

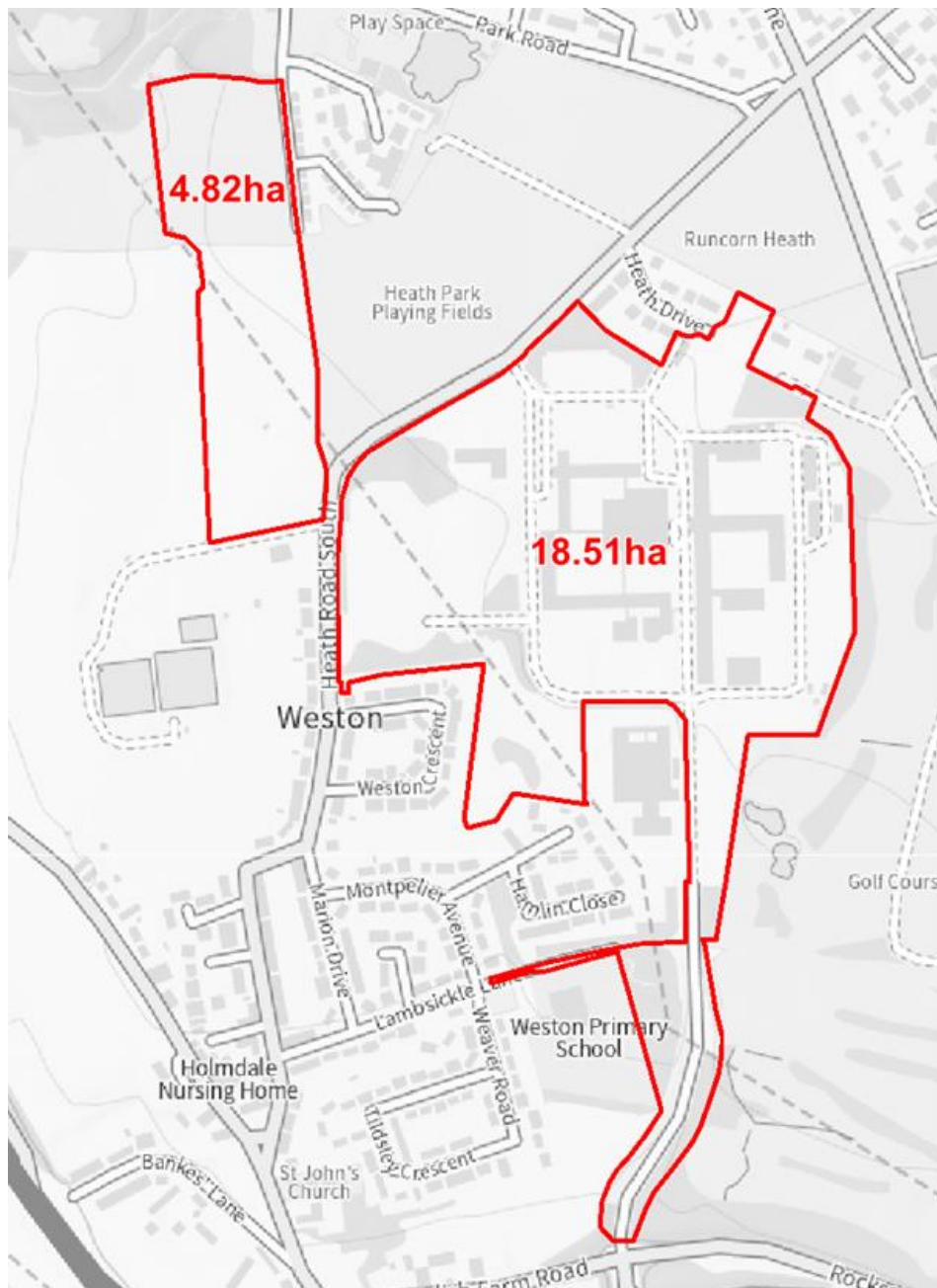
<b>APPLICATION NUMBER:</b>	22/00569/OUT
<b>LOCATION:</b>	Heath Business And Technical Park And Land North Of Heath Road South, Runcorn, Cheshire.
<b>PROPOSAL:</b>	Outline Planning Application (with all matters reserved for future consideration) at Heath Business and Technical Park and Land North of Heath Road South for: <ul style="list-style-type: none"> <li>i. Up to 545 residential units including dwellinghouses (use class C3) and senior living and extra care (use class C2) with ancillary car and cycle parking;</li> <li>ii. Ancillary floorspace for flexible E use classes (including office, conference centre, retail, leisure [including food and beverage]), F2 use classes (including meeting places for the local community), and a hotel (use class C1);</li> <li>iii. Sui generis use classes including STEAM spaces, a drinking establishment and a vertical farm;</li> <li>iv. Principle of Highways access and servicing arrangements; and</li> <li>v. Infrastructure provision, inclusive of a new living machine (emerging wastewater treatment technology), and all other associated works including re-configuration of existing building on site, landscaping, public realm, and biodiversity improvements.</li> </ul>
<b>WARD:</b>	Beechwood & Heath
<b>PARISH:</b>	None
<b>AGENT(S)/APPLICANT(S):</b>	Mr Terry Rogan / SOG Ltd
<b>DEVELOPMENT PLAN:</b>	
Halton Delivery and Allocations Local Plan (2022) (DALP)	Primarily Employment Core Biodiversity Areas Greenways Greenspaces Nature Improvement Area
Joint Merseyside and Halton Waste Local Plan (2013) (WLP)	
<b>DEPARTURE:</b>	Yes
<b>REPRESENTATIONS:</b>	Contributions have been received from 797 individuals. 787 are logged as being in objection to the proposed development.
<b>KEY ISSUES:</b>	Development in a Primary Employment Area, Main Town Centre Uses, Development on Greenspace, Green Infrastructure, Residential Greenspace, Transport and Accessibility, Implications for Trees and Woodlands, Landscape Impact and Major Accident Risk

**RECOMMENDATION:**

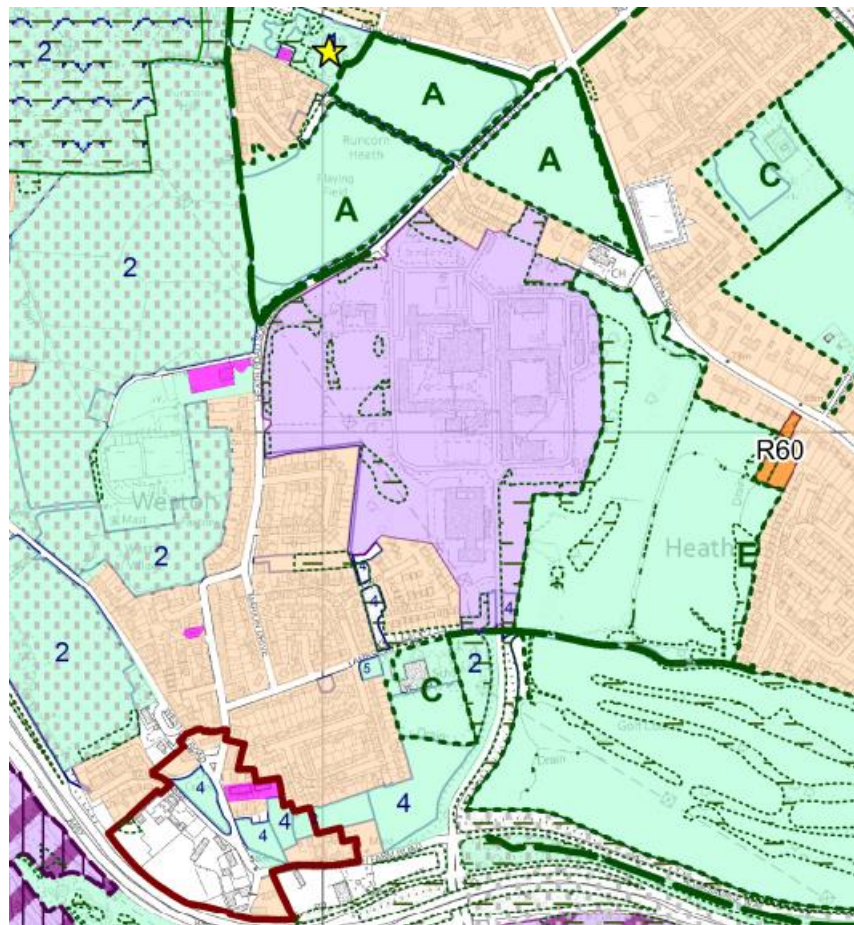
That the application be APPROVED should the proposal not be called in by the Secretary of State following referral to the Health and Safety Executive subject to the following:

- a) S106 agreement
- b) Schedule of conditions
- c) That if the S106 agreement is not signed within a reasonable period of time, authority given to refuse this planning application

**SITE MAP:**



## EXTRACT FROM DALP POLICIES MAP:



### 1. APPLICATION SITE

#### 1.1 The Site

The site subject of the application consists of two separate areas as shown on the above site map. The larger area is the well-established Heath Business and Technical Park and is 18.51ha in area. The site benefits from vehicular access from both the Weston Point Expressway to the South and Heath Road South to the North West. The smaller area to the North West of the Heath Business and Technical Park is located on the opposite side of Heath Road South, is a greenfield land parcel and is 4.82ha in area. The overall site is 23.33ha in area.

1.2 The Heath Business and Technical Park was the headquarters of ICI between 1960's to the 1990's and was used primarily as offices and laboratories. The site remains primarily in employment use today and is a centre for business, science and technology and currently employs around 1200 individuals. The

western part of the site has electricity infrastructure running through it. A public footpath runs through the site linking Lamsickle Lane to Runcorn Golf Course and beyond. Located to the East of the Heath Business and Technical Park is Runcorn Golf Course. Located to the South of the Heath Business and Technical Park on the opposite side of the Western Point Expressway are industrial areas. Located to the South West of the Heath Business and Technical Park is the residential area of Weston which includes a school, church and public houses. Located to the North West / North East of the Heath Business and Technical Park are playing fields with the residential area of Higher Runcorn located beyond this. Some undeveloped sites are also located to the North West on the opposite side of Heath Road South.

1.3 The smaller area to the North West of Heath Business and Technical Park on the opposite side of Heath Road South is an undeveloped piece of land which has electricity infrastructure running through it. A public footpath runs along the eastern boundary of the site linking Heath Road South to Highlands Road. Located to the North / North West of this parcel of land is Runcorn Hill Park which is both a Local Wildlife Site and a Local Nature Reserve. Located to the West is other parcels of undeveloped land until Weston Road. Located to the South (on the same side of Heath Road South) is Heathside Nursery and residential properties within Weston. Located to the east of the site on the opposite of Highlands Road are a number of detached bungalows which are very modest in height.

#### DALP Site Designations

1.4 The Policies Map accompanying the DALP shows that the Heath Business and Technical Park section of the site is designated as Primarily Employment. Within the site there are also a number of Core Biodiversity Areas (Natural and Semi Natural Greenspaces corresponding with areas of woodland and also an area of Amenity Greenspace).

1.5 Outside of the application site, Lamsickle Lane serves Weston Primary School and then turns into a footpath. This is public footpath on OS map and as noted in paragraph 1.2 links through the application site to Runcorn Golf Course and beyond. This is shown on the DALP Policies Map as a Greenway.

1.6 There is a parcel of land to the East of Weston Primary School within the application site which is designated Greenspace (Natural and Semi Natural Greenspace).

1.7 The smaller area to the North West of the Heath Business and Technical Park is located on the opposite side of Heath Road South is Greenspace (Natural and Semi Natural Greenspace) and is also a Nature Improvement Area on the DALP Policies Map. Part of this area of the site is also a Core Biodiversity

Area. The footpath linking Heath Road South to Highlands Road as referenced in paragraph 1.3 is a Greenway on the DALP Policies Map. From the Greenway meeting Heath Road South, there is another Greenway which runs in a north easterly direction along Heath Road South in the direction of the crossroads with Clifton Road, Moughland Lane and Greenway Road.

1.8 The Heath Business and Technical Park is subject to a Tree Preservation Orders (TPO 100 and TPO 110). This includes a number of individual trees, groups of trees and areas of woodlands.

#### 1.9 Relevant Planning History

The site has an extensive planning history. Some more recent applications of relevance and scale are set out below:

**06/00594/OUT** - Proposed creation of up to 17,350 square metres of new B1 business accommodation across 8 No. individual sites (with a maximum height of 3 storeys) and car parking within – Granted 17/10/2006.

**08/00220/FUL** - Proposed two storey data centre extension – Granted 25/06/2008.

**08/00397/FUL** - Proposed erection of 2 No. new build (B1 Use Class) buildings with associated car parking and external works – Withdrawn.

**08/00484/FUL** - Proposed erection of 2 No. office buildings (Use Class B1) with associated external works – Granted 21/11/2008.

**11/00067/FUL** - Application for a new planning permission to replace extant planning permission 08/00220/FUL, proposed two storey Data Centre extension – Granted 23/05/2011.

**11/00302/DEM** - Proposed demolition of office building – Granted 14/09/2011.

**11/00395/FUL** - Proposed creation of one new building B1(B) usage with associated external works – Granted 20/12/2011.

**12/00100/OUT** - Outline planning application (with all matters reserved) for construction of up to 53 residential dwellings – Granted 07/01/2016.

**14/00027/NMA** - Proposed non material amendment to planning permission 08/00484/FUL to insert clause listing approved plans 2141/001, 002, 003, 004 – Granted 24/01/2014.

**14/00028/S73** - Application under S73 of the Town and Country Planning Act to amend Planning Permission 08/00484/FUL by the substitution of plans 13-09 - 04,05,06,07 and 52PH/001 and 002 as detailed in Non Material Amendment 14/00027/NMA for previously approved plans 2141/001,002,003,004 to permit amendments to alignment and design of Phase 2 Building – Granted 13/03/2014.

**16/00306/OUT** - Outline application, with all matters reserved, for the development of a retirement village of up to 45 one bed residential units (Use Class C3) and wardens accommodation – Withdrawn.

**16/00313/OUT** - Outline Application, with all matters reserved, for the development of a retail unit up to 200 sq metres (Use Class A1) – Granted 07/12/2016.

**16/00320/OUT** - Outline Application (with access reserved for future consideration) for a development comprising 30 bed hotel with function room and restaurant – Granted 10/11/2017.

## **2. THE APPLICATION**

### **2.1 The Proposals**

This is an Outline Planning Application (with all matters reserved for future consideration) at Heath Business and Technical Park and Land North of Heath Road South for:

- i. Up to 545 residential units including dwellinghouses (use class C3) and senior living and extra care (use class C2) with ancillary car and cycle parking;
- ii. Ancillary floorspace for flexible E use classes (including office, retail, leisure [including food and beverage]), F2 use classes (including conference centre and meeting places for the local community), and a hotel (use class C1);
- iii. Sui generis use classes including a drinking establishment and a vertical farm;
- iv. Highways access and servicing arrangements; and
- v. Infrastructure provision, inclusive of a new living machine (emerging wastewater treatment technology), and all other associated works including re-configuration of existing building on site, landscaping, public realm, and biodiversity improvements.

### **2.2 Documentation**

The application is supported by the completed application form, certificate and related plans and drawings as set out below:

Location Plan Drawing No. 02\_001-A dated 29/02/24.

Illustrative Masterplan – Drawing No. drawing 19-02-app-110 G

Scale Parameters Plan (drawing number: 19-02 app 112 f)

Overall Planting Scheme (drawing number: ATC.22.1229.109.r4) – prepared by Amenity Tree Ltd

Detail Area 1 – Planting Proposals (drawing number: ATC.22.1229.110.r5) – prepared by Amenity Tree Ltd

Detail Area 2 – Planting Proposals (drawing number: ATC.22.1229.111.r5) – prepared by Amenity Tree Ltd

Detail Area 3 – Planting Proposals (drawing number: ATC.22.1229.112.r5) – prepared by Amenity Tree Ltd

Detail Area 4 – Planting Proposals (drawing number: ATC.22.1229.113.r5) – prepared by Amenity Tree Ltd

Grasses & Meadows (drawing number: ATC.22.1229.114.r5) – prepared by Amenity Tree Ltd

Allotments & Fruit Trees (drawing number: ATC.22.1229.115.r5) – prepared by Amenity Tree Ltd

Waterbody Planting (drawing number: ATC.22.1229.116.r5) – prepared by Amenity Tree Ltd

Structural Native Woodland Planting (drawing number: ATC.22.1229.117.r5) – prepared by Amenity Tree Ltd

Native Urban Tree Planting (drawing number: ATC.22.1229.118.r5) – prepared by Amenity Tree Ltd

Green Roof & Living Walls (drawing number: ATC.22.1229.119.r5) – prepared by Amenity Tree Ltd

Proposed Green Infrastructure & Greenspace Plan (drawing number: ATC.22.1229.121.r8) – prepared by Amenity Tree Ltd

Circulation & Connectivity Plan (drawing number: ATC.22.1229.122.r4) – prepared by Amenity Tree Ltd

Pylon Meadow – Multi Functional, Green Infrastructure Corridor Proposed Plan (drawing number: ATC.22.1229.123.r5) – prepared by Amenity Tree Ltd

Land Use Composition and Coverage Plan (drawing number: ATC.22.1229.124.r1) – prepared by Amenity Tree Ltd

A number of supporting documents have been submitted these are listed below:

Design and Access Statement prepared by SOG Ltd. (September 2022)

A Vision for Heath Park, Feasibility Study Report - prepared by EcoResponsive Environments (June 2021)

Review of Major Hazards Risk Information - prepared by RAS (October 2022)

Phase 1: Preliminary Risk Assessment - prepared by LK Group (July 2022)

Social Value Assessment - prepared by Greengage (October 2021)

University of Liverpool (Abigail Williams) – ESG Executive Summary

Extended Phase One Habitat Survey (Preliminary Ecological Appraisal) - prepared by Amenity Tree (June 2022)

Preliminary Breeding Bird Appraisal/ Survey - prepared by Amenity Tree (July 2022)

Habitat/Botanical Survey Data - prepared by Amenity Tree (July 2022)

Great Crested Newt Survey - prepared by Amenity Tree (October 2022)

Reptile Survey Report - prepared by Amenity Tree Ltd. (October 2022)

Bat Activity Report - prepared by Amenity Tree Ltd. (November 2022)

Additional details on capture and exclusion of bats - prepared by Amenity Tree (2023)

Mitigation and Enhancement Measures Statement in relation to bat species – prepared by Amenity Tree Ltd. (October 2022)

Biodiversity Enhancement Measures - prepared by Amenity Tree Ltd. (July 2022)

Assessment of Biodiversity – Version 4 - prepared by Amenity Tree Ltd. (March 2023)

Arboricultural Impact Assessment - prepared by Amenity Tree (October 2022)

Tree Survey and Report - prepared by Amenity Tree (October 2022)

Tree Mitigation Strategy – Version 1 - prepared by Amenity Tree Ltd (March 2023)

Review of Major Hazards Risk Information EXS. Prepared by RAS (November 2023)

Transport Assessment - prepared by WSP (November 2023)

Travel Plan - prepared by WSP (November 2023)

Transport Technical Note (letter format) – prepared by WSP (January 2024)

Noise Impact Assessment - prepared by WSP (November 2023)

Air Quality Assessment - prepared by WSP (December 2023)

Greenspace Masterplan Strategy Update (document reference AT.23.1266.GMPlan.v7) - prepared by Amenity Tree Ltd. (March 2024)

Heritage Impact Assessment - prepared by WSP (November 2023)

Main Town Centre Uses Assessment - prepared by WSP (November 2023)

Heath Impact Assessment - prepared by WSP (November 2023)

Statement of Community Uses - prepared by WSP (November 2023)



Flood Risk Assessment and Drainage Strategy - prepared by WSP (March 2024)

United Utilities Technical Note – prepared by (January 2024)

The Heath Park Development Review of Major Hazard Risk Information dated (January 2024)

Planning Statement – prepared by WSP (March 2024).

### **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)3 Housing Supply and Locational Priorities;
- CS(R)4 Employment Land Supply;
- CS(R)5 A Network of Centres;
- CS(R)7 Infrastructure Provision;
- CS(R)12 Housing Mix and Specialist Housing;
- CS(R)13 Affordable Homes;
- 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;
- ED2 Employment Development;
- ED3 Complementary Services and Facilities within Employment Areas;
- RD4 Greenspace Provision for Residential Development;
- C1 Transport Network and Accessibility;
- C2 Parking Standards;
- HC1 Vital and Viable Centres;
- HC5 Community Facilities and Services;
- HC8 Food and Drink;
- 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.

### 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)**

- Planning for Risk SPD;
- Design of Residential Development SPD;
- Designing for Community Safety SPD;
- Design of New Commercial & Industrial Development SPD.

### **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 December 2023 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 person's 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 IN THE APPENDIX LOCATED ON THE COUNCIL'S WEBSITE.**

### 4.1 Highway Officer

No objection subject to conditions / obligations.

### 4.2 Environmental Health Officer

No objection subject to conditions.

### 4.3 Contaminated Land Officer

No objection subject to conditions.

### 4.4 Open Spaces Officer

Some concerns raised.

### 4.5 Design and Development Manager

Some concerns raised.

### 4.6 Lead Local Flood Authority (LLFA)

No objection subject to conditions.

4.7 Environment Agency

No objection subject to conditions

4.8 Liverpool Airport

No objection.

4.9 Merseyside Environmental Advisory Service (MEAS) – Ecology and Waste Advisor

The updated Biodiversity Metric 4.0 (Metric B), Assessment of Biodiversity report and Greenspace Masterplan cannot be accepted due to significant limitations. The reports should be updated to address the limitations prior to determination.

