

Public Document Pack



Development Control Committee

Monday, 8 September 2014 6.30 p.m.
Civic Suite, Town Hall, Runcorn



Chief Executive

COMMITTEE MEMBERSHIP

| |
|--|
| Councillor Paul Nolan (Chairman) |
| Councillor Keith Morley (Vice-Chairman) |
| Councillor Arthur Cole |
| Councillor Ron Hignett |
| Councillor Stan Hill |
| Councillor Carol Plumpton Walsh |
| Councillor June Roberts |
| Councillor Christopher Rowe |
| Councillor John Stockton |
| Councillor Dave Thompson |
| Councillor Kevan Wainwright |
| Councillor Bill Woolfall |
| Councillor Geoff Zygadlo |

*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, 6 October 2014*

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

Part I

| Item No. | Page No. |
|---|-----------------|
| 1. MINUTES | 1 - 4 |
| 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 | 5 - 93 |
| 4. MISCELLANEOUS ITEMS | 94 |

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, 7 July 2014 at Civic Suite, Town Hall, Runcorn

Present: Councillors Morley (Vice-Chairman), Cole, R. Hignett, C. Plumpton Walsh, June Roberts, Rowe, Thompson, Wainwright and Woolfall

Apologies for Absence: Councillors Nolan, S. Hill, J. Stockton and Zygadlo

Absence declared on Council business: None

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

Also in attendance: 1 Member of the public

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

| | <i>Action</i> |
|---|---------------|
| <p>DEV11 MINUTES</p> <p>The Minutes of the meeting held on 16 June 2014, having been circulated, were taken as read and signed as a correct record.</p> | |
| <p>DEV12 PLANNING APPLICATIONS TO BE DETERMINED BY THE COMMITTEE</p> <p>The Committee considered the following applications for planning permission and, in accordance with its powers and duties, made the decisions described below.</p> | |
| <p>DEV13 - 14/00161/FUL - DEVELOPMENT OF 219 HOMES COMPRISING TWO, THREE AND FOUR BEDROOM MEWS AND DETACHED DWELLINGS AND APARTMENTS TOGETHER WITH ASSOCIATED INFRASTRUCTURE AND LANDSCAPING AT SANDYMOOR NORTH, PHASE 1, LAND OFF WHARFORD ROAD, SANDYMOOR, RUNCORN, CHESHIRE, WA7 1QD</p> <p>The consultation procedure undertaken was outlined in the report together with background information in respect of the site.</p> <p>It was confirmed that a total of 5 letters of objection</p> | |

had been registered raising issues already contained in the report.

Members were advised that on the basis of advice from Cheshire Wildlife Trust, it was recommended that the biodiversity action plan required by condition should provide for 50% of dwellings to be fitted with bat boxes/ bricks. Also, that external lighting should be in accordance with guidelines of the Bat Conservation Trust to be agreed by condition of any planning permission.

It was noted that a scheme of gas protection measures had been submitted and was being reviewed by the Council's Contaminated Land Officer. It was considered that any outstanding matters could be resolved by appropriately worded planning condition.

The Committee was advised of a number of questions raised by Sandymoor Parish Council, as stated in the Update List. Members were advised however that these matters were for consideration outside of the planning process. A condition requiring submission and agreement of landscape maintenance details/schedules was however recommended.

It was noted that negotiations with respect to the submitted details and detailed elements of the scheme with respect to drainage, levels and highways were still ongoing, and as such, delegated authority to include provision to add and amend terms of conditions, as required in responses to details as they were agreed, was requested.

The Committee was addressed by Mr Gary Goodwin, a representative from Morris Homes. He updated Members following a meeting between Morris Homes and Sandymoor Parish Council on the matters raised in the update list.

After considering the information before them and hearing the additional representations, Members agreed that the application be approved, subject to the delegation of authority and the conditions listed below.

RESOLVED: That authority be delegated to the Operational Director – Planning, Policy and Transportation, to determine the application in consultation with the Chairman or Vice Chairman, to enable further very detailed refinements to the drainage system, and highways layouts to be undertaken to the satisfaction of the Local Authority and to attach any necessary conditions; and then to approve subject to the following conditions:

1. Standard 3 year permission (BE1);
2. Specifying approved and amended plans (BE1);
3. Requiring that no development shall begin until written details and agreement of construction vehicle access routes and construction car parking and management plan (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 tree and hedgerow planting (BE2);
6. Boundary treatments including retaining walls to be submitted and approved in writing (BE2);
7. Construction Management Plan including 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 and servicing to be constructed prior to occupation of properties/commencement of use (BE1);
10. Condition restricting permitted development rights relating to frontage boundary fences (BE1);
11. No development shall take place until an updated ground gas monitoring and assessment report with recommendations for gas protection measures has been submitted to and agreed by the LPA. The installation of any such protection measures must be inspected and documented and the details of such submitted to the LPA upon completion (PR14);
12. Prior to commencement details of on-site biodiversity action plan for measures to be incorporated in the scheme to encourage wildlife including 10% of dwellings to be fitted with bat boxes / bricks, positioned on an appropriate aspect of the building (GE21);
13. Conditions relating to tree and hedgerow protection during construction (BE1);
14. Submission and agreement of detailed construction of surface water detention pond (BE1);
15. Survey for ground nesting birds to be submitted and approved: (BE1 and GE21);
16. Site and finished floor levels (BE1);
17. Requiring the development be carried out in accordance with the approved FRA and appropriate mitigation measures (PR16); and
18. Submission, agreement and implementation of a scheme to manage the risk of flooding from overland flow of surface water (PR16).

DEV14 MISCELLANEOUS ITEMS

The following Appeals had been received / are in progress:

12/00428/S73

APP/D0650/A/13/2196163 - Proposed removal of condition 1 from Planning Permission APP/D0650/C/10/2126943 to allow the permanent retention of a mixed use for the keeping of horses and a residential gypsy caravan site at Land south-west of junction between, Newton Lane and Chester Road, Daresbury, Warrington, Cheshire, WA4 4AJ.

Inquiry had been held, currently awaiting decision of the SoS.

13/00278/FUL – (APP/D0650/V/14/2212165) Proposed redevelopment of existing high school comprising new school building, provision of new tennis courts, relocation of playing fields, new car parking and associated hard and soft landscaping and demolition of the existing school buildings at The Heath Specialist Technology College.

The Secretary Of State had called the application in for his consideration. This would now be heard by a public Inquiry later in the year.

Meeting ended at 6.48 p.m.

REPORT TO: Development Control Committee

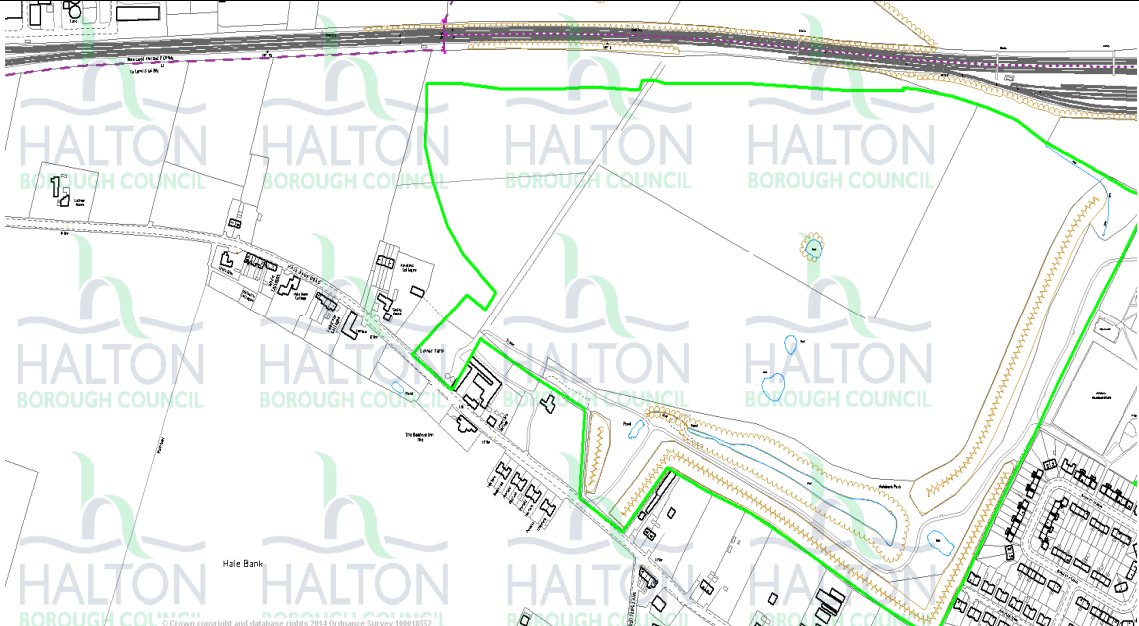
DATE: 8 September 2014

REPORTING OFFICER: Strategic Director- Policy and Resources

SUBJECT: Planning Applications to be Determined by the Committee

WARD(S): Boroughwide

| Application No | Proposal | Location |
|-----------------------|--|-----------------------------|
| 11/00269/FULEIA | Proposed construction of a single rail-served building for storage and distribution purposes (total gross internal area 109,660sqm/use class B8) together with associated infrastructure, parking, open space, landscaping and ancillary development | HBC Field, Halebank, Widnes |

| | |
|--|---|
| APPLICATION NO: | 11/00269/FULEIA |
| LOCATION: | HBC Field, Halebank, Widnes |
| PROPOSAL: | Proposed construction of a single rail-served building for storage and distribution purposes (total gross internal area 109,660sqm/use class B8) together with associated infrastructure, parking, open space, landscaping and ancillary development |
| WARD: | Ditton |
| PARISH: | Halebank Parish Council |
| CASE OFFICER: | Glen Henry |
| AGENT(S) / APPLICANT(S): | Prologis UK Ltd |
| DEVELOPMENT PLAN ALLOCATION: | Employment Land Allocations (E1), New Industrial and Commercial Development (E5), Green Belt (GE1), Proposed Green Space (GE7), Core Strategy Policy CS8 |
| Halton Unitary Development Plan (2005) Core Strategy (2013) | |
| DEPARTURE | No |
| REPRESENTATIONS: | 14 by letter and petition of 546 by way of individually signed standard letter in objection. On-going Correspondence with Halebank Parish Council (detailed in the body of the report). Confirmation has been received from Owners of Linner Farm that "as regards the noise inconvenience we have no objections to any of the work being carried out adjacent to Linner Farm". |
| RECOMMENDATION: | Approve subject to conditions. |
| SITE MAP | |
|  | |

1.0 **BACKGROUND**

1.1 The Site and Surroundings

The site is approximately 32 Ha known as HBC Field and identified as site 253 with surrounding land previously defined by the Halton UDP as within the Potential Extent of the Ditton Strategic Rail Freight Park now known as Mersey MultiModal Gateway (3MG). The site is in the western area of the designated 3MG area with the A562 Speke Road and West Coast Main Line to the north, Halebank Road to the south, Halebank residential areas to the east and wider agricultural land and Green Belt to the west.

1.2 Planning History

Permission has previously been granted for related development in the form of advance structural landscape works (ref. 05/00948/FUL and 07/00336/HBCFUL), for associated rail sidings (07/00362/FUL) which was renewed in 2010 (10/00411/S73) and for a proposed new link road, with associated landscaping, linking the site to the A5300/ A562 Speke Road/ Knowsley Expressway roundabout via Newstead Road and crossing the West Coast Mainline to the north (ref 08/00031/HBCFUL). A recent application (14/00382/HBCFUL) has been received for the proposed construction of 5 No. railway sidings connecting to the West Coast Mainline. That application will be reported to a future Committee.

1.3 This planning application was originally determined by the Local Planning Authority in September 2011 and planning permission granted. However, that decision was challenged and the High Court quashed the planning permission in July 2012. The principal reasons behind the High Court's decision relate to the time period given for consultation together with the interpretation of relevant planning policies at the time. The effect of the Court's decision is that the Council must re-assess and re-determine the application.

1.4 The proposed layout and site development had been guided in response to a number of factors relevant at the time of the original application including the particular operational requirements of a potential end-user. The proposed development is now designed to provide a flexible format suited to a range of freight and distribution uses. Given the delays to the development the applicant advises of their intention to market the development site with the benefit of planning permission, if granted.

1.5 The submission has been updated following the Court's decision to reflect current planning policies and scheme refinements. Current planning policies are set out under the "Policy Context" heading below. The scheme has also been subject to a number of refinements as set out under "The Application, Proposal Description and Scheme Refinements". This includes revision to the Planning Policy Appraisal chapter of the Environmental Statement, addendum to the Noise and Vibration Assessment and increased mounding/ acoustic fencing to the east of the development providing further attenuation.

- 1.6 Given that the application has been pending determination for some time it was decided that a full review of all supporting information should be undertaken and this has resulted in updates to some of the assessment work. This related in particular to the ecological issues where potential changes to site conditions warranted a re-appraisal of the site. As part of this process the opportunity has been taken to update other supporting assessment work to reflect other changes, such as planning policy and, in instances where updated work has been previously submitted, to draw this work together to provide a fully updated assessment. Further consultation has been undertaken both on the re-instated application and with respect to all revisions and updates. A further process of re-consultation has been undertaken with respect to the most recent submission of revised information and plans.

2.0 THE APPLICATION

2.1 Proposal Description

The proposed development site forms the western area of the Mersey Multimodal Gateway/ Ditton Strategic Rail Freight Park (DSRFP) as formerly defined by the Halton Unitary Development Plan (UDP), but now by current Core Strategy Policy CS8. The proposals include the construction of a single rail-served building for storage and distribution purposes (total gross internal area of approximately 109,660sqm/use class B8) together with associated infrastructure, parking, open space, landscaping and ancillary development.

