



Development Control Committee

**Monday, 10 June 2013 6.30 p.m.
Civic Suite, Town Hall, Runcorn**



Chief Executive

COMMITTEE MEMBERSHIP

Councillor Paul Nolan (Chairman)
Councillor Dave Thompson (Vice-Chairman)
Councillor Sandra Baker
Councillor Arthur Cole
Councillor Ron Hignett
Councillor Stan Hill
Councillor Chris Loftus
Councillor Angela McInerney
Councillor Tom McInerney
Councillor Keith Morley
Councillor Shaun Osborne
Councillor Carol Plumpton Walsh
Councillor Christopher Rowe

*Please contact Ann Jones on 0151 511 8276 Ext. 16 8276 or
ann.jones@halton.gov.uk for further information.
The next meeting of the Committee is on Monday, 1 July 2013*

**ITEMS TO BE DEALT WITH
IN THE PRESENCE OF THE PRESS AND PUBLIC**

Part I

Item No.	Page No.
1. MINUTES	1 - 3
2. DECLARATIONS OF INTEREST	
Members are reminded of their responsibility to declare any Disclosable Pecuniary Interest or Other Disclosable Interest which they have in any item of business on the agenda, no later than when that item is reached or as soon as the interest becomes apparent and, with Disclosable Pecuniary Interests, to leave the meeting prior to discussion and voting on the item.	
3. PLANNING APPLICATIONS TO BE DETERMINED BY THE COMMITTEE	4 - 76

In accordance with the Health and Safety at Work Act the Council is required to notify those attending meetings of the fire evacuation procedures. A copy has previously been circulated to Members and instructions are located in all rooms within the Civic block.

DEVELOPMENT CONTROL COMMITTEE

At a meeting of the Development Control Committee on Monday, 13 May 2013 at the Civic Suite, Town Hall, Runcorn

Present: Councillors Nolan (Chairman), Thompson (Vice-Chairman), R. Hignett, S. Hill, C. Loftus, A. McInerney, Morley, Osborne, C. Plumpton Walsh and Rowe

Apologies for Absence: Councillor Baker

Absence declared on Council business: None

Officers present: A. Jones, J. Tully, T. Gibbs, M. Noone, Evans and J. Farmer

Also in attendance: Two members of the public

**ITEMS DEALT WITH
UNDER DUTIES
EXERCISABLE BY THE COMMITTEE**

DEV84 MINUTES

The Minutes of the meetings held on 16 April 2013, having been printed and circulated, were taken as read and signed as a correct record.

DEV85 PLANNING APPLICATIONS TO BE DETERMINED BY THE COMMITTEE

The Committee considered the following applications for planning permission and, in accordance with its powers and duties, made the decisions described below.

Councillor Nolan declared a Disclosable Pecuniary Interest in the following item as he was the applicant. He left the room during consideration of the item and did not take part in any debate or decision making. The Chair was taken by the Vice-Chair Councillor Thompson for this item.

DEV86 - 13/00122/FUL - PROPOSED REAR FIRST FLOOR EXTENSION OVER EXISTING EXTENSION AT 383 LIVERPOOL ROAD, WIDNES

The consultation procedure undertaken was outlined in the report together with background information in respect

Action

of the site.

It was noted that no further updates were provided since the publication of the agenda. Further, page 11 contained a typing error; the last paragraph on point 6.1 should read: *It is considered that the proposal does **not** create an overbearing appearance within its plot and meets the requirements set by the SPD; in so doing does not pose a level of demonstrable harm what would justify a refusal.*

Members agreed that the application complied with planning policies and voted to approve it.

RESOLVED: That the application be approved subject to the following Conditions:

1. Standard 3 year expiry; and
2. Materials to match existing – (BE1)

DEV87 - 13/00087/FUL - PROPOSED THREE STOREY EXTRA CARE FACILITY CONTAINING 50 NO. 2 BEDROOM APARTMENTS WITH COMMUNAL FACILITIES, 21 NO. NEW BUILD HOMES COMPRISING 6 NO. 2 BEDROOM BUNGALOWS, 4 NO. 2 BEDROOM WHEELCHAIR USER BUNGALOWS, 10 NO. 2 BEDROOM HOUSES AND 1 NO. 4 BEDROOM WHEELCHAIR USER BUNGALOW AT LAND TO THE EAST OF 109 - 132 HALTON BROOK AVENUE, RUNCORN, CHESHIRE

The consultation procedure undertaken was outlined in the report together with background information in respect of the site.

It was reported that since the publication of the agenda the Environment Agency had submitted a recommendation for a condition to be added regarding the surface water drainage. Two other conditions relating to the construction access and management plan and footpath details would also be added.

Members were satisfied that the application met the planning policies subject to the inclusion of the above conditions and agreed to approve the application.

RESOLVED: That the application be approved subject to the inclusion of the above Conditions and the following Conditions:

1. Approved plans – (BE1);
2. Materials – (BE2);

3. Drainage – (BE1);
4. Boundary Treatments – (BE22);
5. Vehicle access, parking, servicing etc., to be constructed prior to occupation of properties/commencement of use – (BE1);
6. Submission and Agreement of finished floor and site levels – (BE1);
7. Site investigation – (PR14);
8. Prior to commencement waste recycling details of recycling facilities shall be submitted – (BE1);
9. Provision of appropriate refuse collection bins for use by the occupiers (BE1).

Conditions added at Committee:

10. Drainage Details;
11. Construction access and management plan; and
12. Footpath details.

Meeting ended at 6.52 p.m.

REPORT TO: Development Control Committee

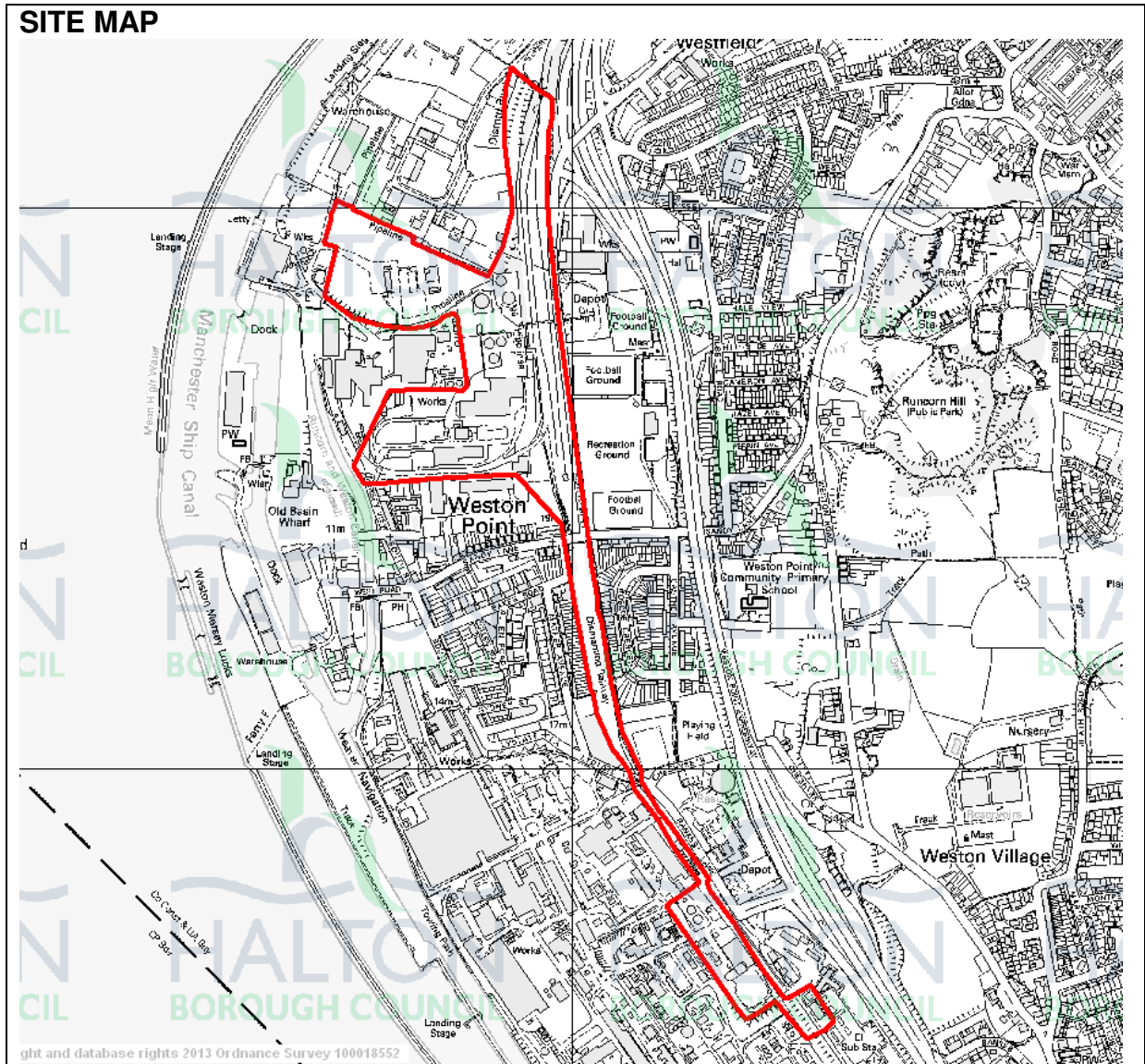
DATE: 10 June 2013

REPORTING OFFICER: Strategic Director, Policy & Resources

SUBJECT: Planning Applications to be determined by the Committee

WARD(S): Boroughwide

APPLICATION NO:	13/00011/S73
LOCATION:	INEOS Energy from Waste Facility, Picow Farm Road, Runcorn
PROPOSAL:	Proposed variation of condition 57 of BERR permission 01.08.10.04/8C (Halton Ref 07/00068/ELC) to vary (by increase) the maximum amount of Refuse Derived Fuel (RDF) which may be transported by road to the energy from waste facility (EfW) from 85,000 tonnes per annum up to 480,000 tonnes per annum at Ineos Chlor South Parade, Runcorn. And to place an obligation on the operator of the EfW facility to report annually to Halton Borough Council the actions taken to secure the delivery of RDF by rail and or water over the previous 12 month period together with recommendations for the year ahead.
WARD:	Heath
PARISH:	N/A
CASE OFFICER:	Rob Cooper
AGENT(S) / APPLICANT(S):	Zyda Law
DEVELOPMENT PLAN ALLOCATION:	UDP - Policy RG4 Action Area 4 'Runcorn & Weston Docklands' Core Strategy – Key Area of Change Policy CS10: West Runcorn
DEPARTURE REPRESENTATIONS:	No
REPRESENTATIONS:	629
RECOMMENDATION:	Approval



1. APPLICATION SITE

1.1 The Site and Surroundings

The site is located to the west of Runcorn within the INEOS Runcorn Site that occupies much of the area west of the A557 Weston Point Expressway. The River Mersey lies some 500m to the west of the centre of the site and the Manchester Ship Canal is located on the eastern side of the Mersey at this point. Weston Docks/Port of Weston lie between the site and the Manchester Ship Canal.

1.2 Planning History and Background

In considering this request, Members of the Committee need to have regard to the relevant background and history, which led to the current limit being set by the Department of Business Enterprise and Regulatory Reform, when it granted the original consent.

In 2008, the Department of Business Enterprise and Regulatory Reform (BERR) granted planning permission (01.08.10.04/8C) under the Electricity Act 1989 for the Energy from Waste Plant at INEOS Chlor off Picow Farm Road, Runcorn. When completed, the facility will have the capacity to receive up to 850,000 tonnes of refuse derived fuel per year. It was originally proposed in the applicant's submission to bring in 480,000 tonnes by road and that all supporting information originally accompanying the application to BERR was based on that assumption.

The Development Control Committee, following their consideration of the proposal, recommended to BERR that a reduced road transport ceiling figure of 85,000 tonnes per annum be imposed, as they believed that the alternative methods of delivery should be used as this would result in a more sustainable development. At the time, this figure of 85,000 (10%) was unsubstantiated and not supported with any evidence that this would ensure the most sustainable mode of transport

The Secretary of State, when subsequently considering the application, agreed with this recommendation and imposed that limitation. The reason stated for the condition by the Secretary of State in his covering report dated 16th September 2008 for attaching condition 57 was to assist in minimising the impact of construction traffic and operational traffic on the local population and to ensure that the most sustainable mode of transport is used for the delivery of fuel used in the operation of the site.

This is reflected in the justification to condition 57 in the planning permission which states 'to minimise road traffic movements in the locality and ensure that the most sustainable modes of transportation are considered for the delivery of refuse derived fuel (RDF)'.

Members should also note that whilst this condition was imposed, there were at the time of the Committee's consideration, no technical/ highway capacity objections to the transportation arrangements suggested within the original application. This was to bring in 480,000 tonnes of Refuse Derived Fuel (RDF) by road

Members will be aware that the EfW facility is in an advanced stage of development with the first phase nearing completion.

In September 2010, details of a letter which had been received from Ineos was shared with the Development Control Committee. The letter sought permission to vary condition 57 of its permission. Members voted against agreeing to this informal request. It is important to note that this letter was not submitted as a formal request as it did not include the level of information now before the Committee.

A section 73 application (11/00013/S73) was submitted in 2011 to vary the wording of condition 57. This was later withdrawn by Ineos. A subsequent application 11/00186/COND was also withdrawn.

2. THE CURRENT APPLICATION

2.1 Proposal Description

A request has been received from INEOS to vary the terms of its, currently being implemented, planning permission for the Energy from Waste Combined Heat and Power Station on its Runcorn site.

The currently permitted limit of 85,000 tonnes is set by condition 57 of the existing permission issued by the Department for Business, Enterprise and Regulatory Reform, under the Electricity Act 1989, in 2008.

That condition states:

'(57) Unless agreed in writing with the Council, the quantity of refuse derived fuel imported for use in the operation of the Development by road shall not exceed 85,000 tonnes in any twelve month period and the Company shall record the date and volume of waste delivered to the site and where requested by the Council shall copy records to the Council within five working days.'

The reason for condition 57 together with condition 58 and 59 (both of which relate to rail movements) reads as follows:

'Reason: To minimise road traffic movements in the locality and ensure that the most sustainable modes of transportation are considered for the delivery of refuse derived fuel and there is proper control of noise for the delivery of refuse derived fuel by rail.'

The application is made under section 73 of the Town and Country Planning Act 1990. It seeks to remove the existing condition 57. Part 6 of the applicant's application form states that they wish to change the wording of the condition to as follows:

'(57) Unless agreed in writing with the Council, the quantity of refuse derived fuel imported for use in the operation of the Development by road shall not exceed 480,000 tonnes in any twelve month period and the Operator shall record the date and volume of waste delivered to the site and where requested by the Council shall copy records to the Council within five working days. The Operator shall keep under review the opportunities to use or make further use of rail and water for the delivery of refuse derived fuel to the development. The Operator of the facility shall, annually from the first anniversary of the date of this permission, submit to the Council for its written approval a report describing the actions taken to secure the delivery of RDF by rail and or water over the previous 12 month period together with recommendations for the year ahead.'

The applicant has not provided a revised reason in part 6 of its application to replace the one provided above.

The requested condition above can be broken down into 6 parts as follows:

- 1) Is the wording '*Unless agreed*' acceptable ?
- 2) Is the revised quantity of RDF that could be delivered to the site by road per annum acceptable?
- 3) Is it accepted that the operator shall still record the date and volume of waste delivered to the site?
- 4) Is it still accepted that upon the request of the Council the operator should supply a copy of the above record in five working days of a request of the Council?
- 5) Is the requirement to keep under review opportunities for delivery by rail and water accepted by the Council?
- 6) Does the Council accept the requirement for the Operator to annually submit to the Council for its approval a report describing action 5 above, plus proposed actions for the year ahead?

2.2 Documentation

The application has been submitted with a planning statement, non-technical summary, Environmental Statement and the associated Technical Appendices (Volumes 1-2). These documents include assessments in relation to air quality, transport, noise, ecology, climate change and socio economic. Section 5 of this report summarises these details.

3. POLICY CONTEXT

3.1 EU Transport Policy

The principle of co-modality (co-modality refers to a use of different modes on their own and in combination) is now well established by the European Commission as the appropriate approach for determining freight modal choice on public policy grounds. It is based on the concept that the most feasible, efficient and cost effective transport solution be adopted for particular flows, rather than conditioning the specific use of non-road modes even where they may not offer the most practical or cost effective solution (e.g. rail or water should be used were feasible and cost effective transport solution).

Co-modality was introduced in 2006 in the European Commission's communication to EU Parliament 'Keep Europe Moving'.

3.2 National Freight Policy

The Logistics Growth Review was published by the DfT in November 2011 as part of the Government's wider Growth Review strategy. Its main aim was to identify the barriers to economic growth within the logistics industry, and present a series of measures to address these barriers. The document effectively forms the Government's current Policy towards the logistics sector. The Secretary of State for Transport made a written statement to Parliament on 29th November 2011 in relation to the Government's new Policy towards the development of Strategic Rail Freight Interchanges. While this concerns the development of large scale rail-served warehousing (for finished cargo and consumer goods, and therefore not directly relevant to this matter), the statement included the following:

'The Government supports the transfer of freight from road to rail, where it is practical and economic to do so'

3.3 National Planning Policy Framework

The National Planning Policy Framework (NPPF) was published in March 2012 to set out the Government's planning policies for England and how these should be applied.

Paragraph 196 states that the planning system is plan led. Applications for planning permission should be determined in accordance with the development plan unless material considerations indicate otherwise, as per the requirements of legislation, but that the NPPF is a material consideration in planning decisions. Paragraph 197 states that in assessing and determining development proposals, local planning authorities should apply the presumption in favour of sustainable development.

Paragraph 14 states that this presumption in favour of sustainable development means that development proposals that accord with the development plan should be approved, unless material considerations indicate otherwise. Where a development plan is absent, silent or relevant policies are out of date, planning permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies in the NPPF; or specific policies within the NPPF indicate that development should be restricted.

Paragraph 6 of the NPPF states:

6. The purpose of the planning system is to contribute to the achievement of sustainable development. The policies in paragraphs 18 to 219, taken as a whole, constitute the Government's view of what sustainable development in England means in practice for the planning system.

7. There are three dimensions to sustainable development: economic, social and environmental. These dimensions give rise to the need for the planning system to perform a number of roles:

- an economic role – contributing to building a strong, responsive and competitive economy, by ensuring that sufficient land of the right type is available in the right places and at the right time to support growth and innovation; and by identifying and coordinating development requirements, including the provision of infrastructure;
- a social role – supporting strong, vibrant and healthy communities, by providing the supply of housing required to meet the needs of present and future generations; and by creating a high quality built environment, with accessible local services that reflect the community's needs and support its health, social and cultural well-being; and

- an environmental role – contributing to protecting and enhancing our natural, built and historic environment; and, as part of this, helping to improve biodiversity, use natural resources prudently, minimise waste and pollution, and mitigate and adapt to climate change including moving to a low carbon economy.

