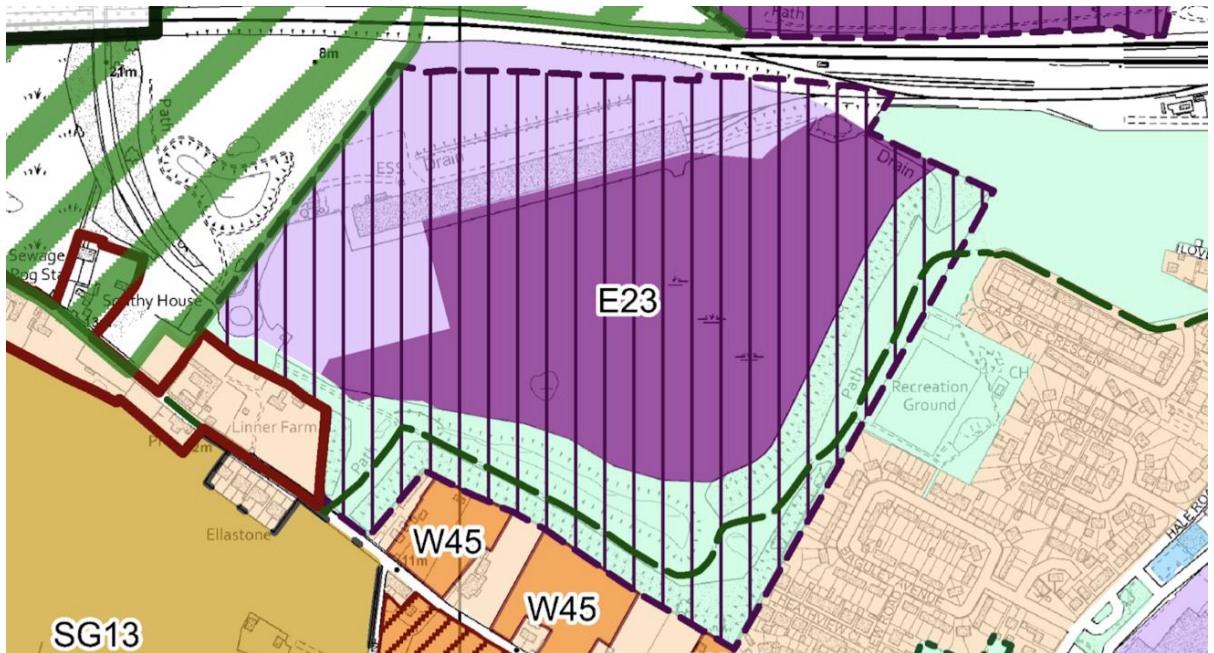


Figure 4: Map Extract indicating development site designated as Employment Allocation, Primarily Employment and Greenspace (DALP Proposals Map)

As stated previously, the most efficient highway layout would be to use the existing roundabout as the main point of access into the site. This would also direct traffic and road infrastructure away from residential areas and Halebank Conservation Area. Any surplus areas not required to accommodate the existing development should be amalgamated with Halebank Park in order to satisfy HE4 which seeks the expansion of Greenspace.

It is noted that 'landscaping' is specifically referenced in the description of development for the application proposal. The Design and Access Statement (Page 15) refers to, 'new naturalistic tree planting and shrubs to provide visual softening of the proposed building and to link up to the existing green infrastructure surrounding the site'. However, other than scant indicative planting around the parking areas (Site Layout Plan- Drawing No. 2999-P100), there is no landscaping detail provided within the application submission.

HBPC is of the view that high quality landscaping proposals are key to the acceptability of the proposals in relation to residential amenity, particularly in terms of visual and acoustic screening. A comprehensive scheme to enhance Halebank Park, which will support biodiversity and contribute to the quality of the environment is required along with measures to ensure future management and maintenance are secured.

In the absence of detailed a detailed landscaping scheme, HBC cannot be satisfied that the requirements of DALP Policy HE4, HE5: Trees and Landscaping; GR1: Design of Development and GR2: Amenity are met in respect of the proposed treatment of Halebank Park.

If this information is subsequently provided by the applicant, HBC should impose planning conditions to guarantee that Halebank Park be accessible to the public at all times and also to ensure that landscaping works are completed prior to the first use of the development. Ongoing maintenance and management of greenspace within the site must be secured by planning obligation.

Other Matters

Planning Permission granted under reference 15/00549/FULEIA (later non-material amendment granted under 17/00035/NMA) was subject to 34 conditions of approval. Many of the conditions of approval were required to be discharged prior to commencement, occupation or use of the development. Subsequent applications 17/00183/S73 and 17/00296/COND indicate the following progress in relation to discharging conditions attached to 15/00549/FULEIA:

No	Type	Requires	Discharged
4	Prior to Commencement of any development	CEMP to be submitted to & approved in writing by the LPA	No record of discharge
5	Prior to Commencement of any development	Programme of Archaeological work to be submitted to & approved in writing by the LPA	No record of discharge
6	Prior to Commencement of any development	Site Wide Waste Management Plan & Materials Management Plan to be submitted to & approved in writing by the LPA	No record of discharge
7	Prior to Commencement of any development	Environmental Landscape Management Plan including management and maintenance scheme to be submitted to & approved in writing by the LPA	No record of discharge
8	Prior to commencement of any drainage work	Detailed Drainage Scheme to be submitted to & approved in writing by the LPA	Varied to reflect phasing under 17/00183/S73
9	Prior to implementation or installation of any hard surfacing	Full details of materials to be submitted to & approved in writing by the LPA	No record of discharge
10	Prior to the commencement of any pond	EMP to be submitted to & approved in writing by the LPA	No record of discharge
11	Prior to the commencement of any above ground construction	Samples and/or full specification of external materials to be submitted to & approved in writing by the LPA	Discharged 17/00296/COND