*(Note that the policy test for this application is 'ensuring no net loss of biodiversity' by virtue of when the application was received by the Council i.e. prior to biodiversity net gain requirements. Given the significant gain in biodiversity demonstrated by the applicant, notwithstanding any inconsistencies, it is not considered that any update would significantly impact the proposal to such a degree that the policy test could not be met. See paragraph 6.159 for further details).*

4.10 Natural England

Under Regulation 63 of the Habitat Regulations the determination of likely significant effect is for the competent authority, in this case the Local Planning Authority. If your authority can be satisfied that the proposal can conclude no likely significant effects there is no further need to consult Natural England. The threshold is low (i.e. a real risk or possibility of such an effect is sufficient). However, the MEAS response is clear that there is no pathway that could result in likely significant effects on national and international sites and the proposals therefore do not require a Habitats Regulations Assessment.

4.11 Health and Safety Executive

Objection raised.

4.12 SP Energy Networks

Objection raised.

4.13 Runcorn MCP Ltd

No objection.

4.14 British Pipeline Agency

No comment to make on the application.

4.15 Cheshire Police

Observations made relating to the future detail of the scheme.

4.16 United Utilities

No objection subject to a condition.

4.17 Conservation Advisor

No objection subject to a condition.

4.18 Public Health Manager

No objection.

## **5 REPRESENTATIONS**

5.1 The application was originally publicised by five hundred and fifty six notification letters sent on 03/11/2022, ten site notices posted in the vicinity of the site on 10/11/2022 and a press advert in the Widnes and Runcorn Weekly News on 10/11/2022.

5.2 Following the receipt of amended plans / submissions, further publicity in the form of nine hundred and sixty nine (increased to cover those originally consulted plus additional representations received and not previously notified directly) neighbour notification letters sent on 01/12/2023, ten further site notices posted in the vicinity of the site on 05/12/2023 and a press advert in the Widnes and Runcorn Weekly News on 14/12/2023.

5.3 Some further additions were made more recently and further publicity in the form of one thousand one hundred and thirty six (increased to cover those originally consulted plus additional representations received and not previously notified directly) neighbour notification letters sent on 01/02/2024.

5.4 Based on the applicant amending the site boundary and making further submissions, further publicity has been undertaken in the form of one thousand one hundred and fifty one (increased to cover those originally consulted plus additional representations received and not previously notified directly)

neighbour notification letters sent on 26/03/2024, ten further site notices posted in the vicinity of the site on 28/03/2024 and a press advert in the Widnes and Runcorn Weekly News on 11/04/2024.

5.5 In respect of the further publicity undertaken and the timescales given for responses, some representations received have queried the Council's approach to this. The following wording from the National Planning Practice Guidance is of relevance: *Where an application has been amended it is up to the local planning authority to decide whether further publicity and consultation is necessary in the interests of fairness. In deciding what further steps may be required local planning authorities should consider whether, without re-consultation, any of those who were entitled to be consulted on the application would be deprived of the opportunity to make any representations that they may have wanted to make on the application as amended.*

5.6 The issues raised in representations are set out below and do raise some issues in respect of a lack of public consultation, the display of inadequate site notices and neighbour notification letters have not been received. It should be noted that publicity in excess of the statutory requirements has been undertaken and can be appropriately evidenced.

5.7 Representations from 797 individuals have been received from the publicity given. A summary of the issues raised are below:

- Proximity to COMAH sites;
- Chlorine gas released under pressure from a COMAH site would cause a serious risk to health;
- With the proposed increase in population, the emergency services are unlikely to have sufficient resources to deal with the situation should a major leak happen;
- The granting of the application could adversely impact the long-term viability of site operations at Upper Tier COMAH sites;
- HSE advice should be followed;
- The Heath School plans had to change due to risk and Pavilions was withdrawn. Why is this development much closer to the COMAH sites acceptable?;
- This could result in significant risk to human life;
- Why has only 5 pages of the 29 page major hazard and risk report been submitted?
- No one at RAS (author of the risk report) is a Chartered Chemical Engineer;
- The use of hydrogen needs further consideration due to safety issues and the need for a large stack;
- Blue hydrogen is not net zero;
- Lots of vague noises about hydrogen and Hynet;

- The Government has moved away from using hydrogen as a heat source;
- Green projects should be supported;
- Field in north west of site is unsafe for dwelling as it is next to contaminated land where ICI had dumped chemicals;
- People have lost homes in this area due to contamination;
- People will not be able to remortgage their homes if they are built on contaminated land like a development in Crewe;
- Building so close to power lines maybe detrimental to health;
- Proximity to brine pipelines;
- The allocations for mixed use development and residential were not considered justified by a Government Inspector and were therefore deleted from the local plan by HBC;
- The proposals do not align with the designations in the Local Plan;
- Loss of Greenspace;
- There is a need for good quality access to Greenspace for the role it plays in physical and mental well-being;
- Focus should be on supporting the health of the population;
- The Greenspace has amenity value for visual, wildlife and structural purposes notwithstanding that it is not publicly accessible;
- Loss of Greenspace connectivity;
- Fragmentation of Greenspace in the locality;
- The Greenspace is assumed to be part of Runcorn Common;
- The Greenspace is used by dog walkers and children's football teams;
- There is understood to be title restrictions on the deeds;
- Lack of resultant Greenspace;
- Green Belt being built on;
- Negative impact on Nature Improvement Area;
- How does building houses improve the nature of the area?;
- The land next to the nature reserve should not be built on;
- Negative impact on Runcorn Hill;
- The proposal would ruin the area's existing beautiful landscape;
- The current views of the River Mersey and the Welsh Hills would be lost;
- The north west of the site is home to horses and a main public footpath to Runcorn Hill;
- Public footpaths would be lost;
- There is a lack of horse grazing land in Runcorn;
- Impact on wildlife / protected species and natural beauty;
- There are records of common lizard spotted in the vicinity of Runcorn Hill;
- Cynical over biodiversity improvements;
- A pond with newts in has already been filled in;
- Loss of protected trees as a result of the proposed development;
- 59 Category A trees and 18 Category B trees on the site should not be lost;

- Unauthorised works to protected trees have been undertaken;
- Lowland heath are a priority habitat and are already in decline;
- Increased air and noise pollution;
- The living machine (sewage treatment plant) in close proximity to houses could pose an environmental health issue;
- Construction noise impacts;
- Disruption for the local community for 8-9 years;
- Construction traffic should be via the lower Heath Business and Technical Park entrance only and not through Weston Village;
- Drainage implications;
- Increased pressure on schools, doctors and dentists;
- Lack of infrastructure in the locality;
- Overdevelopment of the site;
- The density of development would be unhealthy, unnatural and chaotrophic;
- The proposal should be scaled back;
- More housing is not needed;
- More housing is needed;
- Investment for Runcorn;
- Do not want terraced properties or social housing in this part of Runcorn;
- Supported residential accommodation is welcomed;
- Welcome affordable housing;
- The nature of housing is not in keeping with the area;
- Who will want to buy these houses?;
- Will the houses have solar panels, air source heat pumps and high levels of insulation?
- HBC would benefit from Council Tax and Business Rates;
- No requirement for more shops and a hotel;
- Social experiments like Southgate did not work;
- Destroying the heritage and culture of the area;
- Assets of heritage significance should be considered;
- Increase in Anti-Social Behaviour;
- Future crime issues likely from such a high density development;
- Poor design that would cause crime;
- Loss of sunlight, daylight and privacy for existing properties adjacent to the site;
- Proximity of commercial development to existing properties;
- Industrial should not be mixed with residential;
- Seven storey vertical farm would be out of character with the locality;
- Light pollution from the vertical farm;
- Safety of the vertical farm;
- Viability of the vertical farm;
- Linear parks are just areas which cannot be built on because of the power lines;



- Cheshire Police have not commented;
- Lack of public consultation;
- Inadequate site notices;
- No public notices have been displayed about the proposed development;
- Neighbour notification letters have not been received;
- Increase in traffic and congestion in the locality;
- Road safety concerns;
- Making Heath Drive a through road is unacceptable;
- Insufficient car parking;
- The area has a virtually non-existent bus service;
- Is the public footpath to Runcorn Hill from Heath Road South being removed?
- The proposal would be detrimental to the road surfaces that HBC do not maintain;
- The Heath Business and Technical Park does not maintain the existing site;
- Supportive of the Heath Business and Technical Park being modernised / redeveloped;
- Lack of local amenities to support a large scale development;
- Invest in the Old Town instead;
- Detrimental impact on the existing village community;
- Reuse previously developed sites in preference to the greenfield section of this site;
- This community will end up like the rest of Runcorn;
- Detrimental impact on local businesses;
- This proposal would compromise the Heath Business and Technical Park as key employment site;
- Negative impact on house prices;
- The applicant and its supporters do not live in the area;
- Inconsistencies / errors in the submitted plans and application form;
- Conflicting plans in terms of scale;
- It is difficult to understand what has changed;
- The application does not provide the level of detail required to meet NPPF;
- The Heath Park scheme may have been subject to an international design competition, however Southgate was too and look what happened there!;
- Comparing Heath Park to Port Sunlight is ridiculous!;
- Breach of Human Rights;
- Monies from the sale of the Greenspace for residential development would be used to support the final salary pension scheme administered by the applicant;

- Cynicism that the development would ever be implemented in the current form and only housing would come forward without green/social benefits;
- Existing buildings in the Heath Business and Technical Park will likely have asbestos in them;
- Noting issues with reinforced autoclaved aerated concrete (RAAC), how are the existing structures at the Heath Business and Technical Park going to be checked for this to ensure they are suitable for conversion?
- The objections are about racism and snobbery;
- This is an abuse of the planning application process through trivial iterations.

5.8 It should be noted that representations have been received from the following Ward Councillors:

- **Cllr Norman Plumpton Walsh – Mersey and Weston Ward**
- **Cllr Victoria Begg – Mersey and Weston Ward**
- **Cllr Margaret Ratcliffe – Beechwood and Heath Ward**
- **Cllr Christopher Rowe – Beechwood and Heath Ward**

## **6 ASSESSMENT**

### **6.1 Environmental Impact Assessment (EIA) Regulations**

The proposal is an 'Urban Development Project' which falls under Schedule 2 10(b) of the EIA Regulations 2017. The proposal exceeds all three EIA screening thresholds for this type of development so that screening is required.

Having considered the project against the provisions of the EIA Regulations 2017 (including screening criteria presented in Schedule 3) and the relevant National Planning Practice Guidance, it is considered that the proposals are unlikely to give rise to significant environmental effects from an EIA perspective, and that EIA is therefore not required in this case.

6.2 Below are the key general policies relevant to the determination of the planning application:

### **6.3 National Planning Policy Framework (NPPF)**

The National Planning Policy Framework (NPPF) was published in December 2023 to set out the Government's planning policies for England and how these should be applied.

### **6.4 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.

6.5 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.

6.6 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.

6.7 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:

#### 6.8 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.

## 6.9 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.

## 6.10 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.

6.11 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.

6.12 The applicant's Planning Statement notes some relevant planning history (already set out at paragraph 1.9 of the report) which they consider relevant to the determination of this application. They note that the principle of residential and ancillary commercial development has previously been established on the application site / immediate surrounding area, namely application 12/00100/OUT for up to 53 dwellings, 16/00313/OUT for a retail unit up to 200sqm and 16/00320/OUT for a 30 bed hotel with function room and restaurant.

6.13 The applicant's Planning Statement also notes the Council's intention in the Proposed Submission Draft of the DALP to allocate the Heath Business and Technical Park site as a Mixed-Use Area allowing for Employment, Residential, Small Scale Retail and Small Scale Ancillary Complementary Services and Facilities. The north western section of the site formed part of a Residential Allocation. These allocations were not included in the adopted DALP on the

recommendation of the Local Plan Inspector. The Inspector noted the location of the site within the HSE inner zone arising from the from the ex-ICI companies on the West Runcorn sites and that HSE would advise against development (except for a small number of exceptions including a limited number of very low population developments/land uses). The Inspector stated that there was insufficient evidence before them to demonstrate that the principle of residential development on these sites is acceptable and that they fail to pass the test of developability in NPPF as there is not a reasonable prospect that the sites would come forward within the Plan period.

6.14 Other points to note from the Local Plan Inspector's Report is that there was an acknowledgement of the applicant's proposal and that the innovative project would have significant regeneration benefits for Runcorn. The Inspector also noted that HSE's role in planning is advisory only and that the detailed design and layout of the sites can be considered at the development stage.

6.15 The appraisal of the proposal against the detailed development management policies of the Development Plan follows later in this report.

#### 6.16 THE DEVELOPMENT PLAN – STRATEGIC POLICY CONSIDERATION

##### Halton's Spatial Strategy

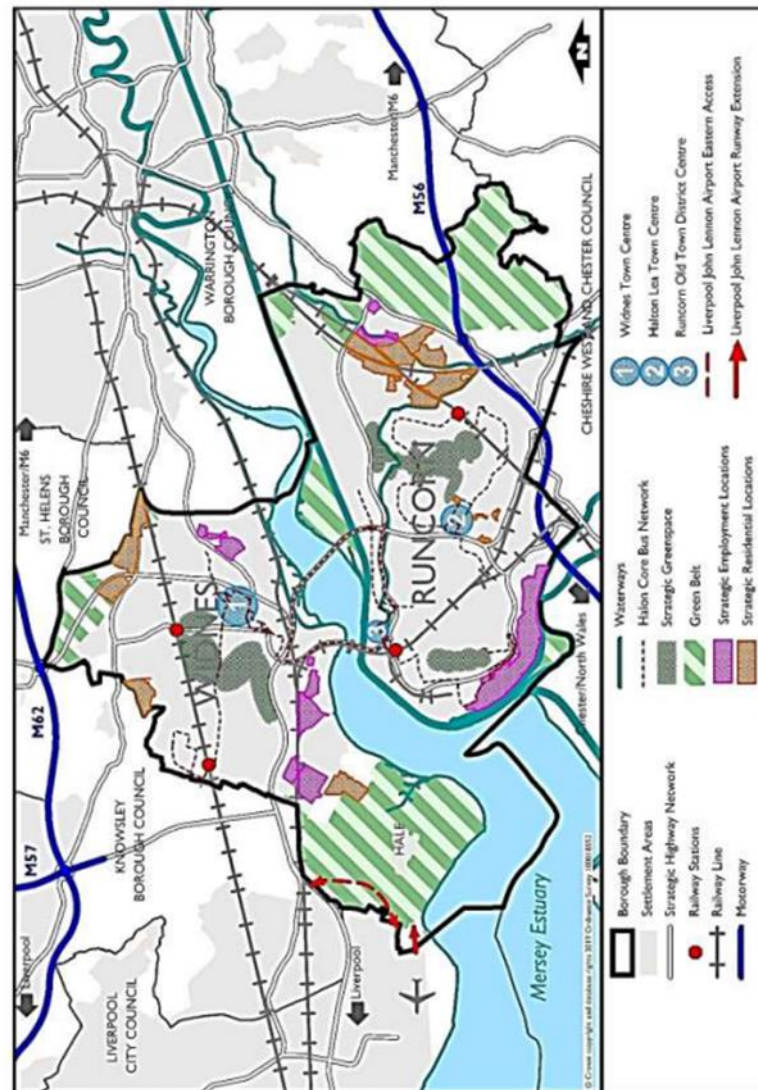
Policy CS(R)1 of the DALP states that to achieve the Vision for Halton to 2037, new development should deliver at least 8,050 (net) additional dwellings (2014-2037). The proposed residential development would contribute towards the delivery of this vision. The vision also includes new development delivering approximately 180ha (gross) of land for employment purposes. The Heath Business and Technical Park is designated as Primarily Employment in the DALP and whilst land available for such purposes may reduce, the applicant's vision is to diversify the site into a high quality urban village, whilst protecting the viable science based uses, and supporting the remodelling of under-utilised spaces and buildings within the campus. It is accepted that the ancillary development proposed includes employment uses, and that there would be an increase in non-residential floorspace over and above that which currently exists in the applicant's vision.

6.17 A significant percentage of the application site (notably the land forming the Heath Business and Technical Park) is previously developed land. Policy CS(R)1 of the DALP has a brownfield focus in respect of the beneficial and efficient use of existing sites. Policy CS(R)1 (2) states that outside of the Key Urban Regeneration Areas, the re-use of previously developed land will be supported, notably where regenerating or bringing sites back into use will bring wider benefits to the Borough. This strategic policy is supportive of the principle of regenerating sites such as the Heath Business and Technical Park. This is supported by some of the representations received. Whilst there is a brownfield

focus in the DALP, this does not mean that greenfield development is automatically unacceptable.

6.18 Policy CS(R)1 (2) is also clear that important green infrastructure within the urban area will be protected from detrimental development to ensure its value, both individually and as part of a network, is retained. The application site includes areas which are designated as Core Biodiversity Areas, Greenspaces and a Nature Improvement Area. A number of Greenways also run through the site. The key diagram (Figure 6 within the DALP as shown below) displays broad locations of development, this indication of sites will be sufficient for the delivery of the requirements sets out within the strategic policies. It is noted that the north western part of the site is identified as Strategic Greenspace. The suitability of the proposal needs to be carefully considered on the resultant impact on existing green infrastructure.

Figure 6: Key Diagram



#### 6.19 Housing Supply and Locational Priorities

Policy CS(R)3 of the DALP states that during the period 2014 to 2037 provision will be made for the development of at least 8,050 (net) additional dwellings. There is no cap on development and both Policy CS(R)1 and Policy CS(R)3 reference at least 8,050 (net) additional dwellings. Policy CS(R)3 also notes that the homes would be delivered from a variety of sources. The application site is not a Strategic Residential Location, nor is it a Housing Allocation, Mixed Use Allocation or a Small site. There is a need for additional dwellings over the plan period as set out, however if the principle of residential development is to be found acceptable on this site, it would constitute Windfall Development.

6.20 Policy CS(R)3 (5) of the DALP states that an average of at least 30% of new residential development should be delivered on previously developed (brownfield) land over the plan period. Noting that a significant percentage of this application site is brownfield, the proposal would contribute to this.

6.21 Policy CS(R)3 (6) of the DALP states that to ensure the efficient use of land, a minimum density on individual sites of 30 dwellings per hectare (dph) will be sought. In more accessible locations such as those close to town, district or local centres or transport interchanges the presumption will be for developments achieving densities of 40 dph or greater. The amount of residential development along with the floorspace for other uses for which permission is sought would ensure an efficient use of land based on the overall site area of 23.33ha and up to 545 dwellings being proposed.

6.22 Some of the representations raise concerns over the proposed density and that it would result in an overdevelopment of the site. As stated above, it is considered that it would represent an efficient use of land and would not be wholly out of character with the locality which includes a range of property types and uses.

6.23 Layout is reserved for future consideration and a refusal on the basis of residents in this part of Runcorn not wanting terraced housing cannot be sustained.

#### 6.24 Employment Land Supply

Policy CS(R)4 of the DALP states that provision will be made for approximately 180 ha of land for employment purposes over the period 2014 to 2037.

- a. With an appropriate mix of sites provided to support:
  - i. the local economy, with a particular emphasis on logistics and distribution; science; advanced manufacturing and high tech industries; and
  - ii. the Liverpool City Region Economy.

6.25 The applicant's Planning Statement is clear on the contribution that the proposal would make to the local economy as well as creating additional employment opportunities at the site.

6.26 Policy CS(R)4 of the DALP also states that new employment development will be provided on land within Primarily Employment Areas identified on the Policies Map. The Heath Business and Technical Park site falls within this designation. This policy recognises the need to support regeneration and remodelling opportunities within existing employment areas.

6.27 Policy CS(R)4 (2) of the DALP states that in order to secure Halton's economic future sites in existing employment use, sites in Primarily Employment Areas and Employment Renewal Areas, and sites identified in this Local Plan as Strategic Employment Locations or Employment Allocations will be retained for employment uses unless an alternative use can be proven to be of greater benefit to the Borough than retaining the land for employment purposes. This proposal would retain the Heath Business and Technical Park site for employment purposes whilst introducing residential and other land uses to form a diversified development. The applicant acknowledges that there would be an overall net loss of employment land and has undertaken an assessment of employment provision to accompany the application. The suitability of this assessment will ultimately confirm whether compliance with Policy CS(R)4 is demonstrated.

#### 6.28 A Network of Centres

Policy CS(R)5 of the DALP relates to the hierarchy of centres maintained for retail and other main town centre uses. This proposal would result in development comprising retail and main town centre uses outside of existing defined centres. The applicant's vision for a diversified Heath Park is supported by a Main Town Centres Use Assessment to demonstrate that the proposal would not undermine the vitality and viability of existing centres. The suitability of this would be considered later in the report.

#### 6.29 Infrastructure Provision

Policy CS(R)7 of the DALP states that development should be located to maximise the benefit of existing infrastructure and to minimise the need for new provision. The application site already benefits from existing infrastructure due to its operation as the Heath Business and Technical Park. This includes transport, physical, environmental, green, social and digital infrastructure.

6.30 A number of representations raise the lack of GP Provision, Dentists and Policing within the area and the prospect of additional development in the area exacerbating that issue. It should be noted that the development does provide Class E floorspace, which could accommodate space for doctors or dentists if



the health care system identified a need for provision. No specific requests for any mitigation or contributions have been made by relevant organisations, and Officers do not consider that it would be appropriate or justified to seek any such contributions from the applicant in relation to the proposed development nor would they meet the tests for a planning obligation or meet the CIL regulations. In respect of amenities / infrastructure, it should be noted that the applicant's vision is to diversify the site into a high quality urban village with a variety of land uses.

6.31 Representations have been received raising concerns over access to school places. The Council's School Place Planning Strategy 2023 – 2028 is relevant in this regard. At the time of writing in Spring 2023, Halton has 11,823 primary school places across the borough with 10,431 occupancy, overall primary provision in Halton is operating at 88.2% capacity with 1,392 surplus places across the borough (an increase of 397 surplus places compared to 2019).