2.2 The detail of the application is as follows:

- Construction of rail-served building for storage and distribution – total of approximately 109,660 sq m, including warehouse mezzanine, mezzanine office, gatehouse and bridge link
- Dedicated rail siding
- Access infrastructure including emergency access
- Lorry parking and docking stations (60 dock doors and 4 level access doors in phase 1 and a further 42 dock doors and 11 level access doors in phase 2)
- 800 car parking spaces (including 80 disabled spaces) and 32 motorcycle parking spaces together with 450 overflow parking spaces
- 224 cycle parking spaces
- Waste management area
- Sprinkler tanks and pump house
- Landscaped open space and structural landscaping, including reinforced and enhanced landscape bunds and retained community footpath links
- Security fencing and acoustic barriers
- Lighting scheme
- Bus stop(s)
- Balancing ponds together with the creation of ecological habitats.

- 2.3 The building will run approximately east to west parallel to the West Coast Main Line and proposed rail sidings (as previously approved by planning permission 07/00362/FUL and renewed by planning permission

10/00411/S73) the reference in paragraph 1.2 above to application 14/00382/HBCFUL is an application that seeks to amend the rail sidings previously approved. The proposed layout and site development had been guided in response to a number of factors relevant at the time of the original application including the particular operational requirements of a potential end-user with regards to the split of the building in to three halls for in and out bound sorting; small/ fast moving stock and larger/slower moving items and a building with an 11m clear internal height for logistics picking, packing and distribution. The proposed development is designed to provide a flexible format suited to a range of freight and distribution uses.

- 2.4 Docking/ level access doors are shown to be located on the north and south elevations. A central mezzanine level will provide office and employee welfare facilities including canteen with warehouse mezzanine over the remainder of the area, all accessed via a stand-alone stair and lift tower with high level-bridge link.
- 2.5 The proposals include a phased implementation of goods doors including 60 dock doors and 4 level access doors at the initial construction phase (identified as phase 1 on the submitted phasing plan) and up to a further 42 dock doors and 11 level access doors (identified as Phase 2 on the submitted phasing plan) for later implementation at any time to allow flexibility to the operation of the end user.
- 2.6 The distribution centre provides for an internal width of approximately 433m and an internal depth of approximately 190m. The building will be constructed of a mix of individual panels of horizontal and vertical profiled built-up cladding to the warehouse, composite cladding and glazing to the office elevations, together with a series of external stair towers and colour detailing to break the horizontal mass of the elevations. The main warehouse roof will be a series of barrel vaults incorporating overhanging eaves with gables providing variety to the roofline.
- 2.7 The detailed design of the building and visual assessment have identified that, despite the early implementation of advance structural landscaping, the proposed building has the potential to be more visible from residential properties and viewpoints to the east than envisaged when the original structural landscaping scheme was designed and implemented. Whilst views of a high quality building are not, on their own, necessarily considered an impact requiring mitigation, the applicant proposes to add sections to the existing mound to the eastern boundary by raising its level and increasing landscape planting. This element of the scheme is an extension to existing mounding, and will offer benefits in terms of similar degrees of softening and screening to properties in the east.
- 2.8 It was originally proposed that the building be constructed at the same time as the link road (planning permission ref 08/00031/HBCFUL) to avoid potential delay in the construction programme. This required a temporary construction access to be taken from Halebank Road during the construction period. Whilst temporary construction access remains part of the current application it has

been confirmed that the link road will be complete in September 2014. It has been confirmed that the link road is completed to such a stage that it is now capable of forming the full construction access for this development. As such, temporary construction access from Halebank is no longer required and all construction access can be taken from the new link road with the obvious exception of works to create the emergency access link connection to Halebank Road. It is considered that this emergency access can be adequately restricted through appropriately worded planning condition. This issue will also be addressed through a construction management plan required by a planning condition. The applicant has agreed to such a restriction.

- 2.9 In accordance with guiding principles set out within Core Strategy Policy CS19 the applicant advises that, taking into consideration the lifespan of the project, the design and operation of the buildings will reduce energy use, CO2 emissions and water consumption compared with standard requirements under current Building Regulations. Using guidance and base data for typical buildings of this type, it is suggested that incoming electrical and water capacity will be reduced by up to 50%. The applicant has confirmed that the proposed building will have a target Energy Performance Certificate (EPC) "A" rating with a commitment to BREEAM 'Very Good'. From 2013 Core Strategy Policy CS19 encourages BREEAM standard (excellent). However, it is not considered that a refusal of planning permission could be justified on this basis. The applicant has also confirmed that the site will be registered with the Considerate Constructors Scheme and that the company has gained ISO 14001 certification (a global system for environmental management) for all UK project management activities.
- 2.10 In accordance with the Site Waste Management Regulations 2008 a Site Waste Management Plan will seek to reduce waste, promote recycling and minimise the proportion of waste sent to landfill. The Site Waste Management Plan will be submitted for approval by the Local Planning Authority prior to commencement of the development and will be required by planning condition. Operational waste will be dependent upon the occupier and an Operational Waste Management Plan will be submitted for approval before occupation/ commencement of use and again this will be required by planning condition. Should opportunities for an overall waste strategy emerge across the whole of 3MG the applicant has given its commitment to participate in such an initiative.
- 2.11 Scheme Refinements
The scheme refinements referred to in the background section include submission of a Health Impact Assessment in accordance with Core Strategy Policy CS22. The submission has been updated following additional work that has been undertaken in relation to assessment of noise levels at the nearest sensitive receptors relating to HGV loading and access movement. Further changes are proposed to the acoustic fence and associated landscaping along the south western boundary of the site. As a result an ES Noise Addendum had been undertaken which also collated results from the noise assessment work undertaken since the application was submitted in 2011.

For the avoidance of doubt the building location, massing, height, elevations and layout, including parking, access and servicing remain unaltered from the application as originally submitted.

The addendum has now been integrated within the updated ES. The updated Environmental Statement was received in June 2014. Issues raised by this additional information and other updates are addressed through the relevant sections of the following report. These refinements are summarised in the following Table 1:

| TABLE 1 | |
|---|------------------------------------|
| Revised Information | Application Change |
| Location Block Plan ref P002 Rev G | This replaces Plan ref P002 Rev D |
| Site Plan Ref P003 Rev G | This replaces Plan ref P003 Rev D |
| Landscape Concept Plan Ref 11-01 rev E | This replaces Plan ref 11-01 Rev B |
| Landscape Cross Sections 1 of 2 11-02 Rev B | This replaces Plan ref 11-02 Rev A |
| Landscape Cross Sections 2 of 2 11-02 Rev A | This replaces Plan ref 11-02 |
| Planting Plan 1 of 2 11-04 Rev E | This replaces Plan ref 11-04 |
| Planting Plan 2 of 2 11-05 Rev C | This replaces Plan ref 11-05 |
| Smithy House Landscape Mitigation details 11-06 Rev B | This is a new Plan |
| Unit and Park Interface 11-08 Rev B | This is a new Plan |

2.12 Documentation

A detailed assessment of the anticipated effects of the proposal through the construction and operational phases of the development has been submitted in the form of a revised Environmental Statement. The submission has been updated as required following the court ruling. The application is also supported by a Design and Access Statement, Rail Report, and also Health Impact Assessment in accordance with Core Strategy Policy CS22.

3.0 POLICY CONTEXT

Since the submission of the application in July 2011 significant changes have been made to national, regional and local planning policy. In particular, the Government has introduced the National Planning Policy Framework (NPPF) published in March 2012, abolished RSS and Halton Borough Council has adopted its Core Strategy (April 2013). The Government has also released national planning guidance in the form of Planning Practice Guidance in March 2014.

- 3.1 The development plan for Halton therefore consists of the Halton Core Strategy and the remaining saved policies from the Halton Unitary Development Plan (UDP) together with the Joint Merseyside and Halton Waste Local Plan.

3.2 The application site is identified as lying within a Key Area of Change within the Core Strategy (Policy CS8) and the UDP Proposals Map has not been superseded in this location save for removal of reference to deleted policies.

3.3 The application site includes land designated for employment uses (UDP Policy E1), proposed greenspace / green space system (UDP policy GE7) and Green Belt (UDP Policies GE1 and Core Strategy Policy CS6). The site adjoins a Conservation Area to the south-western corner (Policy CS20) and there is a Scheduled Monument (Policies CS20 and BE4) located in the triangle of Green Belt to the north across the railway line.

3.4 The following Core Strategy and Unitary Development Plan policies and other policy documents are of particular relevance: -

3.5 Halton Core Strategy (2013)

CS1 Halton's Spatial Strategy
CS2 Presumption in Favour of Sustainable Development
CS4 Employment Land and Locational Priorities
CS6 Green Belt
CS7 Infrastructure Provision
CS8 3MG
CS15 Sustainable Transport
CS18 High Quality Design
CS19 Sustainable Development and Climate Change
CS20 Natural and Historic Environment
CS21 Green Infrastructure
CS22 Health and Well-being
CS23 Managing Pollution and Risk

3.6 Joint Waste Local Plan 2013

WM8 Waste Prevention and Resource Management
WM9 Sustainable Waste Management Design and Layout for New Development

3.7 Halton Unitary Development Plan (UDP) (2005)

BE1 General Requirements for Development
BE2 Quality of Design
BE4 Scheduled Ancient Monuments
BE6 Archaeological Evaluations
BE12 General Development Criteria – Conservation Areas
BE22 Boundary Walls and Fences
GE1 Control of Development in the Green Belt
GE18, 19, 20 and 21 Protection of sites of nature conservation interests
GE26 Protection of hedgerows
GE27 Protection of trees and woodlands
GE28 The Mersey Forest
PR1 Air Quality
PR2 Noise Nuisance

- PR4 Light Pollution and Nuisance
- PR5 Water Quality
- PR6 Land Quality
- PR12 Development and land surrounding COMAH sites
- PR14 Contaminated Land
- PR15 Groundwater
- PR16 Development and Flood Risk

TP policies where they relate to new development and the assessment of effects, in particular:

- TP3 Disused Public Transport Facilities,
- TP6 Cycling Provision as Part of New Development,
- TP13 Freight,
- TP14 Transport Assessments, and
- TP15 Accessibility to new developments

- E1 Local and Regional Employment Land Allocations
- E5 New Industrial and Commercial Development

3.8 Supplementary Planning Documents

A number of adopted Supplementary Planning Documents relate to application site;

- 3MG Mersey Multimodal Gateway (August 2009), and
- Design of New Commercial and Industrial Development (February 2006).
- Designing for Community Safety (September 2005)

3.9 Other Documents

Statement of Community Involvement (July 2006 and Superseded September 2013)

4.0 CONSULTATIONS

- 4.1 Prior to the original submission, a process of pre-application consultation was undertaken by the applicant and the Council's 3MG Team including newsletters, press and a public exhibition. Results and responses to comments received through that consultation process, including how they have been rejected or addressed through that scheme, were submitted in the form of a detailed Statement of Community Involvement.
- 4.2 When the original application was submitted, surrounding premises/ properties were consulted along with ward councillors. The application was also advertised by means of site and press notices. An extensive process of consultation was also undertaken with a wide range of internal and external, statutory and non-statutory consultees.
- 4.3 That process has been fully repeated in response to the re-instated application (following the quashing of the original decision) and includes

notification of all individuals and organisations that were acknowledged as having made representations on the original application. Relevant bodies and individuals have been allowed an extended period (42 days) for comment beyond that required by legislation and the Council's current protocol on consultation. Further consultation has subsequently been undertaken with respect to an updated Health Impact Assessment, ES Addendum and scheme refinements (21 days). A further 42 day consultation was undertaken in 2014.

4.4 Consultation was undertaken with statutory consultees, stakeholders and the public. Consultees were consulted in 2011, 2013 and again in 2014. Responses to the consultation were as follows:

- The Highways Agency – No Objection and confirmed following re-consultation
- Natural England – No Objection and confirmed following re-consultation
- Network Rail – No Objection
- English Heritage – No Objection and confirmed following re-consultation
- National Grid – No objection and confirmed following re-consultation
- The Coal Authority - No objections through standing advice.
- The HSE - through Padhi+, does not advise, on safety grounds, against the granting of planning permission in this case.
- Knowsley Borough Council – No Objection
- St Helens Council - No Objection
- CWCC Archaeology – No Objection
- CWCC Conservation and Design – No Objection and confirmed following re-consultation
- Environment Agency – No objection subject to conditions and confirmed following re-consultation
- United Utilities - No Objection and confirmed following re-consultation
- Cheshire West & Chester Council – No objection
- Merseyside Environmental Advisory Service – An update to the previous Habitats Regulation Assessment has been undertaken as required confirming that this project will not have a likely significant effect upon the Mersey Estuary SPA/ Ramsar or other relevant Natura 2000 sites. Accordingly, it is advised that no “appropriate assessment” is required to be made under Regulations of the Conservation (Natural Habitats & c.) Regulations, before the Council decides to undertake, or give any consent, permission or other authorisation for this project. Following re-consultation they have advised that the updated reports are acceptable and raise no objection.
- Cheshire Wildlife Trust – A formal response has been provided and their comments are dealt with below.
- Halton Borough Council:
 - Regeneration – No Objection (Letter of Support as an integral part of 3MG which supports the creation of new jobs)
 - Environmental Health – No Objection
 - Contaminated Land – No Objection
 - Highways – No Objection
 - Planning and Transport Strategy – No Objection

- Liverpool John Lennon Airport has confirmed that it raises no objections to the scheme with regard to effects on their airport operations. It has also confirmed that it withdraws earlier objections based on the potential for water features within the development to attract bird species and risk potential bird strike. An appropriately worded planning condition has been agreed by Liverpool John Lennon Airport requiring submission and agreement of an Environmental Management Plan (EMP) including detailed habitat creation and planting schedules to render Balancing Pond B unattractive to birds potentially moving from the estuary (gulls, waders and waterfowl). Such designs may include the establishment of reeds, proximity of trees and managing potential flight lines and sightlines through appropriate location and design of landscaping bunds etc. Monitoring of the use of the site by gulls, waders and waterfowl would be undertaken through the vegetation establishment period and additional measures deployed if required. These could include netting of the waterbodies (Balancing Pond B and existing waterbodies if also required).
- Halebank Parish Council – Object (see following summary under Representations section below)

5.0 **REPRESENTATIONS**

5.1 **Representations Received in Relation to the Application as Originally Submitted**

- 5.2 5 letters of objection were received and acknowledged in relation to the application as originally submitted. These raised issues relating to:
- Impact of additional vehicles on road networks including Halebank with the possibility of vehicle servicing through local businesses and impacts on local residents including resultant noise and air pollution
 - Speeding traffic;
 - Night light
 - Loss of privacy through security cameras and youths climbing on mounding
 - Loss of property value
 - Loss of views
 - Impacts relating to use of diesel trains including 24 hour operation
 - Impacts relating to construction traffic on Halebank and local road networks through use of temporary access road and impacts this would have on the local environment and public safety given inadequacy of the local road network for such volumes
 - That such proposals would undermine the benefits brought by the existing weight limit and speed restrictions through the village
 - That construction traffic should be required to access from the north via the A5300 to overcome these problems

- 5.3 In relation to the application as originally submitted, a total of 546 copies of a standard letter with individual signatures has also been received raising the following:

- That the application does not meet the stringent condition set out in policy E7 of Halton's UDP and the adopted 3MG SPD and in particular the sequential phasing of development
- The development is not part of the wider 3MG operation and does not satisfy requirements to be part of a comprehensive strategic rail freight park. It has no direct access to the wider 3MG operation and it is not clear that the proposal is related to the need for rail access and therefore fails policy E7
- The development will inevitably give rise to unacceptable noise and light pollution and is incompatible with its proximity to a residential community.
- There is no commitment to completion of the access road to the A562/ Knowsley Expressway prior to completion nor a compelling commercial explanation as to how this could be funded or delivered. There is a strong possibility there will be a massive adverse traffic impact on local residential roads.