12	Prior to the implementation or installation of sprinklers, pump house, Ring Main Unit, Gas Governor, substation, bus stop or security barrier	Full specification details to be submitted to & approved in writing by the LPA	Partial discharge 17/00296/COND only application to Ring Main Unit and Gas Governor
18	Prior to Occupation	Soft Landscaping Works to be carried out unless alternative timescale agreed in writing by the LPA	No record of discharge
19	Prior to Commencement of Use	Travel Plan to be submitted to & approved in writing by the LPA	No record of discharge
20	Prior to Occupation	Cycle Parking provided in accordance with approved plans	Not in accordance with plans
21	Prior to Occupation	Access, service and parking area laid out and surfaced in accordance with approved plans	Parking not in accordance with approved plans
22	No part of the development to be brought into use	Until Silent warning methodology and/or methodology to be used during the movement of trains submitted to & approved in writing by the LPA	No record of discharge
23	Prior to Commencement of Use	Remediation Verification Plan to be submitted to & approved in writing by the LPA	Discharged 17/00296/COND
24	Prior to Commencement of Use	Verification Report in accordance with Verification Plan to be submitted to & approved in writing by the LPA	Discharged 17/00296/COND
26	Prior to Commencement of Use	Operational Waste Management Plan to be submitted to & approved in writing by the LPA	Discharged 17/00296/COND
27	No part of the development to be brought into use	Scheme of pond replacement implemented in full in accordance with a detailed scheme submitted to & approved in writing by the LPA	No record of discharge
29	No part of the development to be brought into use	Until physical control measures have been provided in accordance with details submitted to & approved in writing by the LPA	No record of discharge
30	No part of the development to be brought into use	Footway and Cycleway between Lovel's Way and Cycle storage area provided in accordance	No record of discharge

with details submitted to &
approved in writing by the LPA

It appears that there are twelve conditions for which there are no records to indicate discharge suggesting that these conditions may be in breach. This calls into question the validity of 15/00549/FULEIA. Given HBC's ongoing interest in the application site as landowner, it is incumbent that any potential planning breaches are investigated and resolved expediently.

There are implications as to the land value of the site, as well as ongoing complications which affect the application proposal. For example, the lack of landscaping proposals as part of the current submission is likely due to the landscaping works approved under 17/00035/NMA (Drawing No. D5446.0011) not having been implemented, managed and maintained in accordance with Conditions 7 and 18.

Executive Summary

HBPC does not object to the principle of development of the site for employment purposes. However, HBPC strongly objects to the application proposal in relation to the following:

1. The application proposal seeks to bring development closer to the neighbouring residential areas (than Alstom) and adjacent to the boundary of the Halebank Conservation Area. Despite these obvious constraints, the application seeks a much larger development and unrestricted hours of operation.
2. The current application does not respect the parameters set by the approved Alstom development in respect of building height and hours of operation.
3. Proposed new roundabout does not make best use of and undermines public funds spent on the A5300 Road Improvement Scheme.
4. Proposed new roundabout adjacent to the boundary and harmful to the setting of Halebank Conservation Area.
5. Unnecessary, dangerous proposed road through Halebank Park, which is protected Greenspace. The road is claimed to be for buses. However, there are no public bus services on Halebank Road and any future private shuttle bus service does not justify the resultant harm to a public amenity space/park.
6. Air Quality and Noise Impacts arising from the proposed generation of circa 2,525,968 HGV trips per annum and 364,000 car journeys (staff) per annum.
7. Noise Impacts unquantified and no acoustic mitigation proposed as site plant equipment unknown as end-user is not identified.
8. Operational hours must be restricted between 2300-0700 by planning condition (imposed on Alstom development).
9. Artificial Light Nuisance unquantified as External Lighting Scheme and Lighting Assessment unknown as end-user not identified.
10. The proposed building exceeds 18m in height and must be restricted to the height of Alstom (12m).
11. There are no landscaping proposals.

12. The applicant relies on planning permissions previously granted for the site (15/00549/FULEIA and 17/00035/NMA) However, there were 34 conditions of approval, the majority of which do not appear to have been discharged. Given HBC's interest in the site as landowner, it is incumbent in the Council to ensure that all potential planning breaches are resolved before further development is allowed.

UPDATED HALEBANK PARISH COUNCIL OBSERVATIONS RECEIVED
26.09.2022

We act on behalf of Hale Bank Parish Council (HBPC) and refer to the above referenced planning application for Storage, Distribution and Office development on land at HBC Fields, Lovel Way, WA8 8WQ.

We note that the applicant has submitted additional information and revised plans to address the range of issues raised in consultation responses from statutory (including HBPC) and non-statutory consultees. We note that there are currently objections to the proposals from several other statutory consultees including the Environment Agency, the Local Lead Flood Authority (LLFA) and Highways. Moreover, the information initially submitted was deficient to satisfy MEAS, Natural England, Network Rail and Environmental Protection Officers.

We wrote previously on 29 April 2022 raising objections in relation to the impacts of development on Access and Highways; Residential Amenity; Visual Amenity/ The setting of Halebank Conservation Area and Greenspace. The purpose of this representation is to set out HBPC's revised position on those issues in light of the additional information and revised proposals submitted recently by the applicant.

Access and Highways

HBPC welcomes the revised access arrangements (Drawing No. 80191-CUR-00-XX-DR-TP-75001-P05) as the previously proposed new roundabout and bus route through Halebank Park to Halebank Road have been removed in accordance the request made in our letter of 29 April 2022.

The only access now proposed from Halebank Road is restricted to pedestrians, cyclists and emergency vehicles. In the interests of highway safety, to minimise impacts on local residents and to preserve Halebank Park as a public amenity, it is necessary to impose a planning condition to ensure that no motorised traffic shall be permitted at any time to gain access to or egress from Halebank Road.

There is no information at present to confirm how this will be achieved. Therefore, HBPC suggests that the local planning authority (LPA) impose the following planning condition to ensure that access is restricted in perpetuity:

"No development shall take place until full details of a scheme to prevent motorised traffic (except for emergency response vehicles) from gaining access to or egress from Halebank Road, has been submitted to and approved in writing by the local planning authority. The scheme shall include full details of

pedestrian and cycle access, and vehicular access-controlled gates, boundary treatment and appropriate signage. The approved scheme shall be implemented and completed prior to the first occupation of the development hereby approved and thereafter maintained in perpetuity.”

Subject to the imposition of the above worded condition, HBPC would no longer object to the proposals on highway/access grounds provided that Halton Borough Council (HBC), Knowsley Metropolitan Borough Council (KMBC) Highways Authority and National Highways (NH) are satisfied with the revised proposals and additional information (regarding both the construction period and post-completion of the development) and that all planning conditions suggested by the statutory Highways Bodies are duly imposed in any planning approval.

Residential Amenity- Noise Impacts

HBPC sustains its objections to the proposal on the grounds of noise related nuisance which will have a negative impact on the living conditions of residents in the surrounding area of Halebank.

It is clear from the information provided by the applicant's Acoustic Consultant (E3P) that there will be detrimental noise impacts as a 'Noise Management Plan' is recommended. HBPC agrees with HBC's Environmental Protection Officer that any such plan will not be enforceable in practice and that objective noise protection measures should be formalised through the planning process. Planning conditions imposed on previously approved proposals for development of the application site (15/00549/FULEIA and 17/00035/NMA) restrict road and rail movement to and from site between 2300-0700 to avoid noise impacts on residents. HBPC suggests that the same condition be imposed in any subsequent permission granted.

When a prospective end-user for the site is identified a bespoke Acoustic Impact Assessment will be required. At that point, it is open for an end-user of the development to vary the restricted operating hours condition if this can be justified by compelling viability evidence and appropriate acoustic mitigation measures.