6.32 In the secondary sector, Halton has 8,500 secondary school places across the borough with 7,631 occupancy, overall secondary provision in Halton is operating at 89.7% capacity with 869 surplus places (a reduction of 253 surplus places compared to 2019, due in part to one secondary school reducing its Published Admission Number (PAN) by 20 places thereby removing a total of 100 places across all year groups from the sector).

6.33 Taking into account a generally declining birth rate, the level of proposed house building, and current school place provision, which confirms that Halton is currently operating at circa 12% surplus capacity across the primary sector (circa 1,392 surplus places), and circa 10.3% surplus capacity across the secondary sector (circa 869 surplus places), and projecting current pupil numbers through the sectors, there is currently no indication of a requirement for any new school provision within either the primary or secondary sectors. All Local Authorities report on an annual basis to the Department for Education on school capacity, and have the opportunity to raise any school place planning issues they may have. The Council continues to regularly monitor and review the information it has at its disposal to ensure that it fulfils its sufficiency duty with regard to ensuring sufficient school places.

6.34 Officers do not consider that it would be appropriate or justified to seek any education contributions from the applicant in relation to the proposed development.

#### 6.35 Housing Mix and Specialist Housing

Policy CS(R)12 (1) of the DALP encourages a mix of new property types to address identified needs on sites of 10 or more dwellings. Whilst the applicant has submitted an indicative housing mix, which includes homes ranging from 1 to 4 bedrooms, the specific mix of dwellings would be determined at the reserved

matters stage. It is considered that the proposal could ensure compliance with the policy should the mix chosen meets an identified need.

6.36 Policy CS(R)12 (2) of the DALP states that proposals for proposals for new specialist housing for the elderly, including extra-care and supported accommodation, will be encouraged in suitable locations, particularly those providing easy access to local services and community facilities. Development proposals for specialist housing should provide adequate amenity space and parking. This proposal includes both senior living and extra care housing which would be located within easy access and community facilities which would be further enhanced through the range of ancillary uses proposed in the applicant's vision for a diversified Heath Park. It is noted that affordable housing provision is required for both senior living and extra care housing. Representations received also welcome these uses.

### 6.37 Affordable Housing

Policy CS(R)13 of the DALP states that all residential schemes including ten or more dwellings (net gain), or 0.5 ha or more in size, with the exception of brownfield sites, are to provide affordable housing. This site comprises a mix between brownfield and greenfield which impacts the resultant affordable housing requirement. The policy is clear that brownfield sites which in this case would include the existing Heath Business and Technical Park site would not be required to provide any affordable housing. The smaller area to the North West of the Heath Business and Technical Park is located on the opposite side of Heath Road South as set out earlier in the report is a greenfield land parcel. This part of the site is 4.82ha and represents 20.7% of the overall site. On this basis, it is considered necessary to secure a limited amount of affordable housing reflective of the amount of the site which is greenfield. Using the percentage of the site which is greenfield is considered a reasonable basis for this calculation. Based on this, it is considered that there is an overall affordable housing requirement of 5.17% with this application to ensure policy compliance. It is possible for the applicant to provide a level of affordable housing which exceeds the policy requirement. The policy does set out criteria should an applicant look to reduce the affordable housing below the policy requirement.

6.38 Policy CS(R)13 (2) sets out the Council's ambition for affordable housing delivery, at approximately 74% affordable or social rented housing and 26% intermediate housing where practicable and unless evidence justifies a departure from this provision.

6.39 The Government published a written Ministerial Statement and updated national guidance on the delivery of First Homes since the DALP adoption, which is a material consideration.

6.40 The NPPF is also a material consideration. Paragraph 65 of the NPPF requires that planning decisions relating to proposed housing development should expect at least 10% of the total number of homes to be available for affordable home ownership (unless this would exceed the level of affordable housing required in the area, or significantly prejudice the ability to meet the identified affordable housing needs of specific groups).

6.41 The applicant proposes that 25% of all new homes to be delivered on the site are delivered as affordable housing in accordance with Policy CS(R)13, however has not defined the mix and type of affordable housing. Some of the representations received welcome affordable housing (which is a policy requirement), whilst others do not want affordable housing in this locality. A refusal on the basis that the proposal would deliver affordable housing could not be sustained.

6.42 Requirements relating to the delivery and approval of further detail for an appropriate level of affordable housing of 5.17% noting that a significant percentage of the site is brownfield would need to be secured by s106 legal agreement, including a requirement for submission and approval of a detailed affordable housing scheme (including type, size, location and final tenure split) at the reserved matters stage.

#### 6.43 Sustainable Transport

Policy CS(R)15 of the DALP states that in order to encourage journeys to be made by sustainable modes of travel including walking, cycling and public transport, the Council will:

- a. support a reduction in the need to travel by car;
- b. encourage a choice of sustainable transport modes; and
- c. ensure new developments are accessible by sustainable modes.

A fundamental principle of this development is that there will be a future modal shift from private vehicles (car journeys) to sustainable ones (walking, cycling and public transport etc), supported and enabled by a proactive Travel Plan as part of the applicant's vision for a high quality urban village. The Highway Officer suggests appropriate conditions including the securing off-site highway works in the form of cycle provision along the site frontage and at the Moughland Lane / Heath Road South signalised junction and at the Rocksavage Way / Cavendish Farm Road roundabout junction.

#### 6.44 High Quality Design

Policy CS(R)18 of the DALP states that achieving and raising the quality of design is a priority for all development in Halton. As this is an outline application

with all matters reserved, the detailed design would be considered at the reserved matters stage.

#### 6.45 Sustainable Development and Climate Change

Policy CS(R)19 of the DALP 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 (CO<sub>2</sub>) emissions and adapting to climatic conditions.

6.46 The proposal includes a vertical farm which would be carbon negative. Vertical farming is the practice of growing crops in vertically stacked layers. It often incorporates controlled-environment agriculture, which aims to optimize plant growth. Some questions regarding the vertical farm are raised in the representations. Its viability, potential safety and resultant light pollution are raised. The viability is a matter for the applicant. No safety issues are raised which are considered sufficient to warrant the refusal of the application. Any issues with potential light pollution can be appropriately managed and more detail in respect of the vertical farm would be submitted at the reserved matters stage. It is noted that the applicant intends that the vertical farm would be partly fuelled by hydrogen from the forthcoming Hynet scheme. The applicant notes that the existing building fabric is currently inefficient and proposes the use of Hynet and solar panels and zero energy design of new buildings. There is also an aspiration for resilient carbon zero development as well as existing buildings being upgraded to BREEAM Excellent standard.

6.47 It is acknowledged that hydrogen used in a Net Zero system will be either produced by processes which generate carbon dioxide but which is permanently extracted and stored ("blue hydrogen"), or through the use of renewable power to allow the electrolysis of water ("green hydrogen"). Hydrogen does have its place in an attempt to reach net zero emissions.

6.48 Concerns have been raised over the safety regarding the use of hydrogen. There is an established legislative regime and framework governing gas and pipelines, which apply to hydrogen.

6.49 It has been questioned whether the houses would have solar panels, air source heat pumps and high levels of insulation.

6.50 The applicant's proposals are welcomed, but more detail on low carbon development would be required to be secured by condition to ensure policy compliance.

#### 6.51 Natural and Historic Environment

Policy CS(R)20 of the DALP notes that Halton's natural and heritage assets, and landscape character will contribute to the Borough's sense of place and local distinctiveness. The suitability of the proposed development in terms of nature conservation and the enhance of biodiversity will be considered later in the report on the detailed policy consideration. Impact on heritage assets and landscape character will again be considered later in the report on the detailed policy consideration.

#### 6.52 Green Infrastructure

Policy CS(R)21 of the DALP states that Halton's green infrastructure network will be protected, enhanced and expanded, where appropriate. The application site contains areas of designated Greenspace as well as Core Biodiversity Areas designated due to features such as woodland. The north western part of the site is identified as Strategic Greenspace. The suitability of the proposed development in terms of impact on Greenspace, Core Biodiversity Areas and existing Trees/Woodlands and Green Infrastructure is to be considered later in the report on the detailed policy consideration.

#### 6.53 Health and Well-Being

Policy CS(R)22 of the DALP states that 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. The application falls within the definition of a large scale major development is accompanied by a Health Impact Assessment (HIA). The scope of this document was agreed with the Council's Public Health Manager and they have reviewed the final submission.

6.54 The Health Impact Assessment has utilised the 51 questions within the NHS Healthy Urban Development Unit's Rapid Health Impact Assessment Tool to evaluate the health impacts of the scheme. Across the 51 questions, 50 were deemed to be relevant to the proposed development. The assessment anticipated that the proposed development would have 44 positive impacts and 6 neutral impacts and no negative impacts. This covers categories including housing design and affordability, access to health and social care services and other social infrastructure, access to open space and nature, air quality, noise and neighbourhood amenity, accessibility and active travel, crime reduction and community safety, access to healthy food, access to work and training, social cohesion and inclusive design, minimising the use of resources and climate change.

6.55 The Council's Public Health Manager has assessed the HIA using a review tool and this assessment can be seen in full in the consultation responses appendix.

Their feedback was generally positive and was in relation to the limited detail available by virtue of the fact that it is an outline application.

6.56 One key comment which requires further consideration is the implementation and monitoring of the recommended mitigation measures. A 'health management plan' that details how each recommendation could be fulfilled would be needed for the findings of the HIA to be realised. The reserved matters submissions should demonstrate how the recommendations would be implemented, however it is considered reasonable to attach a condition which secures the submission of a health management plan along with details in respect of implementation and future monitoring.

6.57 In conclusion, subject to the attachment of the suggested condition, it is considered that the proposed development would have an overall positive impact on health and would support healthy environments and encourage healthy lifestyles in accordance with Policy CS(R)22 of the DALP.

#### 6.58 Managing Pollution and Risk

Policy CS23 of the DALP states that to control development which may give rise to pollution, development proposals should not exacerbate and where possible, should minimise, all forms of emissions and odour, water, noise and light pollution. Noise and air quality assessments have been submitted to accompany the application. A preliminary risk assessment has been undertaken by the applicant to ascertain the extent of any contamination and possible risks to future uses. The suitability of the proposal in this respect will be considered on the detailed policies later in the report.

6.59 Policy CS23 of the DALP also deals with reducing risk from hazards. It states that to prevent and minimise the risk from potential accidents at hazardous installations and facilities, the following principles will apply:

- Minimisation of risk to public safety and property wherever practicable.
- Controlling inappropriate development within identified areas of risk surrounding existing hazardous installations or facilities, to ensure that the maximum level of acceptable individual risk does not exceed 10 chances per million and that the population exposed to risk is not increased.

6.60 It is noted that the applicant has made a number of submissions in respect of risk from hazards and the suitability of the proposal in this respect is to be considered later in the report.

6.61 Policy CS23 of the DALP also deals with managing flood risk. It states that development should not exacerbate existing levels of flood risk nor place residents or property at risk from inundation from flood waters. The application

is accompanied by a Flood Risk Assessment and Drainage Strategy. The suitability of the proposal in this respect will be considered on the detailed policies later in the report.

#### 6.62 Waste

Policy CS24 of the DALP states that the Council will promote sustainable waste management in accordance with the waste hierarchy, to encourage good design in new development in order to minimise waste, promote the use of recycled materials and, to facilitate the collection and recycling of waste. This is an outline application with all matters reserved and the details in relation to construction waste management and future waste storage/collection can be secured by condition once a scheme is sufficiently detailed. Further assessment on waste issues including compliance with Waste Local Plan policies will be found later in the report.

#### 6.63 THE DEVELOPMENT PLAN - NON STRATEGIC POLICY CONSIDERATION

The subsequent assessment will look at the more detailed policies which are necessary to consider the suitability of the development proposed.

The application is accompanied by a number of illustrative plans, as set out in paragraph 2.2 of the report. The purpose of these plans is to demonstrate the suitability of the quantum of development proposed and how a development proposal could likely be presented. As all matters are reserved for future consideration, no elements would be fixed by the granting of a subsequent outline planning permission. As access is a reserved matter, the application for outline planning permission must state the area or areas where access points to the development proposed will be situated. The application is also accompanied by a Circulation & Connectivity Plan. The suitability of these will be considered in the Transport and Accessibility Section.

Given the complex nature of the proposal, this will be done by topic based areas. The initial topics are aligned with the relevant site designations and the suitability of the proposals within these particular areas:

#### 6.64 Development in a Primary Employment Area

Strategically, the proposed development would make a contribution to the local economy as well as creating new employment opportunities at the site. The suitability of the non-employment uses proposed in the assessment below will indicate whether compliance with Policy CS(R)4 is achieved.

6.65 Policy ED2 (1) of the DALP states that within Primarily Employment Areas development, for office, research and development, light industrial, factory or storage and distribution uses will normally be acceptable.

6.66 A number of the uses proposed including office, conference centre, STEAM spaces and a vertical farm fall within uses which are normally acceptable in a Primarily Employment Area.

6.67 It should be noted that that whilst Policy ED2 (1) of the DALP sets out some uses that will normally be acceptable, this does not automatically mean that other uses are unacceptable. They need to be considered on their merits.

6.68 Policy ED2 (2) of the DALP sets out that redevelopment and regeneration within existing employment areas and Employment Renewal Areas will be supported where they make an improvement in the use of the site for employment purposes, having regard to:

- a. The quality and type of employment floorspace provided;
- b. The quality, type, number and density of jobs to be accommodated; and
- c. The environmental quality of the site.

This proposal would result in the redevelopment and regeneration of an existing employment area as part of the applicant's vision to diversify the site into a high quality urban village and support the development of under-utilised land and buildings. In relation to floorspace for uses considered acceptable as set out in Policy ED2, there would be an overall increase in floorspace to support the required diversification and future of the site. The Heath Business and Technical Park is a large employer in Runcorn with 1,242 full time employees associated with the existing retained commercial floorspace and significant job creation would result through the redevelopment process. The likely resultant social and economic value of the proposed development is set out later in the report. The suitability of the proposal in respect of Green Infrastructure and Greenspace will be considered later in the report and will inform a conclusion on whether the overall environment quality of the site is acceptable.

6.69 In terms of the criteria set out for new employment development in Policy ED2 (4) of the DALP, the redevelopment of the Heath Business and Technical Park for the uses proposed are considered compatible with surrounding uses. The level of employment floorspace would increase notwithstanding the introduction of other land uses including residential. The revised / increased floorspace would likely be more attractive to the market than the existing accommodation given its age and design. The attractiveness of the accommodation would likely allow for significant job creation as predicted by the applicant. The redevelopment would involve the repurposing of some of the existing buildings and the indicative scale parameters show that the development would be up to four storeys which reflects the height of the existing buildings. It is therefore considered that a future reserved matters proposal can be designed to be reflective of the character and appearance of the locality. The Heath Business and Technical Park benefits from existing vehicular access from both the Western Point Expressway and Heath Road South, existing public transport provision and sustainable links to



adjacent areas. It is considered that suitable access and servicing provision can be demonstrated at reserved matters stage. This is a long established employment site and enclosed in an appropriate manner.

6.70 Policy ED2 (5) of the DALP encourages planning obligations for the training and recruitment of local people for both the end use and the supply chain. Given the development under consideration, it is considered reasonable to secure such provision through a social value strategy within the legal agreement.

6.71 Policy ED2 (6) of the DALP states that the Council will seek to retain existing commercial/industrial (Office, Research and development, and light industry, factory or storage and distribution uses), unless it can be demonstrated that the continued use of the site/premise for its existing use is no longer viable in terms of its operation of the existing use, building age and format and that it is not commercially viable to redevelop the land or refurbish the premises for its existing use.

6.72 It is acknowledged that whilst land available for purposes outlined in the policy may reduce, the applicant's vision is to diversify the site into a high quality urban village and support the development of under-utilised land and buildings. It is accepted that the ancillary development proposed includes employment uses and that there would be an increase in non-residential floorspace over and above that which currently exists in the applicant's vision. This includes uses which are considered acceptable in Policy ED2 (1) of the DALP.

6.73 The applicant's submission makes clear the social and economic benefits that would result from the proposed development. These include employment opportunities linked to construction, the delivery of new homes, additional employment opportunities created through the redevelopment proposals, accessible parks and greenspace and communal gardens.

6.74 The applicant does not claim that there is no demand for the land/premises in its current use, but explains the need to redevelop / regenerate the site to significantly improve its use which would provide better accommodation to attract new businesses to Heath Park. The traditional office spaces available on site have remained underutilised and vacant for an extended period of time. The applicant has advised that despite concerted marketing efforts aimed at attracting occupiers to various units on the site at various times, the existing buildings have not represented a particularly attractive opportunity to the market. This has been supplemented by an Employment Statement, however this does not constitute a policy compliant marketing exercise to accord with Policy ED2 (6) of the DALP. It is not considered that further marketing information of the land/property is required, given the land uses proposed (i.e maintenance of employment floorspace, with additional residential and non-residential floorspace to deliver a high quality urban village).

6.75 Policy ED3 of the DALP states that within Primarily Employment Areas, Strategic Employment Locations, Employment Renewal Areas and Employment Allocations, appropriate small scale ancillary complementary services and facilities, which can be demonstrated to meet the needs of employees and complement existing businesses, will be supported provided that they do not impact on local employment or the local economy.

6.76 The policy justification states that employment areas may on occasion benefit from the inclusion of other small scale ancillary complementary services and facilities, such as catering facilities, small scale convenience retail (up to 280 sqm net), restaurants and cafes, and childcare facilities. Small scale ancillary facilities that support business and industrial uses may be permitted where they enhance the overall attractiveness and sustainability of the employment area in which they are proposed to be sited. Such facilities should demonstrate that they primarily meet the needs of businesses and employees of Halton's employment areas and are of an appropriate scale and location. In addition to small scale ancillary facilities, mixed use schemes which incorporate office, retail and residential development in higher density developments in or adjacent to the Borough's town and district centres can create attractive, vibrant and sustainable places.

6.77 The Heath Business and Technical Park already benefits from ancillary non-residential floorspace including retail, a restaurant and a fitness suite. The applicant wishes to deliver their vision for a high quality urban village which would result in additional non-residential floorspace at this site. This would include the addition of a hairdressers and post office, a pharmacy and surgery, an indoor pool, public house and a gaming centre. The amount of non-residential floorspace now proposed would ultimately go beyond what would usually be considered complementary services and facilities within Employment Areas. This does not automatically result in non-compliance with Policy ED3, however the key consideration is whether it is demonstrated that the proposal does not impact on local employment or the local economy. The applicant is clear in their submissions that the mix of commercial uses proposed seek to directly serve the new residential accommodation proposed by this application with the objective of creating a sustainable new urban neighbourhood.

6.78 The applicant acknowledges that their proposal includes a number of main town centre uses (as defined by NPPF) and that they are likely to include convenience retail, specialist independent stores such as a bike shop, service uses such as a hairdresser and post office, a pharmacy which would be ancillary and part of a new surgery, coffee shops and café, bar/restaurants, a gym/fitness studio, a public house, a hotel, indoor swimming pool, conference centre, gaming centre and offices. These uses have been subject to a Main Town Centre Use Assessment given that the site is an out of centre location and to address the policy tests in both Policy HC1 of the DALP and NPPF (namely paragraphs 87-91). Some of the representations question the requirement for more shops and

a hotel. The suitability of the uses and quantum of development is considered below.

6.79 Policy HC1 (6) of the DALP states that proposals for retail uses in out-of-centre locations will only be permitted where:

- a. It is demonstrated through a sequential test that there are no appropriate sites in the Primary Shopping Area or edge of centre sites available, or likely to be available within a reasonable timeframe;
- b. The proposal has been subject to impact assessment as set out in accordance with Table HC1.1, and will not demonstrably harm centres within its catchment.

6.80 The sequential assessment undertaken by the applicant concludes that there are no suitable, available and viable sites which could accommodate the proposed development within or on the edge of Halton Lea Town Centre or Runcorn Old Town District Centre, even when regard is given to flexibility.

6.81 It is accepted that the application site is available and the most suitable for the proposed development, given its potential to deliver a high quality scheme on a brownfield site. The proposed development would help regenerate the site, representing an opportunity to redevelop the existing business park. The proposed main town centre uses will also be within walking distance of existing local residents, and future residents and workers on a highly sustainable and accessible site.

6.82 The proposed development exceeds the floorspace thresholds for impact assessment in Table HC1.1 of Policy HC1 of the DALP. The applicant has undertaken an impact assessment which concludes that the proposal would not have a significant adverse impact on either Halton Lea Town Centre or Runcorn Old Town District Centre given the existing food and beverage premises situated with these centres are generally well-established businesses and offer an experience / service which are unlikely to be replicated at the proposed development. In terms of Sports and Leisure provision within these centres, the offer is limited and either a larger scale than that proposed or targets a specific discipline. The planned residential and employment generating uses at the site would likely support the additional Main Town Centre uses floorspace by virtue of growing leisure and food and beverage expenditure.

6.83 In terms of the quantum of Main Town Centre Uses proposed, it is accepted that there are no appropriate sites in the Primary Shopping Area or Edge of Centre which could accommodate the proposed development. Therefore, the impact of the proposed development would not demonstrably harm existing centres and their catchments and the proposal in respect of ensuring the vitality and viability of centres is compliant with Policy HC1 of the DALP and paragraphs 87-91 of the NPPF.

6.84 Considering the relationship of uses proposed within the Primarily Employment Area, the applicants Noise Impact Assessment considers noise from the proposed employment uses. In terms of existing uses, a significant proportion of the floorspace is offices and laboratory space (Use Class E(g)) which is compatible with other uses such as residential. It is noted that some of the site is used for storage which falls under Use Class B8 and are not typically compatible with uses such as residential. It is noted that the amount of floorspace to be used for storage purposes would reduce based on the applicant's submissions from 2,634sqm to 1,602sqm.