5.4 Representations Received in Relation to the Application as Re-Advertised

5.5 The original application was submitted to the Council on 20 July 2011. Consultees have had details on the reinstated application since 28 March 2013 when the Local Planning Authority ("LPA") informed them of the start of the consultation period on the re-instated application.

5.6 Since the High Court decision and re-advertisement of the application a further 9 letters of objection have been received. Issues raised relate to the availability and quality of plans and of consultation, loss of greenfield/ agricultural land; erosion of Green Belt/ village green/ rural area; inappropriate and poor landscaping; lack of maintenance of landscaped areas; impact on wildlife; impact on property prices, and waste of public funds. Further issues have been raised in relation to potential noise impact. One letter and subsequent emails from the same person have raised concern regarding an area identified as Hazardous Substance Area on the plans and the nature of substances to be stored. The applicant has responded that this relates only to goods such as aerosols, perfumes, alcohol, certain packaging (foam), etc. The Local Planning Authority is satisfied that consent under the Planning (Hazardous Substances) Act is not required for the storage of such substances and that any health and safety issues associated with their storage are considered to be controlled through other legislation.

5.7 In response to the consultation in 2014 a local business has raised concerns regarding the amount of traffic the new build may produce on to the A562/A5300. The concerns raised have been taken into account when considering the application and the impact on this junction is considered below.

5.8 In terms of specific objections, the Local Planning Authority (LPA) has received a number of letters from Halebank Parish Council ("HBPC") since the consultation period commenced on the re-instated application. HBPC has had details of the re-instated application since 28 March 2013 when the LPA wrote

to the clerk personally, informing the clerk of the start of the consultation period on the re-instated application.

- 5.9 A letter dated 8 April 2013 was received from Halebank Parish Council raising the following:
- they state there is a long history of local opposition to the development
 - they asked questions regarding UDP policy E7 and the status of the relevant allocated sites
 - they ask what pre-application consultation will be undertaken
- 5.10 The LPA responded on 18 April 2013 stating that:
- the Council is aware of the fundamental opposition of the HBPC to any development of this site
 - the extensive pre-application consultation which took place therefore applies to the re-instated application. It should be apparent that additional pre-application consultation cannot take place after an application has been submitted
 - policy E7 of the UDP no longer exists. This has been replaced by Core Strategy policy CS8
 - the LPA would be happy to meet to discuss current planning policy
- 5.11 Halebank PC responded on 9 May 2013 stating that, on the basis of legal and professional planning advice, with respect to the current application, they had the following additional concerns and objections:
- they note the deletion of E7
 - they consider the lack of pre-application consultation to be unsatisfactory
 - the proximity of a development of this scale to a residential community would inevitably generate unacceptable levels of nuisance arising from noise, light and traffic movements
 - as the end user is unknown they cannot be reassured that this development will not have an unacceptable impact on residential amenity
 - the LPA should use independent consultants to assess the noise, light and traffic impacts in the Environmental Statement
 - concerns over the development's close proximity to a COMAH site
- 5.12 The LPA responded on 16 May 2013 stating that:
- The application is a re-instatement of the July 2011 application and the description of development is exactly the same.
 - Supporting documents and plans had changed and 'The Schedule of Application Submissions' that accompanies the re-instated application to identify those changed submissions was enclosed with the letter.
 - The LPA had extended the consultation period to 42 days, double the statutory 21 days. This period expired on 9 May and there had been no suggestion from HBPC that this was too short a time period for HBPC to make representations. HBPC has had the substantive details on the development that is the subject of this application for 22 months in total.

- The Council had met its duties under the Statement of Community Involvement. In addition to the pre-application sessions held by the applicant and the consultation on the original application, the LPA has written to all statutory consultees, 41 separate organisations, 855 neighbouring landowners and property occupiers, placed advertisements on the Council's website and in the press, and offered to attend at the Parish Council. The full details of the application and supporting documents are available on the Council's website. The LPA has also extended the consultation period on the reinstated application to 42 days.
- Pre-application consultation is not something the LPA can require of an applicant and in any event additional pre-application consultation cannot take place after an application has been submitted, as is the case here.
- The policies that comprise Halton's statutory development plan, which will be used to determine the application, have been the subject of a long drafting and public consultation process occurring between 2006 - 2012. HBPC did not comment on the Core Strategy policies.
- The LPA does not know who the end user will be. The proposed building will be in the same type of use regardless of the end user.
- HBPC should provide evidence to justify their assertion that this application will give rise to nuisance.
- The LPA determines its own method of evaluation which must be reasonable. Many of the respondents to the application consultation procedure are consultants or national bodies. During the application process the Council's relevant qualified professionals will assess the scale and acceptability of any impacts together with the appropriateness and effectiveness of any mitigation proposed. It is the LPA's role to independently assess the applications that are submitted to it. The instruction of professional consultants is considered unnecessary. HBPC has had the opportunity to instruct professional advisors, at its own cost, to assist HBPC with its representations. In August 2011 the Parish Council informed the Council in writing that it was "in the process of appointing professional planning consultants to help it evaluate the application."
- The Council has planning policies on the impact of COMAH facilities on new development. These policies will be applied during the application determination process. In addition to this, the Health and Safety Executive (HSE) has been consulted on the application and they do not advise against this development.
- The offer to discuss the application and the policies of the development plan remains open.

5.13 Halebank PC responded on 23 May 2013 stating:

- The Parish Council continue to view the pre-application consultation as inadequate.
- Given that this "reinstated" application is significantly revised and is being considered under a completely different planning context, the

Parish Council believes that thorough, interactive and inclusive pre-planning consultation should have taken place.

- HBPC is objecting to this application on the substantive grounds that it will cause unacceptable levels of nuisance to local people arising from potential traffic, noise and light impacts.
- Serious concerns over how the application is being considered by the LPA.
- The Parish Council believe that the nature and identity of the end-user is a material consideration
- Wish to see conditions in relation to rail served.

5.14 The LPA responded on 7 June 2013 stating that:

- Public consultation had been undertaken on the application and reaffirming the LPA's position on consultation for this application.
- Proper process has been followed in the administration of this application.
- The LPA still does not know who the end user would be.
- A meeting could be organised on specific dates offered in the letter.

5.15 The LPA emailed the HBPC Clerk on 11 June 2013 to suggest meeting dates and inform HBPC that the letter of 7 June 2013 had been sent. The email was as follows:

"Following your recent letter and the request to meet, it would be more appropriate for us to meet in the Council offices to discuss HBPC representations. I can suggest the following dates and times 13th in the afternoon, 14th afternoon 17th all day or the morning of the 18th. Please could you let me know appropriate dates together with listing any questions or issues you wish to raise with the LPA. Once we have confirmed a date and time to meet I will let Prologis know, however I have no influence over them and their availability. I have also responded to your latest letter."

5.16 The LPA did not receive a response so emailed the Clerk on the 24 June 2013:

"I have not had a reply to my letter of 7th June or the email below that suggested potential meeting dates. I thought it prudent to check that any return correspondence has not gone astray in the post / ether. Does HBPC still want to organise a meeting?"

5.17 The Clerk responded by email on 25 June 2013 stating:

"Thank you. Halebank Parish Council did receive your letter and email. Your offer of dates, in your letter of 7th June, was discussed at the last meeting of the Parish Council on June 11th and the Parish Councillors agreed that they still wanted both yourself and a representative of Prologis to come to Halebank to meet with them and the rest of the community at a mutually convenient time and date for the reasons outlined in previous correspondence, and in compliance with Halton Council's own Statement of Community Involvement, and did not quite understand your reasoning that

this meeting should take place in Council offices 'so as not to cause any further delay'. They asked - 'further delay for whom given that no date has yet been set for determination of the application'? At present both the Chair and Deputy are abroad on holiday returning on June 28 and June 30 respectively so if Halton Council and Prologis are willing to accommodate the Parish Council's request to meet, then any such meeting should take place after these dates. I have also been asked by the Parish Council to respond to further points raised in your letter of 7th June and will do so in due course."

- 5.18 The LPA responded via email on 4 July 2013 and in hard copy dated 5 July 2013 stating:

"Thanks for your email below. I trust the HBPC members are now back from their respective holidays. The delay I was referring to in my last letter was our attempts to meet. I have been offering to meet since 18 April. There is no delay to the determination of the application since the Parish Council has provided its substantive comments. The earliest the application can be reported to DC Committee is 5 August 2013.

I had understood that Parish Council had wanted to meet, in their capacity as a statutory consultee, with myself to discuss current planning policy. I am therefore confused as to your references to 'the rest of the community' and SCI. As I have reiterated numerous times in the course of our correspondence, this is a reinstated application and pre-application discussions, in the sense they would be 'in advance of' an application cannot happen as the application is already validated. The Court did not choose to invalidate the application, the Court quashed the decision. Therefore the inference is that the pre-application discussions that were undertaken were lawful.

I am still happy to meet with you to discuss current planning policy. I can provide a venue here in the Municipal Building, if convenient, on the 9th, 15th (morning only), 16th, or 17th of July. I have no objection to the applicant attending our meeting and once we have a date I will inform the applicant, but I do not have any influence over their availability. If you wish to meet with the applicant then you should make arrangements directly with them.

As we have been trying to arrange a meeting for the last 3 months I do not think it is reasonable to continue attempting to organise a meeting if the above dates are not suitable. The Parish Council has not requested any additional time to consider the application. On the contrary, the Parish Council has stated repeatedly that its submissions with regard to the application have been made. There is logically no reason to delay the consideration of the application. Nevertheless, it has been stressed on a number of occasions that representations can be made and will be considered up to the time that a determination is made."

- 5.19 An email was received from Glyn Bridge on 15 July 2013 informing the LPA that he had:

“been instructed by Halebank Parish Council to respond on their behalf to the above planning application. You have asked for comments by 12th July, but my commitments have been such that I was unable to meet this deadline. It is my aim to have a letter with you by the end of this week. I trust this will not cause you too much inconvenience.”

- 5.20 Submissions from Glyn Bridge were received via email with an attached letter on 23 July 2013. The letter sets out representations made on behalf of HBPC on the following grounds:
- objections on the grounds of noise, traffic and light pollution
 - principle of the proposed development
 - the need for the development to be rail served
 - contending that “it is inconceivable that this proposal has not been designed for a specific end user”
 - that the Health Impact Assessment was undertaken by council officers
- 5.21 On 13 November 2013 the applicant submitted revised information including an Environmental Statement Noise Assessment Addendum (Nov 2013) and specific responses to the issues raised by Mr Glyn Bridge (acting on behalf of Halebank Parish Council) in his earlier letter. A full process (21 days) of re-consultation was undertaken on this information.
- 5.22 Consequently a follow-up letter was been received from Glyn Bridge on behalf of HBPC. That letter states that:
“In view of the technical nature of the noise assessments and reports, HBPC intend to instruct their own independent acoustics consultant” and requests that the application is not determined in the meantime. A number of further queries are raised regarding the methodology and findings of the addendum noise assessment. Concern is expressed that the Landscape and Visual Assessment Addendum identifies that “it will be a full 15 years before the landscaping benefits are fully realized. HBPC understood that the main structural landscaping was to be fully implemented in advance of any development in order to ensure that the benefits would be fully realised before the development is brought into use”.
- 5.23 It is suggested that whilst greater acoustic barrier mitigation measures are proposed their effectiveness is described as negligible. Whilst such measures may meet protocol, the cost of carrying out noise insulation measures at the property itself would be relatively insignificant. Further concern is raised regarding “the failure of the applicants or their agents to explain their proposals and the mitigation measures direct to HBPC”.

With respect to rail use it is stated that, whilst goods can be handled in the way suggested, nowhere is there any suggestion that the rail link will actually be used and, in reality, HBPC do not believe it will be cost effective or practical to do so.

- 5.24 On this basis the letter concludes that:
- There are still serious concerns about this proposal that remain unanswered with respect to noise impact, to the whole of the proposal

and its lack of any specific intention to use the rail link.

- It appears to HBPC that this development will be imposed on their community without guarantees about use of the railway and with most economic benefits going to the residents of Liverpool.
- That it is contrary to the original reasons for allocating the site, the aims of the Core Strategy, the purpose of the 3MG project and the sustainability policies of the National Planning Policy Framework.

5.25 On 15th January 2014 a report was submitted to the local planning authority by Hepworth Acoustics on behalf of Halebank Parish Council. A desk-top review of the noise assessment work carried out and forming part of the Environmental Statement accompanying the application was undertaken by Hepworth Acoustics. The submitted report concludes that:

“The three noise reports prepared by Amec have been studied. As one would expect, for a professional organisation, we confirm that Amec have used the appropriate guidance documents in their assessment and have applied due diligence.