8. These roles should not be undertaken in isolation, because they are mutually dependent. Economic growth can secure higher social and environmental standards, and well-designed buildings and places can improve the lives of people and communities. Therefore, to achieve sustainable development, economic, social and environmental gains should be sought jointly and simultaneously through the planning system. The planning system should play an active role in guiding development to sustainable solutions.

9. Pursuing sustainable development involves seeking positive improvements in the quality of the built, natural and historic environment, as well as in people's quality of life, including (but not limited to):

- making it easier for jobs to be created in cities, towns and villages;
- moving from a net loss of bio-diversity to achieving net gains for nature;
- replacing poor design with better design;
- improving the conditions in which people live, work, travel and take leisure; and
- widening the choice of high quality homes.

10. Plans and decisions need to take local circumstances into account, so that they respond to the different opportunities for achieving sustainable development in different areas.

The key sections from the NPPF relating to the location of freight generating activities in summary are:

- Expects that developments which generate large volumes of freight to be located on sites where the use of sustainable transport modes can be maximised (i.e. alongside railway terminals, inland waterways or within a port);
- Encourage solutions which support reductions in greenhouse gas emissions;
- Promotes (and protects) opportunities for the use of sustainable transport modes for the movement of goods; and
- Encourages developments that are located at sites which accommodate the efficient delivery of goods and supplies.

3.4 Regional Spatial Strategy (RSS)

This document was abolished 20th May 2013, therefore is no longer a material planning consideration.

3.5 Halton Unitary Development Plan (UDP) (2005)

The following UDP policies are of relevance to this application;

BE1 General Requirements for Development
TP13 Freight
TP14 Transport Assessments
TP18 Traffic Management
TP19 Air Quality
PR1 Air Quality
PR2 Noise
MW2 Requirements for all Applications
MW18 Energy from Non-Fossil Sources

It is noted that Policy TP13 'Freight' supports new development within employment areas and action areas that adjoin railways and waterways. The Policy also states that development will not be permitted if it is likely to prejudice the use of existing or disused railway sidings or port facilities. The EfW development therefore already complies with this Policy without the imposition of condition 57

3.6 Halton Core Strategy

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

CS1 Halton's Spatial Strategy
CS2 Presumption in Favour of Sustainable Development
CS7 Infrastructure Provision
CS19 Sustainable Development and Climate Change

3.7 Previous Decision by the Secretary of State (SoS)

Previous decisions of the Secretary of State are also material considerations in the determination of planning applications.

An appeal was made by Covanta Energy Limited in 2011 for an Energy from Waste facility in Middlewich, the appeal was dismissed. It is relevant to this application as the decision makes particular reference to the INEOS facility at Runcorn.

The Secretary of State stated that; the applicant's analysis demonstrated that the carbon impact of transport would be dwarfed by the benefits of energy recovery at the facility as a result of avoided generation of fossil fuel derived electricity and heat; by avoided emissions of greenhouse gases as a result of diverting waste from landfill; and by incinerator bottom ash and metals recycling.

In short, he concluded that; there was no factual and evidential basis to support the Council's claim that EfW adversely affects recycling rates; or otherwise pulls waste down the hierarchy; and moreover, the environmental benefits of diversion from landfill 'obliterate' any disbenefit from transporting waste.

Furthermore, the Secretary of State referred to INEOS Chlor's bid for a waste contract in South Lanarkshire and the previous request to increase its road deliveries of RDF by 400,000tpa. He felt that this demonstrated two things. First, such a facility may readily apply to change its planning conditions according to commercial opportunities and circumstances. Secondly, if a long distance road haulage waste contract can be profitable, shorter distances would probably be commercially attractive to a similar facility.

The Lanarkshire decision emphasised INEOS's clear intention for the facility to use road-based imports and to import Commercial and Industrial (C&I) waste from an area which included Cheshire. On the balance of probabilities, the Secretary of State concluded that they were more than likely going to import waste presently considered to be C&I waste. Hence, if Ineos Chlor Runcorn were to obtain permission to import up to 480,000tpa of waste by road, this would in turn probably result in direct competition with the appeal proposals for C&I waste in Cheshire.

The Inspector's decision report states that 'it appears to me that in the waste management situation which could easily develop over the next few years in and immediately around Cheshire, where the potential for oversupply of waste management facilities is real, the effect of granting permission for the Covanta Middlewich scheme could well prevent some future capacity coming forward. In waste management terms that may not be a problem, because it would simply be the market balancing treatment capacity to the availability of waste. But in its effect on renewable energy capacity, which the Appellant recognises Government policy is promoting in the strongest terms, it would have a seriously adverse effect by delaying the arrival of new renewable energy capacity. By potentially prejudicing renewable and/or low carbon energy supplies in this way, the appeal proposals conflict with the advice of paragraph 44 of PPS1-CCS.

In summary the SoS on Covanta's appeal concluded (so far as relevant to the present application):

- 1) The benefits of diverting waste from landfill significantly overrides any potential dis-benefits from alternative modes of transport, regardless of mode.
- 2) The INEOS EfW facility, at Runcorn, being able to receive C&IW as well as MSW by road
- 3) That any new similar facilities would cause an oversupply that jeopardise the delivery of existing consented EfW schemes contrary to national planning policy.

4. REPRESENTATIONS

The following representations have been received:-

4.1 Cheshire Wildlife Trust

Having examined the supporting documents, including the Environmental Statement Volumes 1 and 2, CWT concurs with the conclusions of the ES with regard to potential impacts on designated and non-designated sites of biodiversity value. These conclusions are as follows:

'The assessment concludes that the application proposals would not adversely affect the integrity of Mersey Estuary SPA. It also concludes that there would be no significant impacts on the Flood Brook Clough SSSI, Runcorn Hill and Pickering's Pasture Local Nature Reserves.' Paragraph 8.6 (ES Section 8 Ecology)

CWT considers these conclusions to have been satisfactorily demonstrated by the survey methodology, results and analysis within the EIA, which was carried out to assess the potential impacts of increasing the maximum amount of imported RDF by road from 85,000 tonnes per annum to 480,000 tonnes per annum.

From the point of view of potential ecological impacts therefore, CWT finds the proposed wording of revised planning Condition 57, as quoted in Zyda Law's letter, to be acceptable.

4.2 Environment Agency

The Environment Agency has no objection in principle to the variation of condition but wishes to make you aware of the following:-

A noise assessment was carried out in accordance with BS 4142 to compare predicted plant rating noise levels with established background levels however this considered only noise sources from within the installation boundary. Contributions of noise sources from outside the installation boundary are considered under planning rather than Environmental Permitting

There is a pre-operational condition in the permit with respect to noise & vibration. It requires the applicant to submit a report to us describing a detailed programme of noise and vibration monitoring that will be carried out on site at the commissioning stage and also when the plant is fully operational (after phase 1 and phase 2 of the development) as proposed in the application. The report shall include confirmation of locations, time, frequency and methods of monitoring. The monitoring programme shall be carried out in accordance with our written approval.

4.3 Natural England

Natural England made the following comments. 'This application is in close proximity to the Flood Brook Clough Site of Special Scientific Interest (SSSI). Natural England is satisfied that the proposed development being carried out in strict accordance with the details of the application, as submitted, will not damage or destroy the interest features for which the site has been notified. We therefore advise your authority that this SSSI does not represent a constraint in determining this application.'

4.4 The Coal Authority

No observations or specific comments due to the site being outside the defined coal field.

4.5 Highways Agency

No objection

4.6 Health and Safety Executive

The HSE did not object to the original application for the EfW facility. This was on the premise that the RDF is not of a hazardous nature. Similarly, on the same premise, HSE does not object to the increased input by road described in this current application, and they note that the routing to the site shares the same route as vehicles carrying hazardous chemical goods coming to and from the INEOS ChlorVinyls site.

They note that certain waste substances may require a hazardous substance consent from the Local Planning Authority.

4.7 Canal and River Trust (Formally British Waterways)

The Canal and River Trust has no comments to make.

4.8 Peel Holdings

Do not foresee the increase of fuel transported by road having an impact on their existing, or future, port operating procedures and therefore have no observations in respect of the highway network to absorb the increase.

However, they do emphasise that the Manchester Ship Canal is ideally located for the use of transportation by ship/barge, and they welcome the suggestion by the applicant to include an annual report to secure the delivery of RDF by more sustainable means.

4.9 Halton Action Group against the Incinerator (HAGATI)

HAGATI's complete response has been appended to this report, in summary its grounds for objecting are as follows. They believe that HBC do not have sufficient authority to deal with this application and state that if the application is approved then an application for judicial review would be made.

They state that INEOS agreed to the wording of condition 57 back in 2008 so they should essentially have to stick with this. They feel that INEOS's acceptance of this condition was just to obtain the planning permission but they did not intend to honour the condition.

INEOS should have carried out a comprehensive analysis of waste availability back in 2007 with the original application.

They feel that the main reason that the condition was attached was to minimise road traffic in the local area, and feel that local residents should not have to suffer the additional traffic, just because INEOS made the mistake of agreeing to the condition.

HAGATI believe INEOS have made commercial errors in accepting the condition, but still building the two phases of the incinerator when they can only bring enough RDF by rail (from Greater Manchester) to power one phase.

Concerns are raised in relation to technical appendices – volume 1 in relation to air quality and exceeded levels of PM10, and NO2.

Concerns are raised in relation to technical appendices – volume 2 which contains the fuel availability assessment and the sustainable transport statement. They feel that the assessments are flawed.

With respect to the Environmental Statement Volume 1 they are concerned with levels of NO2 and NOx. In particular the impact of the emissions from the Scottish power station chimney and the cladding of the Ineos building have not been assessed and that levels are already in exceedence.

They make reference to the planning statement and the relevance of the decision of the Secretary of State to grant planning permission for an incinerator at Lostock. In this instance, a condition to control how waste was delivered to the site was not considered appropriate. They view the circumstances as different as INEOS agreed to the condition, and also the proximity of residents was a factor.

They refer to the Access statement and the use of water and the need to double handle RDF. Their view is that double handling is not required as a cable railway line could be put in place.

HAGATI has also commented on the Statement of Community Involvement, stating that the air quality and noise monitoring should have been discussed at the Local Liaison Forum and that being a member of HAGATI excludes any resident from serving on the Local Liaison Forum.

The full objection can be viewed in the appendices.

4.10.1 Comments on case made by HAGATI

The general assessment in section 6 of this report deals with the substantive points made by HAGATI, however it is appropriate to comment on three points made in the case by HAGATI at this stage in the report.

- In response to the suggestion that the Council has no authority to deal with the application, this is denied. This is the view confirmed by the Infrastructure Planning Commission (IPC), in minutes between the IPC and the company.
- In response to the suggestion that the applicant should not make an application to vary a condition, this is denied. Developers have an absolute right to seek and apply for a variation to a planning application through Section 73, and any assertion to this not being the case is not sustainable. No matter how long a planning condition has been in

operation it cannot give rise to a legitimate expectation on the part of local residents that it will never be discharged: R(On the application of Barker) v Waverley Borough Council [2001].

In response to the point made on the Local Liaison Forum, this is not relevant. The purpose of the Liaison Forum is to act as conduit between INEOS ChlorVinyls, Halton Borough Council and community stakeholders from those areas located nearest to the Energy from Waste CHP plant in order to keep residents fully informed during construction of the plant and to respond to queries raised. This Forum is not a decision making body and views of the Forum are not part of the Council's consideration of this matter.

4.10 Ward Councillors

An objection has been received from the ward Councillor Margret Ratcliffe on the grounds of additional traffic, congestion, air pollution and noise in a residential area.

4.11 The Highway Authority

Comments received are covered in the assessment section below.

4.12 Environmental Health Division

Comments received are covered in the assessment section below.

4.13 There have been 629 representations from the general public received to the application. The objections raised within these representations include the following issues;

- The extra traffic would cause congestion in the general area, including Sandy Lane, Picow Farm Road, the expressways, Weston and Weston Point
- Suitability of the existing road network
- Impacts on highways safety
- Environmental impact
- Noise caused by additional traffic
- Impact of additional traffic on air quality and health.
- Impact on ecology and habitats notably Runcorn Hill
- The applicant agreed to the original condition so it should not be changed, and they should operate within the existing restriction imposed
- If the application is allowed then they will want to make other changes in the future
- Increased pollution
- Should not have to suffer waste from other areas
- Incinerator impact on air pollution
- The site and appearance of the incinerator is an eyesore
- Noise from existing operations
- Increase of tonnage to be disposed
- Affect access to residential areas

- No benefits to the local community
- Loss in value to properties and not being able to sell on property
- Should be compensation paid to residents for loss of house value

5. ASSESSMENT

5.1 Assessment Introduction

The request to replace the existing condition 57 as outlined in section 2 above needs to be assessed against National Planning Policy Framework and local planning policy which consists of the saved policies of the UDP and the adopted Core Strategy as well as any other relevant material planning considerations.

It should be noted that National Planning Policy does not state that freight should not be transported by road, nor does it set any levels or targets of freight for any particular mode of transport. Instead, National Planning Policy seeks to protect and promote non-road modes of freight transport, and that developments be located where the use of sustainable transport modes can be used.

It should also be noted that the Runcorn EfW development has included significant investment into railways sidings, the site is also next to the port of Weston and Runcorn docks, therefore in terms of location and available infrastructure the siting of the EfW facility satisfies the NPPF in this respect and encourages and promotes the use of sustainable transport modes.

In summary, the main issues therefore are whether the request complies with the principles of sustainable development as outlined in the NPPF which consists of economic, social and environmental roles.

The economic role in this respect can be assessed through the Socio-economic assessment and the cost comparisons for the transportation of RDF by different modes. The Social role of the proposal has also been addressed in the Socio-economic assessment. Furthermore, the environmental role has been assessed within the noise, air quality, ecology and sustainable transport assessments, which are summarised below.

The three elements of sustainability set out in the NPPF are not completely independent of each other, the following assessment picks up the many strands that relate to sustainability. These strands will be picked up in the general conclusion section below.

All documents submitted by the applicant including the Environmental Statement can be viewed online through the Council's online planning applications page.

5.2 Air Quality

Baseline air quality monitoring has been undertaken in line with National Diffusion Tube Monitoring Network calendar, as stipulated by DEFRA and in accordance with diffusion tube guidance (Diffusion Tubes for Ambient NO₂ Monitoring Practical).

Section 6 'Air Quality' of the applicant's submitted Environmental Statement concludes:

'Detailed modelling has been undertaken to predict impacts and this has been verified using monitoring data collected by SLR and TLR (companies involved with the submission). The approach has been completed in line with current Guidance and best practice.

The modelling uses traffic count and trip projection information to quantify increases in levels of NO₂ and PM₁₀ as a result of the application scheme.

The results of the assessment indicate that the change in the concentrations of these two pollutants will be 'imperceptible' at all locations where the annual mean air quality objective applies and there is no significant risk to human health or ecology from air quality impacts resulting from the application scheme'.

A comprehensive diffusion tube survey was carried out between April and September 2012, to assess current levels of nitrogen dioxide along Weston Expressway. A real time analyser was also located along Weston Expressway monitoring nitrogen dioxide and coarse particulate matter (PM₁₀) for the same period of time.

Modelling based on these results has been used to predict the impact of the changes on air quality in the area against the national objective levels as set out in the National Air Quality Strategy. The methodology used in carrying out the modelling is taken from nationally accepted guidance.

Environmental Health's review of the air quality assessment takes into account the relevant exposure of individuals. Local Air Quality Management Technical Guidance Number 09 relates to local air quality management and defines a relevant receptor as one which is within 10m of the side of the carriageway where someone will spend a period of time relevant to the exposure. In this instance relevant receptors are the housing closest to the carriageway as it is at these locations that residents are exposed to pollution for prolonged periods of time.

In assessing the work carried out within the Environmental Impact Assessment, Environmental Health has also considered the increase in traffic along the expressway to give an indication of the likely impact. The predicted increase in vehicles (as part of the application) based on current road traffic flow data, provided by the Council's Highways Department is approximately 1% along Weston Expressway. In predicting the increase it has been assumed that 50% of the vehicles will be travelling south along the expressway and 50% north.

Nitrogen Dioxide

The annual diffusion tube data demonstrates that current nitrogen dioxide levels in most locations are less than 90% of the objective levels. Only 2 locations demonstrate current levels in excess of 90% of the objective levels, DT1 and DT7. There are no relevant receptors with 10m of the diffusion tube locations. Modelling was carried out at the closest receptors to the 2 diffusion tubes and demonstrates that the nitrogen dioxide concentrations fall to below 80% of the objective levels.

The report takes into account that permission has already been given for the plant to operate and that the current approval will result in an increase in traffic levels. The impact of this increase on nitrogen dioxide levels has been calculated both taking into account that an increase in traffic levels has already been approved (85 000 tonnes) and that this application amounts to a further increase in traffic (to 480 000 tonnes). It assesses the baseline nitrogen dioxide levels in relation to the natural increase in traffic that would occur with no development, the impact of the development as currently approved (85 000 tonnes) and the impact of the development assuming this application was successful (480 000 tonnes).

It has also considered the impact of the Mersey Gateway which will result in a decrease in nitrogen dioxide levels as traffic intending to go over the bridge decreases on this stretch of road. It clearly demonstrates that the biggest impact on nitrogen dioxide levels on this part of the Weston Expressway will be due to the decrease in traffic levels that will result in a reduction in nitrogen dioxide levels. The impact on nitrogen dioxide levels from the proposed increase as part of this application, based on the evidence provided, will be 'imperceptible' (<1%) both with and without the construction of the Mersey Gateway.

The increase, in the levels stated above, therefore will be less than 1% of the objective level and this means that even at the receptors closest to D1 and D7 levels of nitrogen dioxide will be substantially below the objective levels with an increase of less than 0.5% of the objective level. This is assuming the Mersey Gateway is not constructed and the associated reduction in traffic levels along this part of the Expressway is not realised.

Particulate Matter

Particulate matter was monitored for 6 months along the expressway using a real time analyser. This demonstrated that particulate emissions in this area are well below the objective levels along the expressway. The modelling based on these results demonstrates that there will be an imperceptible increase in particulate emissions at all receptors identified. This looks at the same scenarios as the nitrogen dioxide modelling, with and without the traffic increase that has already been permitted.

In conclusion, the report assumes that the Mersey Gateway will not be constructed and the associated reduction in traffic levels along this stretch of the Expressway will not be realised. Taking this into account the report demonstrates that levels in particulate matter will not increase by more than 0.1% based on the worst case scenario.