There is no information at present to confirm how this will be achieved. Therefore, HBPC suggests that the local planning authority (LPA) impose the following planning condition to ensure that an appropriate scheme for noise attenuation is provided and implemented to the satisfaction for the LPA prior to occupation:

“Prior to occupation, details of a scheme for noise attenuation shall be submitted to and approved in writing by the LPA. The approved scheme shall be implemented in full prior to occupation and use of the site”

Residential Amenity- Artificial Light Nuisance

HBPC's previous concerns regarding artificial light nuisance are satisfied by the additional information provided (document reference M2999-AFC-SW-XX-DR-E 9001 P02). Appropriate provision of lighting can be secured by the LPA via the imposition of standard planning conditions.

Visual Amenity

The existing building on site (Alstom) has an acceptable impact on the visual amenity of the surrounding area because it is 12650mm in height. The applicant's submission (Paragraph 8.99 EIA) describes the building as having a 'long, low profile' with public views towards the building, 'filtered by a hedgerow'.

There is no end-user for the facility currently proposed. Therefore, there is no business case or evidence-based justification for the proposed building excessive height of 18000mm, which will have a transformative visual impact on the surrounding area to the detriment of residential amenity and the setting of Halebank Conservation Area.

HBPC remains of the view that there is no justification for the proposed building to exceed the height of 12650mm, being that of the buildings permitted by HBC under 15/00549/FULEIA and 17/00035/NMA. The scheme ought to be amended accordingly or planning permission refused.

Greenspace

The applicant has submitted a partial landscaping scheme in conjunction with a landscape management plan. Landscaping proposals are welcomed by HBPC.

However, it remains that there is a large proportion of the application site for which there are no apparent landscaping proposals. The area which has been missed from the landscaping scheme is circled in Figure 1 overleaf. The area identified is linear and parallel to Halebank Road. The lack of landscaping proposals for this area exacerbate the concerns for the visual amenity of surrounding area in views from Halebank Road and Halebank Conservation Area.

A landscaping scheme and suitably worded conditions to secure implementation and future management of ongoing management works for the whole application site is required in order for the development to be acceptable in accordance with DALP Policy HE4.



The provision of landscaping proposals for the application site as a whole must be provided prior to determination.

The implementation of, and ongoing management responsibility for landscaping, including replacement of any defective species for five years from planting should be secured prior to occupation/ the development being brought into use via the imposition of standard planning conditions. However, at present the landscaping proposals are deficient and incomplete.

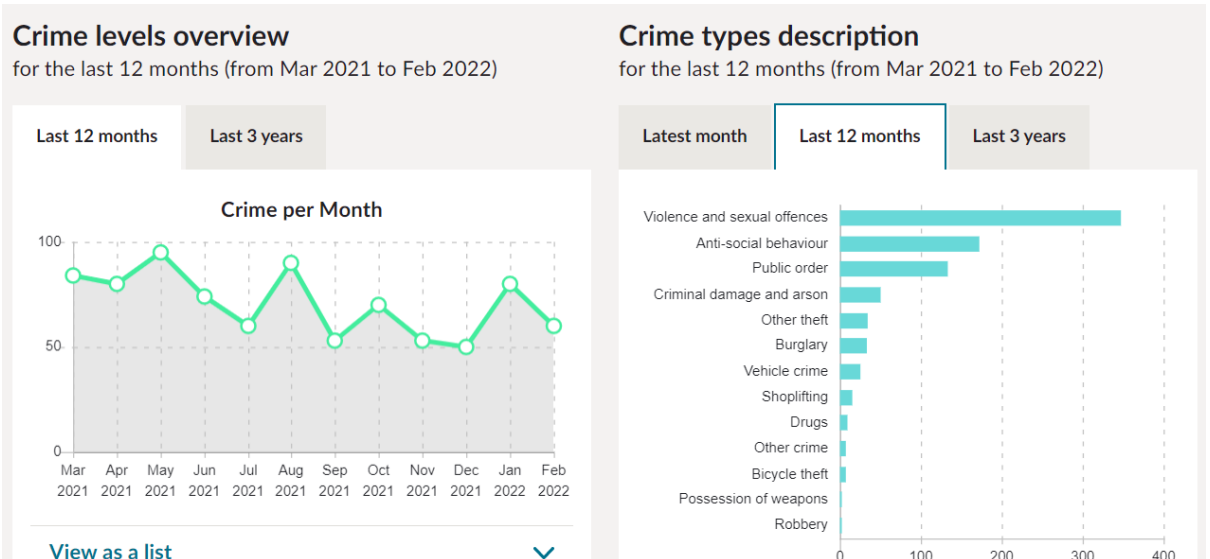
In summary, HBPC acknowledges that the principle of development is acceptable. HBPC's previous concerns regarding highways, access and artificial light nuisance appear to be resolved subject to the imposition of conditions as suggested. However, the proposed height of the building, the noise impacts of the development once in operation and the incomplete landscape proposals remain unacceptable. Therefore, HBPC's objections on these issues are sustained.

In addition, there significant concerns raised by other statutory consultees which need to be resolved.

1.15 Cheshire Police

ORIGINAL CHESHIRE POLICE OBSERVATIONS RECEIVED 05.04.2022

Below is a summary of the volume and types of crime in the Halebank ward over the last twelve months.



I wish to make the following points for consideration by the applicant:

- It is good to see there is reference in the Design and Access Statement (DAS) has a statement claiming to 'promote safe and secure environments through the inclusion of measures to address crime, fear of crime and antisocial behaviour.' However, there does not appear to be much reference to how this will be achieved.
- The security gatehouses at the entrance and exit points will enhance overall security of the site. Consideration needs to be given to what access control will be in place for the staff vehicle entrance point.
- It is good to see there is tree planting in place to soften the environment but a maintenance plan will need to be put in place. As a general recommendation, where good visibility is needed, shrubs should be selected to have a mature growth height no higher than 1 metre and trees should not branches, foliage and growth below 2 metres to allow a 1-metre clear field of vision.
- It is positive that the front entrance points to the buildings are close to the staff car park so there is good natural surveillance over the area.
- It is good to see that the building is designed without any recesses or alcoves.

BOUNDARY TREATMENT, SECURITY AND GATES

- In most situations, a 2.4 metre high heavy-duty security mesh fence should be used to mark the perimeter of the site.

ACCESS CONTROL

- Access Control to the main reception area needs to be considered. Once people are in this reception area it is important that access is restricted to the rest of the site and there is a good quality access control system fitted to enable access to the wider area for staff. The Access control system must comply with UL293.

CCTV

- CCTV should be installed on the site for the purpose of assisting in crime prevention and detecting crime. CCTV will only work as part of an overall security package and not in isolation. Before CCTV is installed, a clear purpose for its use needs to be defined.