The proposal is for a major storage and distribution facility with associated comings and goings of delivery vehicles. Clearly, the amenity of local residents needs to be protected, but the access road already has planning approval and presumably this was envisaged to serve an employment land use. A development such as the one proposed will always have a degree of noise impact, in planning terms it is a question of whether or not that noise impact is reasonable i.e. within levels recommended in relevant British Standards. To this end Amec have recommended a number of measures to mitigate the potential noise impact and recently the acoustic screening proposed in the south-west area has been significantly improved. Nevertheless, from the analysis provided to date by Amec, at one of the 3 assessment locations the predicted noise from the HGV operations does not achieve the noise control standard that was agreed with the Environmental Health Department.

We have identified a number of points which are important and require clarification or further assessment. We therefore recommend that the Parish Council seek a commitment from the Council to defer any planning decision until these points of clarification, which are important in terms of the potential noise impact on people living nearby, have been provided for consideration by the Council and the Parish Council.”

5.26 The Council's Environmental Health Officer has confirmed that the noise assessment undertaken by Amec is appropriate, including assessments of night-time noise, and employs appropriate methodologies in accordance with current standards. It is considered that off-site noise issues associated with link road traffic was adequately assessed and mitigation secured as required through determination of the related planning application.

5.27 Summary Responses to Issues Raised by Halebank Parish Council

- 5.28 The principal objector to the development has been Halebank Parish Council (HBPC). It is considered appropriate to deal with the points raised by the Parish Council separately in this part of the report. More detail on these issues can be found in Section 6 'Assessment' of this report. This section serves as a summary of responses to the HBPC objections.
- 5.29 Correspondence between the Parish Council and the Borough Council is summarised in this report. The Parish Council also instructed a planning consultant and other specialist consultants.
- 5.30 Concerns raised by letter received 23 July 2013 from Mr Glyn Bridge on behalf of HBPC have been summarised earlier within the report as follows:
- objections on the grounds of noise, traffic and light pollution
 - principle of the proposed development
 - the need for the development to be rail served
 - contending that "it is inconceivable that this proposal has not been designed for a specific end user"
 - that the Health Impact Assessment was undertaken by council officers.

In respect to the individual bullet points the following responses are made in the following Tables 2, 3 and 4 below which show responses against the different issues identified. The following tables contain responses which are based on the analysis part of this report. The report needs to be read as a whole to understand the nature of the responses.

| TABLE 2 | |
|--|---|
| Issue Raised by HBPC | Response |
| Noise | The application is supported by a detailed noise addendum to the ES. Advice from the Council's Environmental Health Officer indicates that the potential impacts have been assessed in accordance with appropriate standards and appropriate mitigation measures proposed as required. They have also confirmed their opinion that, based on current planning guidance, refusal of planning permission on these grounds could not be sustained. |
| Traffic | The application is supported by a detailed Transport Assessment which has been subject to detailed scrutiny by the Council's Highways Engineer and the Highway Agency who both confirm that no objections are raised. The provision for use of the dedicated link road is considered to substantially mitigate potential traffic and associated impacts. |
| Light Pollution - concerns with respect to light pollution, sky glow and impact of lighting on wildlife. | The issue of light pollution has been addressed through the relevant section of the report below and in the Lighting Chapter of the Environmental Statement. The lighting assessment accepts that the proposed development will have some impact on its periphery. However, such impact |

| | |
|---|---|
| | <p>can be brought to minimal levels by the use of mitigation measures detailed in the ES which concludes that: “Sky glow would normally be inevitable due to the very presence of the development at the site however the use of optic controlled lighting to serve the external areas has been confirmed to negate this. This design strategy seeks to overcome issues of light spillage and pollution. These measures therefore minimise the impact of light pollution from the development due to spillage, glare and sky glow.”</p> <p>The impact of lighting on ecology (i.e. bats) is discussed in the Ecological Chapter of the Environmental Statement. The assessment concludes impacts of minor negative significance for species deterred by light and of minor positive significance for species such as pipistrelle. “The planting and habitat creation associated with the development will, as it matures, provide a potential food source for bats and birds and potential nesting and bat roosting opportunities over time.</p> <p>The submitted scheme and assessment has been reviewed by the Council’s Environmental Health Officer and Cheshire Wildlife Trust who have confirmed that no objections are raised.</p> |
| <p>Principle of the proposed development, need for the development to be “rail served”, it is inconceivable that this proposal has not been designed for a specific end user who does not utilize rail reinforced by assumptions within the Environmental Statement that the development will not be rail served.</p> | <p>Policy CS8 of the Core Strategy identifies HBC Field site 253 for B8, rail-served warehouse uses. In this regard the application includes a dedicated rail siding which connects the service/ container handling yard directly to the West Coast Main Line together with details showing how container handling can be managed. It is essential that there is an adequate mechanism to ensure that the rail sidings are (a) in place prior to development/occupation and (b) retained during the lifetime of the development. A planning condition is therefore recommended which would require the construction of that rail siding prior to commencement of the use and for it to be retained during the lifetime of the development. It is also proposed that a Grampian style condition be attached that requires operational connectivity to the rail network across land outside the application site but under control of the Council and Network Rail prior to commencement of the use in order to ensure that the development is rail served and thereby facilitates the use of rail to move freight in accordance with Core Strategy Policy CS8.</p> <p>The application is supported by a rail report which identifies the potential for use by rail. Comments from the Council’s retained adviser on rail and Network Rail have confirmed that this approach will fulfill a number of the</p> |

criteria for a successful rail freight facility consistent with the creation of a multi-modal distribution hub at Widnes. Adequate rail capacity is considered to be available with the proposed siding in the applicant's proposal adding to the effective rail handling capacity of the Stobart intermodal terminal.

Whilst it is widely known that the applicant had been in detailed discussions with a potential end user, the application has been assessed, in terms of the Environmental Statement and other supporting assessment work, based on reasonable, worst case assumptions. For example the Transport Assessment explains that in order to assess a worst case impact for traffic purposes, it has been assumed that no goods would travel by rail and that higher rates of trip generations have been assumed having regard to the TRICS database.

Whilst a nil level of rail use has been assumed in order to assess a worst case scenario as appropriate in relation to the Transport Assessment for example, the planning application is supported by a Rail Report which explains that the provision of the dedicated sidings could realistically allow for up to 4 trains per day to serve the site

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 should be located where sustainable transport modes can be used. It provides that the planning system should play an active role in guiding development to sustainable locations and encouraging 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). In particular having regard to NPPF para 32 opportunities for sustainable transport modes have been taken up to reduce the need for major transport infrastructure by utilising the adjoining railway system.

Whether rail freight is utilised and the level to which it is utilised is considered to be a business decision for the end user taking into account many factors and it is not considered that the setting of arbitrary figures for rail use, not capable of being justified by evidence, is a role for the planning system.

| | |
|---|--|
| | The definition of rail served has been dealt with elsewhere within this report. |
| The Health Impact Assessment was undertaken by Council officers | The report author has confirmed that the exercise undertaken does constitute a HIA. This used current best practice methodology and a template that has been in operation locally for several years. HIAs can be conducted at various levels: screening/ rapid (some people call these desktop) HIAs; or full HIAs (similar in scale and scope to the ones undertaken on the new Mersey Crossing or Ineos development). Whilst the term 'screening' in the report title has caused some confusion, a screening or rapid HIA is often conducted first and it is only if this exercise reveals significant potential negative health impacts that it would be recommended that a full HIA be commissioned. As the report outlines, this was not the case, thus the report stands as is, with the Health Management Plan implementation being judged sufficient. The submitted HIA is considered to fulfill the requirements of Core Strategy Policy CS22 |

5.31 Concerns raised in a further letter received 13 November 2013 from Mr Glyn Bridge on behalf of HBPC have been summarised earlier within the report and concluding as follows:

- There are still serious concerns about this proposal that remain unanswered with respect to noise impact, to the whole of the proposal and its lack of any specific intention to use the rail link.
- It appears to HBPC that this development will be imposed on their community without guarantees about use of the railway and with most economic benefits going to the residents of Liverpool.
- That it is contrary to the original reasons for allocating the site, the aims of the Core Strategy, the purpose of the 3MG project and the sustainability policies of the National Planning Policy Framework.

5.32 The following Table 3 shows responses against the different issues identified:

| TABLE 3 | |
|--|---|
| Issue Raised by HBPC | Response |
| That the Landscape and Visual Assessment Addendum identifies that "it will be a full 15 years before the landscaping benefits are fully realised. HBPC understood that the main structural landscaping was to be fully implemented in advance of any development in order to ensure that the benefits would be fully realised before the development is brought into use". | The requirement for structural landscaping prior to development being permitted was a requirement of the UDP Policy E8. That policy has now been revoked and that condition has not been carried forward to Core Strategy Policy CS8. Notwithstanding that, advanced structural mounds and landscaping have been implemented to the east and south although parts of that mounding and landscaping are proposed to be enhanced to the east through the course |

| | |
|---|--|
| | <p>of this development. Faster growing species have been included within the planting to add impact within shorter timescales. Mounding and structural landscaping are currently being implemented to the west associated with the ongoing link road construction. Any outstanding landscaping will be required to be implemented by condition of any planning permission.</p> |
| <p>A number of technical questions are raised with respect to the methodologies employed, conclusions and proposed mitigation measures having particular regard to the submitted assessment of impacts of noise on nearby properties with the suggestion that “serious concerns about this proposal remain unanswered”. In view of the technical nature of the noise assessments and reports HBPC intend to instruct their own independent acoustics consultant to assess the data.</p> | <p>The Council’s Environmental Health Officer has assessed all information submitted with respect to noise against the methodologies and standards contained in: the Design Manual for Roads and Bridges Vol. II with regard to noise generated on the new road; BS4142:1997 with regards noise from on-site operations; and BS5228:2009 for construction noise. The Environmental Health Officer is satisfied that the guidance has been used appropriately and the standards assessed comply with the guidelines. The Environmental Health Officer has fully appraised the mitigation measures and has worked with the applicant to ensure that the development meets all relevant standards, and mitigation measures provide appropriate protection against noise to residents. The Environmental Health Officer has therefore confirmed that the assessment is appropriate, including with respect to night-time noise on site, and employs appropriate methodologies in accordance with current standards. It is considered that off-site noise issues associated with link road traffic were adequately assessed and mitigation secured as required through determination of the related planning application. It is therefore considered that all concerns with respect to noise have been addressed.</p> |
| <p>That greater acoustic mitigation measures should be carried out in the form of noise insulation measures at Linner Farm itself (“even as a gesture of goodwill”) and the cost of carrying out such work would be relatively</p> | <p>The Council’s Environmental Health Officer is satisfied that the barrier mitigation will offer adequate protection to the residents of Linner Farm. On that basis further mitigation measures proposed at Linner Farm would not be</p> |

| | |
|---|---|
| <p>insignificant.</p> | <p>considered as a necessary planning requirement. Notwithstanding that discussions have taken place between the Council and the owners of Linner Farm who have confirmed that they are satisfied with the acoustic barriers currently proposed without further mitigation.</p> <p>It is therefore considered that all concerns with respect to noise have been addressed.</p> |
| <p>“Failure of the applicants or their agents to explain their proposals and the mitigation measures direct to HBPC”.</p> | <p>The Council’s Regeneration Team has confirmed that meetings have been offered to HBPC. The application was subject to pre-application consultation including a public exhibition with representatives available to answer questions. Offers to meet HBPC have been expressly made through the responses of the Local Planning Authority through ongoing correspondence as set out under the Representations section of this report. Formal responses have been provided to any written submission made by or on behalf of HBPC. HBPC have employed the services of a planning consultant and stated their intention to employ an acoustic consultant to provide specialist advice.</p> |
| <p>Whilst goods can be handled in the way suggested, nowhere is there any suggestion that the rail link will actually be used and, in reality, HBPC do not believe it will be cost effective or practical to do so.</p> | <p>This is adequately dealt with under the “requirements for the Development to be Rail Served” section of the report.</p> |
| <p>That the development is contrary to the original reasons for allocating the site, the aims of the Core Strategy, the purpose of the 3MG project and the sustainability policies of the National Planning Policy Framework.</p> | <p>The principle of development is addressed fully through the assessment section of the report below. The proposals are considered to accord with local and national policy.</p> |
| <p>It appears to HBPC that this development will be imposed on their community without guarantees about use of the railway and with most economic benefits going to the residents of Liverpool.</p> | <p>The allocation of the site has evolved over a significant period originally through allocation in the Halton Unitary Development Plan (2006) and subsequently the Core Strategy 2013 and saved policies of the UDP. Issues relating to rail use and the economic benefits of the scheme are addressed</p> |

| | |
|--|--|
| | though the relevant sections of this report. |
|--|--|

5.33 Queries and requests for clarification have been made through a desk-top review of the noise assessment work carried out and forming part of the Environmental Statement undertaken by Hepworth Acoustics on behalf of Halebank Parish Council and submitted to the Planning Authority on 15th January 2014. The following Table 4 shows responses against the different issues identified.