6.85 The applicant considers that the employment uses are not heavy or particularly noisy uses noting the proximity to proposed and existing residential receptors. The conclusion to this being that the uses are compatible subject any particular conflicts being designed out through the reserved matters submissions and conditions. This would primarily relate to the sensitive positioning of vehicular access points and mechanical plant.

6.86 In conclusion, whilst land available for employment purposes may reduce, the applicant's vision is to diversify the site into a high quality urban village and develop under-utilised land and buildings. Notwithstanding that the applicant has not undertaken a policy compliant marketing exercise to allow the introduction of other uses to accord with Policy ED2 (6) of the DALP, it is accepted that the maintenance of employment floorspace, and introduction of new non-residential floorspace would allow the delivery a high quality urban village when combined with the housing element of the scheme.

6.87 It is considered that the proposal would ensure that the local economy is supported and additional employment opportunities are created on site as part of the applicant's vision for a high quality urban village in accordance with Policies CS(R)4, ED3 and HC1 of the DALP.

#### 6.88 Implications for Trees/Woodlands

6.89 The applicant has undertaken a Tree Survey report and an Arboricultural Impact Assessment to accompany the application. This accords with the requirement set out in Policy HE5 (1) of the DALP. The Tree Survey notes that there are 54 individual trees, 21 tree groups, 4 woodlands and 1 hedge located on the site. 59 are Category A (Trees of high quality and value capable of making a significant contribution to the area for 40 or more years), 18 are Category B (Trees of moderate quality or value capable of making a significant contribution to the area for 20 or more years) and 3 are Category C (Trees of low quality, adequate for retention for a minimum of 10 years expecting new planting to take place; or young trees that are less than 15 centimetres in diameter which should be considered for re-planting where they impinge significantly on the proposed development).

6.90 The Heath Business and Technical Park is subject to a Tree Preservation Orders (TPO 100 and TPO 110). This includes a number of individual trees, groups of trees and areas of woodlands. There is an area of woodland to the north of Lamsickle Lane / Public Footpath to the East which is protected and located adjacent to the site boundary. The extract below shows the location of protected trees located within / adjacent to the application site.



6.91 The applicant's Arboricultural Impact Assessment and also their Assessment of Biodiversity are clear on the loss of trees that would result from the proposed development based on the illustrative masterplan. There would be 46 individual trees lost and 77 individuals in tree groups resulting in an overall loss of 123 trees. The applicant reports that 58 trees would be retained. The Assessment of Biodiversity shows that 2.12ha of the current 6.62ha of urban tree habitat would be retained.

6.92 The applicant has split the site into plots on the indicative scale plan. The indicative development plots which impact protected trees are plots F, G, H, L and P. It is also noted that some of the protected trees are located adjacent to

existing residents and objections in respect of their amenity and also character of the area have been received.

6.93 There is currently 2.3ha of woodland on the application site and the retained woodland would be 1.61ha resulting in a loss of 0.69ha of woodland.

6.94 Policy HE5 (3) of the DALP states that there will be a presumption in favour of the retention and enhancement of existing tree, woodland and hedgerow cover of arboricultural, landscape and/or visual amenity value on site. It should be noted that the applicant's own Arboricultural Impact Assessment states at paragraph 13.0 "the retention of significant arboricultural assets will be needed as the site is protected by TPO and adequate mitigation planting will be required within a landscape plan". The proposed illustrative masterplan does not demonstrate the retention of significant arboricultural assets, contrary to the professional advice the applicant has received. The applicant is of the view that a more beneficial scheme can be achieved through the remodelling of the site, which although results in the loss of trees, also provides for significant replanting across the whole site.

6.95 The applicant proposes significant habitat creation in the form of replacement planting of 415 native urban trees plus 212 fruit trees. The applicant states that 120 of the trees proposed are located in soft landscaped areas which can be classified as attaining a medium size given that they have no root development restrictions which provides a total new coverage of 6.4614ha.

6.96 Firstly, considering trees, the baseline is that the on-site value is 52.96 habitat units based on an area of 6.62ha. The tree habitat retained (2.12ha) + the new habitat coverage (6.4614ha) result in a total tree habitat area of 8.5814ha. However, as stated by the Ecological Advisor, the reduction in the overall habitat units is largely due to the Urban Trees being small in size which does not correlate with the distinctiveness and condition of the existing trees to be lost. New trees and woodland take time to reach target condition. The biodiversity assessment sets out that period as being 15 years for woodland and forest and 27 years for trees.

6.97 Secondly, considering woodland, the baseline is that the on-site value is 9.2 habitat units based on an area of 2.3ha. The woodland habitat retained (1.61ha) + the new habitat coverage (2.164ha) results in a total woodland habitat area of 3.774ha. In this case, the habitat units do increase as a result of proposed on-site habitat enhancement.

6.98 Policy HE5 (4) of the DALP states that where development is likely to result in the unavoidable loss of, or threat to, the continued health and life expectancy of, woodlands, trees or hedgerows the Council will require the impacts to be satisfactorily addressed through appropriate mitigation, or where this can be

demonstrated to be not feasible, compensation or offsetting in accordance with policy HE1.

6.99 This proposal would inevitably result in the loss of woodlands and trees and the proposed habitat creation whilst resulting in an increased number of trees, do not correlate with the distinctiveness and condition of the existing trees and represent the same level of habitat units and ultimately value. The proposal is therefore not considered to provide appropriate mitigation for the resultant loss contrary to the provisions of Policy HE5 (4) of the DALP.

6.100 The representations received have made reference to unauthorised works having been undertaken in relation to protected trees. The Planning Enforcement Officer was first made aware of unauthorised works to protected trees in December 2021. A small number of trees along the frontage had been removed. The site owner was advised to seek consent if any further works to TPO trees were to be carried out. The Planning Enforcement Officer has also advised that further unauthorised works to TPO trees had taken place in December 2022. They were investigated and it was not deemed expedient to prosecute and the extent of works would have been deemed to be reasonable, if an application for works had been submitted.

6.101 Representations have been received raising concerns over the loss of protected trees resulting from the proposed development. Some of these concerns are raised in general terms noting the significant contribution that protected trees make the character and appearance of the locality. Some of the concerns are related to the applicant intending to fell protected trees / woodlands which are adjacent to their properties and in addition to the impact on the character and appearance of the locality also have concerns regarding amenity.

6.102 The proposed development is likely to result in the loss of protected trees, with an overall loss of 123 trees, with 58 original trees retained. Given the loss of protected trees, the proposal would be contrary to the provisions of policy HE5. However, by way of compensation, the scheme provides for 1.474ha of new additional woodland habitat, and significant replacement planting of 415 native urban trees plus 212 fruit trees, however these will take time to reach maturity. The applicant has stated that the total number of trees to be provided through the scheme, including all urban trees and structural woodland planting is 5855 trees.

6.103 It is considered that conditions securing the Submission and Implementation of an Arboricultural Method Statement, a Tree Protection Plan and a Landscape and Ecological /Habitat Management Plan (following landscaping reserved matters submissions) should be secured to ensure the delivery of the relevant tree protection and planting scheme.

#### 6.104 Development on Greenspace / Green Infrastructure / Residential Greenspace Requirements

6.105 The most north western part of the application site forms a small area to the south east of the identified Strategic Greenspace adjacent to the settlement areas, as shown on the DALP 'Key Diagram' (DALP pg 40), and the strategic policy (CS(R)21) has provisions that important green infrastructure within the urban area will be protected from detrimental development to ensure its value, both individually and as part of a network, is retained. The same policy has provisions for improving accessibility to green infrastructure, and seeks to maximise the contribution of green infrastructure to broader sustainability objectives, including health, climate change adaptation, maintaining or improving biodiversity, and also encouraging the use of the wider green infrastructure network which is less sensitive to recreational pressure.

6.106 The significant part of the Strategic Greenspace referenced on the Key Diagram is Runcorn Hill (a Local Nature Reserve, Local Wildlife Site, a designated Greenspace, a Nature Improvement Area and a Core Biodiversity Area). In comparison, the relevant part of the application site is designated only as Greenspace and Nature Improvement Area, with a very small area in the North West corner being Core Biodiversity Area. As part of the overall application site is identified as Strategic Greenspace, the suitability of the development proposal needs to be very carefully considered in terms of the resultant impact on existing green infrastructure, given its importance.

6.107 This north western parcel of the application site is labelled with the number 2 on the Proposals Map, which is representative of it being a Natural and Semi-Natural Greenspace. It is an undeveloped piece of land, which is not publicly accessible. It has value as visual amenity by providing a visual break adjacent to the existing residential development. The site also acts as a landscape buffer for Runcorn Hill from built development. The applicant's Preliminary Ecological Appraisal notes that the southern section is amenity grassland and the northern section is neutral grassland. This parcel therefore has habitat, landscape and wildlife value. A public footpath runs along the eastern boundary of the site linking Heath Road South to Highlands Road, forming a greenway and greenspace linkage, this route would not be affected by the proposed development.

6.108 A quantitative update of the previous Halton Open Space Study was undertaken by the Council in 2020 and was an evidence base document for the DALP. This looks at the various open space typologies including Natural and Semi-Natural Greenspace. This looks at the borough as a whole, Runcorn and Widnes and also based on Neighbourhoods (which comprise a number of wards based on the ward boundaries prior to 2021). This allowed a direct comparison to be made between the 2005 study and the 2020 study.



6.109 The application site falls within the old Heath Ward, which is Neighbourhood 6, comprising the former wards of Mersey, Heath, Halton Brook and Grange. In 2021, the population of this Neighbourhood was 27,041. This resulted in the position set out below regarding the various open space typologies:

Amenity Greenspace – Requirement 27.04ha – Provision 36.24ha– Surplus of 9.2ha.

Provision for Children and Young Persons – Requirement 5.41ha – Provision 3.26ha – Deficit of 2.15ha.

Parks and Gardens – Requirement 33.8ha – Provision 19.47ha – Deficit of 14.33ha.

Natural and Semi-Natural – Requirement 74.36ha – Provision – 60.78ha - Deficit of 13.58ha.

Allotments and Community Gardens – Requirement 2.43ha – Provision 2.18ha – Deficit of 0.25ha.

6.110 It is notable that the former wards of Mersey, Halton Brook, and Grange are quite dense residential areas with less green space, in contrast to Heath Ward (where the application site is located), which in isolation does have a significant amount of open space (Runcorn Hill, Weston Quarries, Heath Park, Golf Course etc). The update to the Halton Open Space Study also shows that there continues to be an overall surplus of Natural and Semi-Natural Greenspace in the Borough as a whole, and also in Runcorn, despite the deficit in Neighbourhood 6.

6.111 Policy CS(R)21 of the DALP states that Halton's green infrastructure network will be protected, enhanced and expanded, where appropriate. It also sets out that the Council will resist the loss of green infrastructure where there are identified deficiencies in provision. The policy also makes reference to the protecting, enhancing and where possible creating linkages and connections between natural habitats and other landscape features which contribute towards a network of greenspaces and corridors of value for biodiversity, recreation and the amenity needs of the community. The same policy has provisions for improving accessibility to green infrastructure, and seeks to maximise the contribution of green infrastructure to broader sustainability objectives, including health, climate change adaption, maintaining or improving biodiversity, and also encouraging the use of the wider green infrastructure network which is less sensitive to recreational pressure.

6.112 The justification for Policy CS(R)21 at paragraph 7.137 of the DALP states that green infrastructure, as defined, is present across Halton from the strategic urban greenspace areas of Town Park and Victoria Park, the waterways and canals including the Sankey and Bridgewater canals, to areas of nature conservation interest, play areas, parks and golf courses. The application site contains an area of greenspace of strategic importance due to nature

conservation and its relationship with Runcorn Hill Local Wildlife Site / Local Nature Reserve and its unique landscape.

6.113 The proposed development would result in the loss of existing green infrastructure and also greenspace identified on the Policies Map. Policy HE4 (4) of the DALP states that this will only be permitted where the following criteria can be met:

a. It can be demonstrated that the green infrastructure and green space is surplus to requirements against the Council's standards in accordance with policy RD4 and CS(R)21, and the proposed loss will not result in a likely shortfall during the plan period; or a

b. Replacement green infrastructure and green space is provided of equivalent or better provision in terms of quality and quantity, and in a suitable location to meet the needs of users of the existing green infrastructure and green space.

c. It must be demonstrated that the loss of the green infrastructure and green space under criteria i. or ii. does not detract from the Borough's ability to divert recreational pressure away from sensitive European designated sites and does not result in an effective increase in recreational pressure within the European designated sites.

6.114 The applicant's Planning Statement acknowledges that the proposed north west residential development parcels would result in the loss of designated Natural and Semi-Natural Greenspace (the applicant's figure based on the illustrative plan is 2.33ha). The applicant also notes that it is not possible to directly replace the 2.33ha of designated Natural and Semi-Natural Greenspace. As a consequence of this noting the policy requirements set out above, the applicant accepts that this aspect of the development is contrary to the provisions of Policy HE4 (4) and CS(R)21 of the DALP.

6.115 Also shown on the Policies Map within the Heath Business and Technical Park are Core Biodiversity Areas (Natural and Semi Natural Greenspaces corresponding with areas of woodland and also an area of Amenity Greenspace). The extract below is from the LCR Ecological Network Interactive Map showing Core Biodiversity Area – Woodland. Whilst these areas may not be labelled as Greenspace on the DALP Policies Map, it is considered that they are existing green infrastructure identified on the Policies Map and are therefore relevant to the consideration of Policy HE4 (4) of the DALP. The general Core Biodiversity Area (CBA) covers a significant area of the Borough, with a primary purpose as set out in Policy HE1 4 to guide the location of compensatory measures where these are provided for other types of habitat. Identification of a site within the CBA is not fatal to development proposals as many DALP land allocations have elements of CBA within them, and as such they represent opportunities rather than restrictions.



6.116 There are other areas of green infrastructure within the Heath Business and Technical Park site, an example being the incidental greenspaces adjacent to existing buildings which are not identified on the DALP Policies Map. In many cases these areas have accommodated buildings that have been demolished and are not undeveloped areas. The policy test set out at Policy HE4 (4) of the DALP relates to the loss of existing green infrastructure and greenspace identified on the Policies Map and therefore does not apply to these areas. The loss of these incidental greenspaces within the Heath Business and Technical Park not shown on the DALP Policies Map, whilst not being desirable, will not be resisted as these incidental areas are allocated as employment land, and it is recognised in Policy CS(R)4bvii that regeneration and remodelling opportunities are supported within existing employment areas.

6.117 Based on the above consideration, the loss of green infrastructure and greenspace identified on the Policies Map does exceed the 2.33ha based on the applicant's illustrative plan when the Core Biodiversity Areas within the existing Heath Business and Technical Park shown as being lost are taken into account. This relates to the areas of Natural and Semi-Natural Greenspace for which there is an identified deficit within the neighbourhood.

6.118 The policy test (HE4,4) is '*replacement green infrastructure and green space is provided of equivalent or better provision in terms of quality and quantity, and in a suitable location to meet the needs of users of the existing green infrastructure and green space*'. The applicant acknowledges that a quantitative amount of replacement green infrastructure / green space is not being provided. In terms of quality, it is noted that the applicant's Greenspace Masterplan Strategy sets out existing and enhanced semi-natural woodlands as well as new structural native woodland planting (with a significant proportion being located on existing designated greenspace to improve its biodiversity).

6.119 The applicant also sets out the benefits that would result from providing public access to existing, enhanced and new green infrastructure, and this aspect accords with Policy CS(R)21. The overall greenspace/landscape strategy seeks to promote a net gain in ecological value, amenity value, environmental quality, climate resilience and connectivity with a wider network of greenspaces promoting active travel, recreational opportunities and enhancing ecological connectivity. The applicant also notes their vision for a multi-functional green infrastructure corridor that connects the north western development parcels with the heart of the main site and reinforces the recreational and ecological connectivity between Runcorn Hill Park (linking into the Mersey Valley Trail) and Heath Park. This is illustrated by applicant's vision for Pylon Meadow. It is accepted that the applicant's proposal would deliver some qualitative improvements and that the replacement provision proposed is within the site itself and would therefore be considered a suitable location. The resultant issue here is the quantity of replacement green infrastructure and greenspace proposed hence the reported non-compliance with Policy HE4 (4) of the DALP.

6.120 The consideration of Greenspace Provision for Residential Development to ensure compliance with Policy RD4 of the DALP is of relevance to the consideration of Development on Greenspace. The applicant correctly notes that the Greenspace for Residential Development Standards based on the quantum of development proposed (545 residential units) are as follows:

Parks & Gardens – 21,488 sqm (2.1488 ha)

Natural & Semi-Natural – 47,273 sqm (4.7273 ha)

Amenity Greenspace – 17,190 sqm (1.719 ha)

Provision For Children & Young Persons – 3,438 sqm (0.3438 ha)

Allotments – 1,547 sqm (0.1547 ha)

6.121 The suitability of the Greenspace Provision for Residential Development is to be considered below, however it should be noted that any replacement green infrastructure and green space as a result of the proposed development should be in addition to that required as a result of the needs of the new

residential development. The applicant has set out that the following overall Greenspace provision would be provided as part of their Greenspace Masterplan:

Parks & Gardens – 2.237 ha (Surplus)

Natural & Semi-Natural – 6.313 ha (including 1.419ha new provision and the enhancement of 4.894ha). (Deficit)

Amenity Greenspace – 0.668 ha (Surplus)

Provision For Children & Young Persons – 0.072 ha (Deficit)

Allotments & Community Gardens – 0.98 ha (Surplus)

6.122 The applicant's Greenspace Masterplan shows Greenspace provision in both parts of the application site. Firstly, considering the Parks and Gardens Typology, the Greenspace Masterplan shows 2.237ha which is in excess of the 2.1488 ha standard.

6.123 Secondly, considering Natural & Semi-Natural Greenspace, the applicant acknowledges that there is a projected quantitative shortfall in this typology. The applicant sets out that there would be 1.419ha of new provision. This is significantly below the 4.7273ha requirement for residential provision. However, as set out earlier in the report, the loss of designated Natural and Semi-Natural Greenspace would not be replaced to a level which would ensure policy compliance. The impact of the proposed development in respect of quantitative Natural & Semi-Natural Greenspace would therefore be significant. However there continues to be an overall surplus of Natural and Semi-Natural Greenspace in the Borough as a whole, and also in Runcorn.

6.124 Thirdly, considering Amenity Greenspace, the applicant proposes 0.668ha noting the 1.719 ha requirement. As stated earlier in the report, there is a surplus shown for this typology in the neighbourhood in which the site is located within the Quantitative update of the previous Halton Open Space Study. The document notes that 98% of residential properties are within 400m of amenity greenspace and there is such provision within a 400m accessibility standard in this case. Based on there being a surplus of Amenity Greenspace in the neighbourhood, it is not considered that the proposed development would create, or exacerbate a projected quantitative shortfall of Amenity Greenspace in this instance.

6.125 Fourthly, considering Provision for Children and Young People, the applicant proposes 0.072ha whilst noting the requirement of 0.3438 ha. There is an identified deficit in the neighbourhood. There is some provision in the locality including Weston Playground and Heath Park Playground, however these would unlikely support such a significant amount of development. The applicant notes that within the Heath Park Vision Document, the following

provision is referenced – Children Play – Toddler (at Pylon Meadow Park), Children Play – Teenage (at Quarry Attenuation Pond and at West Woodland), Children Play – Natural (at Pylon Meadow Park and East Woodland). It is questioned why this is not shown on the Greenspace Strategy and without this, it cannot be demonstrated that sufficient Provision for Children and Young People would be provided which would therefore exacerbate a projected quantitative shortfall of Provision for Children and Young People.

6.126 Fifthly, considering Allotments & Community Gardens, the Greenspace Masterplan shows 0.98 ha which is in excess of the 0.1547 ha standard.

6.127 Now considering the resultant overall environment quality of the site in the context of Policy ED2 from earlier in the report, the assessment of Green Infrastructure, Greenspace and also Arboricultural issues (considered later in the report) do have a negative impact in this regard especially given the significant loss of trees that would result. There is therefore non-compliance with Policy ED2 (2c) of the DALP.

6.128 Accordingly, in respect of development on designated greenspace, it is not demonstrated that there would be equivalent or better provision of green infrastructure and greenspace in terms of quality and quantity, and in a suitable location to meet the needs of users of the existing green infrastructure and green space. Therefore, there is conflict with Policy HE4 of the DALP.

6.129 In respect of Residential Greenspace provision, the proposal through the applicant's Greenspace Masterplan demonstrates that an appropriate level of provision for Parks & Gardens, Amenity Greenspace and Allotments & Community Gardens can be provided, however it is considered that the proposal would exacerbate a projected quantitative shortfall in both Natural & Semi Natural Greenspace and Provision for Children and Young People contrary to the provisions of Policy RD4 of the DALP. However, it must be remembered that this is an outline application, with an indicative layout, and there does appear to be sufficient space within the application site to address some of the deficiencies highlighted above, simply by changing the type of residential greenspace to be provided in order to achieve policy compliance.