VEHICLE PARKING

- Lighting in the car park should comply with British standard 5489-1:2020.
- CCTV should be installed to cover the car park and this should be integrated with the CCTV throughout the rest of the site. CCTV should monitor all vehicles entering the site and provide a general over view of movement round the site.

BICYCLE AND TWO WHEELED PARKING

The cycle stand should be erected in an area with good natural surveillance or covered by CCTV. Provision should be made within the cycle shelter for locking both wheels and crossbar to the stand. Any external container which is proposed should aim to be tested to a minimum standard of LPS1175 issue 7 SR1 or LPS1175 issue 8:2018 A1 SR or STS202 BR1 or LPS2081 issue 1 (2015) security rating A or Sold Secure (bronze, silver or gold).

TELECOMMUNICATIONS AND ACCESS COVERS

- There should be a secure plant room on site with restricted access to prevent anyone being able to tamper with system.
- Similarly any accessible utility covers should be tamper proof to prevent unauthorised access.
- It needs to be ensured that there is sufficient capacity and security on the telephone line to prevent possible disruption to fire or intruder alarms.

EXTERNAL LIGHTING

- Lighting has a very important part to play not only in aesthetics, but also in the security of buildings and grounds. Lighting will assist surveillance and make the area unattractive to the criminal element.
- All lighting should comply with British standard 5489-1:2020. Attention should be paid so that lighting provides a uniform coverage without creating any pools or shadows.

BUILDING SHELL SECURITY AND WALL CONSTRUCTION

- The number of doors on site should be suitable for the operational and safety requirements of the site and installed for a purpose. All door hardware should be securely fixed to the fabric of the building.
- The walls of the building should be designed to be resistance to attack and consideration should be given to the use of welded steel mesh or insulated steel cladding to reinforce the walls.
- Consideration should be given to access controlled doors for private staff areas.

DOOR SETS

- Door sets should comply with one of the following minimum standards LPS 1175 Issue 7 SR 2 or equivalent.
- To meet Secured by Design criteria the doors (and also windows) must be certified by one of the Secured by Design member companies and the relevant certification provided to the Designing out Crime Officer before the development can be certified to Secured by Design standards
- Recessed door sets should be avoided to help reduce crime and antisocial behaviour.

WINDOWS

- All ground floor and accessible glazing should be a minimum of one panel of 6.4mm laminated glass. The minimum standards for windows are LPS 1175 Issue 7 SR 1 or equivalents. Restrictors or locks must be fitted to any opening panels.

ROLLER SHUTTERS AND GRILLS.

- All shutters should comply with LPS 1175 SR 2 or equivalent.

INTRUDER ALARM SYSTEMS

- A Commercially Monitored Remote Signaling Intruder Alarm should be fitted. Panic facilities should be also fitted where appropriate. Currently only two such organisations are accepted by the police. These organisations will give you details of member companies who operate in your local area.

The National Security Inspectorate (NSI)

The Security Systems and Alarm Inspection Board (SSAIB)

Police recognised installers are able to obtain a Unique Reference Number (URN) for each installation. When the alarm activates, the Alarm Receiving Centre will quote this URN to the police on a dedicated telephone number. The URN will allow the police to locate the correct record for the premises and respond. This response is dependent upon compliance with the ACPO Security Systems Policy and the nature of demand, priorities and resources which exist at the time a request for police response is received.

CONSIDERATE CONSTRUCTOR'S SCHEME

Untidy sites and their surroundings can result in easily accessible debris that can be used to commit damage to the site. Appropriate measures should be taken to secure the site to help control unauthorised access during construction and It is recommend that the site applies to be a member of the 'Considerate Construction scheme' to show they have committed to be a good neighbour, be environmentally friendly and work in the most respectful way possible while being accountable for their actions.

General Information for Applicants

A design objective of the National Planning Policy Framework [NPPF], - Section 8, paragraph 92b states that planning policies and decisions should aim to achieve healthy, inclusive and safe places which:

b) are safe and accessible, so that crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion – for example through the use of attractive, well-designed, clear and legible pedestrian and cycle routes, and high quality public space, which encourage the active and continual use of public areas;

I recommend that all developments be designed to comply with the principles of Secured by Design (SBD) regardless of whether the award is being pursued. I would however welcome a Secured by Design Application for the scheme, which would enhance the development and provide greater benefits.

Applicants can get more information about Secured by Design (including Design Guides) available at www.securedbydesign.com.

BREEAM

If the applicant is applying for BREEAM, then a Security Needs Assessment is required for the development. This can be obtained by a suitably qualified specialist (including myself or one of my DOCO colleagues).

Crime Impact Statements

Depending on the scale, (usually major or significant) applications may require a Crime Impact Statement. Again these can be obtained by a qualified specialist including DOCOs and this may be a separate statement or be included in the Design and Access Statement.

In the case of larger developments: Other crime reduction initiatives are also available for the applicant to consider, for example, Secured Environments (www.securedenvironments.com) and the Park Mark Award (www.parkmark.co.uk). Further information is also available from www.securedbydesign.com.

FURTHER CHESHIRE POLICE OBSERVATIONS RECEIVED 30.08.2022

I have no further comments to add to this development following my comments in May 22.

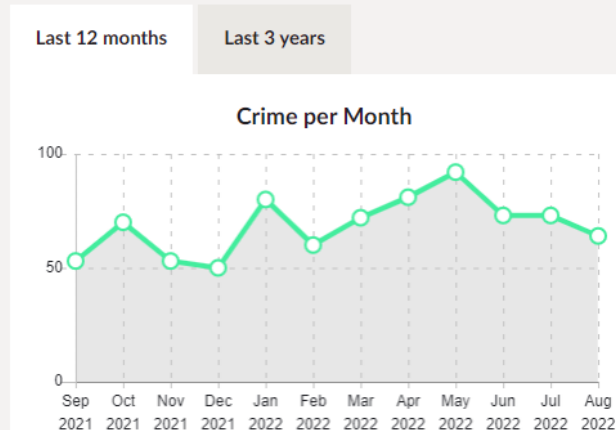
The 24 / 7 nature of the site will help enforce security.

FURTHER CHESHIRE POLICE OBSERVATIONS RECEIVED 18.10.2022

The Graph and chart below show the levels and type of crime in the wider ward area over the last 12 months.