| TABLE 4 | |
|--|---|
| Query/ Clarification sought by Hepworth Acoustics on behalf of Halebank Parish Council | Response |
| Clarification should be sought on the anticipated type and extent of lorry loading/unloading at night outside the southern elevation. | This is addressed throughout the acoustic report – it is based on a worst case scenario of a similar facility. |
| Clarification should be sought on how background noise levels in the assessment of impact tables have been derived, and if necessary the tables revised to provide a more accurate evaluation of potential noise impact. | HBC accept the background noise levels as calculated by AMEC report as they are within BS4142. |
| The latest Amec report does include an assessment of lorries being loaded by fork-lift trucks (FLT) at night outside the southern elevation – as stated previously clarification should be sought on this aspect. | FLTs were included – however all unloading of HGVs will be carried out behind a retractable curtain reducing the noise impact. |
| Amec have assumed a 3 shift system with 'goods out' loading bays in the rear elevation and 'goods in' loading bays in the front elevation. In the 2011 noise chapter it is stated that "there will be minimal HGV traffic between the hours of 21:00 and 07:00 using the inbound docking bays on the south side of the proposed warehouse building" and later in the same report that use of the bays on the south side of the building will be "restricted to between 07:00 and 21:00" hours only (clarification required on this). | Amec have confirmed a typographical error. The reports from November are clearly based on vehicle movements between the hours of 21:00 and 07:00 hours on the south side of the building. |
| In terms of the likelihood of complaints about the noise, a difference of 8 dB(A) amounts to more than 'of marginal significance'. If the predicted noise level does not already include the 5dB | These calculations assume that the Environmental Health Officer rejects Amec's calculations and accept Hepworth Acoustic's submissions. There is no basis on which to reject Amec's |

| | |
|---|---|
| <p>acoustic feature correction (clarification on this required from Amec), the Rating Level would be 48 dB which would exceed the background noise level by 13 dB(A) i.e. complaints likely.</p> | <p>background levels and so they are accepted within the context of the report. On this basis and the inclusion of a 5dB(A) adjustment and 5dB(A) reduction due to the noise barrier the calculations equate to between 5dB and 6dB above background and therefore equate to having 'marginal significance' under BS4142 at Linner Farm.</p> |
| <p>Amec concluded that at Linner Farm Cottage the 05:00- 06:00 traffic noise would result in major adverse impact. No such assessment is included in the latest (i.e. November) report. Given the concern of the Parish Council about this issue we recommend that Amec are requested to review and update the assessment for this early morning period taking into account the improved noise barrier provision.</p> | <p>Section 6.2 of the February 2014 noise report addresses this query. This demonstrates that between 05:00 and 06:00 hours the noise levels within the properties would be compliant with British standards for internal noise levels within bedrooms, based on WHO guidelines, even with the windows open.</p> |
| <p>It is still the case that Amec target of achieving noise levels from the site 10dB below the late night background noise would not be achieved. Since this aim was agreed with the Environmental; Health Officer, clarification should be sought from the Council that they are happy with this situation.</p> | <p>10dB(A) below background is an informal starting point the Environmental Health Officer requests to ensure that developers employ the most effective sound mitigation. This standard could not be upheld in the event of an appeal. In this case the EHO is satisfied that the developer has proposed the most effective sound mitigation scheme in relation to Linner Farm, which complies with the 'marginal significance' category of BS4142. In addition the noise report demonstrates that the internal noise levels will comply with British Standard internal levels for bedrooms with a window open.</p> |
| <p>It would be helpful if Amec could extend these sections to show the warehouse building and also to provide similar cross sections for their assessment locations R1 and R2, and if possible to one of the dwellings in Halebank Road e.g. No. 60.</p> | <p>The EHO does not accept that this will add anything substantial to the report and is satisfied that the information provided is sufficiently clear for their purposes.</p> |

5.34 Table 4, above, addresses all the issues highlighted by Hepworth Acoustics as requiring further clarification. In the view of the Council's Environmental Health Officer, all points of clarification have been now adequately addressed.

- 5.35 At the time of writing no further comments have been received from Hale Bank Parish Council with respect to the most recent consultation period based upon the fully updated assessment. Members will be updated accordingly with respect to any subsequent comments received. The Consultation to the parish Council was sent on the 30th June giving 42 days this consultation period expired on the 17th August 2014. The Parish Council have been asked when they are able to respond to this consultation and have stated they will endeavour to respond by the 29th August 2014 but due to holidays they cannot guarantee this date. If the parish Council's response is received on the 29th August this will be 54 days following the start of the consultation period. All representations received upto and including the date of the Committee meeting will be taken into account.

6.0 **ASSESSMENT**

- 6.1 The following provides an overview of the key relevant general policies together with the highly specific Core Strategy Policy CS8. Detailed policy issues are addressed later through the relevant section of the report.
- 6.2 Planning Policy Appraisal
- 6.3 National Policy
As set out above (under Policy Context), the policy background against which this application must be assessed has changed significantly since the original submission in July 2011.
- 6.4 Government has published a number of documents regarding its approach to the economy, economic development and planning that are of relevance to this application. 'The Plan for Growth' (March 2011) contained proposals for further reform of the planning system, and identified the priority to secure sustainable economic growth and job creation. It reiterated that in determining planning applications, local planning authorities are obliged to have regard to all relevant considerations including that they give appropriate weight to the need to support economic recovery, and applications that secure sustainable growth are treated favourably.
- 6.5 The Department for Transport Logistics Growth Review – Connecting People with Goods, (Nov 2011) describes the importance and significance of the logistics sector to the UK economy, both in its own right but also as an enabler to other businesses and economic sectors. As a result, facilitating growth in the logistics sector is described as "*critical to the Government's growth agenda*" (para 3). The Review confirms the logistics sector as being "*hugely important*" to the UK economy and identifies a number of actions Government will take that includes supporting the development of and investment in major freight terminals. The review also makes specific reference to the 3MG as a project supported by government through the Regional Growth Fund (page 15). It also sets out investment proposals in both rail and road networks across the country.

- 6.6 These principles were crystallised with the adoption of the National Planning Policy Framework (NPPF) in March 2012 that effectively replaced much of the previous national planning guidance and policy found in the earlier Planning Policy Statements (PPSs) and Planning Policy Guidance notes (PPGs).
- 6.7 National Planning Policy Framework (NPPF)
Paragraph 196 (NPPF) 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*”.
- 6.8 The Halton development plan is up-to-date. The Core Strategy was adopted post NPPF (the examination considering its consistency), and the Council has endorsed an assessment of the consistency of the remaining saved UDP policies. The appraisal of the proposal against the detailed development management policies of the Development Plan follows later in this report. The principal of the development, securing economic growth and employment on a site allocated for employment uses in an adopted and up-to-date development plan is consistent with NPPF in this regard.
- 6.9 The presumption in favour of sustainable development is the ‘golden thread’ that underpins the NPPF. NPPF recognises three mutually dependent dimensions to ‘*sustainable development*’ being “*economic*”, “*social*”, and “*environmental*” (paras 7 – 9).
- 6.10 Paragraph 6 states: “*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*”.
- 6.11 The proposed development clearly contributes to the ‘*economic role*’ both by directly creating jobs growth but also by contributing infrastructure for the wider local and sub-regional economy in a priority sector identified by the Liverpool City Region Local Enterprise Partnership (LEP) and echoed as a Strategic Objective of the Halton Core Strategy.
- 6.12 The development has the potential to contribute to the ‘*social role*’ of sustainable development by creating job opportunities for the local populous. Worklessness is a key contributing factor in the Borough’s poor health record and limits the growth in the social and cultural well-being of the Borough.
- 6.13 The development is on a previously undeveloped site close to existing residential areas, the green belt, a conservation area and a scheduled monument. These do not in themselves preclude the proposed development from fulfilling an ‘*environmental role*’. The appraisal of the development against the detailed development management policies of the Development

Plan is set out below. The potential to move freight by rail can contribute to “mitigate climate change” and facilitate “moving to a low carbon economy.”

- 6.14 Indeed, NPPF (para. 8) states “*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.*”
- 6.15 Section 4 of the NPPF sets out the Government’s approach to promoting sustainable transport, including encouraging solutions which support reductions in greenhouse gas emissions and reduce congestion (para 30). It encourages local authorities to develop strategies for the provision of viable infrastructure necessary to support sustainable development, including large scale facilities such as rail freight interchanges (para 31). It should be noted that NPPF 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, it 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.
- 6.16 The development is located adjacent to a railway line, dedicated sidings are to be provided (funding and permissions are in place) allowing the site to be multi-modal, a new road / bridge providing direct access to the strategic road network (partly through the neighbouring authority of Knowsley) is at an advanced stage of construction allowing the efficient movement of freight by road with minimal impact on residential areas. Therefore, the principle of the proposed development accords with both the concept of sustainable development and the principles of promoting sustainable transport and is consistent with NPPF in these regards.
- 6.17 National Planning Practice Guidance
- 6.18 The National Planning Practice Guidance (PPG) is a material consideration in determining the application. Aside from a change in emphasis in parts, the overall changes are not considered so significant as to materially affect the conclusions and are not considered to add materially to the development plan or NPPF.
- 6.19 Local Policy
- 6.20 The Core Strategy, Joint Waste Local Plan and the extant UDP contain a number of policies of relevance to this application. The Core Strategy sets the overarching vision for the Borough to 2028 and beyond. It replaces certain of the UDP policies though does not allocate land for specific uses with the exception of the Daresbury Strategic Site.

6.21 Core Strategy

6.22 Policy CS1 – Halton’s Spatial Strategy identifies the quantum and broad location of development across the borough including the identification of four Key Areas of Change (KAoC) of which the application site forms an important part of one.

6.23 Policy CS2 – ‘Presumption in Favour of Sustainable Development’ repeats NPPF (discussed above)

6.24 Policy CS4 – ‘Employment Land and Locational Priorities’, references the importance of outstanding (UDP) allocations in meeting the borough’s employment development requirements to 2028. The application site is within the employment land supply referred to in this policy.

6.25 Core Strategy Policy CS8

Policy CS8 3MG sets out the *key elements of the future of 3MG as;*

The availability of approximately 103 ha. Of land for B8 employment development within the 3MG site to deliver regionally important logistics and distribution development and the provision of jobs for the people of Halton.

This seeks to secure the development of the wider 3MG Key Area of Change for regionally important logistics uses. The application is consistent with this point

Improving the ability to move freight by sustainable modes, most notably rail including the provision of sustainable connections to other freight facilities in the sub-region.

This seeks to promote the use of the site’s potential access to the rail network and to contribute to encouraging more sustainable, non-road freight movement. The application is consistent with this point.

The provision of a western link road to connect the site with the regional and national road network, also discouraging the movement of freight across the site on the local road network.

This relates to the development of the application site but the link road has been dealt with in previous applications, and indeed is now at an advanced stage of construction. The link road is due for completion in September 2014 and will be available prior to the construction and occupation of the development. The application is consistent with this point.

The development of the Halton Borough Council (HBC) Field site at the western end of the site for over 18ha of B8, rail served warehousing uses.

This relates specifically to the development of the application site seeks the development for “over 18 ha. Of B8, rail served warehousing uses”. The application is consistent with this point.

6.26 Meaning of 'Rail Served'

There has been some reference to the meaning of 'rail served' in the context of this development. The same expression has been used since the consideration and adoption of the UDP. The inspector's report on the UDP states:

If Site 253 were included in DSRFP, what safeguards should be incorporated into the policy to ensure that the land is developed only to meet the legitimate requirements for rail served development

Safeguards are needed to ensure that Site 253 is only developed to meet a requirement which cannot at the relevant time be met elsewhere within the DSRFP Indicative Map area. The latest form of words does not go this far. Although para 1(a) indicates that "it is primarily for use by businesses that will utilise the railway for the transportation of freight", and this would apply, 2(d) would only require a proposal to be "capable of being used for rail freight". In view of the reasons for accepting the allocation of Site 253 this is not enough. Road served storage and distribution buildings can in practice predominantly make use of road as the transport mode without effective means of control. This would be less likely if rail use was integral to layout and design. The phrase in 2(d) should therefore form the basis of a separate sub-clause on development being rail-served, including a provision for the development coming forward having dedicated rail sidings adjacent to it. The justification should be augmented by an indication that the provision of sidings will be the subject of conditions of planning permission.

6.27 Although the inspector's report must be treated with great caution because of the radical changes in policy since the adoption of the UDP, the above quote is relevant because it shows a consistency of view that 'rail served' means rail use being integral to layout and design, including a provision for the development coming forward having dedicated rail sidings adjacent to it. In other words there was never any suggestion that the use of the rail facilities provided to the site would be compulsory or even that any particular specified level of rail use would be compulsory. It should also be noted that Core Strategy Policy CS8 was not challenged and the meaning of 'rail served' was therefore given no further discussion by that inspector. It should also be noted that Policy CS8 does not require rail connectivity to be in place prior to the grant of planning permission. 'Rail served' should therefore be interpreted as meaning that a rail connectivity is required which gives the opportunity for the use of that connectivity. Nevertheless, the requirement for the development to be rail served needs to be secured. This is dealt with below in the section dealing with proposed conditions. With regard to the actual provision of rail connectivity see below.

6.28 Requirements for the Development to be Rail Served

6.29 A detailed Rail Report has been commissioned by Prologis, Halton Borough Council and Stobart Ports and submitted in support of the application. The Report describes the rail sidings proposed as part of the application for the

HBC Field site and describes how this will relate to and function alongside the rail reception sidings that have already been approved. The report addresses:

- The delivery and maintenance of the sidings.
- Arrangements of rail access to the new warehouse.
- Interface with Network Rail and other bodies.
- Train arrangements between the new sidings, the existing terminal and the new building including passing over the existing Network Rail siding.
- Evidence that there are available relevant pathways on the main line to accommodate the number of trains planned to be operational.

6.30 The proposals and submitted Rail Report have been assessed by the Council's retained adviser on rail issues who has advised that the scheme clearly contributes to the comprehensive redevelopment of the local area and appears to be entirely consistent with planning policy to create a multi-modal distribution hub at Widnes.

6.31 In summary, it is advised that the larger the amount of on-site warehousing, the greater the volume of freight likely to arrive by rail and therefore the greater the range of rail served destinations that can be served by the longest possible trains (minimising unit costs). Adequate rail capacity is available with the proposed sidings in the applicant's proposal adding to the effective rail handling capacity of the Stobart intermodal terminal.

6.32 The warehouse on the HBC Field site will be equipped with its own intermodal handling facilities located alongside a dedicated rail track linked to the reception sidings. This track could be accessed directly via the mainline or be served by a dedicated shuttle train operating from the Stobart intermodal terminal. The latter approach will mean that the warehouse occupier will be able to access trains from the same breadth of destinations as the remainder of the 3MG site without recourse to the local public road network, expanding the potential for the use of rail considerably.