Conclusion – Air Quality

The methodology and reference documents used by the applicant's consultant in compiling the air quality report is based on accepted documents. The nitrogen dioxide modelling has been carried out in detail and demonstrates compliance with the objective levels at the relevant receptors. Taking into account the above, Environmental Health would have no reason to object to the application on the grounds of air quality.

5.3 Noise

The noise report provided considers the future impact of traffic movements on locations around the development, assuming that 480 000 tonnes of material per annum is delivered by road.

Methodology and Standards

The methodology used is based on nationally accepted standards. The report compares noise against existing levels in relation to the number of vehicle movements that has already been approved (85 000 tonnes and other HGV traffic as part of operating the facility) those that are being requested through this planning application (an additional 395 000 tonnes) and the cumulative impact of both these. It identifies the predicted impact at 3 locations: Clarks Terrace, Sandy Lane and Russell Road.

An accepted principle of acoustics is that a 3 decibel increase is imperceptible to the human ear. British standard BS4142 predicts the likelihood of complaints when noise levels from a new source are compared against background and ambient levels in an existing location. A difference of around +10dB is an indication that complaints are likely and a difference of +5dB is considered to have marginal impact.

Noise from off-site vehicles

The report demonstrates that the noise from traffic on the road will have no impact on any of the receptors. For all the receptors the impact is either negative or imperceptible.

Noise from on-site vehicles

When assessing the on-site noise the application looks at the increase when compared against ambient and background levels with the approved number of vehicles (including 85 000 tonnes) and with those that the current application is requesting (480 000 tonnes). When the figures are compared against the ambient levels, taking into account the noise from the plant, the difference between the noise from the development that has already been approved (85 000 tonnes) and the noise from the changes that are being requested (480 000 tonnes) is +0.5dB and +1.6dB at Clarks Terrace daytime and night time respectively. Both these increases would be considered imperceptible to the human ear.

The report then compares the increase in noise from the additional road vehicles against the background including the on-site and off-site traffic movements, but does not take into account the noise from the plant. When the levels predicted taking into account the vehicle numbers that have already been approved are compared against the levels that are predicted with the proposed increase in vehicle movements there is a difference of 3dB both daytime and night time at Clarks Terrace.

The report demonstrates that the difference in noise levels compared to the current ambient and background levels when compared against the entire development, both approved and proposed, the difference as defined by BS4142 would still only be of marginal significance, as the difference is less than 5dB below background.

Conclusion – Noise

The report contains a number of tables detailing the variations to be expected taking into account the activities for which approval has been granted, and the activities for which approval is being sought. The increase in traffic on the highway will have no discernible impact on residents. The increase in the vehicles on site will as a worst case scenario have a marginal impact on residents.

It cannot be determined therefore that there are any indicators of positive harm to residents due to the noise impact of the application being considered and Environmental Health would be unable to object to the application in terms of noise impact.

Environmental Health's Comments on Hagati's Representation

Halton Action Group Against the Incinerator (HAGATI) have forwarded its comments regarding the application. The group have made comments about air quality.

On page 5 they refer to data from the monitor located at Picow Farm Road. They make the following 4 statements regarding air quality state:

'during the first fortnight of February 2012 these were':

1. *'8 exceedances of the PM10 35µg/m³ upper assessment 24 hour average.'*
There are 2 objective standards in the Air Quality Standards Regulations 2010 for PM10 (particulate matter), based on the health effects. The first is 40µ/m³ as an annual average (thereby calculated over the course of 12 months). The second is 50µ/m³ as a 24 average not to be exceeded more than 35 times a year. In the first fortnight the 24 hour average could not have been breached more than 14 times, therefore this objective could not have been breached in this timescale. In fact in the first fortnight there was a single breach of the 24 hour mean on 12 February 2012.

2. *'13 exceedances of the 25µg/m³ 24 hour average'*

Hagati do not state to which pollutant they refer. There is no standard of 25µ/m³ as a 24 hour average, referred to in the Air Quality Standard Regulations 2010 for any pollutant.

3. *'1 exceedance of the PM10 24 hour 50µ/m³ objective'*

They are quite correct there was one exceedance of the 24 hour limit for PM10. As stated above the Regulations allow 35 such exceedances in a year and therefore a single breach is not enough to instigate further action.

4. *'23 exceedances of the NO₂ annual average limit.'*

The annual average limit can only be measured annually. The data referred is over a 14 day period and therefore cannot demonstrate this number of exceedances of the annual average. The data for this period in February 2012 does not demonstrate any exceedances of the hourly average.

On page 7 of their report they refer to NO₂ (nitrogen dioxide) levels of 25.5µg/m³. The objective level is 40µg/m³ as an annual average. Notwithstanding the fact that Hagati have not adjusted this figure based on 3 months' worth of data to represent 12 months, the figure quoted is well below the objective level. They also refer to the NO_x concentrations as being 45.5µg/m³. There is no objective level for NO_x in the Air Quality Standards Regulations 2010.

They state that in February 2012 *'during this period the average values were high enough to cause multiple exceedances of the measured pollutants'*. The data demonstrates that there was 1 exceedance of the PM10 objective level in February. There were no other breaches of any other objective levels. The concerns expressed relating to Weston School and staff working at Ineos's site are therefore unfounded.

Hagati refer to the impact that the cladding on the main building of the incinerator has on emissions from Scottish Power. Building downwash is a phenomenon that is factored into the modelling work carried out by consultants, however the conclusion drawn by Hagati that 'multiple exceedances' have been caused by this cladding cannot be substantiated. There is no explanation as to how they could have attributed increased pollution levels, as they perceive it, on the cladding, beyond the fact that the two things appeared to have happened at roughly the same time. It needs to be reiterated that there were not 'multiple exceedances' during the time period to which they refer.

In conclusion it appears that Hagati's concerns regarding the air quality data are based on their continued misunderstanding of the data to which they have access. There was a single breach of the objective for coarse particulate matter in February, but this was the only breach of the objective level and is permitted under the Regulations.

5.4 Ecology

The ecological assessment identifies the statutory designated sites and local sites. The statutory designated sites include the Mersey Estuary Special Protection Area (SPA) and Ramsar status. There is one other protected site (Flood Brook Clough) that lies in excess of 2km from the Runcorn EfW facility but this has been included within the study area. This is because Flood Clough Brook SSSI is located approximately 80m from the eastbound slip onto the M56 from the Rocksavage roundabout at its closest point, but 160m from the routes

bringing traffic from the M56 at this complex junction. The SSSI is of interest for the ash (*Fraxinus excelsior*) woodland it supports; full details for the site are included at Appendix 8-2 of the application documents. There are no other statutory ecological or biodiversity sites within a 2km radius of the Runcorn EfW facility.

Furthermore, there are two Local Wildlife Sites within 2km of the Runcorn EfW facility. These are Runcorn Hill Local Nature Reserve (224m east) and Pickerings Pasture Local Nature Reserve (1400m northwest).

The Mersey Estuary SSSI/SPA/Ramsar is considered to be of both national and international importance for the species it supports, Flood Brook Clough SSSI is a site considered to be of national importance.

The impact on Runcorn Hill Local Nature Reserve and European Sites (such as the Mersey Estuary) will be negligible since these sites are more than 200m from 'affected roads' (i.e. the change will be imperceptible).

The Flood Brook Clough SSSI is within 200m of the Rocksavage Expressway at 80m from this road link at its closest point. The likelihood of all development traffic using this section of expressway is small.

Notwithstanding this, it is possible to assess the contribution at the closest point of the SSI, if we were to assume that all of the development traffic were to travel south from the site and east on the M56, joining at J12 based on the results from the detailed roads modelling. The result of the calculation is that the concentration as a result of the scheme would be less than 0.1ug/m³ NO_x at this location and the contribution is therefore 'imperceptible' at this SSSI. This is as expected given the results at (much closer) human receptors.

In summary, in relation to ecological receptors, the impact of the application scheme at the Flood Brook Clough SSSI will be 'imperceptible'. The impact at all other ecological receptors will be 'neutral' when using the terminology from the Design Manual for Roads and Bridges.

The ecological report concludes that there is a single ecological receptor that may be affected by the proposed increase in vehicle movements to the EfW facility, as it is situated within 200m of the highway network that would be used by HGVs accessing the EfW facility. Flood Brook Clough SSSI is of importance for the ash woodland it supports, and occurs approximately 80m from the eastbound slip onto the M56 from the Rocksavage roundabout at its closest point, but 160m from the routes bringing traffic to the energy EfW, from the M56, at this complex junction.

The ecological report concludes that impacts on this SSSI associated with the emissions from EfW facility, and the increased HGV movements as well as the in-combination effect on these emissions, would be imperceptible and negligible. Natural England has been consulted, its response states: 'This application is in close proximity to Flood Brook Clough Site of Special Scientific Interest (SSSI). Natural England is satisfied that the proposed development being carried out in

strict accordance with the details of the application, as submitted, will not damage or destroy the interest features for which the site has been notified. We therefore advise your authority that this SSSI does not represent a constraint in determining this application'.

The Mersey Estuary Natura 2000 site lies more than 200m from the highways network that would be used by HGV's accessing the EfW facility, such that no significant adverse ecological impacts are anticipated as a result of emissions from these HGV movements. It is also concluded that there would be no in combination impacts on the Natura 2000 site.

Merseyside Environmental Advisory Service (MEAS) have carried out a screening for Appropriate Assessment in accordance with the Habitats and Species Regulations 2010. MEAS have carried out an assessment that takes into account the source, pathway and receptors and have advised that a Habitats Regulations Assessment (HRA) is not required for this proposal.

Conclusion – Ecology

There are no reasons relating to ecology to justify refusing the application.

5.5 Traffic Assessment

The calculations set out in the Transport Assessment assumes that 480,000 tonnes of waste are transported by road to the site. This represents the worst case scenario based on the assumption that all waste that does not come from Manchester comes by road and that the upper throughput figure is 850,000 tonnes of waste per year. In addition to the waste being transported to the site, a number of other consented HGV movements will be required to transport materials to the site and remove residual waste from the site.

Materials	Tonnes per Annum (tpa)	Average load Sizes (tonnes)	Loads per Annum	Movements per Day*(255 days per year)	Movements per hr (12 hr day)
Waste-consented via road	85,000	18.3	4645	36	3
Lime	30,000	15	2,000	16	1.3
Activated Carbon	260	15	17	Negligible	
Ammonia Water	3,600	15	240	2	
Bottom Ash	205,000	15	13,667	108	9
Fly Ash and Reaction Products	60,000	15	4,000	32	2.6

Reject and Misc	38,000	15	2,533	20	1.6
Total				214	17.8 (18)

The current consent above results in 214 HGV movements to and from the site per day. This takes into account the delivery of the consented 85,000 tonnes by road, and the HGV movements of those removing by-products of the operation including removal of lime, ammonia water, bottom ash, and fly ash. The proposal to increase the amount of waste delivered by road, to 480,000 tonnes per annum, would result in an additional 170 HGV movements, giving a total of 384 per day.

Waste-Proposed Additional Volume via road	395,000	18.3	21,585	170	14
Total				384	32
Difference between consented and proposed				170	14

The proposal does not alter the access arrangements previously considered. All deliveries are to be routed from the expressways along Picow Farm Road onto the access road into the site, taking away HGV movements from Salt Union away from Weston Village. The TA indicates that the proposal would result in 384 HGV movements a day. This is 192 in and the same number out over a 12 hour period i.e. an average of 32HGV movements (in and out) per hour over a twelve hour period. This will then distribute onto the expressways either North or South. This gives a daily HGV impact above the consented permission on the expressways of a maximum of 3.4%, with 100% new movements. This would be less dependent on the north /south split.

In full operation with the proposed development and all other developments (current) traffic flow on Picow Farm Road is estimated to be 345 (2012 count and consented) + 14 (proposed) and 338 +14 in the a.m, p.m peak hours respectively. The capacity of this road which is a 7.3m wide single carriageway is 1,900 vehicles per hour. It follows that even with the proposed additional movements this road would still be operating well below capacity.

The Expressway junction at Picow Farm Road has been modelled and demonstrates the ability to operate within capacity with the consented approval and with the additional vehicles for this application.

Employee travel demands remain unchanged from the previously approved application. The assessment indicates that staffing level at the plant will be 50 employees providing 24-hour cover. This poses no significant impact on the highway network.

5.6 Fuel Supply Assessment and Sustainable Transport Assessment

Background

The Sustainable Transport Assessment (Appendix 11/2) states that the 'pipeline' of EfW (and co-incineration) projects in UK (mostly in England) will, by the time that the Runcorn EfW facility is fully operational, be unlikely to be sufficient to divert all residual waste, from which energy could be recovered, from being sent to landfill. This means that the amount of RDF that the Runcorn EfW facility can accept, when it is fully commissioned, would result in waste being landfilled which could have otherwise been used as fuel, at least in the short term.

One of the primary reasons for condition 57 was to ensure that the most sustainable modes of transportation are considered for the delivery of refuse derived fuel.

The applicant has explained in their submission (3.24 of the Planning Statement) that when the original application was submitted in 2007, it was considered that the bulk of the RDF would be sourced from the municipal waste arising in the North West, from conurbations such as Greater Manchester and Merseyside, as well as from Cheshire, Warrington and Halton. It was assumed that the RDF would be delivered to the EfW facility using a mix of road and rail transport.

In the period since the grant of planning permission, Merseyside and Halton have formed a waste partnership which is in negotiation with two final tenderers. In Cheshire, the withdrawal, in 2011 of PFI credits.

Supply Issues

While a long-term contract for the supply of RDF from the Greater Manchester has been secured, other potential municipal waste management contracts identified in 2011 are delayed or are not available to the operator of the EfW facility.

The range of suitable RDF available from potential residual MSW management contracts (factoring RDF production at 50% and 90% of the waste available) would be between 0.75 million tonnes per annum (tpa), and 1.27 million tpa.

By analysing the track records of major waste management companies in tendering for these contracts 'win rates' of between 15%, and a maximum of 25%, can be identified. This indicates a potential supply of RDF of between 188,00 tpa and 317, tpa, at RDF production rates of 50% and 90% respectively. Critically, this leaves a significant shortfall in fuel supplies to the EfW facility, meaning that it would not generate as much energy as it has the capacity to do.

The current restriction on the amount of RDF that can be brought in by road makes it unlikely that the Runcorn EfW facility could operate at full generating capacity, particularly when its second phase is commissioned in 2014.

Suitable supplies of Commercial and Industrial Waste (C&IW) likely to be available in 2013/2014, within a driving distance of 100km from the Runcorn EfW facility, are estimated to be over 630,000 tonnes.

A review of the capacity of existing EfW facilities and those in the permitted development pipeline in the UK confirms that, in relation to the amount of residual MSW and C&IW that is being sent to landfill, there is likely to remain a shortfall in capacity for recovering energy from waste in the UK when the Runcorn EfW facility is at full capacity. Due to the transport restriction imposed by Condition 57, residual waste from which energy could be recovered will, instead, continue to be landfilled, at least in the short term.

Overall, the analysis of the fuel supply scenarios demonstrates that, due to complying with Planning Condition 57, there would be a significant shortfall in fuel supplies when the Runcorn EfW facility is fully commissioned in 2014 (illustrated in scenarios FS2a-d). This means the EfW facility is likely to operate at less than maximum efficiency, which misses an opportunity to prevent waste being sent to landfill.

The applicant claims that if the EfW facility is operating at full capacity, the maximum amount of residual waste would be sent to the facility, instead of to landfill, in line with the objectives of the Waste Framework Directive. In addition, local businesses would avoid the burden of escalating landfill tax.

It has been demonstrated that if Planning Condition 57 is varied as proposed, the EfW facility would be able to operate at full generating capacity as soon as it is fully operational.

Operational issues with rail network

The Sustainable Transport Assessment identifies that the operational issues relating to the rail network, it has been assumed by the applicant that (with the exception of the already secured Greater Manchester volumes) most potential sources of EfW facility will not be rail served. The assessment therefore assumes use of the intermodal operations for rail based inbound flows of RDF, which has been compared against the use of articulated bulk-tippers for the inbound supply of RDF by road haulage (this being the most efficient HGV operation, as demonstrated in section 3 of the Sustainable Transport Assessment).

Section 3 describes how the INEOS site is served by a short freight-only line connecting with the Liverpool branch of the West Coast Main Line (WCML) immediately at Runcorn station (see image below).



The layout of the junction is to/from the south only, meaning that trains can only access the freight-line from the south, and likewise only depart in the southbound direction. The Liverpool branch of the WCML connects with the WCML proper at Weaver Junction around 10km south. Again, this junction is to/from the south only (see image below).



These junction layouts do not impact on the trains from the Midlands, southern England, south Wales, North East of England, Yorkshire and Greater Manchester, which will all arrive from or depart to the south. However, they do impact on trains from origins using the WCML north or the Weaver Junction (from Warrington, Wigan, Lancashire, Cumbria and Scotland).

Halton Curve

The Halton Curve is a single track railway chord which links the Chester-Warrington railway line with the Liverpool branch of the WCML to the south of Runcorn station. Due to the current track layout arrangements and signalling, the only train movement permitted is from the Chester direction (i.e. heading towards Warrington) and then onto the northbound Liverpool branch of the WCML. There are no 'crossovers' from the southbound from Runcorn and onto the Chester-Warrington line towards Chester.

Merseytravel and other bodies have campaigned for suitable 'crossovers' and signals to be installed to permit bi-directional travel on the Halton Curve i.e. from Runcorn towards Chester in addition to the current Chester-Runcorn movement. This would allow regular train services from Chester (and north Wales) to Liverpool South Parkway (Liverpool Airport) and Lime Street stations. It has also been suggested that a bi-directional curve would also assist the transport of waste to the Runcorn EfW facility by rail freight.

Given the curve's location and the railway lines it connects, the only potential rail-borne flows to Runcorn (assuming bi-directional operations) would be from

Chester, Wirral or North Wales (Wrexham or coastal line). The above implies that rail freight flows of RDF from these sources to Runcorn would only be cost competitive should the waste handling facilities be located on rail-served sites. Waste handling facilities in Chester, Wirral and North Wales are currently not located on rail-linked sites, meaning that a road transport solution would currently be more cost effective. It is understood that there are currently no plans to develop such rail-served facilities in these locations.

All other rail-borne flows can be routed to Runcorn efficiently via the WCML. Flows from South Wales, the South West, the Welsh Marches and Shropshire can travel via Shrewsbury and Crewe. On that basis, the installation of a bi-directional Halton Curve, while providing potential passenger rail benefits, is unlikely to aid the transport of RDF to Runcorn by rail. See image of Halton curve below.