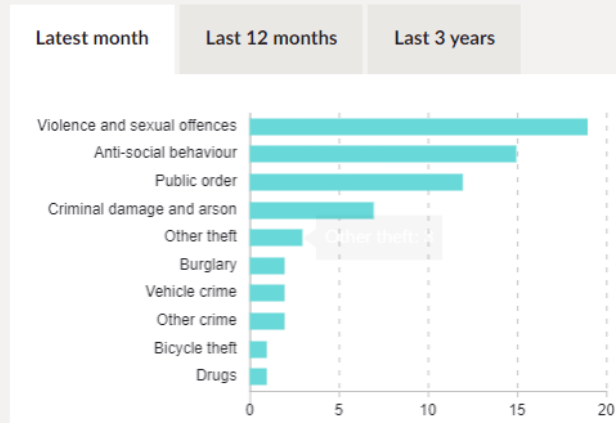
Crime levels overview

for the last 12 months (from Sep 2021 to Aug 2022)



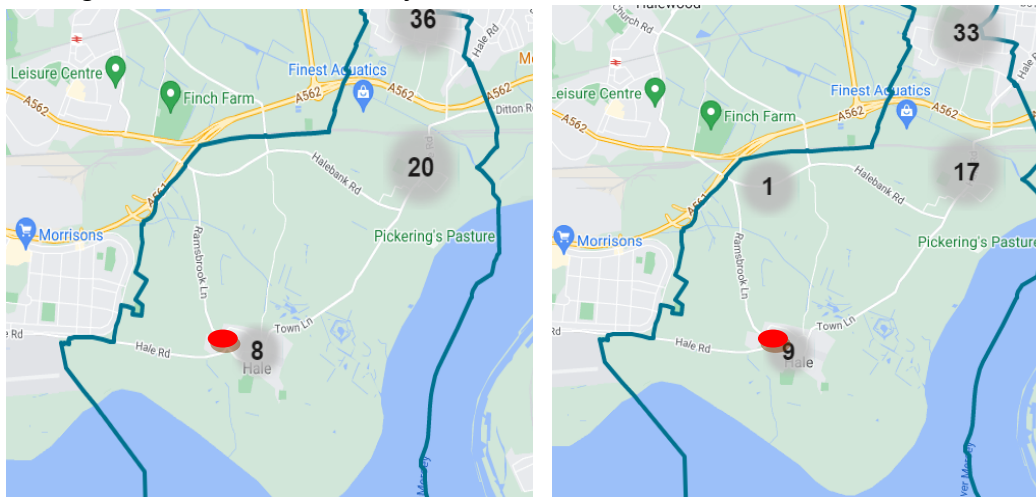
Crime types description

for the latest month (Aug 2022)



The type of crimes reported above provide no specific threat to an industrial unit. Threats to the unit include possibility of burglary, antisocial behaviour, theft of plant, theft from vehicles, theft of bikes, unauthorised encampments etc although there is no evidence to suggest this site would be at any more specific risk than any similar industrial units in the Halton area.

The maps below show the crime in the sider ward area and the location of site in August 2022 and February 2022.



I wish to make the following points for consideration by the applicant:

- It is good to see that there is access control in the form of a gatehouse for the lorries. Consideration will need to be given to the management procedures around operating this to maintain maximise effectiveness. The goods in and out marshalling will also increase the natural surveillance round the site.
- Access control should also be implemented for any private vehicle and pedestrian access points round the site.
- Lighting in the car park and high use areas should comply with BS 5489:1-2020

- Adequate provision has been made for use of cycles with clearly defined cycle routes and cycle storage for the anticipated number of cyclists. The cycle storage area has good natural surveillance being close to the main entrance to the building, consideration should be given to whether this needs to be reinforced with CCTV coverage.
- The cycle store should be securable and the individual cycle stands must facilitate the locking of both wheels and the cross bar and be lit after dark when in use. Minimum requirements for such equipment are:
 - Galvanised steel bar construction (minimum thickness 3mm) filled with concrete.
 - Minimum foundation depth of 300mm with welder anchor bar.
- CCTV should be considered round the perimeter of the building to improve general site safety and assist with the prevention and detection of crime. CCTV must be installed to BS EN 50132-7: 2012.
- All ground floor or accessible windows should comply to the below standards and should incorporate one pane of 6.4mm laminated glass.
- Electronic access control for certain entrances, areas and floors of the building would need to be considered. It may be that the office access needs separate access privileges, so it is not vulnerable to intrusion by external delivery companies etc. This will help deter crime and casual intrusion into these areas. Access controlled areas ideally would be auditable.
- Doors and windows should be a minimum standard of LPS 1175 SR2 or equivalents, shutters or bollards should also be put in place where required.
- Maintenance of the site should also be considered. The crown of any trees should be above 2 metres and any shrubs a maximum of 1 metre to maximise natural surveillance across the site.

It was interesting to see that there was a large sustainability section in the Design and Access statement however no reference was made to the carbon cost of crime. Not only would a development which is built to Secured by Design standards be less vulnerable to crime, safer for the community and help to satisfy both local and national planning policy but it would also help to reduce the carbon footprint of this area. There is a carbon cost in relation to crime with offenders/the police getting to the area and the associated replacement of items such as windows and doors etc due to criminal activity. A development which has Secured by Design accreditation has 87% less burglary, 25% less vehicle crime and 25% less criminal damage so clearly the carbon cost of crime is reduced as a result.

General Information for Applicants

A design objective of the National Planning Policy Framework [NPPF], - Section 8, paragraph 92b states that planning policies and decisions should aim to achieve healthy, inclusive, and safe places which:

b) are safe and accessible, so that crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion – for example using attractive, well-designed, clear and legible pedestrian and cycle routes, and high-quality public space, which encourage the active and continual use of public areas.

I recommend that all developments be designed to comply with the principles of Secured by Design (SBD) regardless of whether the award is being pursued. I would however welcome a Secured by Design Application for the scheme, which would enhance the development and provide greater benefits.

Applicants can get more information about Secured by Design (including Design Guides) available at www.securedbydesign.com.

1.16 National Highways

ORIGINAL NATIONAL HIGHWAYS OBSERVATIONS RECEIVED 28.03.2022

Referring to the consultation on a planning application dated 25th March 2022 referenced above, in the vicinity of the M62 & M57 motorways that forms part of the Strategic Road Network, notice is hereby given that National Highways' formal recommendation is that we offer no objection.

FURTHER NATIONAL HIGHWAYS OBSERVATIONS RECEIVED 06.10.2022

Referring to the consultation on a planning application dated 5th October 2022 referenced above, in the vicinity of the M62 & M57 motorways that forms part of the Strategic Road Network, notice is hereby given that National Highways' formal recommendation is that we offer no objection.

1.17 Environment Agency

ORIGINAL ENVIRONMENT AGENCY OBSERVATIONS RECEIVED 23.05.2022

Environment Agency Position

In the absence of an acceptable Flood Risk Assessment (FRA) we object to this application and recommend that planning permission is refused. Reason The submitted FRA (Reference: 5862-JPG-XX-XX-RP-D-0620-S2-P02. Prepared by JPG Group/HBC Fields, dated January 2022) does not comply with the requirements for site-specific flood risk assessments, as set out in paragraphs 30 to 32 of the Flood Risk and Coastal Change section of the planning practice guidance. The FRA does not therefore adequately assess the flood risks posed by the development.