6.33 Network Rail has confirmed that it is working to "grow freight on the network" and that:

- "The proposed HBC Field warehouse and associated enhanced reception sidings (enabling operation of full length freight trains to both the existing adjacent terminal and the proposed warehouse) fulfil a number of the criteria for a successful rail freight facility and will enable rail to exploit new markets and as such has our support in principle"
- "The outline proposal for Ditton HBC Field was positively reviewed at the London North Western (LNW) Route Strategy Planning Group (RSPG) meeting" and
- "We (Network Rail) are satisfied that the outline proposals so far developed for the enhanced reception sidings and new rail connected warehouse will comply with the relevant technical standards."

6.34 The scheme includes within it proposals for a dedicated rail siding which it is considered can be secured prior to commencement of the use by appropriate

planning condition. Operational connection for this dedicated rail siding to the rail network is however subject to implementation of approved rail connection across land owned by Halton Borough Council but also subject to formal agreement and implementation procedures under the control of Network Rail. The Council's 3MG team is responsible for this element of the works and have secured funding for the work. Planning permission 10/00411/S73 has been commenced on site. Network rail have confirmed their support for the scheme in principle and formal approval processes are on-going.

- 6.35 An enhanced scheme of rail sidings has been submitted as a separate planning application (ref. 14/00382/HBCFUL). The construction work under the enhanced scheme (which is currently under consideration) would if approved be anticipated to commence in January 2015 and would run in parallel with or prior to the implementation of the warehouse development. It is however important to state that the provision of operational rail sidings and connectivity is not dependent upon the enhanced scheme. The current planning permission for sidings remains extant with development having commenced following discharge of conditions as required. That the original scheme may still be implemented to provide functional rail connectivity and ensure that the development is rail served. The purpose of the enhanced scheme is to allow potential for provision of longer sidings (which would allow handling of longer trains) and to reduce construction costs by, for example, reducing the need for expensive switch gear installation. The enhanced scheme will be determined on its merits.
- 6.36 It is proposed that a Grampian style condition be attached that requires operational connectivity to the rail network, across land outside the application site, prior to commencement of the use, in order to ensure that the development is rail served in accordance with Core Strategy Policy CS8. It would be unreasonable to propose a different trigger for this condition e.g. prior to commencement of development; the prime reason being that the connectivity to the rail network is ultimately dependant on timescales imposed by network rail.

6.37 Principles of Development

The second part of policy CS8, 'Principles of development', states that 'Development across 3MG will be expected to:

- Protect the amenity of residents in the adjoining areas of Ditton and Halebank.
- Conserve local features of visual, environmental and historic importance, notably Lovell's Hall Scheduled Monument, the surrounding Green Belt and avoid adverse effects on the integrity of the Mersey Estuary SPA and Ramsar site thereby ensuring that there will be no net loss in supporting habitat for SPA/Ramsar waterfowl.

To avoid repetition in the report, these issues are dealt with in other sections of this report.

6.38 Unitary Development Plan

6.39 UDP Policy E1

Local and Regional Employment Land Allocations identifies the greater portion of the application site as Site 253 for use as “Strategic Rail Freight Park”. This allocation was together with sites 255 and 256 where policies S20 and E7 (now deleted) also applied. Other parts of the 3MG site envisaged in the UDP have been developed with enhanced rail access (principally by the Stobart Group). This application, though covering a larger site than allocated in the UDP, does constrain built development extents to within the allocation boundary, and being for a rail served warehouse development is compliant with the UDP allocation and Policy E1.

6.40 UDP Policy GE28

This policy makes provision for the on-going investigation of opportunities for creating new woodland planting through development as part of the Mersey Forest. The supporting map (Map 7) indicates target planting densities across sites allocated for development elsewhere in the UDP. For the application site GE28 indicates provision for potential woodland cover of 20%+ for the application site and surrounding area with targeted planting for transport routes “where appropriate”. The policy also acknowledges that such figures are for guidance purposes only and not intended to be prescriptive for any unit of land. As such, it is considered that provision is made for a balance between the Mersey Forest aspirations and the site allocation for development. Potential for woodland planting within the development site and land up to the West Coast Main Line is restricted by the operational requirements of such a facility and the need to secure access up to the rail line through dedicated rail sidings. It is considered that provision has been made for substantial woodland planting to surrounding landscaped mounds implemented as advance structural planting, to new mounding proposed to the east and to the new link road. Efforts have been made, as far as practical, to include woodland and complimentary planting through the scheme and it is therefore considered that, given the allocation of the site for such development, the requirements of Policy GE28 have been adequately met within the scheme.

6.41 3MG Supplementary Planning Document

6.42 The Council developed a 3MG Supplementary Planning Document (SPD), which was adopted in August 2009. The SPD was by definition consequent upon and supplementary to UDP Policies S20 and E7. Both of these policies were revoked by the Core Strategy. All underlining assumptions within the SPD were based on these now revoked policies. The SPD primarily refers to Regional Policies and Strategic Policies within the UDP which have now been repealed. The SPD contains 10 chapters as follows:

- 1) Introduction
- 2) Site location and description
- 3) The Vision for 3MG
- 4) The Planning Policy Context
- 5) Ditton Strategic Rail Freight Park Masterplan and Development Framework.

- 6) Wider Context
- 7) Development Constraints
- 8) Design Guide/ General Principles
- 9) Key Development Opportunities
- 10) Phasing

6.43 As stated above the introduction of CS8 has rendered much of the SPD redundant. For Example CS8 does not carry forward the phasing requirements of UDP policy E7. Another example is Chapter 5, as a Masterplan was never adopted and is no longer required. The SPD refers to a number of saved UDP policies. The remaining parts of the SPD are mainly descriptive and largely out of date. However, the SPD does refer to a number of saved UDP policies. The relevant saved UDP policies, along with all other relevant issues, are analysed within the appropriate sections of this report.

6.44 Assessment of the anticipated effects of the proposal

A detailed assessment of the anticipated effects of the proposal through the construction and operational phases of the development has been submitted in the form of an Environmental Statement. The application is also supported by a Design and Access Statement, Rail Report and Health Impact Assessment in accordance with Core Strategy Policy CS22. The following is intended to provide a summary of the submission and update with respect to the relevant issues and comments from relevant consultees and advisors.

6.45 Green Belt (NPPF, UDP Policy GE1 and Core Strategy Policy CS6)

None of the proposed development comprising buildings is in the Green Belt. Part of the proposed development is in the Green belt. This part comprises extensive landscaping which comes under the category of engineering operations. Under NPPF paragraph 90 engineering operations are not inappropriate in the Green Belt provided they preserve the openness of the Green Belt and do not conflict with the purposes of including land in Green Belt. There is no conflict with NPPF Green Belt Policy because the proposed development does not conflict with the purposes of including land in the Green Belt and does preserve the openness of the Green Belt.

6.46 The westernmost portion of the application site is allocated as Green Belt in the UDP, where policies GE1 – Control of Development in the Green Belt and CS6 – Green Belt apply. The latter is mainly concerned with the need for a future Green Belt review so the former provides the main policy requirements.

6.47 GE1 lists a number of circumstances in which development in the Green Belt may be considered appropriate, and requirements for developments conspicuous from the Green Belt. It should be noted that elements of Policy GE1 have been superseded by the Green Belt Policies in NPPF. The relevant test for appropriate development is set out in NPPF and considered above. That part of the development which is within Green Belt is also covered by Policy GE7 – Proposed Greenspace designations. The encroachment relates only to areas of landscaping, a balancing pond and pedestrian access paths which it is considered are fully consistent with policy GE7 which seeks “a

landscape buffer surrounding employment site 253". This is appropriate development in the Green Belt and areas of Green Space. All development within the Green Belt would take place on land between the elevated access road link and the built up part of the development site. Additional mounding and landscaping proposed within designated Green Space are considered wholly compliant with the purposes of that designation. Given their design and character, these proposed elements are not considered to conflict with the tests of NPPF and Policy GE1 Para 3f (other development that does not conflict with Green Belt purposes).

- 6.48 UDP policy GE1 Para 2 states: "Planning permission will not be given to proposals for development conspicuous from the Green belt that would harm its visual amenity by reason of their siting, materials, design." This element of UDP Policy GE1 relates to development which is not in the Green Belt but which is conspicuous from the Green Belt and would harm its visual amenity. The principal of development of this kind was endorsed by the Inspector at the UDP inquiry. The degree that the development is conspicuous from the Green Belt is dealt with within this report and it is not considered that it would cause harm to the visual amenity of the Green Belt. Any potential conflict with Policy GE1 Para 2 is offset by Policy GE7. Policy GE7 proposes a landscape buffer surrounding employment site 253. The purpose of the buffer is partly to protect residential amenity and partly to avoid conflict with Policy GE1 para 2. This is recognised in the SPD
- 6.49 Furthermore the area of Green belt within the application site is substantially shielded from the Wider Green Belt to the West by a new road and associated landscape embankments which connects the site to the A5300.
- 6.50 Socio-Economic Issues
The socio-economic effects of the application have been assessed. It is reported that whilst changes to baseline data will have changed as a result of the length of time since the original submission, such changes are not considered to have significantly altered the baseline position and it is considered that the conclusions of the original assessment remain valid. This element of the assessment has not therefore been updated.
- 6.51 The Environmental Statement concludes that the proposed development will help to support the local economy and will bring a wide range of social and economic benefits. It will bring about a major capital injection and through the construction process help to secure and create construction jobs. The assessment predicts, based on similar developments of this floor space and use, that the facility itself has the capability to create over 1000 new jobs, which will provide a broad range of employment opportunities.
- 6.52 According to the Environmental Statement the key benefits are:
- The potential to create 1000 new jobs;
 - A variety of job opportunities including drivers, pickers, site managers and logistics operations manager;
 - The potential to create approximately 500 jobs indirectly;

- Potential to provide around £50m of Gross Added Value to the local economy;
- The potential to target local recruitment including opportunities for training and career development.

The above socio economic benefits make the proposal consistent with Core Strategy Policies CS1, CS2 and CS7.

6.53 Landscape and Appearance

HBC Field comprises former agricultural land on the urban fringe and is allocated for development as part of the wider Mersey Multi Modal Gateway (3MG) scheme in which other similar development will occur.

6.54 The Environmental Statement assesses the impact with respect to public and private receptors. The appraisal has been assessed with regards to public receptors with views towards the site comprising Public Rights of Way, a footpath implemented as part of advance landscape works within the eastern and southern parts of the site, public open amenity and recreation space east of the site, and roads in the local area. Private receptors refer to residential properties adjacent and close to the site anticipated to have views towards the site and proposed development.

6.55 The proposals would introduce a new industrial building, hardstanding and increased human/ commercial activity to an area of open agricultural land. The height and scale of the proposed building and use has been taken into account in designing the advance landscape mitigation works already implemented in 2008/2009 within the southern and eastern parts of the site which will be retained. Mounding and landscaping within the eastern part of the site will be reinforced and enhanced and it is considered that such landscape proposals would help reduce the impact of the new building in the surrounding area and would filter and or screen the proposed building as planting matures over time.

6.56 The assessment indicates that the greatest residual visual effects on public receptors are anticipated in views from the footpath through the public open space within the southern part of the site and from Newstead Road north of the site. It would be difficult to screen the proposed storage and distribution building within views from these receptors. It is however acknowledged that the footpath within the southern part of the site was implemented (providing local residents with an additional amenity and recreational resource and pedestrian and cyclist route) as part of advance landscape works on site, which anticipated development of this type. With regards to visual effects experienced on Newstead Road, these effects would be experienced from a short section of this road by persons travelling to work at an industrial/ commercial area.

6.57 The assessment concludes that the greatest residual visual effects on private receptors are anticipated in views from 50-68 Halebank Road, 149-157 Halebank Road, Middlefield Farm, Linner Farm and Linner Farm Cottage, the grounds of Smithy House, the grounds of Burnt Mill Farm on Carr Lane, two storey properties on Baguley Avenue and second and third storey views from

properties on Clap Gate Crescent. Visual effects would however be reduced as mitigation planting and intervening vegetation matures, filtering and screening views of the proposed storage and distribution building over time. The proposed development would be consistent with the character of the wider 3MG proposals for a strategic inter-modal freight park, and not out of character with the type of development envisaged when the site was allocated. Views of the proposed storage and distribution development would be very limited due to the existing intervening mature vegetation and mounds. Views from slightly elevated ground south-west of the site (stated as south-east in error within the ES), for example from the public right of way north of Carr Lane, may include the top of new industrial development within the eastern part of 3MG in combination with the top of the proposed storage and distribution building. Visibility of the development would be limited in these views due to intervening development and mature vegetation. Wider views also comprise industrial development across the River Mersey at Runcorn.

- 6.58 The proposed development would affect the Halebank Conservation Area and consequently UDP Policy BE12 needs to be considered. As mentioned below the Council retained advisor in relation to Conservation areas has no policy objection in respect of the Conservation Area. In any event the existence of the conservation area was known when the original designation of the site was made in the UDP. It follows that issues relating to the conservation area were considered and that a development of the type proposed was considered appropriate.
- 6.59 As a result of the most recent updated submission of June 2014 the assessment of landscape and visual effects has been amended and a new version submitted. The changes have been made because new landscape and visual assessment guidance has been published and there have been changes to planning policy. There have also been changes to the baseline environment and the landscape proposals for the scheme. The new guidance provides a slight change to how landscape and visual sensitivity are determined. The baseline conditions on site have also altered since 2011 with the commencement of construction for the proposed link road and rail sidings. This has been reported in the baseline landscape character section of the chapter and noted in the visual baseline where the new link road and road bridge crossing are nearing completion.
- 6.60 The only change to the proposed development which could give rise to significant potential effects on landscape and views is the increased height of the acoustic fence north of Linner Farm to 5m in height. This had earlier been presented as an addendum and amendment to the original scheme to minimise potential night time noise in relation to the boundary of the site with Linner Farm to the south of the site. The plan submitted in 2011 as part of the application included a 2m high acoustic barrier in the same location.
- 6.61 The landscaping around the acoustic fence includes a native hedgerow along the site's boundary with Linner Farm, then native trees and shrubs to the north of this and native climbing shrubs to both sides.