Cost issues

Section 4 of the Sustainable Transport Statement states that with respect to commercial and industrial waste, the analysis undertaken above and from Section 3 clearly demonstrates that transport by intermodal rail freight is unlikely to be feasible and economic, for the following reasons:

- To transport waste over short-medium length distances by intermodal rail (under 200km) in a cost competitive manner, the analysis demonstrates that both ends of the journey need to be rail-served. While the Runcorn EfW facility has its own rail sidings installed, sites handling commercial and industrial waste are not rail served. Due to the contractual and planning issues identified in Section 3, large rail-served sites handling commercial

and industrial waste are unlikely to be developed. Commercial and Industrial waste is generally handled on short term contracts and on a 'spot market' basis. As a result, a guaranteed 'base load' revenue, required to fund the large capital investment in rail terminal facilities are extremely difficult to forecast and secure; and

- As concluded above, waste needs to be assembled into trains of at least 400m trailing length to be economically viable. Commercial and Industrial Waste tends to arise in much smaller quantities from a multitude of sources (unlike municipal waste which tends to collect in larger volumes at a smaller number of sites), and therefore cannot be readily assembled into frequent trains of this length.

Green House Gas Emissions

The applicant has estimated the greenhouse gas emissions per unit and per tonne of RDF delivered to the Runcorn Site by mode over varying distances. This has been based on DEFRA guidelines published in May 2012. These estimates indicate that direct and indirect carbon dioxide equivalent (CO₂e) greenhouse gas emissions (i.e. accounting for fuel directly consumed by the HGV/train and emissions from the production/distribution of fuel prior to consumption) are as follows:

- Average articulated HGV – 0.10700kg of CO₂e per tonne-km or 1.21034kg of CO₂e per HGV-km
- Rail freight – 0.03634kg of CO₂e per tonne-km; and
- Diesel/gas oil fuel – 3.1672kg of CO₂e per litre of fuel consumed

The exercise carried out by the applicant has found that when sourcing RDF from origins greater than 200km from Runcorn, greenhouse gas emissions would be around 14kg of CO₂e per tonne RDF compared with RDF sourced locally and utilising road haulage, which would generate emissions of around 10kg of CO₂e per tonne. Effectively, delivering the RDF shortfall by HGV 75km from the site (not permitted under the current permission) is not only more efficient in cost per tonne it also generates fewer greenhouse gas emissions when compared with delivery by intermodal rail movements.

5.7 Socio Economic

The application has been submitted with a Socio Economic assessment. The purpose of this assessment is to consider the effects resulting from the application on the day to day life of people, communities and businesses living and working in the surrounding area. The assessment concludes that the proposal would improve the efficiency and profitability of the EfW facility by providing a more secure source of RDF, which would help to improve energy security at the Runcorn site, thereby helping to manage costs of the company operations whilst improving energy security. The application would therefore make a significant positive contribution to the economic stability of the INEOS facility.

In turn, because of this economic stability the proposal is predicted to have a positive long term socio-economic effect on the local area by helping to ensure employment at the EfW facility, which would contribute to the long term viability of the Runcorn site as a whole, which supports approximately 1500 jobs.

The significance of this effect is underlined by the importance of the INEOS facility to the local economy, both in terms of contributing to GVA and the number of persons employed at the facility directly and indirectly.

The assessment predicts that the additional traffic to and from the site each day would increase the level of local spend in nearby service sector businesses such as petrol stations and shops, which would have a long term positive effect on the local economy.

The additional traffic would not lead to any adverse impact on road infrastructure which might adversely affect the viability of local businesses.

The above assessment is considered to be a reasonable projection of the likely positive socio-economic effects, which would contribute to the general principle of sustainable development as set out in the NPPF.

6. Assessment of wording of proposed condition

The previous section analyses whether the proposal is sustainable, this section analyses the wording suggested by the applicant, which would form a new condition 57. In section 2 of this report the proposed wording was broken down into 6 elements.

1) Is the wording 'Unless agreed' acceptable?

This wording is considered to be unacceptable as such wording is frowned upon in previous case law, and could be used to increase the tonnage up to the maximum capacity of the site to come by road.

2) Is the revised quantity of RDF to be delivered to the site by road per annum acceptable?

The proposed wording is acceptable.

3) Is it accepted that the operator shall still record date and volume of waste delivered to the site?

The proposed wording is acceptable.

4) Is it still accepted that upon the request of the Council the operator should supply copy of the above record in five working days?

The proposed wording is acceptable.

5) Is the requirement to keep under review opportunities for delivery by rail and water accepted by the Council?

See comment below item 6 below.

6) Does the Council accept the requirement for the Operator to annually submit to the Council for its approval a report describing action 5 above, plus proposed actions for the year ahead?

With regards to items 5 and 6 above these are not considered to be necessary, reasonable or enforceable. They are also far too imprecise to have any practical meaning. It would be good practice for the operator to keep such matters under review, but this is not a matter for a planning condition. Furthermore, it would be completely pointless to submit reports to the Council for approval when the underlying element (item 5) of the condition was invalid.

It follows therefore that an acceptable form of wording is as follows:

‘(57) The quantity of refuse derived fuel imported for use in the operation of the Development by road shall not exceed 480,000 tonnes in any twelve month period and the Operator shall record the date and volume of waste delivered to the site and where requested by the Council shall copy records to the Council within five working days.’

7. Assessment of impact of Section 73 applications

In *R(Read) v Secretary of State for Transport, Local Government and the Regions* [2002] the Court stressed that when issuing a new permission it was highly desirable that all the conditions to which the new planning permission was to be subject should be re-stated in the new permission and not left to a process of cross-referencing. This case related to the situation where a Section 73 planning application had been granted without repeating the conditions on the original planning permission. The Court concluded that it was permissible to look at the application for planning permission because the original permission had been incorporated by reference. It followed that the terms of the earlier planning permission had been incorporated in the permission granted under Section 73.

Whilst accepting the desirability of including all the conditions of an earlier planning permission, in the present case this would lead to potential difficulties. Specifically it could be argued that the Council cannot grant a new planning permission for a 100MW Energy from Waste facility because of the provisions of the Electricity Act 1989. As is pointed out elsewhere in the agenda, it is the opinion of the IPC that the Council has jurisdiction in respect of Section 73 applications. Furthermore, there is a complicated position regarding which conditions attached to the original planning permission have already been discharged. Therefore, the approach to be adopted in this case is to use cross referencing (otherwise known as a ‘drop in’).

As a precaution to avoid any suggestion that the existing section 106 agreements cease to be effective on the grant of a Section 73 planning permission, it is recommended that these agreements are novated.

GENERAL CONCLUSIONS

The Socio-economic assessment demonstrates that the proposal is likely to positively contribute to the local economy, and the increased traffic would not impact the viability of local businesses, which would contribute to the general principle of sustainable development. Furthermore, the transport cost assessment demonstrates that:

- 1) For RDF sourced from within 75km of Runcorn (150km round-trip from Runcorn), intermodal rail would cost around £29 per tonne delivered, yet road haulage would offer a more competitive solution at around £18 per tonne delivered in order to comply with Condition 57.

- 2) For RDF sourced from origins greater than 200km (400km round trip) from Runcorn, intermodal rail would become cheaper than road transport. However, the cost of transporting RDF to Runcorn, by rail, from a source 200km distant (400km round-trip) is around £31 per tonne delivered compared with around £18 per tonne delivered for RDF sourced within 75km of Runcorn.

With regards to noise, the increase in traffic on the highway will have no discernible impact on residents. The increase in the vehicles on site will as a worst case scenario have a marginal impact on residents. It cannot be determined therefore that there are any indicators of positive harm to residents due to the noise impact of the application, in this respect the proposal must be considered sustainable.

With regards to air quality, particulate matter will not increase by more than 0.1% based on the worst case scenario, and the nitrogen dioxide modelling has been carried out in detail and demonstrates compliance with the objective levels at the relevant receptors, there are no justifiable objections on this basis, in this respect the proposal must be considered sustainable.

With regards to habitats and ecology, the application demonstrates that the impacts on the SSSI associated with the emissions from EfW facility and the increased HGV movements, as well as the in-combination effects on these emissions, would be imperceptible and negligible. The Mersey Estuary Natura 2000 and The Runcorn Hill local nature reserve lie more than 200m from the highways network that would be used by HGV's accessing the EfW facility. It is also concluded that there would be no in combination impacts on the Natura 2000 site. In this respect the proposal must be considered sustainable.

With regards to traffic, with the proposed development in full operation and with all other developments taken into account, (current traffic flow on Picow Farm Road is estimated to be 345 (2012 count and consented) + 14 (proposed) and 338 +14 in the a.m, p.m peak hours respectively. The capacity of this road, which is a 7.3m

wide single carriageway, is 1,900 vehicles per hour. It follows that even with the proposed additional movements this road would still be operating well below capacity. The Expressway junction at Picow Farm Road has been modelled and demonstrates the ability to operate within capacity with the consented approval and with the additional vehicles for this application. Employee travel demands remain unchanged from the previously approved application. The assessment indicates that staffing levels at the plant will be 50 employees providing 24-hour cover. This poses no significant impact on the highway network and the Highways Authority have no objections to the proposal.

The conclusion of climate change section 11 of the ES, the fuel supply availability assessment and sustainable Transport assessment, are as follows:

- 1) One of the principal reasons given by the SoS was to 'ensure that the most sustainable modes of transportation are considered the delivery of refuse derived fuel'. This reason is not supported by the analysis, assessment and conclusion contained in this report
- 2) The purpose of condition 57 was stated to promote sustainable modes of transport. However, the operational and cost analysis/assessment demonstrates the following:
 - Sourcing RDF from local sources and transporting it to Runcorn by rail will result in significantly higher transport costs when compared with road haulage from the same sources, but for only a marginal benefit in terms of greenhouse gas emissions; and
 - Sourcing RDF from sources distant from Runcorn and transporting it by rail will result in significantly higher costs and higher greenhouse gas emissions when compared with securing RDF from more local sources which are transported to the Runcorn EfW facility by road haulage.
- 3) An intermodal rail operation is only feasible where waste volumes are able to generate at least one full-length train every two days (effectively a minimum of three full length trains per week). Condition 57 effectively restricts RDF sourcing to disposal authorities greater than 200km (400km round trip) from Runcorn and where the residual MSW arisings are expected to be greater than 80,000 tonnes per annum (assuming 90% conversion of residual MSW to RDF) or potentially over 130,000 tonnes per annum (50% conversion rate).
- 4) Because the EfW facility is only served by a freight-only line connecting with the Liverpool branch of the west Coast Main Line (WCML proper), this means that trains can only access the freight-line from the south, and likewise only depart in the southbound direction. In practice, therefore, rail cannot offer a practical and cost effective transport solution from North West RDF arisings north of Warrington.

- 5) When sourcing RDF by rail from origins greater than 200km from Runcorn, greenhouse gas emissions would be around 14kg of CO₂e per tonne of RDF compared with RDF sourced locally and utilising road haulage, which would generate emissions 10kg of CO₂e per tonne. Effectively, delivering the RDF shortfall by HGV from a source 75km from Runcorn (not permitted under the current condition 57 is not only more efficient in cost per tonne delivered terms, it also generates fewer emissions of greenhouse gases when compared with delivering by intermodal rail from a source 200km (400km round-trip) from Runcorn (permitted under the condition). Even if the fuel shortfall were met with RDF imported by HGV, from an average distance of 100km (200km round-trip) greenhouse gas emissions associated with the transport of the shortfall would be the same when compared to intermodal rail from sources on average 200km (400km round-trip) from the site.
- 6) The analysis undertaken demonstrates that commercial and industrial waste is not suitable for transport by intermodal rail freight. Commercial and industrial waste is generally handled on short term contracts and on a 'spot market' basis. As a result, a guaranteed 'based load' revenue, required to fund the large capital investment in rail terminal facilities, is extremely difficult to forecast and secure.
- 7) Whilst Merseytravel and other bodies have campaigned for suitable cross overs and signals to be installed on the Halton Curve to facilitate bi-directional travel i.e. between Runcorn towards Chester in addition to current Chester-Runcorn movement. This line could only therefore serve trains coming from Chester, Wirral and North Wales where there are not rail linked waste handling facilities. Therefore, this would only be of benefit for passenger rail travel.
- 8) Furthermore, if the condition remains in place the site operator would be unable to be competitive when bidding for waste contracts. This would likely result in the EfW facility not operating at full capacity, resulting in waste being diverted to landfill as oppose to energy from waste, resulting in a less sustainable method of disposing of waste and resulting in greater greenhouse gases and a much less sustainable way of disposing with waste.
- 9) If the proposed condition is approved, the applicant will still be required by condition to transport 40% of RDF by rail, and the site will still remain served by water and rail allowing for these modes to be used when circumstances mean they are more sustainable and viable to do so.
- 10) Agreeing to the change in the condition as requested by the applicant, will allow for a sustainable choice in mode of transport of RDF. Furthermore, it would divert waste from landfill. As such, the request to vary the level of fuel tonnage delivered by road can be seen as being supportive of national policy. The proposal is considered to comply with the National Planning Policy framework and the definition of Sustainable Development, and UDP

policies PR1, PR2, TP13, TP14 and TP19, Policies CS2 and CS19 of the Halton Core Strategy and is recommended for approval.

1. RECOMMENDATIONS

1. The application is to vary condition 57 of the BERR permission reference 01.08.10.04-8C (Halton ref. 07/00068/ELC) as set out in the report.
2. That the application be granted subject to a modified condition as follows:

‘The quantity of refuse derived fuel imported for use in the operation of the Development by road shall not exceed 480,000 tonnes in any twelve month period and the Operator shall record the date and volume of waste delivered to the site and where requested by the Council shall copy records to the Council within five working days.’
3. Reason: Condition 57 as amended complies with the National Planning Policy Framework Policies relating to sustainability.
4. For the avoidance of doubt all other conditions (including the reasons therefore) attached to permission 01.08.10.04-8C shall continue to apply and be incorporated into the S73 permission.
5. The variation to condition 57 hereby authorised shall be subject to and not take effect until the existing Section 106 agreements relating to planning permission 01.08.10.04-8C are novated.

SUSTAINABILITY STATEMENT

As required by:

- Paragraph 186 – 187 of the National Planning Policy Framework;
- The Town and Country Planning (Development Management Procedure) (England) (Amendment No.2) Order 2012; and
- The Planning (Listed Buildings and Conservation Areas) (Amendment) (England) Regulations 2012.

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.

APPLICATION NO:	13/00071/FUL
LOCATION:	Former Queens Hall, Victoria Road, Widnes
PROPOSAL:	Proposed construction of 17 no. flats including associated parking and bin storage
WARD:	Riverside
PARISH:	N/A
CASE OFFICER:	Glen Henry
AGENT(S) / APPLICANT(S):	Halton Housing Trust
DEVELOPMENT PLAN ALLOCATION:	Halton Unitary Development Plan (2005) RG2 Action Area 2 Central Widnes
DEPARTURE REPRESENTATIONS:	No 36 and petition (52 names)
RECOMMENDATION:	Approve subject to Conditions.

SITE MAP



1. APPLICATION SITE

1.1 The Site and Surroundings

Site of approximately 0.17Ha being the site of the former Queens Hall which was demolished in 2012. The site fronts predominantly commercial properties on Victoria Road, directly adjoins the Studio and faces traditional terraced properties on Lacey Street.

1.2 Planning History

None directly relevant.

1.3 Background

The Queens Hall was demolished in 2012 after remaining vacant for many years. The site is owned by Halton Borough Council but contracts have been exchanged with Halton Housing Trust to purchase the site subject to planning permission. The Studio which originally formed part of the Queens Hall was retained and refurbished as an on-going music and arts venue.

2. THE APPLICATION

2.1 Proposal Description

The scheme proposes development of 17 no. flats being 4 no. 1 bed and 13 no. 2 bed flats. The properties are reported to be social rented properties for future operation by Halton Housing Trust.

2.2 Documentation

The planning application is supported by a Design and Access Statement, Ecology Assessment, Site Investigation Report and Tree Survey.

3. POLICY CONTEXT

3.1 National Planning Policy Framework

The National Planning Policy Framework (NPPF) was published in March 2012 to set out the Government's planning policies for England and how these should be applied.

Paragraph 196 states that the planning system is plan led. Applications for planning permission should be determined in accordance with the development plan unless material considerations indicate otherwise, as per the requirements of legislation, but that the NPPF is a material consideration in planning decisions. Paragraph 197 states that in assessing and determining development proposals, local planning authorities should apply the presumption in favour of sustainable development.

Paragraph 14 states that this presumption in favour of sustainable development means that development proposals that accord with the development plan should be approved, unless material considerations indicate otherwise. Where a development plan is absent, silent or relevant policies are out of date, planning permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies in the NPPF; or specific policies within the NPPF indicate that development should be restricted.

3.2 Halton Unitary Development Plan (UDP) (2005)

The site falls within the Central Widnes Action Area in the Halton Unitary Development plan. The following National and Council Unitary Development Plan policies and policy documents are of particular relevance: -

RG2	Action Area 2 Central Widnes
BE1	General Requirements for Development
BE2	Quality of Design
H3	Provision of Recreational Greenspace
PR14	Contaminated Land
TP6	Cycling Provision as part of New Development
TP12	Car Parking

3.3 Halton Core Strategy (2013)

Policy CS3 Housing Supply and Locational Priorities, CS9 Key Areas for Change: South Widnes Policy CS12 Housing Mix and CS13 Affordable Housing are of particular relevance

3.4 Relevant SPDs

New Residential Development SPD; Designing for Community Safety SPD; Draft Open Space Provision SPD are of particular relevance

4. CONSULTATIONS

4.1 HBC Highways– No Objection in principle

4.2 HBC Open Spaces – No Objection in principle

4.3 HBC Contaminated Land – No Objection in principle

4.4 HBC Environmental Health – No Objection in principle

4.5 Environment Agency - No objection in principle

4.6 United Utilities – No Objection in Principle

5. REPRESENTATIONS

5.1 36 letters of representation have been received raising the following objections/ issues:

- That there is a lot of housing in the area with empty apartments and a lack of greenspace;
- That proposal to build flats on the only potential/ existing greenspace does not take account for the quality of environment for existing residents;
- That The Studio is run as a live music venue and creative centre for community benefit, open 7 days and having created six new jobs and the proposed flats would severely inhibit the kind of events that can take place and ability to generate income;
- That it interferes with aspirations of the Studio to alter/ extend; That this is not the right place for affordable housing and that there is support for a community garden;
- That bin storage located next to the Studio is unsightly and unhygienic; That the Victoria Road Chapel was bequeathed to the people of Widnes and 17 flats is not in keeping with this but a community garden is and would give local children a place to play;
- That it does not contribute to the already deprived community but exacerbates problems bringing more people and traffic into the area which cannot sustain it;
- A community garden could provide memorials to the Queens Hall which would have a greater benefit in terms of health and wellbeing;
- That there is insufficient parking;
- Loss of trees.