In particular, the FRA fails to state the finished floor levels/ground levels of the area within Flood Zone 2 and 3. In section 7 [Conclusions], the FRA states that the higher risk area of the site in Flood Zone 2 and 3 will be mitigated by minimal changes to levels on the site, however these levels are not stated clearly within the FRA.

Overcoming our objection To overcome our objection, the applicant should submit a revised FRA which addresses the points highlighted above by clearly stating the level to which the areas at flood risk would be built to.

If this cannot be achieved, we are likely to maintain our objection. Please re-consult us on any revised FRA submitted and we'll respond within 21 days of receiving it.

FURTHER ENVIRONMENT AGENCY OBSERVATIONS RECEIVED
06.09.2022

Environment Agency Position

We have reviewed the Flood Risk Assessment (FRA) by JPG (ref. 5862-JPG-XX-XX-RP-D-0620-S2-P04), dated 20th July 2022, submitted as part of the Environmental Statement Addendum Volume 3: Appendices (dated August 2022). We are satisfied that the revised FRA addresses the concerns raised in our previous response.

Therefore, the proposed development will only meet the requirements of the National Planning Policy Framework in relation to flood risk if the following planning condition is included.

Condition

The development shall be carried out in accordance with the submitted Flood Risk Assessment by JPG (ref. 5862-JPG-XX-XX-RP-D-0620-S2-

P04), dated 20th July 2022, and the following mitigation measures it details:

- Finished floor levels shall be set no lower than 10.50 metres above Ordnance Datum (AOD) (Appendix I)
- Compensatory flood storage shall be provided with a minimum volume of 300m³ (Section 5.1 and Appendix K)

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.

Reasons

- To reduce the risk of flooding to the proposed development and future occupants
- To prevent flooding elsewhere by ensuring that compensatory storage of flood water is provided

FURTHER ENVIRONMENT AGENCY OBSERVATIONS RECEIVED 06.10.2022

We have no further comments to add to our letter dated 06 September 2022, our reference SO/2022/122022/02-L01.

1.18 Cadent Gas

CADENT GAS OBSERVATIONS RECEIVED 28.03.2022

Your planning application – No objection, informative note required

We have received a notification from the LinesearchbeforeUdig (LSBUD) platform regarding a planning application that has been submitted which is in close proximity to our medium and low pressure assets. We have no objection to this proposal from a planning perspective, however we need you to take the following action.

What you need to do

To prevent damage to our assets or interference with our rights, please add the following **Informative Note** into the **Decision Notice**:

Cadent Gas Ltd own and operate the gas infrastructure within the area of your development. There may be a legal interest (easements and other rights) in the land that restrict activity in proximity to Cadent assets

in private land. The applicant must ensure that the proposed works do not infringe on legal rights of access and or restrictive covenants that exist.

If buildings or structures are proposed directly above the apparatus the development may only take place following diversion of the apparatus. The applicant should apply online to have apparatus diverted in advance of any works, by visiting cadentgas.com/diversions

Prior to carrying out works, including the construction of access points, please register on www.linesearchbeforeudig.co.uk to submit details of the planned works for review, ensuring requirements are adhered to.

Your responsibilities and obligations

Cadent may have a Deed of Easement on the pipeline, which provides us with a right of access for a number of functions and prevents change to existing ground levels, storage of materials. It also prevents the erection of permanent/temporary buildings, or structures. If necessary Cadent will take action to legally enforce the terms of the easement.

This letter does not constitute any formal agreement or consent for any proposed development work either generally or related to Cadent's easements or other rights, or any planning or building regulations applications.

Cadent Gas Ltd or their agents, servants or contractors do not accept any liability for any losses arising under or in connection with this information. This limit on liability applies to all and any claims in contract, tort (including negligence), misrepresentation (excluding fraudulent misrepresentation), breach of statutory duty or otherwise. This limit on liability does not exclude or restrict liability where prohibited by the law nor does it supersede the express terms of any related agreements.

1.19

SP Energy Networks

**ORIGINAL SP ENERGY NETWORKS OBSERVATIONS RECEIVED
29.03.2022**

I have reviewed the proposals and provide comments for SP Energy Networks who operate and manage the electricity network up to 132kV on behalf of the licenced network operator, SP Manweb, for the area including the application site. In general, SP Energy Networks has no objection to the proposed development shown on the attached layout

plan subject to required measures to protect SP Manweb network assets and ensure safe working around the affected network.

The applicant must be made aware of the need to work safely around these assets. There would need to be safe working during construction and post construction and unfettered long term access.

The applicant should be advised of this in an informative added to any consent and also prior to starting work on site to contact the SP Energy Networks to discuss diverting any directly affected assets <https://www.spenergynetworks.co.uk/pages/diversion.aspx> . Guidance on this matter can also be found here <https://www.hse.gov.uk/pubns/priced/hsg47.pdf> and <https://www.hse.gov.uk/pubns/gs6.pdf> .

1.20 Network Rail

ORIGINAL NETWORK RAIL OBSERVATIONS RECEIVED 28.03.2022

Network Rail has the following comments:

(1)

Applications that are likely to generate an increase in trips under railway bridges may be of concern to Network Rail where there is potential for an increase in 'Bridge strikes'. Vehicles hitting railway bridges cause significant disruption and delay to rail users. Consultation with the Asset Protection Engineers is necessary to understand if there is a problem. Developers will be liable for the cost of any necessary bridge protection barriers.

Where low bridges may be impacted by the proposal the applicant may also need to contact the local Highways Agency to liaise with them over the erection of signage.

(2)

- Details of proposed transformer/substation locations (if applicable) to be submitted to Network Rail for acceptance due to risk of electro-magnetic interference with Signalling equipment.
- Details of procedures if the plant were to fault and overheat resulting in fire which could impact the railway infrastructure.

(3)

If vibro-compaction machinery / piling machinery or piling and ground treatment works are to be undertaken as part of the development, details

of the use of such machinery and a method statement must be submitted to the Network Rail for agreement.

- All works shall only be carried out in accordance with the method statement and the works will be reviewed by Network Rail. The Network Rail Asset Protection Engineer will need to review such works in order to determine the type of soil (e.g. sand, rock) that the works are being carried out upon and also to determine the level of vibration that will occur as a result of the piling.
- The impact upon the railway is dependent upon the distance from the railway boundary of the piling equipment, the type of soil the development is being constructed upon and the level of vibration. Each proposal is therefore different and thence the need for Network Rail to review the piling details / method statement.