6.130 The overall conclusion in respect of Greenspace and Green Infrastructure is that the proposed development is contrary to the provisions of Policies CS(R)21, HE4 and RD4 of the DALP. This is primarily due to the overall quantity of green space being provided. However, there continues to be an overall surplus of Natural and Semi-Natural Greenspace in the Borough as a whole, and also in Runcorn. The development is also directly adjacent to the Natural & Semi-Natural areas of Runcorn Hill, and the large parkland area of Heath Park, which provides access to recreational space. Proximity to these existing greenspaces reduces the impact of policy non-compliance, as suitable green spaces are present in the locality. Positively, the development will also

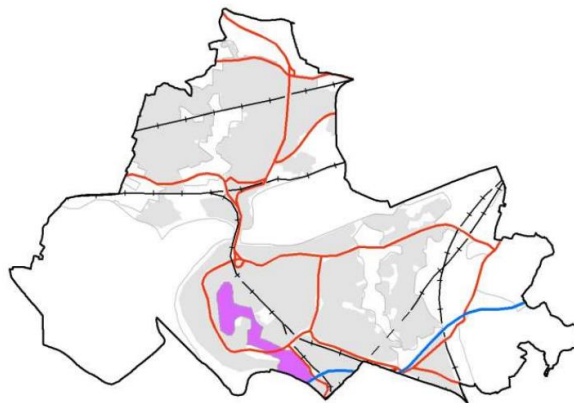
provide public access to new areas of greenspace, including an area of approximately 1.7Ha that previously had no public access, and this therefore conforms with policy provisions for improving accessibility to green infrastructure, and maximising the contribution of green infrastructure to broader sustainability objectives, including health, climate change adaption, maintaining or improving biodiversity, and also encouraging the use of the wider green infrastructure network which is less sensitive to recreational pressure.

6.131 It is considered that conditions securing the submission and implementation of both a Phasing Plan and a Greenspace Management Plan should be secured to ensure the delivery of the development in an appropriate manner.

6.132 Landscape Impact

Policy HE5 (5) of the DALP states that all development will be required to conserve and where appropriate enhance the character and quality of the local landscape.

6.133 The Council undertook a Landscape Character Assessment (LCA) in 2009 to look at the landscape and visual character of the borough. This identified nine landscape character areas with one being Runcorn Hill and Heath Parkland. The Runcorn Hill and Heath Parkland Landscape Character Area is shown in purple on the extract below:



The smaller area of the application site to the North West of Heath Business and Technical Park on the opposite side of Heath Road South is located within the Runcorn Hill and Heath Parkland Landscape Character Area.

6.134 The strategy for the Runcorn Hill and Heath Parkland Landscape Character Area is to ENHANCE and RESTORE and emphasis should be placed on restoring the condition of the unique landscape around Runcorn Hill Local Nature Reserve and protecting the views from the rocky viewpoints. Further restoration of hedgerows would strengthen the landscape condition.

Enhancement of planting around the peripheries would strengthen the landscape character of the area.

- 6.135 Noting the above, the applicant was requested to undertake an assessment of landscape and visual impact to demonstrate compliance with Policy HE5 (5) of the DALP. The applicant has chosen not to undertake either a Landscape and Visual Impact Assessment (LVIA) or a Landscape Visual Appraisal (LVA) and has instead provided some commentary in their Planning Statement.
- 6.136 The applicant acknowledges the incursion that the proposed development would have into the Runcorn Hill and Heath Parkland Landscape Character Area. They also state the context of the application site in relation to the existing urbanised area to the south which includes the existing Heath Business and Technical Park as well as existing residential areas to the east, west and south of the Heath Business and Technical Park.
- 6.137 Runcorn Hill (located directly to the north of the application site) is a prominent sandstone hill which provides a feature and backdrop to views from other parts of Halton. The LCA also notes that to the south of the Local Nature Reserve the land cover opens into amenity grassland, rough grazing and horse paddocks and that there is an association with the adjacent heath and woodland within the Local Nature Reserve as the boundaries are open and transitional, and the amenity greenspace is set within a woodland setting. A key characteristic of the Runcorn Hill and Heath Parkland Landscape Character Area is that it forms a corridor of urban greenspace in the south west of Runcorn.
- 6.138 The scheme's Greenspace Masterplan Strategy includes enhanced landscape components and at the same time responds to guidelines for the enhancement and restoration of key landscape characteristics for the Runcorn Hill and Heath Parkland Landscape Character Area. The Greenspace Masterplan Strategy proposes to reinforce and restore hedgerows and tree belts as well as enhancing planting around the peripheries of the proposed development areas alongside the creation of additional green infrastructure and linkages within and through the application site. The incorporation of these features would contribute to reducing the prominence of urban fringes within and adjacent to the Runcorn Hill and Heath Parkland Landscape Character Area. Attention has been given as to not enclosing or restricting key views from the top of Runcorn Hill as shown in the scale parameters by limiting dwellings to two storey on the part of the application site in question. The applicant's vision sets out examples of a quality suite of materials that are considered appropriate for the proposed development within the context of its landscape character setting, albeit recognising that the LCA confirms that there is no overriding architectural style.



- 6.139 Notwithstanding what the applicant has set out in respect of landscape character, the Council's Design and Development Manager concerns over the proximity of the proposed housing areas (labelled A,B,C on the illustrative masterplan) and the relationship to Runcorn Hill Park, in particular in the effect this development has on the landscape character associated with the local nature reserve and heathland habitat type remain.
- 6.140 The policy test in Policy HE5 is whether the proposed development would conserve and where appropriate enhance the character and quality of the local landscape. Firstly, the fact that development is proposed in a Landscape Character Area does not automatically mean that it is unacceptable, however the impact needs to be carefully assessed. It is noted that there are some residential properties within the Landscape Character Area and the LCA assesses built form noting that the roofline within the character area is dispersed and infrequent as built form is limited.
- 6.141 Noting the following wording from the LCA, *to the south of the Local Nature Reserve the land cover opens into amenity grassland, rough grazing and horse paddocks and that there is an association with the adjacent heath and woodland within the Local Nature Reserve as the boundaries are open and transitional, and the amenity greenspace is set within a woodland setting*, the observations of the Council's Design and Development Manager are understood. The land on which development is proposed has a clear association with Runcorn Hill (the directly adjacent Local Wildlife Site and Local Nature Reserve) and built form in this location would ultimately have an impact on Runcorn Hill as a prominent sandstone hill which provides a feature and backdrop to views. The LCA is clear that this Landscape Character Area is a *corridor of urban greenspace in the south west of Runcorn*. The proposed development within the Landscape Character Area would partially fragment this corridor of urban greenspace running through the South West of Runcorn.
- 6.142 The applicant does note the ways in which the LCA sets out the landscape strategy for the area (Runcorn Hill and Heath Parkland Landscape Character Area) through the restoration of hedgerows and enhancement of planting around the peripheries. The applicants illustrative plans do show some space for Natural & Semi Natural Greenspace at the north western corner of the site and a linear Park/Garden. The space afforded to this provision is limited and it is not considered that it would overcome the identified harm as a result of development of this land which has a clear association with Runcorn Hill which is currently open and transitional and the partial fragmentation of the corridor of urban greenspace running through the South West of Runcorn.
- 6.143 In conclusion, it is considered that the proposal would fail to conserve and enhance the character and quality of the local landscape contrary to the provisions of Policy HE5 (5) of the DALP. Noting that development would result in a negative impact on the Landscape Character Area.

#### 6.144 Greenway Implications

As noted in the site description, there are a number of Greenways within and adjacent to the site. These include the Greenway along Lamsbickle Lane which serves Weston Primary School links through the application site to Runcorn Golf Course and beyond, the Greenway linking Heath Road South to Highlands Road and the Greenway which runs in a north easterly direction along Heath Road South in the direction of the crossroads with Clifton Road, Moughland Lane and Greenway Road.

6.145 The proposed development does not compromise the existing Greenways which encourage walking and cycling and are part of the green infrastructure network. The applicant's objective of creating a sustainable new urban neighbourhood would increase access to the site through the creation of new publicly accessible greenspaces and resultant linkages through the development. The maintenance of the existing Greenways is shown on the applicant's illustrative circulation and connectivity plan. Representations have been received questioning whether the Greenway linking Heath Road South to Highlands Road would be maintained. This is a public footpath running across land which is controlled by the Council. The illustrative plan also shows other potential future linkages through the site which would encourage walking and cycling and link up the above referenced Greenways through what is currently a privately owned site. It is considered that the proposed development has the potential to enhance green infrastructure networks and provide links to green infrastructure assets in the locality. This detail would be provided as part of reserved matters submissions and would need to demonstrate compliance with Policies CS(R)21, C1 and HE4 of the DALP.

#### 6.146 Ecology and Biodiversity

The applicant has made a number of submissions relating to ecology and biodiversity as set out in paragraph 2.2 of the report.

6.147 The development site is near to a number of national and international sites (Mersey Estuary SPA, Mersey Estuary Ramsar site and Mersey Estuary SSSI). The Ecological Advisor states that there is no pathway that could result in likely significant effects on the national and international sites and that a Habitat Regulations Assessment is not warranted for the reasons outlined in their response and this position is accepted.

6.148 The development site is within 1km of a number of sites of local importance (Runcorn Hill Park Local Nature Reserve (LNR) and Runcorn Hill Local Wildlife Site (LWS)). The Ecological Advisor notes that the Runcorn Hill site is a former quarry, which has primarily been designated for its mosaic of habitats including Priority Habitats such as Purple Moor Grass and Rush Pasture, Lowland Heathland and Deciduous Woodland. The site is also designated for its population of common lizard. There is a risk of predation of

reptiles from within the LWS/LNR from domestic cats. This could be mitigated through appropriate buffer planting such as gorse that could provide a barrier between the site and the designated area. They advise that the proposals would result in recreational pressure impacts on the LNR/LWS due to the proximity of the new residential properties and that a commuted sum should be secured to manage risks to the designated sites. The commuted sum is to be finalised and would be used for the Council's identified infrastructure improvements at Runcorn Hill Park. The proposed development would immediately border the LWS/LNR and there is a risk of damage or pollution of the designated site during construction. This risk would need to be appropriately managed through a Construction Environmental Management Plan (CEMP) including the details set out in the Ecological Advisor's observations.

- 6.149 The development site includes an area of neutral grassland which is a UK BAP priority habitat. This would be lost to development. The Biodiversity Metric submitted with this outline planning application by the applicant demonstrates that there would be a net gain of neutral grassland Priority Habitat within the site to ensure compliance with both national and local planning policy. A full and detailed Landscape and Habitat Management Plan would need to be secured by condition and demonstrate no net loss of biodiversity.
- 6.150 In relation to protected / priority species, the applicant has completed Great Crested Newt (GCN) Surveys of ponds within 250m of the application site
- 6.151 Representations state that a pond with newts in has already been filled in by the applicant. It is assumed that reference is being made to water-body 1 was fairly silted up on a previous survey of the site but was found to support a small population of GCN. The current survey reports that this water body is now dry and considered extinct (liner punctured). If there were evidence of habitats of protected species being damaged, this is a police enforcement issue in respect of the Wildlife and Countryside Act 1981.
- 6.152 The latest surveys found great crested newt presence at waterbodies 7, 8 and 9. The survey report concludes that there is a risk of loss of terrestrial habitat for amphibians and killing and/or injury of great crested newts during construction works. As the proposals involve the destruction of GCN breeding ponds and impacts to habitat suitable for GCN the applicant will require the Natural England District Level Licensing (DLL) to be in place prior to any works commencing on site. The applicant has now submitted a GCN Impact Assessment and Conservation Payment Certificate (IACPC) issued by and counter signed by Natural England which documents acceptance of the site and proposals into the Natural England DLL Scheme for GCN. The intention for the site to be registered under the DLL scheme means that the Council is not required to conduct a 3-test assessment (Habitat Regulations) to determine if a licence is likely to be granted, as the certificate provides confirmation from Natural England that the impacts of the development on GCN are capable of

being fully addressed in a manner which complies with the Habitats Regulations. A condition securing the submission of a copy of the DLL prior to commencement of development is suggested.

6.153 Common lizard are known to be present within the boundary of the Runcorn Hill LWS/LNR adjacent to the north-western site boundary. This was also raised in the representations received. The applicant has completed a reptile survey and no reptiles were identified within the application site boundary. There is however still a risk of reptiles entering the construction area during works on site. A Reasonable Avoidance Measures scheme condition for reptiles is suggested to secure appropriate protection.

6.154 The applicant has undertaken a bat survey of the buildings and trees on site and a small numbers of roosting common pipistrelle bats were recorded roosting in buildings F and I. The report concludes that the roosts are small day/transitional roosts for common pipistrelles, and this conclusion is accepted. The identified roots would be lost as a result of demolition of the existing buildings. The applicant has provided a Mitigation and Enhancement Measures Statement and a document relating to the capture and exclusion of bat species. These documents are accepted and the implementation should be secured by condition. As the developments affects European protected species, it must be assessed against the three tests set out in Regulation 55 of the Habitats Regulations 2017.

6.155 The assessment against the three tests is set out below:

*Test 1: Regulation 55(1)(e): “preserving public health or public safety or other imperative reasons of overriding public interest including those of a social or economic nature and beneficial consequences of primary importance for the environment”*

Buildings and infrastructure within the Heath Business and Technical Park is currently around 50-60 years old. Since 1999 the site has been open to the public to use a number of facilities within the site. One of the main aims of the “Heath Park Project” as stated within the Design and Access Statement is to improve the current community offering at the site through development. The business and technical park is also currently an important employment centre in Halton and proposals for the site look to ensure the protection and enhancement of employment within the local area. There are also proposed net gains for biodiversity within the site which will increase the value of the site for biodiversity and local wildlife. The development will be designed to accommodate replacement bat roost provision as mitigation for the roosts lost to development, and also provide additional roosting features as part of wider biodiversity enhancements. The replacement and additional roost provision will ensure long-term bat roosting habitat on site. This test is satisfied.

Test 2: Regulation 55(9)(a): *“that there is no satisfactory alternative”*

The proposals are part of a wider Heath Business and Technical Park project which aims to utilise the site to increase physical, social, economic and environmental value within the borough. The Design and Access Statement also states that there is a shared desire for the site to be designated for mixed use in order to facilitate these aims. The proposals will require the demolition of the existing buildings and will therefore not be possible without the destruction of the identified bat roosts. It is however proposed to re-instate the bat roosts within a similar location within the site and provide additional roosting opportunities within the design of the site, to increase the site’s overall suitability for use by roosting bats. Temporary roosting provision is proposed via suitable tree mounted bat boxes within the site margins to ensure roosting provision is provided at the site throughout the proposed works. The scheme proposed is considered the most appropriate mitigation approach. This test is satisfied.

Test 3: Regulation 55(9)(b): *“that the action authorised will not be detrimental to the maintenance of the population of the species concerned at a favourable conservation status in their natural range”*

Works at the site without appropriate mitigation would result in the loss of two occasional day roosts of a common and widespread species (Common pipistrelle) within Halton. Works are unlikely to cause a detrimental change to the conservation status of the European Protected Species at a local or county level but may lead to offences under the Wildlife and Countryside Act (1981) and Conservation of Habitats and Species Regulations 2017 (as amended). Proposed mitigation and compensation measures within the Mitigation and Enhancement Measures Statement in relation to bat species and further capture and exclusion of bat species note reports will ensure that bat roosting provision is in place prior to the demolition of the building and will ensure there is an increase in roosting provision at the site post-development. The mitigation and compensation measures detailed within the Mitigation and Enhancement Measures Statement in relation to bat species and further capture and exclusion of bat species note reports can be secured by a suitably worded planning condition. As long as the mitigation recommended in these reports is implemented, then this test would be satisfied.

6.156 The habitats on the development site are suitable for badger and hedgehog which are protected/Priority Species. It is considered reasonable to attach a condition securing reasonable avoidance measures to be put in place to ensure that there are no adverse effects on them.

6.157 Built features and vegetation on site provide nesting opportunities for breeding birds, which are protected. No tree felling, scrub clearance, hedgerow removal, vegetation management, ground clearance or building works are to take place during the period 1 March to 31 August inclusive. If it is necessary to

undertake works during the bird breeding season then all buildings, trees, scrub, hedgerows and vegetation are to be checked first by an appropriately experienced ecologist to ensure no breeding birds are present. If present, details of how they will be protected are required to be submitted for approval. This should be secured by condition.

6.158 Policy HE1(10) of the DALP relates to non-designated sites and habitats and is relevant to the application site. It states that to ensure the protection, conservation and enhancement of Halton's natural environment in accordance with policy CS(R)20, development will be permitted provided that:

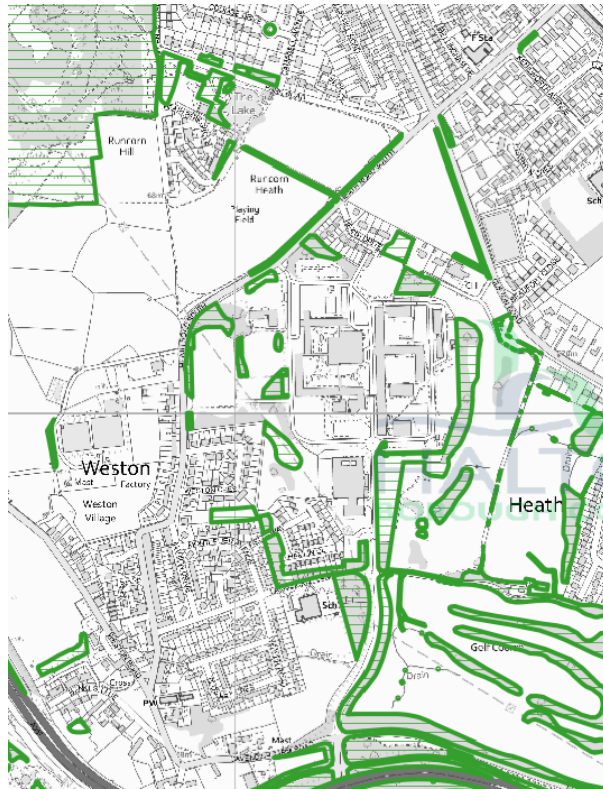
a. It does not have a detrimental impact on the non-designated sites and habitats of ecological value.

b. Arrangements for the long term management and maintenance of any existing and proposed landscaping have been made include mitigation and compensatory measures/landscaping.

c. It does not result in the loss of important features such as trees, woodlands, walls, hedgerows, ponds or watercourses

6.159 The proposed development would impact on the site's ecological value, however the Biodiversity Assessment demonstrates that replacement habitat can be delivered to ensure no net loss of biodiversity. This is the planning policy test for this application noting when the application was submitted. The assessment shows that the indicative proposals would deliver a 24.28% gain in overall biodiversity. Noting the inconsistencies in the Assessment of Biodiversity and the Biodiversity Metric which include issues in respect of the number of trees proposed and the new woodland habitat coverage, the applicant has since clarified that this would deliver a 31.76% gain in overall biodiversity. Ensuring no net loss of biodiversity is the policy test for this application by virtue of when it received by the Council. Given the significant gain in biodiversity demonstrated by the applicant, notwithstanding the inconsistencies, it is not considered that this would significantly impact the proposal to such a degree that the policy test could not be met. An updated Biodiversity Assessment based on a detailed scheme demonstrating no net loss of biodiversity would need to be secured by condition. The long-term management and maintenance of any existing and proposed landscaping would be secured through a full and detailed Landscape and Habitat Management Plan condition. The proposal by virtue of the illustrative masterplan submitted would result in the loss important features including trees and woodlands which are protected and therefore of significant amenity value. Amendments to the illustrative masterplan have been sought however the applicant has chosen not to amend this to ensure the retention of the trees and woodlands. This is against the Council's presumption in favour of retaining and enhancing all existing tree, woodlands and hedgerow cover. The applicant's Biodiversity Assessment does however show replacement planting result in no net loss of biodiversity, however there is a clear arboricultural impact notwithstanding the demonstration of no net loss of biodiversity as a whole.

6.160 There are a number of Core Biodiversity Areas (Natural and Semi Natural Greenspaces) corresponding with areas of woodland and also an area of Amenity Greenspace) within the Heath Business and Technical Park section of the site. A small section of the land to the North West of the Heath Business and Technical Park on the opposite side of Heath Road South is Core Biodiversity Area (Natural and Semi Natural Greenspace). The plan below shows the Core Biodiversity Areas both within and adjacent to the application site (edged in green with a light green horizontal line within).



6.161 The Liverpool City Region Ecological Network includes a Core Biodiversity Area of designated nature and geological sites and priority habitats. Policy HE1 (11) of the DALP states that when considering development proposals, appropriate consideration should be given to improving the quality, linkages and habitat within the Liverpool City Region Ecological Network. As the application is outline with all matters reserved, the plans submitted are illustrative. The illustrative masterplan shows proposed development on some of these areas which would ultimately impact existing habitat which is not desirable. Future reserved matters applications could chose to retain these features. The policy states that consideration should be given to improving the quality, linkages and habitat. The illustrative masterplan does demonstrate improved accessibility to what is currently a private site and would result in improved linkages through accessible greenspace to the wider locality. In terms of impact on habitats as a whole, the replacement provision shown within both the applicant's Greenspace Strategy and their Assessment of Biodiversity would be sufficient to compensate for the resultant loss and should be secured by a full and detailed Landscape and Habitat Management Plan condition.

6.162 The smaller section of the site to the north west, located on the opposite side of Heath Road South is within a Nature Improvement Area on the DALP Policies Map. The plan below shows Nature Improvement Areas both within and adjacent to the application site (edged in grey with grey crossed hatching).



6.163 Policy HE1 (12) of the DALP states Development proposals within the Nature Improvement Area will be permitted where they complement the identified opportunities for habitat creation and / or habitat management, and are consistent with other policies in the Plan. The proposal would result in development within the Nature Improvement Area which would ultimately have a negative impact and would limit opportunities for habitat creation within the defined Nature Improvement Area. However, the Biodiversity Metric submitted with this outline planning application demonstrates that there would be a net gain of neutral grassland Priority Habitat within the overall application site, providing compensatory habitat in the immediate locality.