- 6.62 The increased height of the acoustic fence is considered to constitute a small change in the context of the proposed development. Existing and proposed landscaping will substantially screen the proposed acoustic fence and it is not considered that the proposed changes would impact significantly on the overall findings of the original assessment.
- 6.63 A number of photomontages have been provided to provide illustrative views of the scheme from the surrounding areas. The Council's Design and Development Manager for Open Spaces has confirmed that the photomontage views are considered a fair representation. He has also confirmed that he raises no objection to the assessment locations and conclusions of the Landscape and Visual Assessment. Concerns have been raised regarding the design and impact of the proposed emergency and bus access route to Halebank Road on the character of that area including the areas of hard surfacing, the access to the open space area and hedgerows fronting Halebank Road. The emergency access is however considered integral to the wider scheme and will, as far as possible, utilise a grass block system to soften this element. The benefits of securing access from local areas and the local population by public transport must also be given due consideration. Whilst the proposals will undoubtedly result in a change to the character in this area in close proximity to the adjoining Conservation Area, access roads and tracks through hedgerow gaps are not an absent feature along Halebank Road. This change will be local to the site and it is considered that, with time, replacement hedgerow planting will mature and security barriers and fencing can be designed to offer a more rural style. Any such impact must be balanced against the wider merits of the scheme.
- 6.64 The scheme is considered to offer a well-designed, high quality development. It is considered that significant efforts have been made to minimise and mitigate likely impacts having particular regard to its visual appearance, screen mounding and landscaping, the environment and the amenity of adjoining residents and communities. The scale, general design and form of the building are not considered unusual or out of character for a development of this type. It is considered to be of a scale and quality of design suited to the designated use of the site and in keeping with the wider development aspirations of 3MG. It is considered that the proposals accord with the development plan having particular regard to UDP Policies relating to The Built Environment (BE1, BE2 and BE22), GE1 Green Belt and E5 of New Industrial and Commercial Development, Core Strategy Policy CS18, CS21 Green Infrastructure and CS20 Natural and Historic Environment and Design of New Commercial and Industrial Development and Designing for Community Safety Supplementary Planning Documents.
- 6.65 Ecology and Nature Conservation
- 6.66 As a result of the most recent updated submission of June 2014 the assessment with respect to ecology and nature conservation has been fully reviewed and updated to take account of the time since the original assessment was undertaken. Changes to policy, guidance and baseline conditions have also been taken into account.

- 6.67 The ecological assessment has utilized historical information collected from the site as well as updated field surveys undertaken in 2010/11 and 2014.
- 6.68 The proposed development site lies approximately 1.2km from the Mersey Estuary which is designated as a Ramsar Site, a Special Protection Area and a Site of Special Scientific Interest. Additionally, there are three local nature reserves within 2km of the proposed development. These sites will not be affected by the proposed development.
- 6.69 The main habitats on-site are bare disturbed ground, species-poor grassland although the eastern and southern edges comprise broadleaved plantation woodlands, hedgerows and wildflower grassland, planted and sown during the landscape works undertaken in 2008 to construct the bunds and Halebank Park. There are eight open waterbodies present on the site including a fishing pond, a storage/balancing lagoon established in Halebank Park, and a number of small ponds and drainage pits.
- 6.70 A Compensation Area including pond has already been created to the west of the route of the A5300 Link Road, to compensate for the loss of habitat on the site, and the loss of a pond to the Link Road route. The majority of the habitat that will be lost to the development (bare disturbed ground and species poor grassland) is of low nature conservation value.
- 6.71 The eight open waterbodies on site, plus that in the Compensation Area, comprise a mix of established and newer waterbodies, the latter created by work on the A5300 Link Road. As a result the waterbodies are at varying stages of development and of varying quality for aquatic invertebrates. Three of the eight will be retained, including that supporting the greatest nature conservation interest, and it is considered that three more are required to mitigate the loss of the remainder. The terrestrial invertebrate fauna of the site was assessed and it was found that the majority of the species of greatest nature conservation interest were recorded from the areas that have already been landscaped and will be retained during the development.
- 6.72 Bat surveys recorded few species and only low bat numbers reflecting the generally low quality of the habitat present across most of the site. Bat foraging activity was generally related to the peripheral areas of the site, mainly in those areas that will be retained within the development.
- 6.73 A variety of breeding birds were identified on the site and other species were recorded foraging on it. Some of these species have been identified as being of conservation concern due to population reduction but are generally widespread in the local area. The site development will result in a significant reduction in the availability of habitat for ground nesting species however this will be, in part, mitigated by the enhancement of existing habitats in the Compensation Area and landscape area, and also the creation of new habitats and the installation of nest boxes on site which will provide nesting habitat for a range of species. However there is predicted to be a shift in the mix of species present with a reduction in the numbers of ground-nesting species present and

an increase in those of woodland and wetland.

6.74 The proposed development has been designed to maximise ecological gain through the use of appropriate native species for tree and shrub planting and habitat creation and diversification. The established landscape areas on the southern and eastern boundary of the development site maintain areas of plantation woodland/scrub, wildflower grassland and open water habitats. A Compensation Area to the west of the A5300 Link Road has been provided and comprises an area of c. 5ha and will be managed for the benefit of barn owl and skylark and for its inherent botanical interest. An additional area of c. 3.5ha in the north western area of the development site will be created comprising a balancing pond and associated reedbed, emergent vegetation, wildflower grassland and woodland. These areas, although occupying a smaller area, will provide new and more diverse habitats which over time will develop to provide greater intrinsic biodiversity value at a local level.

6.75 Cheshire Wildlife Trust had originally reviewed the application along with all supporting information. The Compensation Area is on land under ownership of the Council and is to be managed as habitat for ground nesting birds such as sky lark as additional mitigation for the loss of breeding bird habitat as well as for barn owl foraging. It is considered that any additional works necessary to this area can be secured by means of Grampian style condition. This established habitat will also be subject to on-going management in accordance with a detailed management plan to be secured through appropriately worded planning condition. Financial contributions to cover costs including long term management are also to be secured through the terms of the obligations of the sale of the land. Final details of external lighting design and specification including cowls as required to minimise spill to adjoining wildlife habitats are minimised can also be adequately secured by condition.

6.76 A number of queries have been raised by Cheshire Wildlife Trust with respect to assessment criteria, classification of residual impacts and the proposed mitigation measures. A formal response has been provided by the applicant providing clarification and justification. Cheshire Wildlife Trust have confirmed that they agree with the conclusions of the reports and recommend conditions in relation to replacement ponds on a like for like basis, mitigation management plans and the method statement for translocation of vegetation. Members will note that all the recommended conditions below are fully worded and the wording for the conditions relating to Cheshire Wildlife Trusts recommendation are still being drafted and will be included on the updates list. It is however considered that the proposals accord with the development plan having particular regard to UDP Policies relating to The Green Environment (GE18, 19, 20, 21, 26, 27 and GE28 and Core Strategy Policy CS20 and CS21).

6.77 Contaminated Land, Land Use and Soils

6.78 The assessment of potential land contamination impacts was initially undertaken using a desk study (including assessment of relevant reports available for the site and surrounding areas) and site investigation. The desk study indicated that the site has a very limited likely history of contaminative

land use as it has mainly been in agricultural use. A number of potentially contaminative historical land uses have been identified in the surrounding areas including railway land, a scrap yard, timber yard and tar and manure works but it is concluded that limited potential sources of land and groundwater contamination were expected to exist on the site and that risk to humans and the environment was low.

- 6.79 The intrusive site investigation comprised the excavation of a series of exploratory holes across the area of the site to establish the baseline ground conditions and contamination status. Soil contamination testing results confirm the desk study in that the concentrations of contaminants noted on the site are generally very low and commensurate with a Greenfield site.
- 6.80 Localised 'made ground' (i.e ground that has been subject to human interference) deposits were encountered as an earth mound and in-filled pond. Tidal Drift Deposits (sands, clays and silts) were recorded at two locations and groundwater was encountered. With the exception of a small amount of buried animal remains and infilled pond no olfactory (odorous) or visual evidence of contamination was observed during the investigation. Soil samples collected from the exploratory holes were tested for a range of potential contaminants and the analytical results were assessed by comparison to published generic assessment criteria to determine if any potential risks to human health and environmental receptors exist. Most of the samples analysed recorded very low contaminant concentrations below the generic assessment criteria, with the exception of isolated samples of 'made ground' and pond sediment confirming that the site soils do not pose a significant risk to human health and the built environment.
- 6.81 Slightly elevated leachable (i.e. water soluble) contaminant concentrations were recorded in soil leachate from localised areas of 'made ground' only, indicating a slight potential risk to groundwater and surface waters. However, as there is a substantial thickness of low permeability clay present above the principal aquifer and the nearest surface water (Ditton Brook) is about 150m away, the potential risks to groundwater and surface waters remain very low.
- 6.82 The assessment has identified occasional isolated and localised areas of soil contamination which may pose a slight potential risk to human receptors and the built environment (on and off site) during the construction phase but these risks will be controlled by a combination of personal protective equipment and standard environmental control measures in accordance with health and safety legislation and procedures within the construction environmental management plan. Any additional currently unknown areas of unacceptable land contamination or unsuitable materials that may be identified during the earthworks works will be dealt with during the earthworks by the removal and disposal of unsuitable materials off site. The impact assessment has concluded that the potential impacts to human health and other receptors during the construction and / or operational phase are negligible to minor at worse.
- 6.83 Although the HBC Field site currently consists of open fields comprising semi-

improved grassland, a series of constructed bunds in the east and south of the site and a large balancing pond in the south east of the site, all of the land within the application site was formerly in agricultural use prior to 2008. The soil survey shows that the soils across the majority of the site have a heavy silty clay texture, with stiff, dense and semi-impermeable subsoils. Two areas on site have seasonally waterlogged soil profiles.

- 6.84 The Agricultural Land Classification survey showed that the land was mainly Grade 3b, as a result of soil wetness, while the areas which are now constructed bunds, would be classed as Grade 4, due to their steep slopes. UDP Policy BE1 and other protective UDP policies in this regard seek only to protect best and most versatile agricultural land grades 1, 2 and 3a.
- 6.85 An assessment of potential cumulative impacts on soils and land use as a result of the HBC Field development, in combination with two other proposed developments which already have planning permissions including related development for railway sidings and the western link road, indicates that there is a potential for there to be a cumulative, additive impact on soils, since a larger area of land would be soil stripped and hence a larger quantity of soil would potentially be damaged during the earthworks of the three developments than for the HBC Field development alone. The significance of the impact was assessed, as for the HBC Field development alone, as being of major significance without mitigation.
- 6.86 A series of mitigation measures are proposed to reduce as far as possible the HBC Field construction impacts and cumulative impacts on both soils and land use receptors. The main measure will be to include a package of soil management measures as part of the Construction Environmental Management Plan (CEMP) for the development, which will follow the guidance set out by the Department of Environment and Rural Affairs (Defra). This will involve specified methods for topsoil and subsoil stripping, stockpiling and re-use. If soils are to be taken off site, their careful stockpiling for conservation of soil structure and viability will still be required to ensure that their value for re-use is preserved.
- 6.87 Invasive species such as Japanese Knotweed and ragwort have not been identified as widespread or invasive within the application site. A small patch of Japanese Knotweed was previously identified and has been subject to specialist treatment and monitoring. Animal carcasses and bones have previously been discovered at the site and, given the former agricultural use of the land, it is acknowledged that the potential for animal remains to be found during excavations within the application site, although low, cannot be discounted. These are proposed to be removed for destruction as required.
- 6.88 Since both Japanese Knotweed and animal carcasses have previously been found on site, other adverse impacts include the potential to spread invasive and noxious weeds both within the site and offsite to adjacent land and the potential to spread animal diseases should any infected animal carcasses be found during the construction phase excavation works. A number of measures are proposed through the Environmental Statement to ensure that if invasive

weeds or buried animal carcasses are discovered during the construction works, the correct procedures will be implemented to handle, control and dispose of the materials so that there would be no significant impacts to any land use receptors such as bare soil offsite (in the case of invasive weeds) or livestock or domestic pets (in the case of animal diseases). With implementation of these mitigation measures it is assessed that the potentially adverse impacts on soil and land use receptors would be reduced to a level of minor significance which is assessed to be acceptable for the development. Accordingly, after mitigation, it is assessed that there would be no significant residual impacts on soils or land use as a result of the proposed development.

- 6.89 The submission has been updated to take account of changes to planning policy and statutory guidance and to incorporate the results of gas and groundwater monitoring that were completed post submission of the application. The amendments also take account of the construction of the A5300 link road and minor changes to site conditions.
- 6.90 The application and detailed submission have been reviewed by the Council's Contaminated Land Officer. In summary, it is considered that the Environmental Statement does not identify any significant impacts either during the construction or operational phases. A number of points for clarification were raised with the applicant and have been satisfactorily addressed. These points covered issues associated with small areas of infilling, a former pond and evidence of waste disposal by previous land uses, and the associated risk control measures to be incorporated into the Environmental Management Plan. In support of the Environmental Statement a draft Construction Environmental Management Plan (CEMP) has been submitted and reviewed. This document includes the details of the risk control measures to be taken across a number of topic areas including land contamination.
- 6.91 On that basis the proposals are considered to demonstrate compliance with the development plan having particular regard to UDP Policy PR6, 14 and PR15 and Core Strategy Policy CS23. It is recommended that the final CEMP be submitted prior to commencement of development and that post-completion of any remedial measures, including excavation and disposal of unsuitable fill, a verification report be submitted. It is considered that these matters can be adequately secured by condition. The Environment Agency has confirmed that it raises no objection, subject to conditions which are included within the recommendation section of this report.
- 6.92 Flood Risk/ Water Resources and Drainage
- 6.93 The Environmental Statement outlines the existing flood risk to the site and surrounding area and provides an assessment of the potential effects on flood risk at the site and elsewhere caused by both the construction and operation of the development. Although the site is located some distance from Ditton Brook, there are potential flowpaths (routes for water to flow) from the Brook and culverted (covered / underground) watercourses that link the site and the Brook. As there is a potential flood risk to the site, data from the Environment

Agency's (EA) studies for the Ditton Brook under both fluvial (flooding from rivers) and tidal (flooding from the sea) flood conditions were reviewed in the context of topographical data and observations regarding potential flowpaths for the site and surrounding area. For Ditton Brook, fluvial flooding would result from storms across the catchment causing high flows and high water levels in the Brook, whilst tidal flooding would be as a result of high tides in the Mersey causing backing up of water within inland watercourses. This data has confirmed the extents of different 'Flood Zones' within the site indicating the likelihood of flooding.