A petition of 52 signatures has also been submitted on the grounds that:

“The area is very run down, there’s a great deal of housing new and old in this area and the residents would benefit from a green area, a community garden. The building plans also show the removal of the big old trees fronting onto Victoria Road. Building more residential units on this site right next door to The Studio would inhibit events and activities currently held, and any further development of The Studio as a community arts centre which also runs beneficial music-based projects for young people funded by the Big Lottery.”

A detailed letter of objection has also been received raising similar issues outlined above. In order to avoid potential criticism that the views of the adjoining Studio operation have not been fully reported that detailed letter has been attached as an appendix to this report.

A letter has also been received from Derek Twigg MP requesting that the objections of a concerned resident are brought to the attention of the Development Control Committee. The letter states that the heritage of Queens Hall would be better marked with something more meaningful than a block of flats and that more residential units would inhibit events and activities at the Studio.

6. ASSESSMENT

6.1 Principle

The site lies entirely within Action Area 2 Central Widnes in the Halton Unitary Development Plan.

UDP Policy RG2 provides that such uses are acceptable in principle as does Core Strategy Policy CS9 Key Areas for Change: Central Widnes. The site is vacant and roughly stoned and it is considered that such residential development can in principle be considered to accord with the adopted policy with respect to the wider area regeneration.

6.2 Design, Character and Amenity/ Conflict of Uses

The scheme proposes a single block of 17 no apartments with a mix of 13 no. 2 beds and 4 no. 1 beds fronting Victoria Road and Lacey Street, Widnes. The building will be of relatively modern design constructed predominantly of a mix of traditional brick with contrasting cladding panels with flat single ply membrane roof. The elevations also include feature detailing including vertical louvres, white stone surrounds to balconies and roof coping. The block is predominantly 3 storey with a setback in part at second floor to Lacey Street also stepping down to 2 storeys in part on Lacey Street to relate better to the adjoining retained Studio building and reduce impact on 2 storey terraced properties in Lacey Street.

The scheme offers high density development in accordance with Core Strategy Policies CS3 and CS9 and considered to provide quality development particularly suited to the site and wider area. The variation in detail and massing is considered to provide a good balance in relating well to the surrounding properties and respecting the amenity of adjoining residents whilst providing a feature building at a prominent junction.

Objectors have raised issues relating to the proximity of the proposed residential use to the adjoining existing Studio music and arts venue and the need for intervening acoustic mitigation. The Council's Environmental Health Officer has advised that there is a history of noise complaints with regards the Studio but measures have been put in place to reduce nuisance. Since 2011, complaints have only been received from one resident and these have not been verified by Environmental Health Staff. On that basis, Environmental Health Officers have advised that there is no evidence that the studio is inconsistent with the surrounding residential uses and no justification can be made to require mitigation measures. It is further advised that if future noise complaints are received action can be taken under statutory nuisance legislation. Cycle parking within the scheme has been relocated to reduce impacts on side facing windows within the Studio which overlook the private courtyard parking of the proposed development.

6.3 Highways, Parking and Servicing

The scheme will be accessed from Lacey Street with 21 parking spaces and cycle parking enclosed within a private landscaped rear court yard. Relatively minor amendments have been required to ensure sufficient and appropriate parking,

cycle parking and servicing. The site is considered to be well located in relation to Widnes Town Centre, local services and public transport. The Council's Highways Engineers have confirmed that they are satisfied with the scheme as amended and therefore raise no objection.

6.4 Contamination

The Council's Environmental Health Officers have confirmed that they raise no objection in principle. Due to the sensitivity of the proposed use, detailed ground investigation is however required and it is considered that this can be adequately secured by condition.

6.5 Trees and Open Space

The proposals will result in the loss of 4 mature London Plane trees from the frontage of the site with Victoria Road. The application is supported by a detailed tree survey. Whilst the trees are considered to have some amenity value, the Council's Open Spaces Officer has advised that the trees to be removed are not worthy of a Tree Preservation Order.

Whilst the loss of trees is regrettable, it is not considered possible to retain the trees through the development and it is considered that the wider benefits of the scheme outweigh any harm resulting from the loss. It is considered that adequate scope exists for replacement planting identified within the proposals albeit within the private rear court yard area. It is considered that replacement planting can be adequately secured by condition.

The site itself is not designated as greenspace within the Halton Unitary Development Plan. The scheme is considered deficient with regards open space provision when measured against UDP Policy H3. According to the Council's adopted Provision of Open Space SPD, deficiencies are identified with regards to provision for children and young people, allotments and formal playing fields. In accordance with that SPD, financial contributions for off-site provision have been calculated in relation to requirements to serve the needs of the development, including those deficiencies. As the Council is land owner, such contributions can be adequately secured by agreement through the sale of the land.

6.6 Affordable Housing

Policy CS13: Affordable Housing of the Core Strategy seeks to secure 25% of total residential units for affordable housing provision. The scheme proposes 17 dwellings reported to be within the social rented sector for a Registered Social Landlord (RSL). In the absence of the RSL being the land owner it is considered that appropriate affordable housing provision in accordance with Policy CS13 must be secured by appropriately worded legal agreement. As the Council is land owner this can be adequately secured by agreement through the sale of the land.

7. CONCLUSIONS

The scheme is considered to offer a good quality of development suited to the character of the site and the wider area and that the requirements and aspirations of UDP and Core Strategy policy making a significant contribution to the redevelopment and regeneration of the area. Whilst the submitted scheme as originally submitted raised a number of relatively minor issues it is considered that these have been satisfactorily resolved through amended plans and any outstanding matters can be adequately resolved by condition and agreement through the sale of the land by the Council. Whilst objectors raise a number of concerns including proximity to and impact on the existing Studio use and that a community/ greenspace use would be beneficial, the proposals are considered to accord with national and local policy and, as such, it is not considered that refusal of planning permission could be justified on these grounds.

8. RECOMMENDATIONS

Approve subject to:-

Conditions relating to the following:

1. Standard 3 year permission to commence development (BE1)
2. Condition specifying amended plans (BE1)
3. Requiring submission and agreement of a Construction Management Plan including vehicle access routes and construction car parking; (BE1)
4. Materials condition, requiring the submission and approval of the materials to be used (BE2)
5. Landscaping condition, requiring the submission of both hard and soft landscaping to include replacement tree and hedgerow planting. (BE2)
6. Boundary treatments including retaining walls to be submitted and approved in writing. (BE2)
7. Wheel cleansing facilities to be submitted and approved in writing. (BE1)
8. Construction and delivery hours to be adhered to throughout the course of the development. (BE1)
9. Vehicle access, parking, servicing etc to be constructed prior to occupation of properties/ commencement of use. (BE1)
10. Conditions relating to the agreement and implementation of bin store provision (BE1) – how does refuse wagon access the bins without impacting on use of the highway?
11. Submission and agreement of finished floor and site levels. (BE1)
12. Site investigation, including mitigation to be submitted and approved in writing. (PR14)
13. Requiring submission, agreement and implementation of cycle parking (TP6)
14. Submission and agreement of biodiversity enhancement features including wildlife friendly planting, insect and bird boxes (BE1 and GE21)

8. SUSTAINABILITY STATEMENT

As required by:

- Paragraph 186 – 187 of the National Planning Policy Framework;
- The Town and Country Planning (Development Management Procedure) (England) (Amendment No.2) Order 2012; and

- The Planning (Listed Buildings and Conservation Areas) (Amendment) (England) Regulations 2012.

This statement confirms that the local planning authority has worked proactively with the applicant to secure developments that improve the economic, social and environmental conditions of Halton.

Appendix – Detailed Objection Letter from LOOSE, the Studio, Lacey Street, Widnes.

APPLICATION NO:	13/00092/FUL
LOCATION:	The Old Bridgewater Centre, Castlefields Avenue North, Castlefields, Runcorn
PROPOSAL:	Proposed demolition of existing building and erection of 20 no. Class C3 dwellings (12 apartments, 8 townhouses)
WARD:	Halton Castle
PARISH:	N/A
CASE OFFICER:	Glen Henry
AGENT(S) / APPLICANT(S):	Galliford Try Construction
DEVELOPMENT PLAN ALLOCATION:	Halton Unitary Development Plan (2005) RG6 Action Area 6 Castlefields and Norton Priory
DEPARTURE REPRESENTATIONS:	No 4
RECOMMENDATION:	Approve subject to Conditions.

SITE MAP



1. APPLICATION SITE

1.1 The Site and Surroundings

Site of approximately 0.82Ha being the now vacant Bridgewater Centre at Astmoor Bridge Lane/ Castlefields Avenue North. The site backs onto a cycleway and open space fronting the Bridgewater Canal.

1.2 Planning History

None directly relevant

1.3 Background

The Bridgewater Centre was a former day care facility for adults with disabilities which is now closed.

2. THE APPLICATION

2.1 Proposal Description

The scheme proposes development of 20 dwellings consisting of 8 No. two bedroom houses, 6 no. one and 6 No. 2 bedroom flats. The properties are reported to be social rented properties for future operation by a Registered Social Landlord. The land is however currently owned by a private property developer and the Council as local planning authority therefore has no direct guarantee in this regard.

2.2 Documentation

The planning application is supported by a Design and Access Statement, Ecology Assessment, Phase 1 Site Investigation Report and Tree Survey.

3. POLICY CONTEXT

3.1 National Planning Policy Framework

The National Planning Policy Framework (NPPF) was published in March 2012 to set out the Government's planning policies for England and how these should be applied.

Paragraph 196 states that the planning system is plan led. Applications for planning permission should be determined in accordance with the development plan unless material considerations indicate otherwise, as per the requirements of legislation, but that the NPPF is a material consideration in planning decisions. Paragraph 197 states that in assessing and determining development proposals, local planning authorities should apply the presumption in favour of sustainable development.

Paragraph 14 states that this presumption in favour of sustainable development means that development proposals that accord with the development plan should be approved, unless material considerations indicate otherwise. Where a development plan is absent, silent or relevant policies are out of date, planning permission should be granted unless any adverse impacts of doing so would

significantly and demonstrably outweigh the benefits when assessed against the policies in the NPPF; or specific policies within the NPPF indicate that development should be restricted.

3.2 Halton Unitary Development Plan (UDP) (2005)

The site lies entirely within Action Area 6 Castlefields and Norton Priory in the Halton Unitary Development Plan. The site is identified as within a Primarily Residential area in the adopted Supplementary Planning Document for Castlefields and Norton Priory Action Area. The following National and Council Unitary Development Plan policies and policy documents are of particular relevance: -

RG6	Action Area 6 Castlefields and Norton Priory
BE1	General Requirements for Development
BE2	Quality of Design
H3	Provision of Recreational Greenspace
TP1	Public Transport as Part of New Development
TP6	Cycling Provision as Part of New Development
TP7	Pedestrian Provision as Part of New Development
TP12	Car Parking
PR14	Contaminated Land
TP17	Safe Travel for All

3.3 Halton Core Strategy (2013)

Policy CS3 Housing Supply and Locational Priorities, Policy CS12 Housing Mix and CS13 Affordable Housing are of particular relevance

3.4 Relevant SPDs

Castlefields and Norton Priory Action Area; New Residential Development SPD; Designing for Community Safety SPD; Draft Open Space Provision SPD are of particular relevance

4. CONSULTATIONS

4.1 HBC Highways– No objection in principle

4.2 HBC Open Spaces – No objection in principle

4.3 HBC Contaminated Land – No objection in principle

4.4 Cheshire Wildlife Trust – No objection in principle

4.5 United Utilities - No objection in principle

4.6 Cheshire Police - No objection in principle

5. REPRESENTATIONS

5.1 Four letters of representation have been received raising the following issues:

- Castlefields consists mainly of affordable housing and that more of the same properties do not balance the population and is an inefficient use of land; Retirement properties would be more beneficial with lower traffic levels and making available more family homes rather than cramming more dwellings into the area.
- Potential detrimental effect on local business which relies on car transporter access as a result of access disruption (to a nearby garage).
- That the proposed housing type attracts people who do not care for their homes or the semi-rural area, forcing existing people out which will make the area go backwards rather than forwards.
- Questioning potential loss of light from the 3 storey block, that living room windows will overlook gardens and children's privacy, impact of potential piling/ excavation on existing buildings, potential damage resulting from construction of new footpaths and whether this will reduce the road width, disruption and access issues during construction, traffic/ highway impacts due to inadequacy/ tightness of existing road and access', that bin stores should be covered to reduce impacts and attraction to vermin, impact on street scene and highway visibility due to proximity of apartment block to highway, noise resulting from external plant, provision for security, street lighting, its maintenance and location, maintenance of landscape areas and contractor parking

6. ASSESSMENT

6.1 Principle

The site lies entirely within Action Area 6 Castlefields and Norton Priory in the Halton Unitary Development Plan. The former Bridgewater Centre is now vacant and the building is considered to appear somewhat dated. The site is identified as within a Primarily Residential Area in the adopted Supplementary Planning Document for Castlefields and Norton Priory Action Area.

Despite not being specifically identified as a proposed housing redevelopment site the proposals are considered to accord with the adopted SPD for Castlefields and Norton Priory Action Area with respect to the contribution of the scheme to the wider area regeneration strategy.

6.2 Design, Character and Amenity

The scheme proposes a mix of residential houses, bungalows and apartments constructed predominantly of a mix of traditional brick with contrasting brick and render detail with traditional ridged tiled roof to houses and monopitch style roof planes to the apartment block comparable with similar properties in earlier schemes.

The proposals include two-storey dwellings to the rear of the site backing onto open space and the Bridgewater Canal beyond. A three storey apartment block fronts Castlefields Avenue South providing an active frontage to the main road and

the corner with Astmoor Bridge Lane with both groups of properties divided by a shared parking court. The proposed three storey apartment block adjoins an existing dwelling at 2 Astmoor Bridge Lane albeit separated by the access highway. In response to concerns raised by the occupier, side facing windows within the nearest elevation which directly overlooked the garden to that property have been removed above ground floor level and replaced with high level windows. This is considered to minimise potential overlooking whilst maintaining adequate light to habitable rooms within the proposed dwellings given that principal windows remain in other elevations. The roof to that nearest elevation has also been hipped to reduce as far as possible the structure's bulk and massing. Given all material considerations, the relative aspects of the properties, the existing substantial evergreen hedge which bounds the majority of the garden at 2 Astmoor Bridge Lane, the scale, massing and proximity of the development, it is considered that the proposal as amended would not result in significant harm sufficient to justify refusal in this case.

The scheme is considered to provide an opportunity to provide a high quality development particularly given the context of earlier residential development in the area and the wider regeneration initiative. It is, however, considered necessary to restrict permitted development rights for the resultant dwellings to avoid potential over-development of the plots and to safeguard residential amenity into the future.

6.3 Highways, Parking and Servicing

Whilst the Council's Highways Engineer has confirmed that no significant highway objections are raised in principle, the scheme as originally submitted raises a number of potential issues relating to highway circulation and parking and access for fire and refuse collection. Amended plans have been received to provide satisfactory resolution of these outstanding issues to ensure that adequate provision can be made for highway circulation, servicing and parking. These amendments are currently subject to a further process of consultation and members will be updated as required.

Off-site highway works are required to improve footpath/ cycleway links to the site and links to bus stops which may include relocation of a bus stop in accordance with advice from the Council's Highways Officer. It is considered that these can be adequately secured by Grampian style condition.

6.4 Contamination

The Council's Environmental Health Officers have confirmed that they raise no objection in principle. Due to the sensitivity of the proposed use, detailed ground investigation is however required and it is considered that this can be adequately secured by condition. The Environment Agency has also confirmed that it raises no objection, subject to condition.

6.5 Affordable Housing

Policy CS13: Affordable Housing of the emerging Core Strategy seeks to secure 25% of total residential units for affordable housing provision. The scheme proposes 20 dwellings reported to be within the social rented sector for a

Registered Social Landlord (RSL). In the absence of the RSL being the land owner it is considered that appropriate affordable housing provision in accordance with Policy CS13 must be secured by appropriately worded legal or other agreement.

7. CONCLUSIONS

The proposed scheme is considered to offer a good quality in terms of design and layout and contributing to the on-going regeneration of the Castlefields area. It is considered that acceptable provision can be made for highways and servicing and securing the amenity of existing local residents. The proposals are considered to offer a sustainable use in accordance with policies of the Halton Unitary Development Plan, The Core Strategy, the New Residential Development and Castlefields SPDs and National Planning Policy Framework. Whilst the submitted scheme as originally submitted raised a number of relatively minor issues, it is considered that these have been satisfactorily resolved through amended plans and any outstanding matters can be adequately resolved by condition or legal or other agreement.

8. RECOMMENDATIONS

Approve subject to:-

(a) The entering into a Legal Agreement or other agreement for the provision of a financial contribution towards off-site public open space and to secure a minimum of 25% of total residential units for affordable housing provision.

(b) Conditions relating to the following:

1. Standard 3 year permission to commence development (BE1)
2. Condition specifying amended plans (BE1)
3. Requiring submission and agreement of a Construction Management Plan including vehicle access routes and construction car parking; (BE1)
4. Materials condition, requiring the submission and approval of the materials to be used (BE2)
5. Landscaping condition, requiring the submission of both hard and soft landscaping to include replacement tree and hedgerow planting. (BE2)
6. Boundary treatments including retaining walls to be submitted and approved in writing. (BE2)
7. Wheel cleansing facilities to be submitted and approved in writing. (BE1)
8. Construction and delivery hours to be adhered to throughout the course of the development. (BE1)
9. Vehicle access, parking, servicing etc to be constructed prior to occupation of properties/ commencement of use. (BE1)
10. Condition relating to the implementation of bin store provision (BE1)
11. Submission and agreement of finished floor and site levels. (BE1)
12. Site investigation, including mitigation to be submitted and approved in writing. (PR14)
13. Conditions relating to tree protection during construction (BE1)
14. Requiring implementation of cycle parking (TP6)

15. Submission and agreement of biodiversity enhancement features including native wildlife friendly planting, bird nest boxes and insect house (BE1 and GE21)

(c) That if the S106 Agreement or alternative arrangement is not executed within a reasonable period of time, authority be delegated to the Operational Director – Environmental Health and Planning in consultation with the Chairman or Vice Chairman of the Committee to refuse the application on the grounds that it fails to comply with Policy S25 (Planning Obligations).