6.164 In conclusion, in respect of ecology and biodiversity, the proposed development would not result in likely significant effects on the national and international designated sites. The sites of local importance (Runcorn Hill Park LNR and Runcorn Hill LWS) are located adjacent to the site boundary and associated recreational pressure impacts from the proposed development would need to be mitigated through a commuted sum to manage risks to the designated sites. A CEMP condition is also required to manage risk of damage or pollution



during construction. The proposed development site includes an area of neutral grassland which is a UK BAP priority habitat and would be lost, however the Biodiversity Metric submitted with this outline planning application demonstrates that a net gain of neutral grassland Priority Habitat within the site can be achieved. A full and detailed Landscape and Habitat Management Plan would need to be secured by condition and demonstrate no net loss of biodiversity. The proposed development may have an impact on protected species, however the suggested conditions would ensure that appropriate mitigation / compensation is secured. The resultant recreational pressure impacts on Runcorn Hill LNR/LWS due to the proximity of the new residential properties would be managed through the payment of commuted sum to provide mitigation. The proposal would result in the loss of important features in the form of protected trees and woodlands (Core Biodiversity Areas) which is not desirable, however in terms of biodiversity, the applicant's Biodiversity Assessment demonstrates that no net loss of biodiversity can be achieved through the applicant's Greenspace Strategy. In respect of the section of the site which is designated as a Nature Improvement Area, the proposed development would ultimately have a negative impact on habitat creation, however compensatory habitat in the immediate locality would be deliverable. The proposal in respect of ecology and biodiversity is considered to be in broad compliance with Policies CS(R)20 and HE1 of the DALP.

#### 6.165 Transport and Accessibility

The application is supported by a Transport Assessment and a Travel Plan, given the scale of development proposed. As noted by the Highway Officer, this application relates to the principle of development and the submission only needs to indicate broadly where people and vehicles will enter the site. They note that how the development would be integrated into the traffic and transport systems, would be dealt with at the reserved matters stage.

6.166 Some concerns are raised in representations regarding making Heath Drive a through road. The suitability of the internal layout would be considered at the reserved matters stage. Concerns regarding insufficient car parking have also been raised. Whilst car parking would be dealt with at the reserved matters stage, the applicant's Transport Assessment states that the masterplan layout has been tested for capacity to accommodate parking provision compliant with local parking standards. The Highway Officer has not raised any objection in respect of likelihood of being able to achieve appropriate car parking provision at the reserved matters stage.

6.167 The Transport Assessment provides a detailed assessment of traffic on the highway network. The applicant concludes that noting the NPPF core planning principles including supporting a transition to a low carbon future, reducing pollution, focusing major developments in sustainable locations and that the proposal can be safely accommodated in Runcorn. The applicant considers that the proposal accords with the NPPF and that the residual cumulative impacts of the development are not severe. The Highway Officer

considers that the submissions made now provide an acceptable breadth of detail and clarity.

6.168 Some concerns have been raised in the representations received in respect of there being an increase in traffic and congestion in the locality as well as road safety concerns. As stated above, the purpose of the Transport Assessment is to assess the impact of traffic and this has now been done to the satisfaction of the Highway Officer.

6.169 The Highway Officer considers that a worst case scenario has been tested and presented in the applicant's Transport Assessment. It is important to note that the applicant's access strategy on which the Transport Assessment is based has commercial traffic entering the central site from the south and residential traffic from the north. The illustrative plans submitted with the application do however not align with this access strategy noting the indicative location of land uses. The applicant is also clear that there is no intention to have a through route for general traffic.

6.170 The Highway Officer considers it necessary to ensure that the access strategy is followed unless further traffic assessment is undertaken to demonstrate the suitability of the revised strategy along with the securing of any mitigation measures necessary. A Highway Phasing Plan requiring the satisfactory monitoring of the impacts of each phase of the development as they progress, in terms of traffic flows (volume and distribution), measurement against the technical data presented to date, and implementation of off-site highway works also needs to be secured.

6.171 The applicant's Framework Travel Plan is a site-specific strategy and action plan for managing multi-modal access and travel to the site which focuses on promoting travel by sustainable and active modes of transport. The applicant acknowledges that this is an overarching travel planning framework and would be followed by individual Travel Plans within the development following occupation depending on end occupiers. The securing of Full Travel Plans can be achieved by condition.

6.172 *Walking and Cycling*

It is not considered that the proposed development would prejudice the access on to or through the walking and cycling network which currently exists. The walking and cycling network is taken to include the Greenway network (running through and adjacent to the site) which in this case links into the Mersey Valley Trail to provide wider accessibility.

6.173 As the application is in outline format with access reserved for future consideration, means of access which covers accessibility for all routes to and within the site, as well as the way they link up to other roads and pathways outside the site is a reserved matter.

6.174 Under article 5(3) of the Development Management Procedure Order 2015, an application for outline planning permission must also indicate the area or areas where access points to the development will be situated, even if access has been reserved. The plans accompanying the application indicate the areas where access points to the development would be situated.

6.175 The plans accompanying the application are illustrative and the suitability of the internal layout, access, car and cycle parking and highway network would be dealt with at the reserved matters stage.

6.176 It is considered that the proposed development can ensure compliance in respect of walking and cycling through the detail at the reserved matters stage and the suggested conditions / obligations.

*6.177 Sustainable Transport and Accessibility*

It is considered that subsequent layout at the reserved matters stage can demonstrate that it has given priority to walking, cycling and public transport within its design. As stated previously, the site has greenways running through / adjacent to the site which link to local facilities and the wider sustainable networks available.

6.178 In respect of the promotion of the use of Ultra Low Emission Vehicles, the provision of car and cycle parking and road design to incorporate highway safety measures, it is again considered that these can be satisfactorily demonstrated at the reserved matters stage and be secured by condition.

6.179 The applicant's submissions note the existing bus service provision in the locality, however the proposed quantum of development would require a contribution for enhancing bus service provision for improved public transport to/about the site. This would need to be secured by planning obligation.

6.180 It is considered that that the proposed development can ensure compliance in respect of sustainable transport and accessibility through the detail at the reserved matters stage.

*6.181 Planning Conditions and Planning Obligations*

To ensure that any subsequent development is undertaken is consistent with the assumptions and principle, as presented, planning conditions and contributions secured by planning obligation are required to be applied to any approval. This would also ensure that further traffic assessment is undertaken should the applicant wish to deviate from the stated assumptions.

6.182 The matters below are those which are required to ensure policy compliance and are as follows:

- Submission and Implementation of Full Travel Plans.
- Submission and Implementation of a Highway Phasing Plan requiring the satisfactory monitoring of the impacts of each phase of the development as they progress, in terms of traffic flows (volume and distribution), measurement against the technical data presented to date, and implementation of off-site highway works.
- Further traffic assessment to be undertaken should different transport scenarios from the those assessed (commercial traffic entering the Heath Business and Technical Park site from the south and residential traffic from the north and no through route) along with supporting mitigations options offered where necessary.
- Cycle provision along the site frontage between and including the Moughland Lane / Heath Road South / Clifton Road signalised junction and the Rocksavage Way / Cavendish Farm Road roundabout junction.
- Moughland Lane / Heath Road South / Clifton Road signalised junction improvements with options appraisal for signal timings/staging improvements and/or physical interventions e.g. additional lanes for turning, additional cycle lanes, advance cycle stop lines, improved pedestrian facilities to acceptable standards and specification.
- Crossing improvements for all modes to improve accessibility and highway safety as well as for traffic calming/management.
- Bus infrastructure improvement (Bus Stops and access improvements to them).
- Contribution for enhancing bus service provision for improved public transport to/about the site.
- Submission and Implementation of waste servicing and recycling details.

6.183 These planning conditions / obligations are necessary to ensure that not only the site itself offers the necessary highway provision and infrastructure for all modes but that it connects with its surroundings; preserving existing routes (e.g. bridlepaths and footpaths) and offers improvements in line with local cycling and walking infrastructure plans and aspirations, to mitigate proposed intensification of use of the area due to the development as presented.

6.184 The Highway Officer has also made reference to other conditions being applied in their consultation response. These include the following:

- Implementation of parking, for all modes, including EV infrastructure.
- Visibility splays of accesses.
- Boundary treatment and landscaping details.

These are details which would be submitted at the reserved matters stage and the appropriate detail can be conditioned accordingly at that point.

6.185 In conclusion in respect of highways and transportation, subject to the attachment of the suggested conditions and obligations, the proposed

development is considered to be acceptable in compliance with Policies CS(R)15, C1, C2 and GR1 of the DALP.

6.186 Community Facilities

Policy HC5(2) of the DALP states that the Council will support the retention and enhancement of existing Community Facilities.

6.187 As set out by the applicant, the site currently supports a number of community-based functions including a restaurant, health suite and a meeting hall that have been open to the public since the applicant acquired the site in 1999 and are regularly used by members of the local community. The application proposes the re-provision of floorspace which would improve the range of complementary land uses further in line with the applicant's vision to diversify the site into a high quality urban village. The community-based functions which currently exist on the site would be retained (albeit with revised floorspaces) within the proposed development in compliance with Policy HC5(2) of the DALP.

6.188 Policy HC5(3) of the DALP states that outside of the town and district and local centres (which is applicable to this site) the Council will support the development of new Community Facilities, provided that:

- a. The proposal is accompanied by a supporting statement which demonstrates the sustainability of the proposed location.
- b. A sequential approach has been applied in selecting the location of the site in accordance with policy HC1.
- c. The facility is accessible by walking, cycling and public transport.
- d. The proposal would not give rise to significant traffic congestion or road safety problems.
- e. Any new buildings or structures are well designed and appropriately landscaped.
- f. The proposal is of a design, character, type, size, scale and appearance appropriate to the location.

6.189 Noting the above policy, the applicant has submitted a Community Facilities Statement to accompany the application. The applicant notes that the application seeks permission to accommodate two F2 uses as defined by the Use Classes Order 1987 (as amended) introduced in 2020. These include:

- Up to 1,579 sqm GEM of additional local community use comprising meeting and community spaces; and
- Up to 959 sqm GEM allocated for an indoor swimming pool facility.

6.190 The applicant notes, the site currently supports a number of community-based functions and additional provision would help foster networks between existing and future neighbourhoods in the southwest of the Borough and support the applicant's vision to diversify the site into a high quality urban village.

6.191 As stated earlier in the report, the application is also accompanied by a Main Town Centre Uses Assessment which includes a sequential assessment. This concluded there are no suitable, available and viable sites which could accommodate the proposed development within or on the edge of Halton Lea Town Centre or Runcorn Old Town District Centre, even when regard is given to flexibility.

6.192 It is considered that subsequent layout at the reserved matters stage can demonstrate that it has given priority to walking, cycling and public transport within its design. The applicant has undertaken a Transport Assessment provides a detailed assessment of traffic on the highway network and concludes that the proposal can be safely accommodated in Runcorn and that the residual cumulative impacts of the development are not severe.

6.193 The design of the new buildings and demonstration that the proposal is of a design, character and appearance to the location would be considered at the reserved matters stage.

6.194 In conclusion in respect of the community facilities and services (both currently existing and proposed by this development), it is considered that the retention and enhancement of existing Community Facilities is demonstrated and the criteria in relation to new Community Facilities in out-of-town locations is met in compliance with Policies HC1 and HC5 of the DALP.

#### 6.195 Ground Contamination

The application is accompanied by a Phase 1: Preliminary Risk Assessment - prepared by LK Group (July 2022). This has been reviewed by both the Council's Contaminated Land Officer and also the Environment Agency.

6.196 The Council's Contaminated Land Officer notes that the main site of the current business park was predominately undeveloped prior to the creation of the former ICI offices, with some potential infilling of ponds and drainage features, and small former quarry. Subsequently there have been a number of uses that could give rise to sources of contamination, e.g. fuel use and storage, chemicals used in analytical laboratories.

6.197 The Council's Contaminated Land Officer notes that the wider application site includes what are currently open fields. A significant number of representations raise concerns over contamination and that proposals would likely disturb previously deposited chemical waste.

6.198 It is to the west of the application site where the former Runcorn Hill and Weston Quarries are located which have been subject to various tipping and infilling, not the application site itself.

6.199 Of greatest significance is the infilling of North and South Weston Quarries by ICI with a wide range of wastes from the chemical manufacturing plants to the west. The preliminary risk assessment identifies a number of potentially significant pollutant linkages that require further assessment, by site investigation, in order to fully determine the suitability for use of the site (particularly in relation to the proposed residential elements). These are linked to the current and historical uses of the business park, and the deposit of wastes in the former quarries.

6.200 The Council's Contaminated Land Officer is satisfied that the preliminary risk assessment is sound and that outline proposals for further assessment are appropriate. They also consider that the information submitted is appropriate to support the application at this outline application, and do not raise an objection subject to the attachment of a condition requiring the submission of a detailed risk assessment based upon site investigation, along with a remediation strategy and verification reporting, as necessary.

6.201 The Environment Agency's detailed observations can be found in the Consultation Responses Appendix. They note that the Phase 1 report recommends further intrusive works are completed on site which includes the recovery of groundwater samples. They support these recommendations in addition to their further detailed technical advice to agree the scope of intrusive works required and to review in the longer term whether any remedial works are required to address any risks identified to controlled waters. The Environment Agency raise no objection to the proposed development subject to conditions relating to a remediation strategy, verification reporting and dealing with unsuspected contamination being attached.

6.202 In conclusion in respect of ground contamination, subject to the conditions suggested, it is considered that the proposed development is compliant with Policies CS23 and HE8 of the DALP.

6.203 Drainage and Flood Risk

The application is accompanied by a Flood Risk Assessment and Drainage Strategy - prepared by WSP (March 2024) to accord with both national and local planning policy.

6.204 The LLFA have considered the information presented with regard to flood risk. The LLFA note that in terms of fluvial flood risk, the site is wholly located within Flood Zone 1, with the site located over 1km from the nearest extent of Flood Zone 2 or 3 and therefore at the lowest risk of flooding. In terms

of surface water flood risk, the Environment Agency long term flood mapping indicates that the site is mostly at very low risk of surface water flooding. There is however, a small area of the site with up to a high risk of surface water flooding within the site. To deal with this issue, the applicant states that floor and external levels within the development will, where possible, be set to ensure that ponding water does not enter buildings and an exceedance routing plan has also been produced for the development in the event of blockage within the on-site surface water drainage network. In respect of groundwater, the LLFA consider risk of flooding to be low. The Environment Agency note that in respect of impact on groundwater, a number of SuDS features are proposed and that the applicant would need to demonstrate that these features will not mobilise any residual contamination that may remain or be present on site. They do not raise an objection subject to the attachment of conditions controlling the infiltration of surface water and piling. The risk of flooding from either canal or reservoirs is also considered to be low.

6.205 The LLFA have considered the information presented with regard to drainage. They note that the site comprises of a mixture of both greenfield and brownfield land classification. They note the use of soakaways on the existing site unlikely to be feasible due to the bedrock present across the site, however, no on-site ground investigations have been undertaken to prove that the infiltration rates would be insufficient to drain to site. The LLFA would require that on-site testing is undertaken prior to discounting this as an option.

6.206 The LLFA note that there are no watercourses within the vicinity of the site into which a direct discharge can be made from the proposed development site. Therefore, the applicant proposes that both catchment A (northern section of the Heath Business and Technical Park) and C (land on the opposite side of Heath Road South) are discharged into public surface water sewers located within the vicinity of the site. The applicant proposes that Catchment B (southern section of the Heath Business and Technical Park) uses a retained private drainage outfall from the previous development however the ownership of this network and discharge location has not been established/verified at this stage.

6.207 The LLFA note that the attenuation storage volume for the catchments is provided through three separate attenuation basins, located close to the outfalls.

6.208 The LLFA note that the basin for catchment A also appears to be located on high ground and that details of the proposed basin levels and connections to the wider public sewer network are also requested. The ponds have been sized to contain flows up to and including the 1 in 100 year +45% CC event which the LLFA finds acceptable.

6.209 The applicant considers both Catchment A and B to be brownfield, as a result the existing runoff rate have been calculated as 370l/s and 640l/s



respectively. A 50% betterment of these runoff rates has currently been proposed for both of these catchments. The existing discharge rates have been calculated based on contributing areas and no assessment has been made on the hydraulic capacity of the existing drainage system in particular the outfall pipes.

6.210 The applicant considers Catchment C to be greenfield and they therefore propose to restrict the flow rate from this development to the greenfield runoff rate  $Q_{BAR}$  of 10.6l/s.

6.211 The LLFA would agree with the proposed limits to the discharge rates. However, the LLFA would require confirmation of the hydraulic capacity of the existing outfalls for Catchment A and B to determine if that is a limiting factor on the existing discharge rates. The existing discharge rates used to determine the proposed discharge rate (50% betterment) should be the lower value of the rational method calculation or the hydraulic capacity calculation for each catchment. The LLFA notes that the existing site to the south of Catchment B, which is to be retained, currently drains into the site drainage system and off-site via the existing outfall which crosses the golf course. Consideration needs to be given to how this is retained, either incorporated into the proposed system or isolated.

6.212 A Drainage Inspection & Maintenance Schedule has been provided as part of this application. Information around the management of the foul and surface water networks and who is responsible for the maintenance has not been provided at this stage.

6.213 In summary, the LLFA agrees with the assessment of flood risk to and from the site and the applicant has provided a clear drainage strategy. Subject to the illustrative layout / location of the attenuation basin being updated, the LLFA raise no objection to the proposed development subject to conditions securing details of the implementation, maintenance and management of a SUDS scheme for the disposal of surface water in accordance with the SUDS hierarchy and verification reporting confirming that the SuDS system has been constructed in accordance with the approved design drawings.

6.214 In conclusion in respect of drainage and flood risk, subject to the attachment of conditions suggested, it is considered that the proposed development is compliant with Policies CS23 and HE9 of the DALP.

6.215 Noise

The application is accompanied by a Noise Impact Assessment - prepared by WSP (November 2023). This assesses the nature and magnitude of any aviation noise constraint that may arise from the use of John Lennon Airport which is around 6km to the west, it also considers the background and residual sound level that may underpin any design targets for noise from the proposed

employment uses and the potential for development generated road traffic to impact existing residential receptors.

6.216 It has previously been noted in the report that employment uses are not heavy or particularly noisy uses noting the proximity to proposed and existing residential receptors with the conclusion being that the uses are compatible subject to any particular conflicts being designed out through the reserved matters submissions and conditions. This would primarily relate to the sensitive positioning of vehicular access points and mechanical plant.

6.217 The plans accompanying the application are illustrative and are intended to demonstrate the suitability of the proposed development. Whilst certain uses are shown in certain locations on the site, the layout is not fixed at this point and could potentially result in employment uses outside of the designated Primarily Employment Area. Noting this and also the observations above about the proposed employment uses, it is considered that the uses proposed are compatible with residential and are appropriate in amenity terms across the application site. The suitability of the employment uses outside of the Primarily Employment Area has been demonstrated and they are considered to be an appropriate scale and would not be out of character with the area as part of the vision for a high quality urban village. It is considered that in respect of the location of employment uses and their resultant impact that the proposal would be compliant with Policies ED2 and GR2 of the DALP.

6.218 The Council's Environmental Health Officer has reviewed the submission and has commented that any noise issues can be dealt with at the reserved matters stage and also through conditions.

6.219 In conclusion in respect of noise and resultant amenity issues, subject to the attachment of the attachment of the suggested conditions, it is considered that the proposed development is compliant with Policies CS23, ED2, GR2 and HE7 of the DALP.

6.220 Air Quality

The application is accompanied by an Air Quality Assessment - prepared by WSP (December 2023). This assesses the potential air quality impacts during both the construction and the operational phases of the proposed development. This follows a request from the Council's Environmental Health Officer that an air quality assessment should be carried out in relation to the development to identify the impact of vehicle movements to and from the site once operational on nitrogen dioxide (NO<sub>2</sub>) and fine particulate matter (PM<sub>10</sub>) in and around the surrounding area.

6.221 The Council's Environmental Health Officer has reviewed the submission and has commented that the report assesses the impact of PM<sub>10</sub> during the construction phase on the existing residents in line with the Institute

of Air Quality Management guidance and concludes that there will be a medium risk to human health during this phase. This risk however can be mitigated and reduced by the implementation of good working practices and management of the site. Table 6.1 of the report identifies the practices which should be implemented to reduce this risk.

6.222 The report also comments on the potential impact of exhaust fumes from vehicles accessing the site during the construction phase. It is accepted that the proximity of sensitive receptors to the likely access routes together with the existing background levels of NO<sub>2</sub> and PM<sub>10</sub>, renders the impact on air quality for residents in the area insignificant.

6.223 The applicant has assessed the operational phase in relation to PM<sub>10</sub> and NO<sub>2</sub> levels from increased vehicle use on the roads. This has been modelled using ADMS Roads (v5.0.1.3), utilising background levels and the projected annual increase in in traffic due to the development. The standards within the Environmental Protection UK and IAQM guidance are then applied to the projected levels with the development and compared to the projected levels without the development. These indicate that the predicted increase in NO<sub>2</sub> PM<sub>10</sub> (and PM<sub>2.5</sub>) are negligible.

6.224 In conclusion in respect of air quality, subject to the attachment of the Construction Management Plan condition, it is considered that the proposed development is compliant with Policies CS23 and HE7 of the DALP.

6.225 Heritage

The application is accompanied by a Heritage Impact Assessment - prepared by WSP (November 2023). The assessment describes the significance of the heritage assets within a 1km radius of the site that have the potential to be affected by the proposed outline application. It also considers the impact of the development proposals on the significance of these heritage assets. Concerns are raised that the proposal would destroy the heritage and culture of the area.