Maximum allowable levels of vibration - CFA piling is preferred as this tends to give rise to less vibration. Excessive vibration caused by piling can damage railway structures and cause movement to the railway track as a result of the consolidation of track ballast. The developer must demonstrate that the vibration does not exceed a peak particle velocity of 5mm/s at any structure or with respect to the rail track.

(4)

The NPPF states:

“178. Planning policies and decisions should ensure that:

a) A site is suitable for its proposed use taking account of ground conditions and any risks arising from land instability.”

And

“163. When determining planning applications, local planning authorities should ensure flood risk is not increased elsewhere.”

In order to comply with the NPPF, the applicant must ensure that the proposal drainage does not increase Network Rail's liability, or cause flooding pollution or soil slippage, vegetation or boundary issues on railway land. Therefore, the proposed drainage on site will include the following:

- All surface waters and foul waters must drain away from the direction of the railway boundary.
- Soakaways for the proposal must be placed at least 30m from the railway boundary.
- Any drainage proposals for less than 30m from the railway boundary must ensure that surface and foul waters are carried from site in closed sealed pipe systems.
- Suitable drainage or other works must be provided and maintained by the developer to prevent surface water flows or run-off onto Network Rail's land and infrastructure.

- Proper provision must be made to accept and continue drainage discharging from Network Rail's property.
- Drainage works must not impact upon culverts, including culverts/brooks etc that drain under the railway. The applicant will not be permitted to direct surface or foul waters into culverts which run under the railway – any discharge of surface water under the railway via a culvert will require review and agreement from Network Rail who reserve the right to refuse use of any culverts.
- The developer must ensure that there is no surface or sub-surface flow of water towards the operational railway.

NB: Soakaways can materially affect the strength of soil leading to stability issues. A large mass of water wetting the environment can soften the ground, and a build-up of water can lead to issues with the stability of Network Rail retaining walls/structures and the railway boundary. Network Rail does not accept the installation of soakaways behind any retaining structures as this significantly increases the risk of failure and subsequent risk to the travelling public.

If the developer and the council insists upon a sustainable drainage and flooding system then the issue and responsibility of flooding, water saturation and stability issues should not be passed onto Network Rail. We recognise that councils are looking to proposals that are sustainable, however, we would remind the council that flooding, drainage, surface and foul water management risk as well as stability issues should not be passed '*elsewhere*', i.e. on to Network Rail land.

The drainage proposals are to be agreed with Network Rail and surface water drainage on the site should be removed by a closed sealed pipe system.

The HSE identifies railways as a Major Hazard Industry. An earthwork failure within a high-hazard area has the potential to result in a catastrophic accident with multiple fatalities or long-lasting environmental issues. It should be noted that where the actions of an adjacent landowner have caused a landslide on the railway the loss adjusters are likely to advise recovery of Network Rail costs from the 3rd party, which would include costs of remediation and recovery of costs to train operators. Many railway earthworks were constructed in the Victorian period and are susceptible to failure by water saturation. Water saturation leads to an increase in pore water pressure within the earthwork material. Please also note that railways, and former railway land adjacent to it, is considered as contaminated land due to historic use of railways, which can affect the suitability of infiltration drainage.

(5)

Please send the attached form directly to AssetProtectionLNWNorth@networkrail.co.uk – no works to commence until reviewed by Network Rail.

FURTHER NETWORK RAIL OBSERVATIONS RECEIVED

17.10.2022

This proposal is being monitored by Network Rail asset protection and therefore the works must be undertaken and agreed via them.

Network Rail gathers that the developer is working on the drainage for the site and it is proposed to drain to a watercourse on our site, this watercourse is then culverted under the west coast mainline. The applicant is advised that any surface waters must drain in the direction away from the railway and not into a culvert under the railway unless specific agreement with Network Rail has been agreed.

Network Rail will need to agree all:

- RAMs
- Drainage
- Earthworks
- Piling
- Scaffolding
- Boundary treatments (inc fencing and vegetation).

1.21 Knowsley Council

ORIGINAL KNOWSLEY COUNCIL OBSERVATIONS RECEIVED

13.05.2022

TRAFFIC IMPACT OF THE DEVELOPMENT

The growth factors derived through TEMPRO are acceptable. The committed developments which have been taken into consideration are also acceptable.

It is noted that National Highways have stated that they wish Tarbock Island to be assessed. The Highway consultants have provided reasoning as to why they do not need to assess Tarbock Island (i.e. the floor area they seek in addition to that already consented only results in a small amount of traffic). It has been 7 years since the original approval

for the site. A circa 50,000sqm employment site (regardless of the consented 40,000sqm) will impact upon the highway network.

National Highways should be reconsulted again as to the reasonings provided by the consultant

Traffic Distribution

It is noted that the trip distribution for the proposed development was discussed and agreed with Halton Council.

The distribution is not necessarily disagreed with, but it equally cannot be agreed. The distribution for a recently approved Halton Council scheme (adjacent to this site) has been utilised. However, the Transport Assessment for this scheme does not offer an appendix to support how the distribution was determined. It may be that this information was provided to Halton at a later date, but with due to a lack of supporting information, the distribution which has been adopted cannot be agreed too.

Trip Generation

A statement has been provided in the Transport Assessment in relation to Table 5.4. It is stated that the current trip generation of the completed unit on site is largely comparable to the original trip generation assessment offered as part of the original planning application. This is not agreed, as the actual PM trips are almost double that which were derived at the planning stage for assessment.

However, given that the current proposal is for entirely B8, the use of the previous 2015 trip rates is agreed.

Junction Models

Please refer to National Highways Comment above.

Lovels Way / Newstead Road roundabout

The inputted geometries for the model should be reviewed. For example, the ICD has been inputted as 28.5m, but highways own measurement places the ICD as circa 38m?

The Entry Width (e) for Newstead Road (N) has been inputted as 5m but, Knowsley highways measures this width as 7m?

Can it be clarified why the conflict angle for Newstead Road north has been inputted at 0 degrees?

PCUs have been used and HGV % has not been inputted as a result. Can it then be clarified that the PCUs inputted include HGVs? For example, 2027 + Com Dev PM has 162 left turning PCUs, but it isn't clarified whether the 25 HGVs also stated on the traffic flow diagrams have formed a part of these 162 PCUs

A300 Knowsley Express Way / Newstead Road/ A562

The full output results for the Linsig Model have not been provided. These will need to be provided so that a full assessment can be completed.

There is no mention of the traffic signal specifications being acquired so that a full assessment can be completed. These signal specifications will need to be acquired and used. Please contact Kirsty.Morris@Knowsley.gov.uk

Other Comments

The raw traffic survey data has not been provided. For a full assessment to be completed, this data will need to be provided

Accident data purchased from Knowsley Council will be reviewed. The council data is up to date and provides greater detail in comparison to 3rd party sources. Please contact Luke.Taylor@Knowsley.gov.uk to acquire this information for the latest 5 years

A standard TRO fee of £6500 + Commuted Sums + Any installation costs is sought to extend the existing No Waiting at Anytime TRO from the Knowsley Expressway Gyratory to incorporate Newstead Road and the Newstead Road / Lovel Way roundabout.