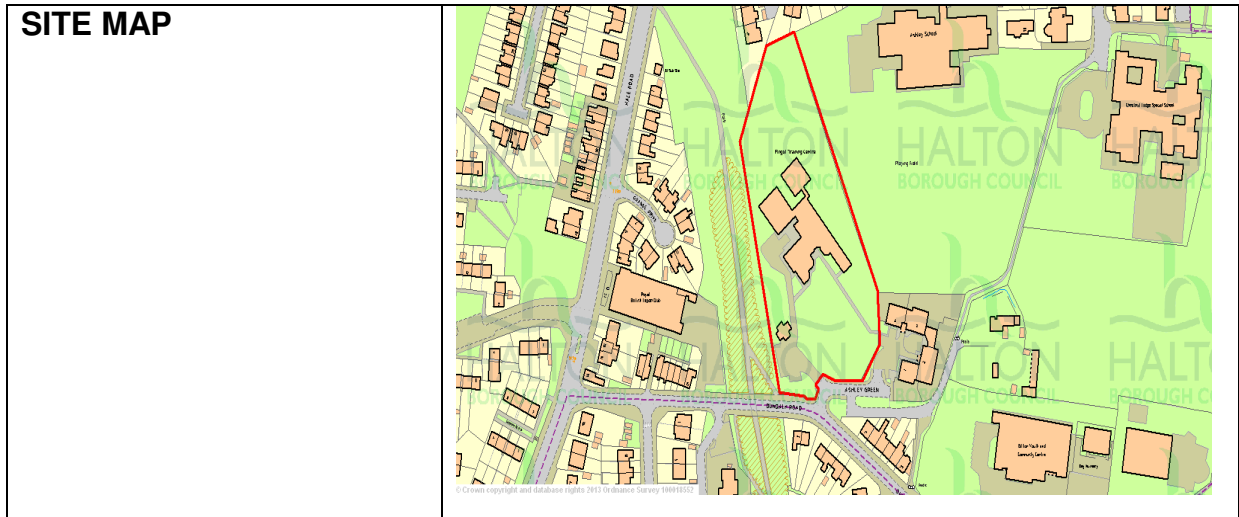
9. SUSTAINABILITY STATEMENT

As required by:

- Paragraph 186 – 187 of the National Planning Policy Framework;
- The Town and Country Planning (Development Management Procedure) (England) (Amendment No.2) Order 2012; and
- The Planning (Listed Buildings and Conservation Areas) (Amendment) (England) Regulations 2012.

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.

APPLICATION NO:	13/00112/FUL
LOCATION:	Pingot Centre Dundalk Road Widnes Cheshire WA8 8DF
PROPOSAL:	<p>Predominantly affordable housing comprising 50 extra care apartments (32 social rent / 18 market) and 11 bungalows (social rent).</p> <p>Proposed demolition of existing day care centre. Creation of new vehicular access and road from Ashley Green/Dundalk Road to serve proposed development comprising a new extra care home with 50 two bed apartments and communal facilities plus 6 no. two bed general needs bungalows, 4 no. two bed supported bungalows and 1 no. four bed supported bungalow together with parking, landscaped gardens, external works and boundary fencing.</p>
WARD:	Broadheath
PARISH:	NA
CASE OFFICER:	Andrew Plant
AGENT(S) / APPLICANT(S):	PRP Architects / Halton Housing Trust
DEVELOPMENT PLAN ALLOCATION: Halton Unitary Development Plan (2005); Core Strategy 2013	Greenspace GE6, GE8 Greenspace System (GE10)
DEPARTURE	YES
KEY REPRESENTATIONS / COMMENTS:	Proximity and Privacy Scale, Massing and Layout Wildlife, loss of Green Space Access & Traffic generation
KEY ISSUES:	Residential Amenity Loss of Green Space Affordable Housing
RECOMMENDATION:	APPROVE



1. APPLICATION SITE

1.1 The Site

The application redline site area is approximately 1.06 hectares. The site is currently occupied by the vacant Pingot Day Care Centre, a substation, parking area and vehicular access route, grassed areas and landscaping. The site boundaries consist of metal railings with a gate to the main vehicular access. The site is clear of any debris, there is no obvious state of decay or vandalism and appears to be in good condition, albeit without any use or long term purpose.

The surrounding area is mainly residential along with the local schools. The scale of building in the surrounding area is predominantly two storeys. The site benefits from the green corridor to the west and playing fields to the east surrounding the site either side with green space. There are few existing residential properties located directly around the site perimeter. The existing site is screened along the west and east boundaries with existing established trees and shrubs.

1.2 Planning History

The site was originally owned by Cheshire County Council, with ownership passing to Halton Borough Council. The site was formerly used to provide day care for people with disabilities.

There has only been one previous planning application on the site from 1986. This application (reference number 20178P) was for a single storey extension to the building and was approved.

1.3 Surrounding Area

The application site in broader context is located north west of Widnes town centre. Ditton residential area lies to the west of the site. The development site is located on Dundalk Road and Ashley Green. A former rail line to the west boundary is landscaped and provides a linear green corridor with pedestrian routes. Ashley School and playing fields are located on the east boundary. The north boundary is adjacent to a residential area on Cawfield Avenue and rear gardens to those properties front the northern end of the development site. A small group of existing supported houses managed by Halton Borough Council

are located at the south east boundary to the site, also accessed by Dundalk Road and Ashley Green. The remaining south boundary faces directly onto Dundalk Road.

1.4 Background

This is the first application on the site since 1986 therefore there is no further planning background to this site.

As Council owned land, the Executive Board approved disposal of the Pingot Day Centre on 29 November 2012, subject to planning permission, Homes and Communities Agency Funding and contract. It was also resolved that the sale documentation should restrict the form of development allowed on the site ensuring that affordable homes are provided and/or that any future change in circumstances would provide appropriate financial return to the Council.

2. THE APPLICATION

2.1 The Basis of the Application

The Full Planning Application proposal is for a new residential development consisting of a 50 apartment extra care facility with communal areas, parking and landscaped gardens, 6 general needs bungalows and 5 supported bungalows. The extra care apartments are all two beds with 32 apartments for social rent and 18 for market sale (use classification C2). The general needs bungalows are arranged as semi-detached properties, each are two bed three person units with two parking spaces and rear gardens. The supported bungalows include four two bed units and one four bed unit, with two and four parking spaces respectively and rear gardens. All the bungalows are for social rent (C3).

The scheme aspires to deliver an exemplar residential development of high quality and architectural distinction, that will significantly contribute to the surrounding area and provide new homes designed to modern day standards for the community.

2.2 Documentation

The applicant has submitted a Planning Application Statement with the application that includes the following reports:

- Design and Access Statement (PRP)
- Transport Assessment (DTPC)
- Drainage Survey (Sutcliffe)
- Flood Risk Assessment (Sutcliffe)
- Topographical Survey
- Arboricultural Impact Assessment
- Ecological Assessment including Code for Sustainable Homes Assessment
- Location Plan
- Proposed and Existing Site Plans
- Floor Plans and Roof Plans
- Proposed Elevations

Bungalow Plans and Elevations
Landscape and External Details
Apartment details of Types A, B and C

3. **POLICY CONTEXT**

3.1 National Planning Policy Framework

The National Planning Policy Framework (NPPF) was published in March 2012 to set out the Government's planning policies for England and how these should be applied.

Paragraph 196 states that the planning system is plan led. Applications for planning permission should be determined in accordance with the development plan unless material considerations indicate otherwise, as per the requirements of legislation, but that the NPPF is a material consideration in planning decisions. Paragraph 197 states that in assessing and determining development proposals, local planning authorities should apply the presumption in favour of sustainable development.

Paragraph 14 states that this presumption in favour of sustainable development means that development proposals that accord with the development plan should be approved, unless material considerations indicate otherwise. Where a development plan is absent, silent or relevant policies are out of date, planning permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies in the NPPF; or specific policies within the NPPF indicate that development should be restricted.

3.2 Halton Unitary Development Plan (UDP) (2005)

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

BE1	General Requirements for Development
BE2	Quality of Design
BE22	Boundary Walls and Fences
GE6	Protection of Designated Greenspace
GE8	Development within Designated Greenspace
GE10	Protection of Linkages in Greenspace Systems
PR14	Contaminated Land
TP1	Public Transport as Part of New Development
TP6	Cycle Provision as Part of New Development
TP7	Pedestrian Provision as Part of New Development

TP12	Car Parking
H3	Provision of Recreational Green Space

3.3 Halton Core Strategy (2013)

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

CS2	Presumption in Favour of Sustainable Development
CS7	Infrastructure Provision
CS12	Affordable Housing
CS15	Sustainable Transport
CS18	High Quality Design

3.4 Relevant SPDs

Design of Residential Development

4. **CONSULTATION AND REPRESENTATIONS**

4.1 Advertisement

The application has been advertised by a press notice and a site notice posted near the site. All adjacent residents and occupiers have been notified by letter. 271 properties were notified of the application, and all local ward councillors have been consulted.

4.2 Internal Council Consultation

In terms of internal department consultation, the following service areas were consulted:

- Highways have raised no objection.
- Open Spaces have raised no objection. There are no tree preservation orders. The proposed development will require the removal of 12 no. individual trees and partial sections of two tree groups. The trees identified for removal are not of particularly high amenity value and therefore the loss is acceptable providing adequate replanting is required.
- Contaminated land officers have no objection to the scheme in principle. Discussions are on-going to ensure all site ground works are carried out under the appropriate environmental legislative control.
- Environmental Health has no objections to the scheme.

4.3 External Statutory Consultees

- The Environment Agency has no objection in principle, but asks for a condition to limit surface water run off to existing levels.
- United Utilities have no objection in principle, subject to limiting surface water discharge.
- Natural England make no specific comment but state the decision maker should consider possible impacts on green infrastructure, protected species, local wildlife sites, biodiversity enhancements, and local landscape.

4.4 Other External Consultation

Four residents in the surrounding properties (Cawfield Avenue, Dundalk Lane and Netherfield) have submitted the following comments:

- The scheme's apartments will be very close to my fence and will be three storeys high. I believe they will block out a lot of light.
- My house will be overlooked and there will be a loss of privacy.
- I must object due to the fact it is closer than I expected and also it is three storeys high with windows and balconies facing my property giving no privacy at all.
- I ask that you reconsider the layout, take another look at the impact it has on the residents of Cawfield Avenue and Elizabeth Terrace.
- This development is too large for the proposed site.
- I am concerned about wildlife and bats in this area.
- I am very worried that this huge building will have a significant impact on the value of my house and make it virtually unsaleable.
- Access to Dundalk Rd from Pingot can be very difficult at times.
- It will cause additional, unacceptable extra traffic along Dundalk Road causing further problems to a road that already suffers from severe congestion at peak times.
- It will eat into a green area that is an asset to the Netherfield estate.

A further comment was received from a Castlefields resident [reported as submitted]:

- "May I ask silly question you knock down a building on castlefields not needed like all our facilities gone if not needed on castlefields why build one in widnes strange the rape of castlefields."

Any additional information received will be presented to committee.

5. **ASSESSMENT**

5.1 Assessment against Planning Policy

In relation to National Planning Policy, the National Planning Policy Framework (NPPF) is of relevance. The key theme running through NPPF is a presumption in favour of sustainable development, which should then run through the plan-making process and be carried through when making a decision. The introduction of NPPF, does not change the decision making process in that the development should still accord with the development plan unless material considerations indicate otherwise. NPPF is a material consideration in relation to this development.

5.2 Principle of Use

The site appears in the Unitary Development Plan Proposals Map as designated open space, however, the site has never had any form of public access for recreation or otherwise and therefore there is no loss of public open space or playing pitches. The site only provides value in greenspace terms through wildlife linkages (greenspace system) and also in general visual amenity. The site has been designated as greenspace due to the importance the site plays in the

greenspace system within the wider area as it provides a link for wildlife onto the old railway which provides a public greenway and links into the wider area. The proposed development retains sufficient open land to maintain wildlife and visual linkages. The proposal also seeks to create an additional pedestrian link from the new development into the greenway along the old railway. The proposal is considered to comply with greenspace policies.

The site is now vacant and disused and qualifies as previously developed land. In sustainability terms the reuse of brownfield sites is considered best practice in terms of providing land for new development. The proposed development will provide a large number of affordable homes and there is a considerable need for this type of housing in Halton.

The site falls within the main Widnes conurbation and the surrounding areas are predominantly residential and therefore the development of the site for housing is acceptable in principle due to its sustainable location. The proposal is considered compatible with surrounding uses.

5.3 Highways Safety and Access

Car parking has been provided in accordance with the Unitary Development Plan 2005 standards. 49 spaces are proposed. This number comprises 22 in curtilage car parking spaces for the 11 independent units. 27 other spaces are provided to cater for the staff and visitors for the 50 unit facility.

The turning areas have been analysed with a swept path of an 11m refuse vehicle (the largest that can be used on the network) and provides sufficient space.

Pavements are 2m wide providing a generous width for pedestrians and extra care residents' buggies and scooters. Parking to the bungalow frontage enables direct access to the front door. The pedestrian route along the pavement leads to a pedestrian crossing across the extra care car park directly in line with the extra care building main entrance. The gradients across the site are such that changes in level can be minimized along pedestrian routes providing ease of access.

5.4 Ecology

Cotoneaster integrifolius was found on site which is listed on Schedule 9 of Wildlife and Countryside Act 1981 (as amended). Prior to development this will have to be removed as controlled waste to a landfill site. This plant should be uprooted and removed from site. Any fallen berries from the plant should be swept up and also removed from site. The developer should also be mindful of the Environmental Permitting (England and Wales) Regulations 2007 when removing any waste from site.

5.5 Green Space and Trees

Reference was made in the response to internal consultation that there is to be a loss of mature trees, however these are not of high amenity value and do not have

features of a size or condition desirable to bats and / or owls. The loss is acceptable providing adequate replanting is provided.

The applicant has indicated that they will provide a contribution for the loss of green space by way of a section 106 legal agreement.

5.6 Visual Impact

The linear form of the site and single access results in a central vehicular and pedestrian route which provides a legible access to all of the buildings. The extra care building is three storeys high and is therefore located to the north end of the site, well away from the existing houses including the bungalows on Ashley Green. The proposed single storey bungalows are located either side of the proposed access route. The massing therefore builds up from this street to the heart of the site which creates a prominent approach and focus to the main entrance and communal facilities located at the ground floor of the extra care building. The bungalows are orientated to face the street providing a strong street frontage and the rear gardens benefit from the existing trees to the boundary providing screening. The general needs bungalows are located to the west of the access road and will benefit from rear views to the green corridor. The supported bungalows are located to the east of the access road which are adjacent to the existing supported needs houses.

The line of the road is curved to soften the approach and tree planting along the pedestrian routes will enhance the proposed streetscape. Each two bed bungalow has two parking spaces in curtilage to the front of the property, and the four bed bungalow has four spaces. This will minimise potential on street parking and the proposed landscaping will assist in screening the cars from the street. The design of the bungalows and proposed materials aim to enhance the streetscape.

5.7 Residential Amenity

The nearest affected residential properties are those on Cawfield Avenue and Elizabeth Terrace opposite the rear (northern end) of the proposed development. The Council seeks interface distances between the habitable room windows of two storey dwellings at 21m separation. For three storey development, the Council seeks an additional 3m per storey. At the northern end of the development a minimum of 24m is required. The development complies with this requirement.

Between the habitable room windows of the 3-storey apartments and those at No. 8 Elizabeth Terrace, a full 25m interface distance is achieved. Between the habitable room windows of the 3-storey apartments and the rear of the properties on Cawfield Avenue, a minimum 28m separation is achieved. On this basis the Council's interface guidance contained in the New Residential Development SPD is achieved and Policy BE1 of the Unitary Development Plan is complied with.

The scheme complies with the interface distances set out in the Council's Design of Residential Development SPD. The scheme has been drawn to limit the impact on the surrounding properties. The bungalow designs prevent any issues of direct overlooking or overshadowing with the existing bungalows at Ashley Green.

The applicant has confirmed there are no side windows to habitable rooms within the bungalows. Primary windows are to the front and rear of the properties.

5.8 Design

The extra care building is three storeys, and Halton Housing Trust have requested that the roof should be pitched. The main entrance elevation is key to the site layout. The communal areas such as the bistro and entrance foyer are located on the frontage and are made visible by large areas of glazing to provide an active elevation. An entrance canopy runs along the glazing at ground level which enhances the main entrance location, provides some shelter and solar shading. The exterior of the building is facing brick in three contrasting colours, which helps to reduce the overall mass of the building. The ground level is defined by a dark grey brick, and the apartment floors above are mainly a golden yellow/buff colour with contrasting red panels to recessed and corner areas. The colours are intended to provide a warm and bright appearance which are enhanced by the dark grey at ground level. The roof pitch is 45 degrees and expressed as a 'double pitch' at the gables. This provides a strong architectural form and identity, especially to the front elevation, and west elevation to the green corridor which are the most visible elevations to public view.

The bungalows interior arrangement provides kitchen facilities to the front, which enables refuse to be easily taken to the street frontage for waste collection. Living spaces and main bedrooms are located at the rear which benefit from views and access to the rear gardens. This arrangement also provides a quieter aspect for living and bedrooms. The external appearance of the bungalows is intended to reflect the extra care building in form and materials, such as the 45 degree roof pitch to gable ends and contrasting colour of brick. The aim is for the bungalows and extra care building to be unified in appearance to enhance a sense of place and identity for the community created. The windows are designed to provide maximum natural light and views, and are full height to the living space. Bedrooms will have 'look alike' panels to the lower half.

5.9 Crime Prevention

The site perimeter will be protected by 1.8m high close boarded fencing to the west, north and east boundaries. The development access frontage to Dundalk Road and Ashley Green has a brick wall which is 900mm high at the junction to enable visibility and rises to 1.5m and 1.8m either side to protect the rear gardens of the bungalows located here.

The arrangement of the bungalows enables the main street to be well overlooked providing good surveillance. The bungalows will have a gate located between gables which will secure the rear of the properties.

The access road leads to the extra care car park which has 1.5m high boundary walls adjacent to the boundary with the bungalows. 1.8m high fencing and gates are located between the extra care building frontage and boundary to secure the

rear gardens. All public access to the extra care building is through the main entrance reception.

5.10 Affordable Housing

The scheme has been submitted by Halton Housing Trust, a Registered Provider of social housing in the Cheshire area and the scheme is to provide affordable housing on a tenanted basis. The Council's adopted Core Strategy contains Policy CS13 – Affordable Housing which, for schemes over 10 dwellings or in excess of 0.33ha, seeks 25% of the proposed housing to be identified as affordable. In this particular scheme the majority of the proposed dwellings are identified as affordable.

6. CONCLUSIONS

The proposals are considered to offer a sustainable and successful re-development of this parcel of land in a prominent location within this part of Widnes, maintaining the essential character of the area and addressing the requirements of design, layout and highway safety. The existing areas of greenspace will be compensated for through a financial contribution and on balance, given the provision of affordable housing, it is considered that this is an acceptable approach to policies GE6 and GE8 of the Halton UDP. On this basis the proposal is recommended for approval as it complies with the adopted policies of the Core Strategy and Unitary Development Plan, together with the relevant SPD's and the NPPF.