6.226 The site does not fall within a Conservation Area nor does it have any listed buildings within it. The assessment states that there would be no impact from the development proposals on the heritage significance of any designated heritage assets identified within 1km radius of the site, and their significance would be preserved. The applicant considers that the early phases of The Heath are considered to have some, albeit low, heritage significance due to their architectural (aesthetic) interest (influenced by the Modern Movement), historical interest (as an early example in Britain of a headquarters complex on a greenfield site, its association with the chemical industry in Runcorn and the wider north-west of England and its association with the architectural practice of Frederick Gibberd & Partners) and communal interest (for the many people that worked there). The applicant notes that the majority of the existing buildings from the early phases of The Heath are to be retained. Those proposed for demolition

would be significantly altered and that new development provides the opportunity for enhancements to the Site through the creation of new courtyards in keeping with the original design vision of buildings around a series of courtyards, garden courts and quadrangles. The applicant concludes that overall, the heritage significance of the original ICI headquarters would be preserved.

6.227 The Council's Conservation Advisor has reviewed the submission and has commented that subject to the recommended condition securing a building record to Level 2 as set out in Historic England Guidance – Understanding Historic Buildings should be completed and submitted to the Local Authority for inclusion in the Historic Environment Record, it is found that there would be no harm to the non-designated heritage asset.

6.228 The Conservation Advisor notes that the proposal is currently in outline form, however, the proposed re-use of existing buildings is welcomed with the proposed re-cladding being sensitive and appropriate to the significance of the buildings and the historic value of the wider site.

6.229 The Conservation Advisor notes that the criteria for the Halton Local List are drawn from the Historic England Advice Note 7 – Local Heritage Listing and as such, considered it appropriate for the assessment of the application site to be undertaken in accordance with this criterion. The Heath Business and Technical Park site has been nominated to go on the Halton Local List. No decision has been made on this by the Council. The Heath Business and Technical Park site is of local heritage significance, and a non-designated heritage asset. Noting that no harm to the non-designated heritage asset would result from the proposed development, a refusal on the basis that the Heritage Impact Assessment has not been updated could not be sustained.

6.230 In conclusion in respect of heritage, subject to the attachment a condition securing building recording, it is considered that the proposed development is compliant with Policies CS(R)20 and HE2 of the DALP.

6.231 Major Accident Risk

The following paragraphs set out the position of the Heath Park application with regard to public safety and risk based policy and material considerations. Representations have been received raising concerns over the proximity of the proposed development to Control of Major Accident Hazards (COMAH) sites, the serious risk to health that would result and the potential impact on the long term viability of the site operations at the COMAH sites. It has also been questioned why this development would be acceptable noting its proximity to COMAH sites when plans for the Heath School had to be amended to relocate it further away and the proposed residential development at the Pavilions site was withdrawn due to risk issues.

6.232 Policy CS23 of the DALP – Managing Pollution and Risk part b) and the associated Supplementary Planning Document (SPD) Planning for Risk (adopted in 2009) provide an approach to assessing the safety of development applications that may be exposed to risks from hazardous installations.

6.233 The purpose of the Council's 'Planning for Risk' (PfR) policy approach is to ensure that the impact on public safety at new developments from hazardous sites is fully considered, that appropriate separation distances between new developments and hazardous installations giving rise to off-site risks to public safety are maintained, and that populations living in proximity to hazardous installations can be appropriately managed. The Council has had a risk policy in its successive local plans since 1996 and has been undertaking risk assessments in relation to new developments since the early 1980s.

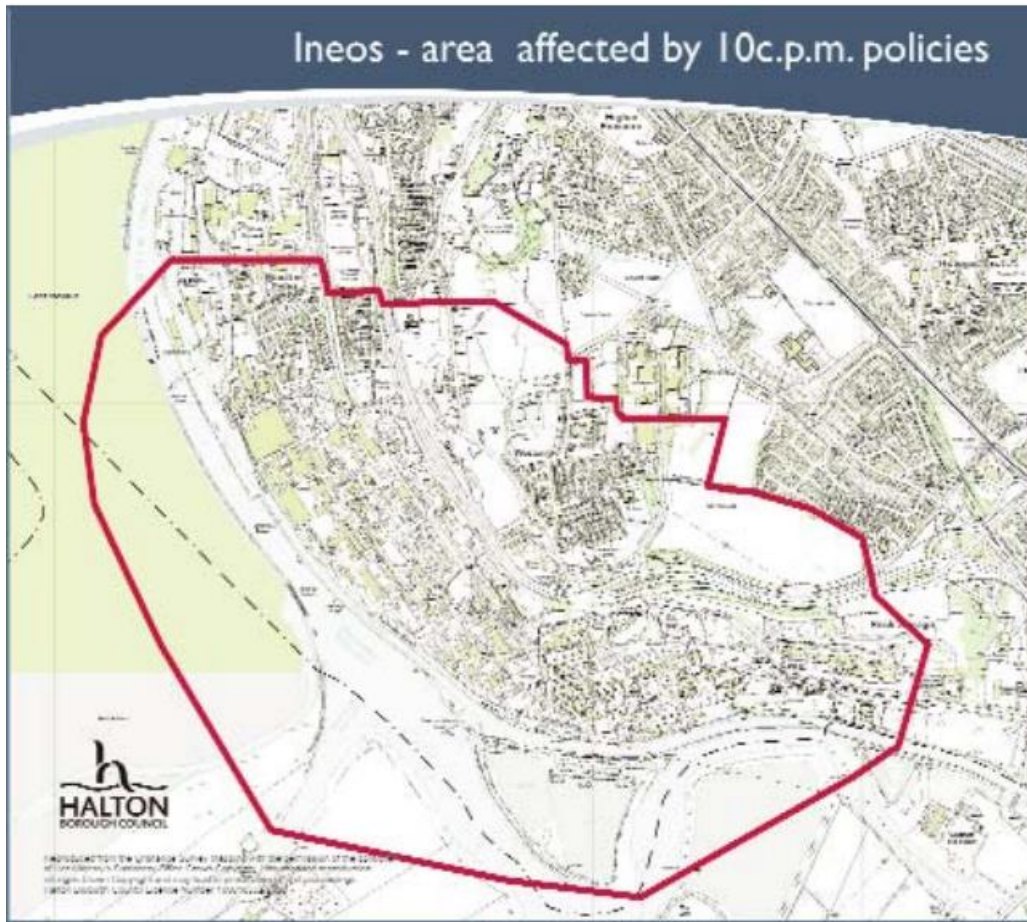
6.234 Essentially, the Planning for Risk policy defines a maximum acceptable level of risk as 10 chances per million per year (cpm) individual risk of fatality, which equates to a very low level of risk. For land use planning in Halton, this measure has been chosen as a threshold of risk tolerability as it is easily understood by a layperson in terms of comparing risks in the context of risks individuals are exposed to in their everyday lives. For example, while driving, or participating in sports, doing DIY, or other every day activities, which do have an intrinsic level of risk, but the risk is very low.

6.235 In the case of Health Park, the proposal has proximity to the Runcorn Chemical Complex, in operation since 1833, and now operated primarily by Ineos / Inovyn / Koura who hold hazardous substances consents for several chemicals that are used on site. In terms of public safety at Heath Park the primary concern is the escape of the chemical chlorine which is manufactured and stored at the chemicals complex.

6.236 Chlorine is a green gas, is easily recognisable by its colour and strong smell. It is moderately soluble in water and is highly reactive and will readily react with a variety of substances, including vegetation and soil (dry deposition), and with rain or snow (wet deposition). It is two and a half times denser (heavier) than air. The very low concentration that is specified as the limit for workers (short term exposure limit 0.5ppm over 15min) means that chlorine has to be very carefully controlled to ensure that it does not escape from the processing facilities into the general atmosphere. Exposure to low levels can affect the respiratory and gastrointestinal tract and cause eye irritation. At higher levels, exposure may result in changes to breathing rate, coughing, and damage to the lungs. Symptoms of exposure can be severe in extreme circumstances and may result in harm to people, fatal in the worst case. The level of chlorine that is considered to be a threshold for fatality is many times higher than the worker exposure limit and is dependent on the duration of exposure. Despite its toxicity, because of its positive chemical properties, chlorine is extensively used

throughout the world in a wide range of applications (e.g. water treatment, sterilisation, paper, dyestuffs, textiles, medicines, insecticides, foodstuffs etc).

6.237 Page 38, of the Planning for Risk SPD shows the defined area of 10 cpm relating to the Runcorn Chemical Complex as shown in the extract below.



6.238 Small sections of the application site are within the 10 cpm area identified in the SPD, representing greenspace enhancement / woodland planting areas and also the access road from the Weston Point Expressway / proposed parking area. No built form is proposed within the 10 cpm area, however suitable controls on the location of development are required to ensure policy compliance at reserved matters stage. A suitably worded condition is suggested. This would mean that an individual's risk of fatality is below this threshold and the proposed development therefore complies with Policy CS23 of the DALP, and indicates that the risk level posed by a chemical release is tolerable in the context of risks that individuals are exposed to everyday.

6.239 **HSE Advice**

The planning process is informed by advice from the Health and Safety Executive (HSE), who are a statutory consultee, providing advice on new developments within the vicinity of major hazard sites. HSE's advice is a significant material consideration to be weighed alongside other relevant material considerations, and should not be overridden without the most careful consideration. Planning decisions should be taken in accordance with the Local Plan, unless material considerations indicate otherwise.

6.240 In addition to the standard response from their "web app advice tool" known as HSE's PADHI system, HSE have submitted two letters to supplement the web app advice in order to clarify the seriousness of their concerns. The advice is that the risk of harm to people at the proposed development from a major accident is such that there are sufficient reasons on safety grounds, for advising against the granting of planning permission for application 22/00569/OUT. This is because the proposed development is located in HSE's inner consultation zone of the Runcorn chemical manufacturing complex. The HSE set out that if the Council is minded to grant permission, that Section 9, paragraph 072 of the online Planning Practice Guidance on Hazardous Substances – Handling development proposals around hazardous installations, published by the Department for Housing, Communities and Local Government is relevant. This requires the Council to give HSE advance notice when it is minded to grant planning permission against HSE's advice, and allow 21 days from that notice for HSE to consider whether to request that the Secretary of State for Housing, Communities and Local Government calls in the application for his or her own determination.

6.241 HSE's advice to the Planning Inspectors examining the DALP Local Plan resulted in modifications to the DALP that changed the proposed land allocations (as approved by Full Council) located in HSE's inner zones back to an allocation reflecting their existing uses. These sites were (MUA10 (The Heath Business Park), R83 (Heath Road South, Runcorn and the Pavilions Allocation R70. In the case of Heath Park, this retained a land allocation for its current use as an employment area.

6.242 HSE's land use planning advice is aimed at meeting the objectives of GB's major hazard strategy to control new development to maintain adequate separation; including residential areas, buildings and areas for public use; around major hazard establishments when the development is such as to increase the risk or consequences of a major accident. HSE's stated approach is to balance the principles of stabilising and not increasing the numbers at risk with a pragmatic awareness of the limited land available for development in the UK. The advice follows their published methodology (<https://www.hse.gov.uk/landuseplanning/methodology.htm>) and is consistently applied across all local planning authorities in England, Scotland, and Wales. Decision makers can therefore be confident the advice they receive is the same irrespective of circumstance.

6.243 National Planning Practice Guidance states that in view of its acknowledged expertise in assessing the off-site risks presented by the use of hazardous substances, any advice from HSE that there are sufficient public safety grounds to advise against the granting of planning permission for development at or near to a hazardous installation or pipeline, should not be overridden without the most careful consideration.

6.244 Members should also remember that in the land use planning system, HSE's role is advisory. It has no power to refuse consent on a planning application. It is the responsibility of the local planning authority to make the decision in accordance with its statutory duty, weighing local needs and benefits and other planning considerations alongside HSE advice.

#### 6.245 **Applicants Report on Risk Factors**

The Applicant has provided a report undertaken by RAS Ltd who are international risk and hazard risk consultants. This is essentially a review of Major Hazards Risk Information. The latest version which is viewable on the Council's website only provides the first 5 pages of a 29 page report which is the executive summary and is also referenced at section 2.2 of the report. The applicant has also submitted a full version of the report "The Heath Park Development Review of Major Hazard Risk Information" dated January 2024 for the consideration of the Council and the HSE only. This has not been placed in the public domain as some of the information it contains has been considered sensitive information at a previous public inquiry.

6.246 On this basis in accordance with Government guidance, the Council will not be placing this information in the public domain. In this case, case the Council is withholding this document under 'International relations, defence, national security, public safety – regulation 12(5)(a)' of the Environmental Information Regulations. In particular that the information, if disclosed, would adversely affect the ability to protect the public, public buildings and industrial sites from accident or acts of sabotage; and where disclosing information would harm the public's health and safety. The Council do not consider that this prejudices the public's ability to raise issues in relation to risk on the basis of the information already in the public domain.

6.247 The focus of the report is a critique of the quantitative risk assessment (QRA) models used by both the Council and HSE to identify their respective map-based contour(s) that identify risk areas. The view expressed by RAS is that the HSE consultation zones over-represent the current level of major accident hazard risk at the Heath Park development due to both changes at the Runcorn Chemical Complex and overly conservative dispersion modelling within the 1994 HSE assessment on which the HSE consultation zones are based.



- 6.248 If the gas dispersion modelling within the risk assessments were updated using a more sophisticated modelling technique like Computational Fluid Dynamics (CFD), which is able to take into account obstacles, topography, and chemical deposition, then the CFD modelling would confirm that the major accident risk is not a significant concern for the consideration of outline planning consent for Heath Park.
- 6.249 Areas of conservatism have been identified within the gas dispersion modelling associated with the risk assessments undertaken by HSE and the Council for the Runcorn Chemical Complex, this includes topography which will strongly influence the behaviour of releases of dense gases such as chlorine, which will tend to flow downhill, as they are heavier than air. This effect is not adequately accounted for within the HSE and Council assessments, both of which use flat terrain models. This aspect is critical to understanding the risk posed to the Heath Park development due to the topography of the area and the positioning of the development, which is more than a kilometre from the Runcorn Chemical Complex behind the peak of Runcorn Hill which sits at 79 metres. In addition, factors such as deposition, obstructions, weather conditions, and wind direction will also strongly influenced behaviour of a chlorine release and will act to limit the potential impact at Heath Park.
- 6.250 The applicant has commissioned a programme of CFD modelling to develop a clear and as accurate as possible picture of the dispersion of chlorine following an accidental release. A full range of scenarios have been considered from the limited chlorine pipework failure through to catastrophic storage tank failure. The CFD modelling has been performed for the worst-case conditions of a release as close as possible to Heath Park, with wind direction towards the development. The modelling results for the liquid chlorine pipework show that the toxicity levels of interest (Significant Likelihood of Death – SLOD; and Specified Level of Toxicity – SLOT – dangerous dose) are not reached at Heath Park when topography, obstacles and deposition are taken into account. The results for the catastrophic tank failure show that the toxicity levels would be reached at the development and beyond, but this is considered a very low frequency event, and as such would pose a very low level of risk.
- 6.251 There are several complex phenomena at play, in terms of how a chlorine release will behave in real life and these cannot be adequately represented by the more simplistic models used by HSE and the Council. Hence, a more sophisticated approach is considered appropriate in this case and a model which can account for the major factors involved, such as topography, deposition, and obstacles should be adopted. As such CFD (Computational Fluid Dynamics) modelling has been undertaken for Heath Park, to allow for the topography between the Runcorn Chemical Complex and the development to be fully accounted for, to give a more accurate and realistic risk picture to which the development would be exposed.

6.252 The CFD modelling performed supports the conclusion that the level of risk at the development from chlorine releases will be significantly lower than is represented by the HSE advice. This is due to the fact that for the more likely event scenarios, toxicity levels of chlorine determined by CFD do not reach the Heath Park development, and only the highly infrequent event of catastrophic tank failure is predicted to generate a toxic impact at the development.

#### 6.253 **Material Considerations**

The existing urban areas of Runcorn that are covered by HSE's three consultation zones for the Runcorn Chemical Complex pre-date planning controls and environmental legislation. There is no suggestion that risks posed to existing developments are so severe that they should be removed. However, there remains a low risk that the population who live within the area could be exposed to chlorine in the event there is an accidental release.

6.254 The Council must provide for the basic needs of its residents, such as housing, employment and schooling, that live and work within these long-established areas. As an example, despite a HSE call-in on the replacement Heath School, the project went ahead on the same site within the middle zone, underlining the importance placed on meeting the needs of established communities. Ultimately a balance must be struck between sensitively managing populations exposed to risk and making provision for facilities and amenities to service those communities who live in the urban areas surrounding the Runcorn Chemical Complex.

6.255 The stated aims of both the HSE methodology and Council policy is to maintain separation distances from sites that give rise to risk, and to manage and stabilise populations exposed to such risks. Where these two approaches differ is in regard to the tolerability of risk. HSE advise on the basis of a 'dangerous dose' (of 10 cpm risk of a dangerous dose in one year in the inner zone; 1 cpm risk of a dangerous dose in one year in the middle zone, and 0.3 cpm risk of a dangerous dose in one year in the outer zone), and also the concept of 'societal risk'. The Council uses the 10 chances per million individual risk of fatality in one year.

6.256 Members should note that the HSE advice in relation to Heath Park offers no specific advice on the nature of the risk to which Heath Park is said to be exposed beyond the fact it lies within the HSE inner zone representing 10 cpm risk of a dangerous dose in any one year, or how and when HSE defined their three zone map upon which they base their advice, nor do they offer any advice on population trends within the HSE consultation zones, despite a stated aim to stabilise the number of people at risk. In their letter, HSE state that their methodology is applied consistently across all local planning authorities in England, Scotland, and Wales and "*decision makers can therefore be confident the advice they receive is the same irrespective of circumstance*".

However, in making planning decisions local circumstances do matter and are material to the decision.

6.257 The development of Heath Park in accordance with the submitted plans would introduce a new resident population into a location that could potentially be affected by a release of chlorine from a tank failure within the COMAH site. However, the risk assessments undertaken by all parties (HSE, HBC, and the applicant) all concur that this scenario represents a very low risk, and a tolerable risk, which is why the existing communities, living in all three HSE zones, in the surrounding urban areas are able to do so.

6.258 The Council's concern remains that strictly adhering to the HSE's advice effectively prevents any new housing in West Runcorn in perpetuity, leading to under investment and decline. Changes in household size and demographics in the local area mean that additional housing is needed to support the community in this area. New housing does not necessarily lead to an uncontrolled increase in population in the area due to changing household size. In relation to the two wards closest to the hazardous site, the population in Beechwood Ward has decreased by 468 persons, and the Heath Ward has decreased by 188 persons. To protect and sustain the local community and associated social, economic, and community assets that provide essential servicing, some new dwellings are necessary to stabilise the local population and promote safe and healthy communities.

	2001	2009	2010	2011	2012	2013	2014	2015	2016	2017	2018	2019
<b>Ward Name</b>	Person	Persons	Persons	Persons	Persons	Persons	Persons	Persons	Persons	Persons	Persons	Persons
<b>Beechwood</b>	3,987	3,746	3703	3676	3,684	3,659	3,629	3,543	3,543	3,504	3,521	3,519
<b>Heath</b>	5,511	5,587	5853	5857	5,835	5,890	5,862	5,758	5,752	5,762	5,746	5,702

Source: ONS mid-year population estimates

Data from the office of national statistics shows that household sizes are decreasing both nationally, and in Halton:

Area name	2018	2023	2028	2033	2038	2043
England	2.37	2.35	2.32	2.29	2.26	2.24
<b>Halton</b>	<b>2.31</b>	<b>2.27</b>	<b>2.23</b>	<b>2.2</b>	<b>2.17</b>	<b>2.16</b>

Average household size projections

<https://www.ons.gov.uk/releases/householdprojectionsforengland2018based>

Examination of ONS data indicates that the average household size is 2.2:

Ward	Residential properties	2019 ONS population	Average people per property
<b>Beechwood</b>	<b>1,609</b>	<b>3,519</b>	<b>2.2</b>
<b>Heath</b>	<b>2,602</b>	<b>5,702</b>	<b>2.2</b>

Ward average population per residential property

Source: ONS mid year population estimates

Furthermore, data from the electoral register would indicate that the number of adults per dwelling is lower than 2.2:

Ward	Average elector / property

Beechwood & Heath	1.86
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Current ward average elector per property  
Source: Halton Electoral Register

6.259 The Council has reduced the number of properties within COMAH consultation zones in the borough from 12,092 properties in 2006 to 8,917 properties in 2021. This has been achieved by the revocation of hazardous substances consents from the Tessengerlo and Bayer sites. The revocation of these hazardous substances consents has reduced the number of properties and residents considerably. 3175 properties in Halton have been removed from the national risk profile from major hazard installations.

6.260 The effect of the reduction in properties within Halton's COMAH consultation zones is that the risk profile from major hazard installations is decreasing, both in Halton and nationally.

6.261 Approving the Heath Park application would help to stabilise the local population and reduce the impact of population decline that the area is suffering from. There are very few deliverable development sites in West Runcorn. A situation where there is no new development in this area for perpetuity, exacerbating the socio-economic problems that are identified in the Borough's ranking in the Index for Multiple Deprivation, with which Members will be familiar.

6.262 Crime Reduction

Policy GR1 of the DALP states that development must be designed to reduce the fear of crime by promoting safe and connected environments. The application is in outline form and supported by an illustrative masterplan. Cheshire Police have provided some observations on this plan which would be of assistance to the applicant when devising a detailed plan for the site. It is considered that these observations could be attached as an informative on any subsequent planning permission.

6.263 Concerns are raised in the representations that an increase in Anti-Social Behaviour would result and would likely be due to the density of the development. There is insufficient evidence which would support a refusal on the basis of crime impact. Concerns are also raised over poor design resulting in crime. The plans submitted at this stage are illustrative and it is considered that a layout which is acceptable in terms of crime impact can be achieved.