Environmental Health

Following on from our pre-application consultation, in which we explained that our main concern was with regards to air quality, they have carried out an assessment.

The report concludes that the operational impact of the development, on air quality, will be negligible / not significant.

Ecology (Habitat Regulations)

Given the available historic survey information it is considered that further non-breeding bird surveys are unlikely to be required. However, I advise that a desk-based review of available information (which includes available reports, data obtained from the County Bird Recorder and WeBS data) should be carried out and included as part of the HRA screening report. This screening should take account of the distance of the application site from potential functionally linked land, and any likely disturbance during construction and operation of the site. The updated HRA screening report is required prior to determination of the planning application. This relates to functionally linked land within Halton MBC boundaries, and unlikely to impact land within Knowsley MBC.

FURTHER KNOWSLEY COUNCIL OBSERVATIONS RECEIVED 21.09.2022

HIGHWAYS

KMBC Highways agree to the proposal in principle and have no objection to the scheme. This is largely based upon the permitted 40,000sqm of the scheme which could be built.

TRAFFIC IMPACT OF THE DEVELOPMENT

The growth factors derived through TEMPRO are acceptable. The committed developments which have been taken into consideration are also acceptable.

National Highways have been reconsulted again and they have confirmed that they are satisfied that no additional modelling of Tarbock Island is required. KMBC can also confirm, that based on the additional floor space proposed (circa 10,000sqm) that no further modelling (other than that already present as part of this application) need be provided.

Traffic Distribution

It is noted that the trip distribution for the proposed development was discussed and agreed with Halton Council. The distribution calculation has been provided to KMBC and the council has no reason to disagree with this distribution.

Trip Generation

A statement has been provided in the Transport Assessment in relation to Table 5.4. It is stated that the current trip generation of the completed unit on site is largely comparable to the original trip generation assessment offered as part of the original planning application. This is not agreed, as the actual PM trips are almost double that which were derived at the planning stage for assessment.

However, given that the current proposal is for entirely B8, the use of the previous 2015 trip rates is agreed.

Junction Models

Lovels Way / Newstead Road roundabout

Geometry queries made within the original response have been addressed and the traffic model's re-run. It has been confirmed that HGVs have been included as part of the PCU figures. The HGV % have also since been added to the models.

A300 Knowsley Express Way / Newstead Road/ A562

The full LinSig modelling outputs have now been provided

Other Comments

Raw traffic survey information has now been provided

The applicant has refused to purchase appropriate accident statistics from KMBC. The accident figures provided only account for incidents up to 2020. In the interests of public safety, KMBC have conducted their own review of accidents for 2021/2022. It should be noted that this is not typical and will not be accepted for future planning applications. However, it can be confirmed that KMBC have no particular concern as to accident clusters or the frequency of accidents for the study area.

ENVIRONMENTAL HEALTH

Following on from our pre-application consultation, in which we explained that our main concern was with regards to air quality, they have carried out an assessment.

The report concludes that the operational impact of the development, on air quality, will be negligible / not significant. Providing KMBC

Highways team accept the traffic assessment we are satisfied with these findings and have no further comments.

ECOLOGY

There would be no adverse impacts on any ecological sites within the KMBC boundary.

1.22 Liverpool Airport

ORIGINAL LIVERPOOL AIRPORT OBSERVATIONS RECEIVED 03.05.2022

We have assessed the above proposal in line with Aerodrome Safeguarding. We have found that the proposed works as stated above will have no impact on operations at LJLA; therefore we have **No Objections** to this application; However, after careful assessment and consideration, Liverpool Airport request one informative be imposed:

1. A informative be imposed which states that: ‘The contractor/developer should consult Liverpool Airport for permission to work if any crane or lifting equipment is to be used and its height exceeds 10 meters or that of the surrounding structures or trees. If deemed necessary due to the size of the crane an Instrument Flight Procedures (IFP) assessment will carried out. Any costs incurred in carrying out this assessment will be met by the developer.’

Reason: This informative is in the interests of Aviation Safety and in accordance with: Civil Aviation Publication (CAP) 738: ‘Aerodrome Safeguarding’, Civil Aviation Publication (CAP) 1096: ‘Guidance to crane users on the crane notification process and obstacle lighting and marking’, the British Standard Institute Code of Practice for the safe use of Cranes, BS 7212, Part 1 and the Construction Plant-hire Association (CPA) Technical Information Note TIN 039 ‘Operating Tower Cranes in the Vicinity of Aerodromes, Notification and En-route Obstacle Lighting’,

The nature of Instrument Flight Procedure (IFP) design also demands that a separate safeguarding assessment of proposed development or construction and temporary obstacles be undertaken against current and any possible future IFPs.

Notification should be made to the Airport via planning@liverpoolairport.com

It is important that any informative requested in this response are applied to a planning approval. Where a Local Planning Authority proposes to grant permission against the advice of Liverpool Airport Limited, or not

to attach the informative which Liverpool Airport Limited has advised, it shall notify Liverpool Airport Limited, and the Civil Aviation Authority as specified in the Town & Country Planning (Safeguarded Aerodromes, Technical Sites and Military Explosive Storage Areas) Direction 2002.

Liverpool Airport will need to object to these proposals unless the above mentioned informative/s is/are applied to any planning permission.

1.23 Liverpool City Council

**ORIGINAL LIVERPOOL CITY COUNCIL OBSERVATIONS
RECEIVED 25.04.2022**

Liverpool City Council would offer no objections to the proposal and considered that this development will have little impact on Liverpool roads being more concern to National Highways and Halton council.

1.24 Cheshire Fire and Rescue Service

Query sent by the Council - We would appreciate the observations of the Fire Authority in respect of access requirements to the site if the only vehicular access is over a railway bridge. Please note that this is same arrangement as the Alstom facility to the north of the application site which is operational. Does the Fire Authority have any issues with this arrangement? Would you expect to see an emergency link? If so, would access over Halebank Park from Halebank Road suffice?

Response received from Cheshire Fire and Rescue Service - I have spoken to operational crews at Widnes today and they have been to a few minor incidents at the Alstom site and used the bridge on every occasion. The bridge is suitable and robust enough for appliance access and they have no concerns. The Alstom site went through building regs consultation last year and the access was not a concern then, even without the potential alternative access route from Halebank Road. Whilst we can't force them to put in an alternative access route, we would highly recommend one from a worst case scenario perspective, where a fire incident occurs and the bridge is unavailable due to a road traffic accident on the bridge blocking our access for instance.