The majority of the provision is comprised of an extra care facility with mixed provision. The need for this form of provision is particularly pronounced, as evidenced by Policy CS12 of the Core Strategy. Paragraph 15.4 of the justification of Policy CS12 states:

“The need for extra care or supported housing in Halton is particularly pronounced because of low levels of existing provision. This level of need is anticipated to grow over the plan period given the Borough's ageing population..... Based on the current level of provision referred to above, evidence indicates that by 2017 there will be a need for 214 extra care units across the Borough, with an additional need by 2015 for 22 extra care units specifically for older people with learning difficulties”.

The design of the development is of a high quality and respects its surroundings, incorporated a great deal of attention to detail in its final layout.

The proposal is considered to offer a good quality development and will play an important role in the redevelopment and regeneration of the area.

7. RECOMMENDATION

Approval subject to conditions and section 106 or other appropriate agreement in relation to the provision of a financial contribution towards off-site public open space; compensatory payment for the loss of designated greenspace.

8. **CONDITIONS**

1. Approved Plans – (Policy BE1)
2. Materials – (Policy BE2)
3. Drainage – (Policy BE1)
4. Boundary Treatments – (Policy BE22)
5. Vehicle access, parking, servicing etc. to be constructed prior to occupation of properties/commencement of use – (Policy BE1)
6. Submission and Agreement of finished floor and site levels – (Policy BE1)
7. Site Investigation – (Policy PR14)
8. Prior to commencement waste recycling details of recycling facilities shall be submitted and agreed – (Policy BE1)
9. Provision of appropriate refuse collection bins for use by the occupiers –(Policy BE1)

9. **SUSTAINABILITY STATEMENT**

As required by:

- Paragraph 186 – 187 of the National Planning Policy Framework;
- The Town and Country Planning (Development Management Procedure) (England) (Amendment No.2) Order 2012; and
- The Planning (Listed Buildings and Conservation Areas) (Amendment) (England) Regulations 2012.

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.

**HALTON ACTION GROUP
AGAINST THE INCINERATOR**

**Ineos Energy from Waste Facility
Ineos Chlor
South Parade Weston Point Runcorn**

Halton Ref 07/00068/ELC

**Town and Country Planning Act 1990
Application Number 13/00011/S73.**

**The Action Group's
Objection Relating to the Ineos**

**APPLICATION TO VARY
CONDITION 57**

February 2013

HAGATI'S OBJECTION

We draw your attention to the legal opinion of Mr David Elvin QC, who considered a previous Application by Ineos to vary Condition 57 by use of the 'tailpiece' to Condition 57. (The 'tailpiece' being the prefix "Unless agreed in writing with the Council".) This latest Application seeks to completely replace Condition 57 so that it contains no tailpiece and increases the limit for fuel deliveries from 85,000 tpa to 485,000.

HAGATI believe that HBC does not have sufficient authority to totally and permanently remove the limitation placed in the Planning Permission by The Secretary of State. If this Planning Application is approved then it is likely that an application for a judicial review will be made.

It is important to realise that many aspects of this Planning Application have been considered previously and rejected by The Secretary of State in relation to Condition 57.

Historically, Ineos offered comments on HBC's proposed Condition 57 in September 2007 to the Department of Environment Business and Regulatory Reform (DEBRR). Ineos considered the Condition was not acceptable on the basis that the Transport Assessment and Environmental Impact Assessment concluded that the local highway network indicated that there was sufficient capacity to accommodate the transportation of fuel by highway and that such transportation would not give rise to significant environmental effect.

Despite the Ineos claims (and the present Application is mainly an expansion in greater detail of those arguments), The Secretary of State considered the points, consulted with other Agencies including the Environment Agency and concluded that they were not relevant to the Planning Permission and that the limit was relevant and necessary and then circulated the following version of Condition 57 for comment;

"A minimum of 90% (by weight) of the refuse derived fuel in the operation of the Development shall be delivered by rail or waterway."

In April 2008, Ineos stated its view that the transport Condition included in the DEBRR's first draft set of Conditions was unlawful and did not satisfy the tests set out in *Circular 11/95: 'Use of conditions in planning permissions'*. While the DEBRR was in the process of considering this, Ineos suggested the following revised Condition;

"Unless agreed in writing with the Council the quantity of refuse derived fuel imported by road shall not exceed 85,000 tonnes per year".

The DEBRR considered that this suggestion was reasonable and included it in the second set of draft Conditions circulated in May 2008.

When circulating the draft Conditions they set out their view that it was a better Condition in that it stipulated a specific amount of waste for road delivery, it allowed Ineos **the flexibility of road delivery in the initial operation of the plant**, and it provided for the position to be reviewed by the Council as and when waste handling built up to ensure the most sustainable mode of transport is used. This was, they stated *"as being consistent with planning and transport policy guidance on sustainable development (ie. to encourage the use of more sustainable modes of transport – specifically rail or water)"*.

The transport Condition was subsequently revised by the DEBRR in order to allow the Council to monitor the volumes of waste used in the proposed power station and the following was included in the final Section 36 consent documentation issued on 16 September 2008;

“(57) Unless agreed in writing with the Council, the quantity of refuse derived fuel imported for use in the operation of the development shall not exceed 85,000 tonnes in any twelve month period and the Company shall record the date and volume of waste delivered to the Site and where requested by the Council shall copy records to the Council within five working days.

Reason: To minimise road traffic movements in the locality and ensure that the most sustainable modes of transportation are considered for the delivery of refuse derived fuel.”

It is vital to appreciate that the **first and main** reason given by The Secretary of State for the inclusion of Condition 57 is, **‘to minimise road traffic movements in the locality’**. By limiting the amount of waste to be transported by road to 85,000 tonnes it also limits the number of HGV’s.

The present exercise carried out by Ineos is simply an attempt to expand on their original statement made in 2007;

“That the Condition was not acceptable on the basis that the Transport Assessment and Environmental Impact Assessment concluded that the local highway network indicated that there was sufficient capacity to accommodate the transportation of fuel by highway and that such transportation would not give rise to significant environmental effect”.

Ineos are attempting to prove that road capacity and the logistics of waste availability are factors but they are, as stated by The Secretary of State, not relevant to the Planning Permission.

If Councillors agree that the limit set by Condition 57, set for the protection of the health and environment of residents, is still required, confirmation of this will mean that the Application to vary the Condition is not approved and this would ratify the earlier decision of the same committee made in July 2007 when they stated that they;

“Emphasized that they did not agree with their originally requested Conditions being relaxed or materially changed.”

The Secretary of State, in the final decision regarding the original Planning Application subsequently included Condition 57 in the form requested by Ineos and this is the Condition they are now trying to remove, nothing has changed since July 2008, so why change Condition 57?

Ineos’s original claims that the (alleged) minimal environmental impacts and adequate road capacities were relevant factors were not accepted by The Secretary of State who still considered the limit on HGV’s valid and necessary.

Is it possible that the Ineos acceptance of the limit was a cynical strategy to obtain Planning Permission that they never intended to honour? Would they merely wait until they could apply the pressure of having spent £300 plus million pounds constructing the Plant as a lever to obtain a variation? The facts certainly appear to fit this scenario very well.

Ineos have made two crucial commercial mistakes. They have not, until now, carried out a comprehensive analysis of waste availability. This should have been completed before construction of the incinerator commenced. Secondly they have built an incinerator with approximately twice the capacity required, as indicated by HBC Officers in their comments on the original Application;

"If the request is not approved then this is likely to lead to the fuel being transported over greater distances, potentially from sources outside of the North West region, which would be in conflict with policies that proposals should meet the needs of the region/sub region".

Ineos also stated in a written response to the Council in July 2007 in response to the question, "If there was a shortage of fuel from the Northwest, could the plant end up taking fuel from up and down the country?"

*"Some supply of fuel from outside the Northwest is possible, but we are only tendering for local contracts (Merseyside, Cheshire, and Manchester) and **we will only be building the plant if we have secured contracts with local authorities to provide us with fuel**".*

It is vital that as a result of these errors and broken promises that residents do not have to pay the price in terms of a massive increase in HGV traffic, exactly the reason that Condition 57 was written and designed to protect us from.

The fundamental commercial errors made by Ineos have resulted in an Application that starts from the wrong position. All the documentation provided by Ineos is an attempt to justify running the incinerator at 850,000 tpa when it was the Ineos lack of business foresight that resulted in them planning an incinerator twice the size as can be supported by RDF available within the terms of the planning consent. This should not result in residents paying the price of the increased road traffic that Condition 57 was expressly designed to protect them from.

Do Ineos believe that compounding the errors and spending more than £300 million on a vastly oversized incinerator is the lever they can use to force Councillors to allow them to ride roughshod over the wishes of Councillors and the interests of residents?

It should be noted that the Incinerator is being built in two distinct phases each capable of burning 425,000 tpa. It seems that Ineos can only source fuel in compliance of planning conditions for around 425,000 tpa, so the phase two build is superfluous and need not be built.

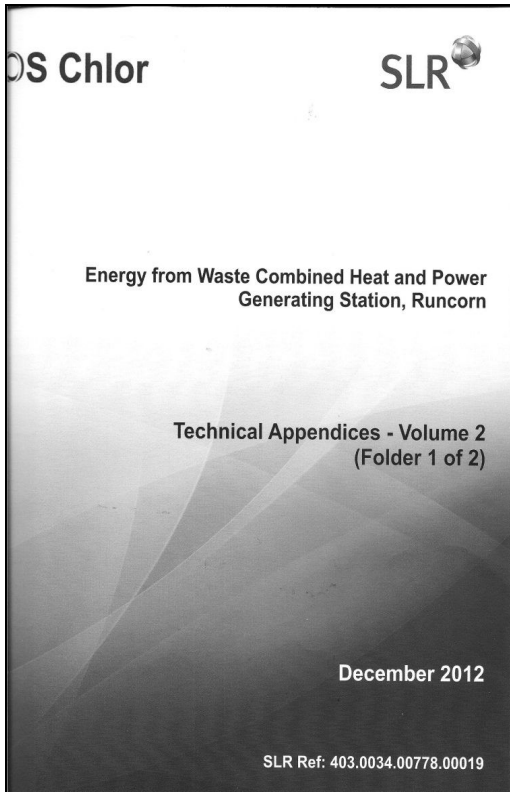
Ineos state that bringing 375,000 tpa of fuel from Greater Manchester by HGV would be cheaper than using rail. However, the agreement has long been in place for all Manchester's fuel to be brought in by rail. If Ineos accept this is commercially viable then their argument that using rail to bring in the remaining fuel is too expensive, is clearly false.

What follows this summary is a brief assessment of some of the reports submitted by Ineos in support of this, their **fourth** Application, which has been produced by consultants at Ineos' request.

Although the Reports were no doubt very expensive to produce, they all suffer from the same flaws, ie, they repeat the 'irrelevant' submissions made at the planning stage, they assume that as Ineos have built an 850,000 tpa Incinerator they must, by any means, burn that amount of fuel, and they also assume that the decision of The Secretary of State, the concerns of Councillors, and the interests of residents, are less important.

HAGATI'S PRECIS ON EACH OF THE INEOS STATEMENTS

Technical Appendices - Volume 2 - Folders 1 and 2



This folder contains a very detailed Transport Assessment and Traffic Monitoring Survey. This should have been completed before construction of the incinerator.

This should have prevented Ineos from building an over capacity incinerator as it is seems from this survey that they cannot transport sufficient fuel to the plant by 'sustainable transport'.

The fundamental point is however, that Condition 57 limits (by restriction on the amount of tonnage) the **number** of lorries.

It is therefore irrelevant that the capacity of the roads is sufficient.

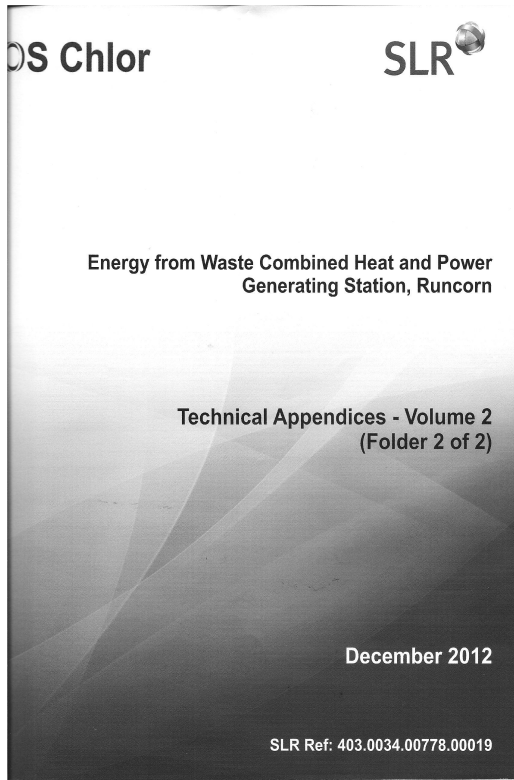
Also in this section the effects of the building of the 47 metre tall main building in close proximity to the two existing 40 metre chimney stacks on the Scottish Power gas fired power station are estimated.

The exercise was initiated in March 2012. However, there was in February 2012 a fully operational air quality monitoring station situated behind the main incinerator building, adjacent to Picow Farm Road, which will be used by all road traffic servicing the site.

During the first fortnight of February 2012 there were;

- 8 Exceedences of the PM10 35 microgram/m3 upper Assessment 24 hour average
- 13 Exceedences of the 25 microgram/m3 24 hour average
- 1 Exceedance of the PM10 24 hour 50 microgram/m3 objective
- 23 Exceedences of the NO2 annual average limit

These are real measured values, why does the theoretical exercise not predict them? Importantly, if these exceedences are not from the Scottish Power Station where are they from?



This folder contains an assessment of road versus rail transport which is fatally flawed. It does not compare 'like for like' situations. In the conclusions it states;

6.2 B) – “*Sourcing RDF from sources distant from Runcorn and transporting it by rail will result in significantly higher transport costs and higher greenhouse gas emissions when compared with securing RDF from more local sources which are transported to the Runcorn EfW facility in Runcorn.*”

That fact should be blindingly obvious and if Ineos have only just become aware that distance has a direct link to transport costs, it is yet another error to be added to the list of flawed commercial decisions they have taken. In addition, it is argued at great length elsewhere that they have now unexpectedly discovered that they can not source additional RDF from 'more local sources'.

Also at;

6.2 g) “*For RDF sourced from within 75km of Runcorn (150km round trip) intermodal rail would cost around £29 per tonne delivered, yet road haulage would offer a more competitive solution at around £18 per tonne delivered (ie. a premium of £11 per tonne delivered in order to comply with Condition 57)*”

Any differential existed when Condition 57 was agreed to by Ineos; it is not a factor which is relevant to this condition.

Manchester is within 75km of Runcorn so if these figures are correct it means that Ineos (and GMWDA) are happy that, despite the additional cost, it is commercially viable for 375,000 tpa of fuel from Manchester to be transported by rail. Conversely, if Ineos are claiming that any additional cost of rail over HGV transport makes rail unsustainable, then the existing arrangement with GMWDA to bring in 37,000 tpa from Manchester by train is unsustainable too. They can't have it both ways.

The Report does not consider the offsets and benefits to the community in terms of carbon saving through minimising local HGV traffic. For example, if there was a barge system in place on the Manchester Ship Canal to transport waste from Warrington, the same system could take toxic ash to Randle Island more safely and without the detrimental effect of HGV traffic passing through Wigg Island Community Park.

In the assessment of the use of the Halton Curve there is a fatal flaw in that no account has been taken of the 'Run Round' facility available at Elton. Because of this omission (which would allow the site to be serviced from the north as well as the south) all rail deliveries north of Warrington have been disregarded.

Therefore not only has all the area north towards the Scottish Borders not been included, Warrington is also on the rail route for Trans Pennine traffic, another vast area that has been ignored.

In the Summary of Analysis and Conclusions;

6.3 One of the principle reasons given for the imposition of Condition 57 was “*to ensure that the most sustainable modes of transport are considered for the delivery of refused derived fuel*”. This reason is not supported by the analysis, assessment and conclusions contained in this Report...

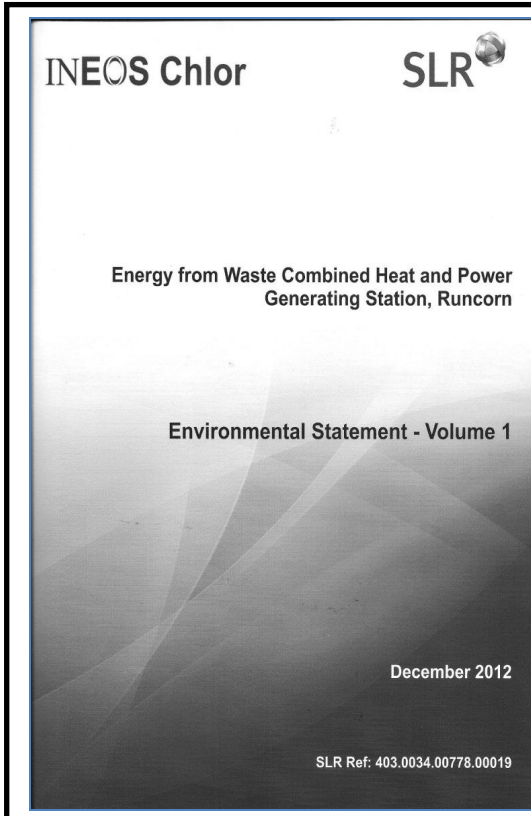
Only two reasons were given for Condition 57. The principle reason was to minimise local HGV traffic. It was the **secondary** reason that related to sustainable modes of transport.

Planning Permission was granted subject to Condition 57 being met. If it could not be complied with, such a large Incinerator should not have been built.

6.8 “*.....and comply with the Condition using intermodal rail, an additional £5 million (approximate) in transport cost will be incurred....*”.

The figure of £5M is a wild guess and although it may be that some costs were not taken into account by Ineos these are not 'additional' and not related to Condition 57 which has been in existence for 5 years. All costs should have been taken into account prior to proceeding with an Incinerator twice as large as the availability of local supplies of RDF.

Environmental Statement - Volume 1



This volume contains a section on Air Quality.

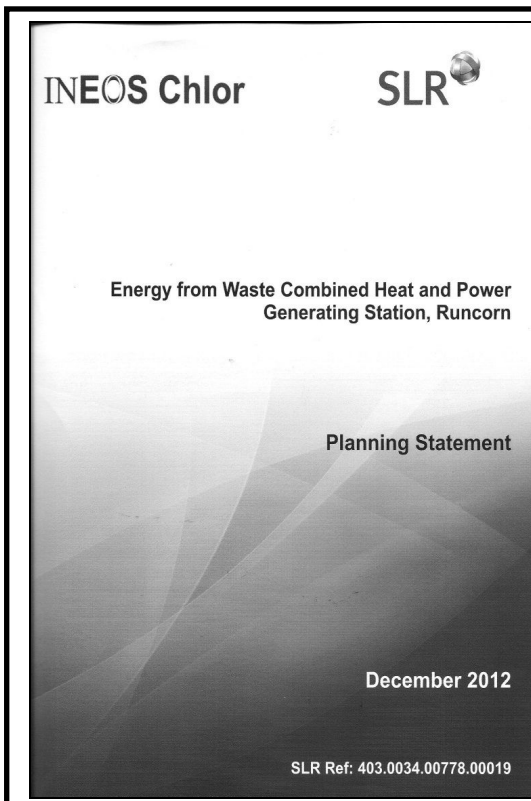
For the monitoring period when from the 1st November 2011 until 13th February 2012 the average values quoted for NO₂ was 25.5 microgram/m³ and for NO_X 45.5 microgram/M³.