6.264 In conclusion in respect of crime reduction, subject to the observations of Cheshire Constabulary and due consideration given to relevant policies in the devising of a detailed plan, it is considered that the proposed development can demonstrate compliance with Policies CS(R)18 and GR1 of the DALP and the Design of Residential Development SPD.

6.265 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 Waste Advisor has advised that evidence through a waste audit or similar mechanism to comply with policy WM8 of the Merseyside and Halton Joint Waste Local Plan (WLP) and the National Planning Policy for Waste (paragraph 8) should be secured by condition.

6.266 Noting that this is an outline application, the applicant has not provided sufficient information to demonstrate compliance with policy WM9 of the Merseyside and Halton Joint Waste Local Plan (WLP) and the National Planning Policy for Waste (paragraph 8) at this stage. Information relating to household, commercial and industrial waste storage and collection is required and can be secured by a suitably worded condition for reserved matters applications.

6.267 In conclusion in respect of waste management, the proposed development is considered acceptable in compliance with Policies WM8 and WM9 of the WLP and Policy CS24 of the DALP.

6.268 Matters reserved for future consideration

As this is an outline planning application with all matters reserved for future consideration, appearance, means of access, landscaping, layout and scale are the reserved matters. For an outline application to be considered favourably, it must be demonstrated that appropriate submissions can be made at a later date which would ensure policy compliance.

6.269 Firstly, considering appearance, it is considered that suitably designed buildings / places can be designed to ensure that the development would have an acceptable appearance.

6.270 Secondly, considering means of access, transport and accessibility in respect of the principle of development have been considered earlier in the report. It is considered that a suitable scheme which demonstrates accessibility for all routes to and within the site, as well as the way they link up to other roads and pathways outside the site can be achieved at the reserved matters stage.

6.271 Thirdly, considering landscaping, should the principle of development be found to be acceptable, suitable landscaping can be designed into a detailed site layout at the reserved matters stage.

6.272 Fourthly, considering layout, should the principle of development be found to be acceptable, the site of a sufficient dimension to ensure that buildings, routes and open spaces and their relationship to their surroundings can result in an acceptable layout at the reserved matters stage which has regard to the relevant policies and guidelines.

6.273 It is noted that some of the representations raise concerns regarding loss of sunlight, daylight and privacy for existing properties adjacent to the site. It is accepted that some of the illustrations and plans submitted give some concern in this regard and also in relation to policy compliance, however as stated above, it is considered that an acceptable layout can be achieved at the reserved matters stage.

6.274 Fifthly, considering scale, the application is accompanied by a Scale Parameters Plan. This shows indicative scale parameters which have regard for the relationship with the existing development adjacent to the site. For instance, the development on the north western part of the site is shown as two storey and the development within the existing Heath Business and Technical Park being no higher than existing buildings. It is considered that the reserved matters submissions if in broad compliance with the parameters set out would likely be acceptable at the reserved matters stage.

6.275 Concerns have been raised that a seven storey vertical farm would be out of character with the locality. The scale parameters plan clarifies that whilst the vertical farm would contain 6 internal low-height storeys, the intention is that the overall height would match the existing offices/lab buildings. It is therefore considered that an acceptable scheme in terms of scale can be achieved at the reserved matters stage.

#### 6.276 Socio-economic Benefits

The application is accompanied by a Social Value Assessment which considers impacts on employment and skills. Firstly, the applicant anticipates that the equivalent of 83 full time equivalent (FTE) jobs would be created during the 8 to 9 year construction period and that construction additionality (indirect employment – purchasing supplies etc. and induced employment – expenditure by construction workers in the locality) would result in a further 34 FTE jobs in the local economy. The applicant also anticipates that the redevelopment process would result in the creation of an additional 960 full time equivalent jobs at the site during the operational stage with the majority being in offices/labs. The applicant also notes that the gross annual expenditure as a result of the proposed residential development would yield £9.4 million spent in the local economy. Members should note that the figures quoted in the Social Value Assessment are reflective of a larger scheme for 616 dwellings not the 545 dwellings proposed by this application. The figures for the non-residential floorspace do not align with that now proposed by this application. Notwithstanding this, Officers consider that the proposal would still represent significant job creation in the local economy both during construction and the operational phase and in a significant resultant spending the local economy.

#### 6.277 Other issues raised in representations

Concerns have been raised over building so close to power lines maybe detrimental to health. The applicant's illustrative plans do not show development underneath power lines. The illustrative layout shows greenspace underneath the power lines which advocates the advice of National Grid in their guidance in respect of development near overhead lines. Representations imply that the linear parks are just areas which cannot be built on because of the power lines. As already set out, the use of the land beneath the power lines for this purpose is logical in the context of the scheme and is advocated by National Grid.

6.278 SP Energy Networks commented that the statutory clearances for the existing network would be undermined by the proximity of the proposed development layout at the above location as well as the proposed development to the south of Heath Road South. SP Energy Networks do not clarify what they consider the statutory clearances to be. It is also noted that the proposal is outline and the plans submitted are illustrative. It is considered that an appropriate site layout can be achieved at the reserved matters stage.

6.279 SP Energy Networks state that in the event the Council has any intentions to approve the application that it should refer the application to the Secretary of State for them to make the decision. The Council is unaware of such a requirement in respect of proximity to power lines.

6.280 Concerns have been raised regarding proximity to brine pipelines. It is noted that there is a High Performance Polyethylene (HPPE) Brine Main which runs in the vicinity of the site. This is not a major accident hazard pipeline and whilst is something the applicant should be mindful of, is not a constraint to development.

6.281 One of the representations considers that the Greenspace is part of Runcorn Common. The application site does not contain common land or contains a village green. Representations note that the Greenspace is used by dog walkers and children's football teams. It is the playing fields adjacent to the site which are used for children's football, and these are unaffected by the proposals. The land that is the subject of this planning applications is currently private and is not publicly accessible.

6.282 In response to the issue that there may be title restrictions on the land, this is a private matter and not a reason on which a refusal could be sustained.

6.283 No part of the application site is designated as Green Belt on the DALP Policies Map.

6.284 In respect of the observation that there is a lack of horse grazing land in Runcorn, a refusal on this basis could not be sustained.

6.285 The representations question whether the proposed living machine (sewage treatment plant) in close proximity to houses could pose an

environmental health issue. It should be noted that the Environmental Health Officer has not raised an objection to the proposed development and further detail in respect of site layout would be provided at the reserved matters stage.

- 6.286 Concerns have been raised regarding potential construction noise impacts and that there would be disruption for the local community for 8-9 years. It is inevitable that there will be some form of disruption with most forms of development, however these impacts can be appropriately managed through the successful implementation of a construction phase management plan and a restriction on hours of construction. These should be secured by condition. It is not considered that a refusal based on construction noise can be sustained.
- 6.287 Some of the representations received consider that construction traffic should be via the lower Heath Business and Technical Park entrance only and not through Weston Village. Detail in relation to the construction traffic routing would form part of the construction phase management plan secured by condition.
- 6.288 It is correct that the Council would collect both Council Tax and Business Rates from future development as is with other homes and businesses in the borough.
- 6.289 Local residents consider this proposal to be a social experiment similar to Southgate. They also consider that this community will end up like the rest of Runcorn. They also raise concerns over the level of weight that should be afforded to the fact that the Heath Park scheme may have been subject to an international design competition. The application has to be considered on its planning merits and a refusal on the basis that it is a social experiment or that it would end up like the rest of Runcorn could not be sustained.
- 6.290 Representations raise the issue that The Heath Business and Technical Park does not maintain the existing site. This planning application needs to be considered on its merits and a refusal on this basis could not be sustained.
- 6.291 In respect of investing in the Old Town instead, this application in the location proposed has to be considered on its merits.
- 6.292 With regard to the proposal having a detrimental effect on the existing village community, this proposal has to be considered on its planning merits and a refusal on this basis cannot be sustained.
- 6.293 There are concerns that the proposal would have a negative impact on house prices in the locality. The planning system does not exist to protect the private rights of one individual against another and a refusal on this basis could not be sustained.



- 6.294 A refusal on the basis that the applicant and its supporters do not live in the area cannot be sustained.
- 6.295 Issues have been raised regarding inconsistencies in the supporting documentation and plans. Officers have worked with the applicant to address such issues where possible.
- 6.296 Representations have stated that it is difficult to understand what has changed when reconsultation has taken place and some feel it is an abuse of the planning application process through trivial iterations. It should be noted that this is a complex planning application and the applicant has produced a covering letter with each set of amendments to highlight what has changed. Councils are encouraged to work proactively with applicants to secure developments that will improve the economic, social and environmental conditions of an area as set out in NPPF and this can often result in amendments being made to proposals. This can then often result in further publicity and consultation being undertaken.
- 6.297 This is an outline planning application with all matters reserved for future consideration and contains a sufficient amount of information in order to be appropriately assessed.
- 6.298 Representations consider that the comparison of Heath Park to Port Sunlight to be ridiculous. Again the proposal needs to be considered on its planning merits rather than on any such comparison.
- 6.299 Representations state that monies from the sale of the Greenspace for residential development would be used to support the final salary pension scheme administered by the applicant. Again the proposal needs to be considered on its planning merits rather than how any future land receipt may be used.
- 6.300 There is cynicism that the development would ever be implemented in the current form and only housing would come forward without green/social benefits. The application has to be considered on its planning merits. It is however noted that some planning permissions can be phased / partially implemented subject to compliance with associated conditions and legal agreements.
- 6.301 Representations state that the proposal would be detrimental to the road surfaces that HBC do not maintain. A refusal on this basis could not be sustained.
- 6.302 Concerns have been raised regarding the existing buildings at the Heath Business and Technical Park and their suitability for conversion in relation to them having asbestos in them and also whether the structures may contain reinforced autoclaved aerated concrete (RAAC). The building owner has a legal

duty to manage their buildings accordingly. A refusal of this application on this basis could not be sustained.

### 6.303 Planning Obligations

Policy CS(R)7 of the DALP 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”

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

6.305 Financial contributions to secure mitigation under Section 106 of the Town and Country Planning Act 1990 in the form of Cycle Route Improvements, Crossing Improvements, Bus Infrastructure Improvements, Enhanced Bus Service Provision, Moughland Lane / Heath Road South / Clifton Road signalised junction improvements and Recreational Pressure Mitigation for Runcorn Hill are required. Negotiations on these are currently ongoing.

6.306 In addition to the financial contributions set out, it is considered that Affordable Housing, Social Value Strategy for the Training and Recruitment of Local People and a Highway Phasing Plan should also be secured by planning obligation. The applicant proposes that 25% of the residential units would be affordable. As set out earlier in the report, in order to ensure policy compliance, 5.17% of units would need to be affordable in order to ensure policy compliance, however the applicant can look to provide a higher level of provision and appropriate weight be afforded to such additional provision.

6.307 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.

6.308 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.

6.309 The associated obligations are considered to fulfil the requirements of DALP Policies CS(R)7, CS(R)15, CS(R)20, C1, ED2, GR1 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 obligations will be secured as set out above.

6.310 Planning Balance

6.311 The Heath Business and Technical Park has been a successful venture since its acquisition from ICI by SOG Ltd in March 2000. As well as providing a valued community resource, it supports in the region of 1,200 jobs over a wide variety of sectors, mainly in science and technology, where it can offer facilities unique to the North West. At its peak, over 3,000 individuals were employed at the site. It is acknowledged that the site must deal with several challenges in order to secure a sustainable future, these are ageing buildings and infrastructure, energy inefficiency, low demand for dated office accommodation, and sourcing the funding to tackle these challenges. It is accepted that the Heath Park concept can achieve the wholesale remodelling of this large, predominantly brownfield site, and that this approach is broadly supported by the strategic policies with the Development Plan.

6.312 It should be remembered that the application is outline only, and the accompanying masterplan is indicative only, rather than fixed. The primary objective with outline applications is to ascertain if the overall quantum of development applied for can be appropriately accommodated on the application site. All detailed matters (access, appearance, landscaping, layout, and scale) are reserved for future planning applications.

6.313 The application represents a huge regeneration scheme that seeks to regenerate and remodel an existing employment area, together with other private land owned by the applicant. The applicant is of the view that a more beneficial

scheme can be achieved through comprehensive remodelling of the site, which although results in some harms, provides significant benefits in terms of viable employment uses, housing, and community facilities. Given the size of the scheme, and the strategic drivers behind the scheme, there are aspects of the proposal where there is non-compliance with some development plan policies. Officers consider that all of the above areas of non-compliance with development plan policy as summarised below should be afforded significant weight.

- The proposal would result in some development on areas of designated greenspace without providing equivalent or better provision in terms of quality and quantity. This does not meet the provisions of Policy HE4.
- For residential greenspace provision, an appropriate level of provision for Parks & Gardens, Amenity Space and Allotments & Community Gardens can be achieved. However there would be a shortfall in both Natural & Semi Natural Greenspace and Provision for Children and Young People contrary to the provisions of Policy RD4. It should be noted that adjacent to the application site there is an expanse of existing greenspace that forms Runcorn Hill and Heath Park, which provides opportunities for recreation.
- The proposed development results in the loss of protected trees and woodland for which there is a presumption against. This is contrary to the provisions of policy HE5. However, by way of compensation, the applicant has stated that the total number of trees to be provided through the scheme, including all urban trees and structural woodland planting is 5855 trees
- In terms of the north-western parcel of land, on the opposite side of Heath Road South, the proposed development here would result in the loss of an element of high quality green infrastructure associated with the wider Strategic Greenspace contrary to the provisions of Policy CS(R)21. This element would also fail to conserve and enhance the character and quality of the local landscape contrary to the provisions of Policy HE5 (5). Development here would also have a negative impact on a Nature Improvement Area, although given compensatory habitat could be provided in the immediate locality there is broad compliance with Policies CS(R)20 and HE1.
- Advice from HSE that there are sufficient public safety grounds to advise against the granting of planning permission for development at or near to a hazardous installation or pipeline. This advice should not be overridden without the most careful consideration. Due consideration is set out in the section on Major Accident Risk starting at paragraph 6.231.

6.314 The NPPF must be taken into account where it is relevant to this planning application and is a material consideration. The proposed development would conflict with the provisions of NPPF relating to open space / recreation and

conserving and enhancing the natural environment. Paragraph 12 of NPPF states that local planning authorities may take decisions that depart from an up-to-date development plan, but only if material considerations in a particular case indicate that the plan should not be followed.

6.315 Significant benefits are considered to be provided by the proposal, and these are set out below:

- The diversification of a substantial site into a high quality urban village to give it a sustainable and viable future through the mix of complementary uses to create a neighbourhood to live, work and play. Noting the importance of this site for Runcorn, it is considered that this matter should be afforded significant weight.
- The proposal would result in an effective use of land to meeting the need for homes and other uses in an established urban area. The element of proposed development located on the previously developed land should be afforded significant weight.
- The land uses proposed align with the mixed residential and employment character of the surrounding area. The development can meet the relevant policies for drainage, air quality, noise, contaminated land, and there by provide a good level of amenity for all residents. No issues have been raised in the report regarding compatibility of uses, and this matter should be afforded significant weight.
- It is noted that the principle of residential and ancillary commercial development has been established previously through previous permissions, some of which have been implemented. This matter should be afforded moderate weight.
- The proposal would deliver of up to 545 homes, result in the delivery of affordable housing and would reduce the pressure on the potential release of Green Belt land for housing in the future. The applicant's desire to provide a level of affordable housing which exceeds the policy requirement is positive benefit of the scheme and would meet an identified need which should be afforded significant weight.
- The applicant notes that the proposed development would be in a sustainable location, provide opportunities for sustainable travel, and would ensure connectivity with the wider community. The proposal meets the relevant highway and transport policies and should be afforded significant weight.
- The creation of employment opportunities both during the construction and operational phase especially noting that a significant part of the site

is a Primarily Employment designation is welcomed and this should be afforded moderate weight.

- The proposal would be low carbon development. NPPF states that the planning system should support the transition to a low carbon future in a changing climate, taking full account of flood risk and coastal change. The applicant's intentions in this regard are welcomed and should be afforded moderate weight.
- The scheme can deliver a Biodiversity Net Gain. Ensuring no net loss of biodiversity is the policy requirement and it is considered that such future delivery should be afforded moderate weight.
- Despite not achieving the intended land use allocation on the Proposals Map, as indicated on the Submission Version of the DALP. The DALP Inspectors Report acknowledged that this innovative project would have significant regeneration benefits for Runcorn. The significant regeneration benefits that would result from the proposed development should be afforded significant weight.
- Noting the Council's policy on major accident risk, the applicant's illustrative masterplan shows the proposed development to be in areas of the site which fall outside of the 10 chances per million of individual risk. This would be subject to appropriate control by planning conditions to ensure policy compliance in respect of Reducing Risk from Hazards. This should be afforded moderate weight.
- The socio-economic benefits of the development, as set out in the Social Value Assessment are afforded moderate weight.
- It is considered that the proposed development would have an overall positive impact on health and would support healthy environments and encourage healthy lifestyles in accordance with Policy CS(R)22. This benefit is afforded moderate weight.

6.316 The Council's statutory duty set out in Section 38 of the Planning and Compulsory Purchase Act 2004 means that the determination of this application must be made in accordance with the development plan unless material considerations indicate otherwise.

6.317 Officers consider that when all of the benefits are considered collectively, the diversification of the existing site into a high quality urban village to give it a sustainable and viable future, the innovative nature of the proposal which would have significant regeneration benefits for Runcorn (as acknowledged by the Inspectors examining the DALP), along with the delivery of both market and

affordable homes, and with the other identified benefits highlighted, clearly and demonstrably outweigh the harms identified.

6.318 Based on the above, it is considered that material considerations exist in this instance which strongly indicate that the application should be granted.

## **7 CONCLUSIONS**

7.1 The Council's statutory duty set out in Section 38 of the Planning and Compulsory Purchase Act 2004 means that the determination of this application must be made in accordance with the development plan unless material considerations indicate otherwise.

7.2 Non-compliances with development plan policy have been set out, along with the benefits which will be derived from the scheme. The planning balance summarises those benefits, which include the diversification of an existing brownfield site into a high quality urban village to ensuring a sustainable and viable future, the significant regeneration benefits for Runcorn that stem from the innovative nature of the proposal (as acknowledged by the Inspectors examining the DALP), the sustainable travel and connectivity of the location, plus with the delivery of both market and affordable homes. Combined with the other benefits identified, these clearly and demonstrably outweigh the harms identified.

7.3 Officers therefore consider that material considerations strongly weigh in favour of the granting of planning permission in this case notwithstanding the identified non-compliance with some aspects of development plan policy.

## **8 RECOMMENDATION**

That the application be APPROVED, subject to referral to the Health and Safety Executive, and subject to the following:

- a) S106 agreement as set out below
- b) Schedule of conditions set out below
- c) That if the S106 agreement is not signed within a reasonable period of time, authority given to refuse this planning application

### **PLANNING OBLIGATIONS**

- Highway Phasing Plan.
- Cycle Route Improvements.
- Crossing Improvements.
- Bus Infrastructure Improvements.
- Enhanced Bus Service Provision.

- Moughland Lane / Heath Road South / Clifton Road signalised junction improvements.
- Recreational Pressure Mitigation for Runcorn Hill.
- Affordable Housing Provision.
- Social Value Strategy for the Training and Recruitment of Local People.

## PLANNING CONDITIONS

1. Time Limit – Outline Permission
2. Submission of Reserved Matters
3. Development Parameters
4. Submission and Implementation of a Phasing Plan
5. Submission and Implementation of a Greenspace Management Plan
6. Submission of a Biodiversity Net Gain Assessment (including updated metric)
7. Submission and Implementation of Full Travel Plans.
8. Submission of a further traffic assessment at the reserved matters stage should different transport scenarios from the those assessed (commercial traffic entering the Heath Business and Technical Park site from the south and residential traffic from the north and no through route) be used along with supporting mitigations options offered where necessary.
9. Submission and Implementation of an Air Quality Mitigation Measures Scheme
10. Submission and Implementation of a Noise Mitigation Measures Scheme
11. Submission of Ground Contamination – Site Investigation and Remediation Strategy and subsequent Implementation and Validation
12. Submission of Strategy should Unsuspected Contamination be found
13. No infiltration of surface water to the ground without the demonstration of its suitability through an assessment
14. No piling unless it is demonstrated that there would be no unacceptable risk to groundwater.
15. Implementation of Breeding Birds Protection
16. Submission and Implementation of an Arboricultural Method Statement
17. Submission and Implementation of a Tree Protection Plan
18. Submission and Implementation of a Sustainable Urban Drainage Scheme
19. Submission of a Verification Report for Sustainable Urban Drainage Scheme
20. Submission and Implementation of Wetland Infiltration System Management Scheme
21. Submission and Implementation of a Construction Environmental Management Plan
22. Restriction on Hours of Construction



23. Submission and Implementation of Reasonable Avoidance Measures - Reptiles
24. Submission and Implementation of Reasonable Avoidance Measures – Badger and Hedgehog
25. Submission and Implementation of a Lighting Scheme to Protect Ecology
26. Submission and Implementation of a Landscape and Ecological /Habitat Management Plan
27. Submission and Implementation of a Bat Mitigation and Compensation Scheme
28. Submission of a copy of a licence / registration issued by Natural England in respect of bats.
29. Submission of a copy of the District Level Licence issued by Natural England in respect of Great Crested Newts
30. Submission and Implementation of a Site Waste Management Plan
31. Submission and Implementation of a Waste Storage and Collection Plan
32. Submission and Implementation of a Local Carbon Development Scheme
33. Submission of a Building Record to Level 2 as set out in Historic England Guidance – Understanding Historic Buildings
34. Submission and Implementation of a Health Management Plan.

## 9 **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

## 10 **SUSTAINABILITY STATEMENT**

As required by:

- The National Planning Policy Framework (2023);
- 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.