However it was not until February 2012 when the girder framework of the main building was clad to make it into a solid block that any effect on the emissions from the adjacent Scottish Power chimney stacks would be expected.

During this period the average values were high enough to cause multiple exceedences of the measured pollutants.

These levels are not only a danger to nearby residents and pupils and staff at Weston Point Primary School, the staff working on site are also exposed to levels above those deemed to be capable of causing concerns.

Planning Statement



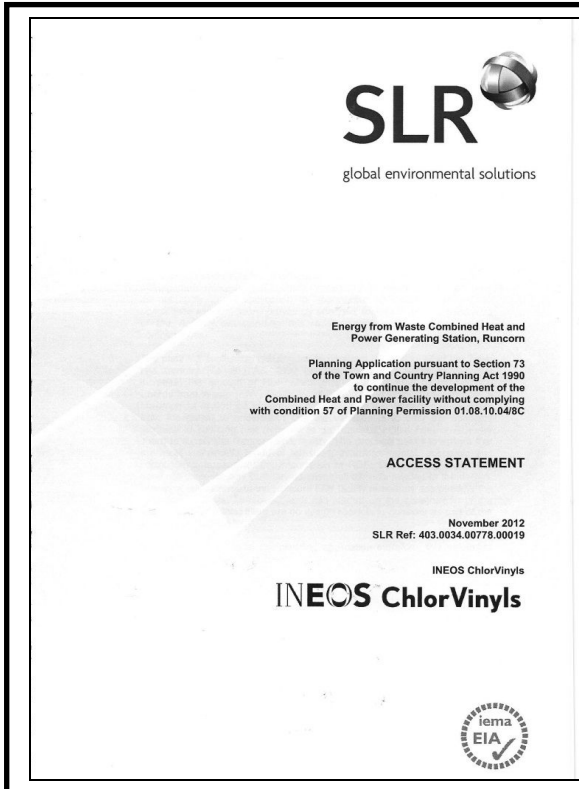
This folder contains a recent ruling from The Secretary of State where he gave permission for an incinerator in Lostock in which it is stated that it would not be appropriate;

“to impose restrictions on how much waste should be delivered in particular ways”

However it must be remembered that in this case not only did Ineos agree to the limitation of Condition 57, they themselves suggested the exact wording whilst The Secretary of State was considering that point in 2007.

The proximity of residential properties to the final traffic destination is also a factor taken into account by The Secretary of State in respect of Runcorn but not so relevant in Lostock.

Access Statement



The Access Statement describes the site and access available to it.

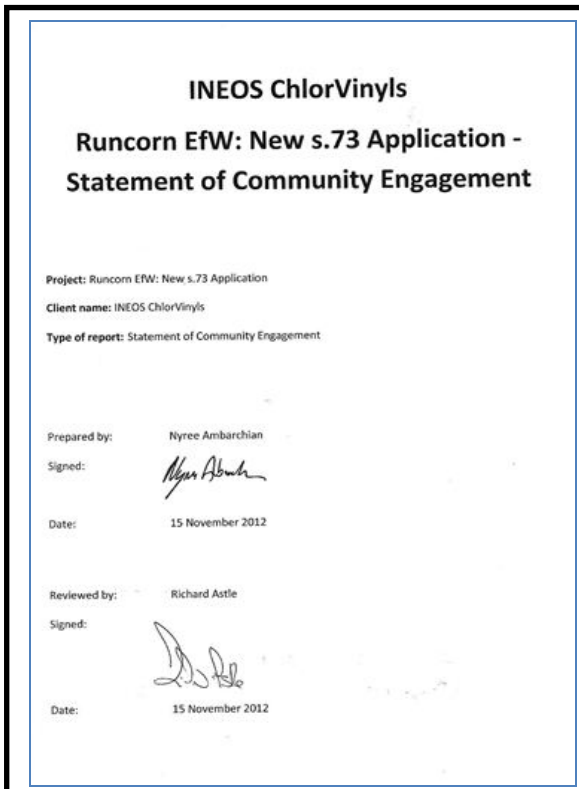
It details that there are, to the west of the site the Weaver Navigation Canal, Runcorn and Weston Canal and the Manchester Ship Canal, together with Weston Docks.

The Statement does not however even mention that these facilities could or should be used despite their convenient proximity to the Incinerator Site.

The Manchester Ship Canal has an entrance at Liverpool which is a gateway to any port in the British Isles as well as wastes from the Merseyside area. The Weaver Navigation Canal could serve any of the RDF manufacturing facilities in mid or East Cheshire.

There is no need for 'double handling' the tipping hall is provided with an overhead crane to unload HGV's. If, for instance, a cable railway line ran from the docks to the tipping hall a single electric motor could pull the same type of rail wagons capable of carrying two containers back and forth with insignificant costs and pollution.

Statement of Community Engagement



This is typical of the way in which Ineos present their company image. The detailed listing of what they have done in 'Engaging with the Community' needs only to be looked at in the light of two significant facts before it can be awarded its correct degree of value.

- 1) Being a member of HAGATI excludes any resident from serving on the Local Liaison Forum.
- 2) The Local Liaison Forum should have been the ideal place for discussions regarding the air quality and noise monitoring schemes proposed by Ineos.

Neither item has been on any Forum Agenda in the last two years.

Date: 18 April 2013

LOOSE, The Studio, Lacey Street, Widnes WA8 7SQ
 Contact: jaki.florek@virgin.net or 01928 566261 afternoons 2pm – 6pm

Re. HALTON HOUSING TRUST PLANNING APPLICATION CASE: 13/00071/FUL

HHT PROPOSAL: to build a block of 17 apartments on the site of the now demolished Queens Hall, Widnes, fronting onto Victoria Road and Lacey Street, next to The Studio.

OBJECTIONS:

- 1. Halton Council has policies in place to guide planning decisions, including their *Unitary Development Plan*, and *Halton's Sustainable Communities Strategy*.**

Reports and case studies all agree that **Green Space in communities is vital in contributing to positive social, economic and environmental benefits, and improving community health, well-being and quality of life.** Why will this be ignored? Why won't this apply to this area?

If the plans are approved there will be NO POSSIBILITY OF PUBLIC GREEN SPACE in this area.

Residents and users of local buildings who we have consulted do NOT want this site to be built on. It is wrong to ignore us, yet we know this will go through and be accepted. We are in favour of the site being used as a **Community Garden**, a **Public Green Space**. (Grants are available).

We object to the plans to build a block of flats on the site of The Queens Hall as it will have a detrimental effect on the area which is now dense with housing old & new.

Even a relatively small area of Public Green Space can help to **positively reinforce local identity and enhance the physical character of an area.** And it does need enhancing, not worsening.

The **Riverside Ward** is one of the **highest areas of multiple deprivation in Widnes** – granting permission to build on the site will **lower the quality of existing residents' environment** and will **actively exclude them from benefits rightly listed as valuable in the Council's own UDP.**

The Council states their **UNITARY DEVELOPMENT PLAN (UDP)** will guide planning decisions. In **Chapter 3 "Green Spaces"** it states **"the value of greenspace is measured against:**

- its value for **informal or unorganised recreation;**
- its value for **children's play**, either as an equipped playing space or a more **casual or informal playing space;**
- providing a visual break or **visual variety in an otherwise built-up area;**
- its value in **enhancing the overall attractiveness of the area;**
- its contribution to the **health and sense of well-being of the community.**
- Planning Policy Statement 1 (UDP) states "Planning Authorities should... take account of environmental issues such as the need to **improve the built environment** including the **provision of good quality open space...**"

The Government's Planning Policy Guidance Note 17 emphasises that **"the use of land as open space is no less important than other uses."** We agree.

We are aware of the need for affordable housing and current difficulties, but **we request that the needs for this specific area are considered as per the council's own policies.**

HALTON'S SUSTAINABLE COMMUNITIES STRATEGY 2011 – 2026

It is a thoughtful and positive document; it must not be seen as a collection of empty words.

- It aims "to enhance the quality of life of local communities through actions to improve the economic, social and **environmental well being of the area and its inhabitants.**"
- The Halton Strategic Partnership Board (responsible for delivering HSCS) is committed to **"Community focus, participation and engagement."**
- HSCS states they work to **"improve the quality of life at a neighbourhood level."**
- "It must also... **co-ordinate the actions** of the council and of the public, private, voluntary and community organisations that operate locally" and
- **"allow local communities to express their aspirations, needs and priorities."**

WE ARE ONLY ASKING THAT YOU ABIDE BY YOUR OWN POLICIES

2. The **DESIGN, ACCESS & SUSTAINABILITY DOCUMENT (DASD)** and Plans produced by Denovo Architects show a building development physically separated from and not integrated in any way with the existing environment. Built-in isolation is the opposite of what is needed to strengthen communities. The DASD paints an idealistic picture:

“A central sitting area is indicated, surrounded by scented plants” and “A wildflower area will be planted beneath the new trees in the courtyard”.

- BUT this will **NOT be accessible to existing local residents or be of public benefit**,
- The new flats surround their courtyard like a fortress, and **there is a remote controlled gate (shown on the plans) to keep people out.**

Town Centre – or Residential Area? There's some confusion:

- The DASD acknowledges “The current **Halton Council Unitary Development Plan indicates that the site is in a Primary Residential Area**”
- Later, the DASD states of the proposed flats “its **scale and massing is appropriate to its town centre location**”. “The development is for affordable apartments, where levels of car ownership are likely to be low. In addition, **the site is in Widnes Town Centre.**” No it isn't.

PARKING: Despite the DASD envisaging car ownership will be low -

- **19 spaces** are shown provided - *within the gated courtyard*
- They will **NOT be accessible to existing Lacey Street residents.**
- Opposite and nearby, existing residents have double yellow lines outside their front doors.
- Existing residents, and visitors to The Studio, and The Spiritualist Church, compete for very few on-road spaces now that the Lacey Street car park has been built on.
- These few spaces will be further reduced due to the new access road and access to the roadside bins cupboard shown on the plans.

3. **“OFF-SITE” OPEN SPACE WON'T BENEFIT LACEY STREET + SURROUNDING AREA.**

- DASD Para 6: “**open space is limited... a commuted sum in respect of any considered loss of open space** is a matter to be agreed between HHT and the Council.”
- The Report To The Development Control Committee (4 Aug 2012) re. the planning application to build housing on Lacey Street car park: “**RECOMMENDATION: approve subject to the entering into a Legal Agreement for the provision of a financial contribution towards off-site public open space**”
- **NOT building on the QH site DOES give the opportunity for ON-SITE public open space.**
- Other residential areas have green space, why not the Lacey Street area? It's not a large amount but **it WILL make a difference visually, practically, and psychologically.**

4. **THE WALLS OF THE STUDIO BUILDING FORM THE EASTERN BOUNDARY OF THE SITE, yet there is no reference at all to The Studio, a live music venue.**

A decision should not be informed or influenced by the Design, Access and Sustainability Document (DASD) as it is contradictory and incomplete .

- DASD: “the eastern boundary (is formed) by a **Community Hall/Spiritualist Church**”
- DASD lists all local amenities including a pub, a barber, and a Spiritualist Church (*next to The Studio*) but not The Studio.
- DASD 7: “The social impact of the new development was **deemed to be minimal.**” On the contrary, **it could be MASSIVE.** The existence of The Studio is not mentioned.
- If The Studio has to limit its activities, or close, **there will be a big social impact.**
- As well as *live music events which include rock/metal/alternative as well as acoustic, local **charity fundraising events** and **Under 18s events**, there's **band rehearsal rooms**, music-based activities for **people with Mental Health Issues**, a Samba drumming group for **Adults with Extra Needs**, **theatre groups**, **dance classes**, and an ongoing very valuable project delivering free positive music-based activities to **disadvantaged young people funded by The Big Lottery.**

- The above is just a sample of how the building is used; The Studio is used by local people in the community 7 days a week + 6 evenings a week.
 - DASD 8: The **economic impact** statement fails to consider **6 paid jobs** plus volunteer and work experience places would be lost if The Studio closes
- 5. Put simply, it is not a good idea to build a block of flats next to a live music venue. The proposed building development could contribute significantly to the risk of The Studio:**
- **losing its licence for live music,**
 - **losing its income,**
 - **limiting its activities** (see *above),
 - **closing.**

Briefly, this could be due to noise complaints a) from the proposed new residents – **the first block of flats is closer to The Studio than any existing house**, and b) due to the proposed site use preventing us from taking steps to stop sound leaking to existing neighbours when the **front doors open and close** when people go in and out.



At the time of The Studio passing into our ownership, there was still the corridor attached to The Studio which linked it to The Queens Hall. **It was documented by our solicitor in council meetings that IF the linking corridor was ever demolished we needed to acquire that corner of land and this was agreed.**

When we tried to discuss this later (and the Green Space project) with the council, we were told they had *already agreed* to sell the site to Halton Housing Trust, subject to contract.

Photo: The Studio after the corridor is demolished

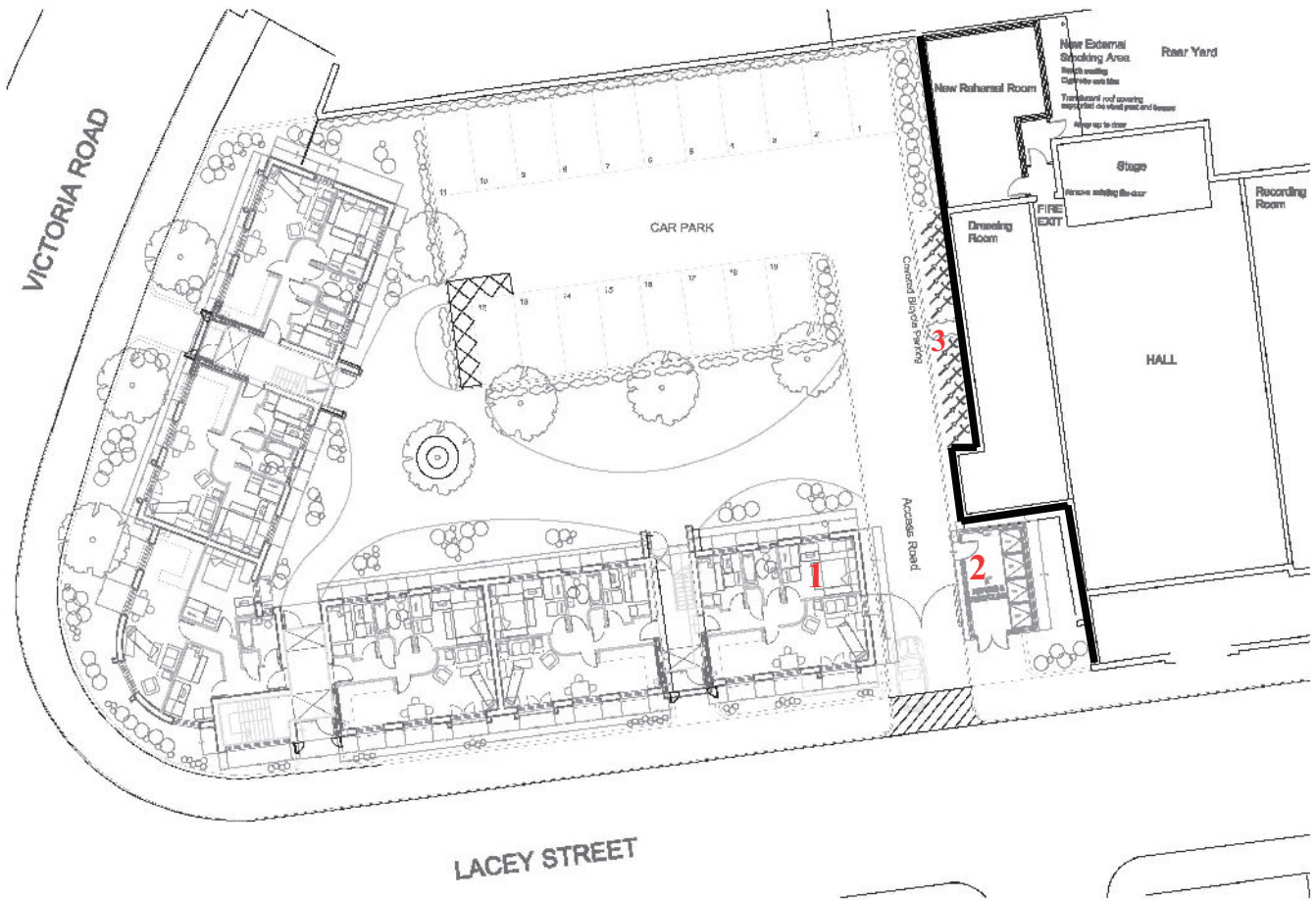
We understand this is not a matter for consideration for the Planning Committee, it is just by way of a short explanation of point 5. which IS relevant.

Due to the internal layout of The Studio the only place a side door can go is where **the bin cupboard is shown on the plans**, where the corridor was demolished.

The outdoor smoking area shown on the plans as **the architect's solution is appreciated** but would be a second-best solution as access to it would be via a fire exit at the side of the stage next to the performers' dressing-rooms (they double as rehearsal rooms when no event is on).

ADDITIONAL INFORMATION:

- 1. The Studio is owned and run by local not for profit company LOOSE (Company No. 6566823) and is still run by unpaid volunteers. It is a valuable and unique Community Asset, and the transfer of the building is highlighted in Council documents to show positive support of voluntary groups and collaboration with the local community.**
- 2. The Studio (built in 1879) had been owned by Halton Council from 1953 until it closed in 2004. A large room, part of The Studio building, had been demolished to link it via a built-on corridor to the now-demolished Queens Hall also owned by Halton Council, and which also closed in 2004.**
- 3. LOOSE, in a partnering agreement with Halton Council, secured a grant from the Community Assets Fund; we renovated The Studio in 2009 which by that time was totally derelict and we re-opened it in 2010.**



— Boundary Studio walls

- 1** first block of flats is closer to The Studio than the house opposite (or any existing house)
- 2** proposed bins cupboard
- 3** amendment: bicycle shed now moved (it was on our drains)



Front of The Studio – a young band, volunteers + staff



Photo of Studio stage by one of our young people who got interested in photography. Overcoming great difficulties, she is now studying for a degree in photography.