- 6.94 The potential effects of the proposed development on the flood risk to the site and surrounding areas have then been assessed through considerations of impacts of the scheme on the flow and storage of water during a flood. Environment Agency data and topographical survey (which shows local ground levels) confirms that the north eastern corner of the site is in an area that could be affected by flooding from the Ditton Brook during fluvial events with a greater than 1 % chance of occurring in a given year and tidal flood events with a greater than 0.5% chance of occurring in a given year. As such, this part of the site is classified as being in Flood Zone 3. However, there are flood defences along the Ditton Brook and these provide a high level of protection to the local area including the site. With these defences in place, the north eastern corner of the site may be at risk of flooding during the most extreme events, when defences are overtopped.
- 6.95 In summary, the likelihood of flooding for the majority of the site is very low and the lowest parts of the site, in the north eastern corner are only potentially affected during extreme events. There are two culverted watercourses between the site and the Brook although these are fitted with structures to prevent water flowing back up towards the site from Ditton Brook.
- 6.96 During the construction phase, there is a risk of an extreme event occurring that may affect the north eastern corner of the site. In this event there may be temporary impacts on the construction activities in this area which can be managed through implementing mitigation measures such as storing material on higher ground and locating any sensitive equipment or plant on higher ground during severe storms or when a tidal flood event is predicted. It is recommended that the contractor sign up to receive the Environment Agency flood warnings so that appropriate action may be taken if an extreme tidal or fluvial event is predicted. The Environment Agency has confirmed that the development and operation of the site will have no significant long term impact on flood risk subject to the management of surface water runoff from the site.
- 6.97 Ground levels across the site will change as a result of the scheme. In the event of flooding this would lead to changes in the way in which water ponds or flows within the north eastern corner of the site. However, the Environment Agency has confirmed that this will not have a significant impact on the surrounding areas. The building will be located in an area above the existing floodplain, and will not affect flows or storage of floodwater. As part of the development, minor improvements are proposed for the culverted

watercourses between the site and the Ditton Brook, which will provide an overall benefit. Even though the residual risk of flooding at the site is low due to the flood defences and the scheme is deemed to be 'Less Vulnerable' to the effects of flooding, various mitigation measures have been incorporated into the scheme which include setting finished floor levels above the flood level (predicted by the Environment Agency flood model) for the extreme event and providing an access/egress route from the site at a level above the flood level (predicted by the Environment Agency flood model) for the extreme event. Proposed changes to ground levels and the way in which water will be stored or flow across the site in an extreme event is not expected to cause unreasonable or significant impact to the existing environment with the recommended mitigation during both construction and operation.

- 6.98 The cumulative impact of the scheme with other committed developments will change the local hydrological regime and potentially affect the nature of flow and storage of floodwater in the most extreme flood events. However, this is not predicted to result in a significant impact either at the site or elsewhere subject to appropriate mitigation and management of surface water runoff. The potential impacts of the proposed development on surface water and groundwater have also been considered. The existing site conditions have been reviewed, potential impacts caused by the construction and operation of the proposed development have been assessed, and mitigation measures have been proposed where appropriate.
- 6.99 The main watercourses in the vicinity of the proposed development site are Ditton Brook and the Mersey Estuary. Potential impacts on surface water and groundwater during construction have been considered in detail, however, best practice, including appropriate storage of materials on site and spillage prevention, can be implemented in order that the residual effects are not considered to be significant for Ditton Brook and of only minor significance for the Mersey Estuary. In the unlikely event that a spillage did occur during construction, the magnitude of the impact would be substantial locally but the probability of this occurring is considered to be low.
- 6.100 A suitable drainage system can be designed, installed and maintained throughout operation and this, together with appropriate storage and spillage prevention is predicted to reduce residual effects to not significant for Ditton Brook and minor adverse for the Mersey Estuary. In the unlikely event that during operation a spillage of a potential pollutant did occur into the Mersey Estuary, the magnitude of the impact would be moderate adverse locally however the potential of this occurring is considered to be very low.
- 6.101 The FRA report has been updated to reflect current policy and to meet the requirements to support the current planning application.
- 6.102 Since 2011, Halton Borough Council has produced further baseline flood studies and guidance (including the Preliminary Flood Risk Assessment and Draft Flood Risk Management Strategy) which have also had to be taken into consideration alongside the most current core strategy plans. Again this has not fundamentally affected the key findings or conclusions but an update to

the FRA was required for compliance and to support the current planning application.

- 6.103 The 2011 FRA was based on the most up to date data available for the Ditton Brook as supplied by the EA. Liaison with the EA has been undertaken to obtain updated modelled flood data to inform the current assessment. Whilst there are some changes to the modelled fluvial flood levels for the Ditton Brook there is no significant change to the modelled flood levels at the node nearest to the site. Therefore, there are no fundamental changes to the findings and recommendations of the FRA compared to the 2011 FRA.
- 6.104 The FRA refers to the drainage strategy developed by RPS. This remains unchanged from the earlier submission. The submission has been amended to take account of changes to the disposal of foul water as a result of a new pumping station installed to replace septic tanks at Smithy House and Havelock Cottages. Minor amendments have also been required as a result of the construction of the new link road.
- 6.105 The Environment Agency had earlier confirmed that the submitted Flood Risk Assessment including Drainage Design Philosophy and Environmental Statement are acceptable. On that basis they confirm that they raise no objection subject to conditions requiring that the development be carried out in accordance with the approved FRA and specified restrictions to discharge of surface water, finished floor levels and the submission and agreement of a surface water regulation scheme. They have subsequently confirmed that they would have no objection in principle subject to the comments and conditions previously supplied. The Council's Highways Engineer responsible for drainage and flooding matters has also raised no objection. It is therefore considered that the proposals accord with the development plan having particular regard to UDP Policy PR5, 15 and 16 and Core Strategy Policy CS23.
- 6.106 Noise and Vibration
- 6.107 The Environmental Statement includes a noise and vibration assessment which has considered the potential impact of the proposed development on receptors in close proximity to the site.
- 6.108 Traffic, both cars and HGVs, using the new access road will be screened from properties by appropriate acoustic barriers, and the road itself will be finished with a low-noise surface as required by conditions of the related planning permission (08/00031/HBCFUL).
- 6.109 A number of potential issues relating to noise were scoped out of the original Environmental Statement based on the likely activities of an anticipated end user. A planning consultant acting for Halebank Parish Council had identified this as an issue and the planning authority therefore requested additional work/ justification which had been provided in the form of an addendum report to the Environmental Statement. This addendum was prepared on a worst case scenario basis irrespective of any likely end-user.

- 6.110 The applicant has assessed noise in relation to the development for on-site and off-site noise during operation. Noise from off-site traffic has been assessed against day-time standards and indicates that any impact will be imperceptible at receptors once operational when compared against the predicted increase in noise levels if the site were not to be developed. Noise from the rail freight loading and unloading operations was assessed in 2007 and was assessed as being insignificant. This will be further mitigated at most residential properties by the warehouse building and so again poses no risk of disturbance to residents.
- 6.111 With regard to the noise associated with the on-site vehicles movements and unloading activities the noise will be imperceptible at 2 of the three locations assessed. At the third location noise from the site at night due to vehicles idling at the gates and manoeuvring into the bays on the southern side of the site was considered to be a particular concern. The applicant has therefore amended the scheme to include a more substantial noise bund and barrier to reduce noise at this receptor to an acceptable level. These amendments relate to the installation of a 5m high acoustic barrier with native climbing plants to both sides. The plan submitted in 2011 as part of the application included a 2m high acoustic barrier in the same location. Environmental Health Officers have confirmed their opinion that the scheme is acceptable on the understanding that a noise barrier will be constructed in accordance with the submitted details. It is considered that this can be adequately secured by appropriately worded planning condition along with other recommended mitigating measures in the form of a noise management guide to be implemented.
- 6.112 In order to draw this additional work together a new Noise and Vibration Assessment and ES chapter have been prepared and submitted. This replaces the previous ES chapter and Addendum reports. The updated assessment includes additional assessment of impacts including: noise from fixed mechanical and electrical plant, noise from car movements during shift changes, noise from HGV Access Movements and Loadings, off-site road traffic with provision for increased bund height and noise from the proposed new rail sidings layout. It also takes account of updates to Government Policy since the original EIA was undertaken; and reflects the introduction of increased height acoustic fence to reduce the noise impact from HGV movements and On-Site Employee Vehicle Movements.
- 6.113 No assessment has been made with regard to the construction works associated with the build of the development. During daytime hours it is to be expected that some activities will be audible at residential dwellings. It is however advised that the control of hours of operation should adequately minimise the exposure of residents to noise at the most sensitive times..
- 6.114 Given the size of the site and the number of different methods to be used setting noise levels is not a practical option and can often give a developer a noise level to aim for rather than requiring that they minimise noise. A Construction Environmental Management Plan (CEMP) would identify the

construction methods to be undertaken, the equipment used on site and any mitigation methods to be employed and can further seek to minimise such impacts. A draft CEMP accompanies the application however this should be an in depth document to a detail that would not be expected at the planning stage. The Environmental Health Officer will be seeking to ensure that the best techniques are employed to minimise noise from the site. It is further considered that these elements can adequately be secured by a suitable planning condition which will only be discharged once the Environmental Health Officer is satisfied with the detail of the CEMP.

6.115 With regard to vibration the Environmental Health Officer has confirmed that experience of warehouse development demonstrates that such uses are not likely to give rise to significant issue with vibration. In relation to this application the large amount of earthworks to be completed around the site and the distance of the houses from the new development would negate the requirement for detailed analysis. During the construction phase the appropriate choice of piling rig will greatly reduce the possibility of vibrations causing a nuisance to residents. Again operating during daytime hours will reduce the nuisance potential.

6.116 On the basis of the above, it is considered that refusal of planning permission on grounds relating to noise and/ or vibration could not be sustained as there is little evidence to suggest any significant and long term issues related to noise and vibration.

6.117 Air Quality

The applicant has assessed air quality in line with the Design Manual for Roads and Bridges to predict the impact of traffic on residential areas during operations, in relation to PM10 (particulate matter) and NO2 (nitrogen dioxide). These are accepted as nationally approved standards by which to assess the impact of road traffic on air quality. The development includes a new road directing long distance traffic from the strategic road network direct to the site and this should minimise the impact on local air quality of the development on the local area. The submission has been updated to reflect minor changes in policy guidance and Guidance by the Institute of Air Quality Management (IAQM) (2014) as well as the introduction of two Air Quality Management Areas within Halton since the original Environmental Impact Assessment was undertaken.

6.118 The air quality report assesses air quality in relation to 2 receptors one of which is in Halebank the other is close to the Silver Jubilee Bridge. The report demonstrates that the baseline levels in Halebank are significantly below the air quality objectives for both pollutants. The report predicts the increase in concentrations of PM10 and NO2 due to the development will have no significant impact on either receptor. The first receptor in Halebank will remain at a level of 56% of the air quality objective for NO2 and less than 50% of the air quality objective. At the receptor by the Silver Jubilee Bridge the report predicts that the increase in the pollutants will not be significant. This demonstrates that in areas where there may be an impact in traffic levels the nearest residential receptors will not be subjected to air quality standards

below the national objective levels.

- 6.119 The proposed development will aim to minimise, where appropriate, any additional air quality effects due to traffic. The main mitigation method is the construction of a new access road to the west of the development linking it to the local strategic network. This new access road will be used by all routine HGV and staff motor vehicle movements and hence there will be no significant additional traffic effects on existing local roads, specifically in the nearby residential area of Halebank. Congested traffic is a common reason for elevated levels of pollution and it is considered that the use of the new link road will provide a free flowing route from the development and is unlikely to cause any local traffic congestion. No significant air quality issues are predicted with respect to other local roads or the wider highway network.
- 6.120 With regard dust emissions from the site during the construction phase Environmental Health considers that a construction environmental management plan (including dust mitigation scheme) approved by the local authority would identify the measures deemed adequate for the control of dust at local sensitive dwellings. It is considered that this can be adequately addressed by condition. The proposals are considered to comply with the development plan having particular regard to UDP Policy PR1 and Core Strategy Policy CS23.
- 6.121 Archaeology and the Historic Environment
- 6.122 In terms of the Historic Environment there is known and substantiated potential in the wider area for Prehistoric, Roman and medieval remains. A number of possible assets have also been identified through historic map regression analysis (mainly place name evidence) that feature within the proposed development site boundary, and date to the medieval and Post-medieval periods. However, following previous desk-based assessment, geophysical survey and a programme of targeted trial trenching no evidence to suggest the presence of significant archaeological remains was found.
- 6.123 With respect to designated off-site assets, the Scheduled Monument of Lovell's Hall moated site and fishpond and Halebank Conservation Area are both in the immediate vicinity of the proposed development site and have been subject to consideration from a 'settings' perspective. The Scheduled Monument is located north of the West Coast Mainline Railway. Whilst protection is required as part of the on-going construction of the A5300 link road scheme, no specific mitigation is recommended with respect to proposals subject of this application.
- 6.124 The site adjoins the Halebank Conservation Area. The historic character of the conservation area is, according to the Assessment, defined by the grouping of historic buildings, in an otherwise agricultural setting to the south and west, and a previously developed industrial setting to the north, north-west, north-east and east. Views of the proposed warehouse development will likely be confined to glimpses of the top of the structure from along Halebank Road, or views from the upper storeys of some properties (e.g.

Linner Farm), particularly along the north-side of the road, although there is already established planting and new fencing as part of the Halebank Park works. Proposals for the warehouse development include landscaping areas adjoining the north side of the Conservation Area, as well as further landscape bunds towards the south-west corner of the site. The landscaping areas and bunds, together with acoustic barrier fencing, to the north side of the Conservation Area are proposed and predicted to adequately reduce visual and noise impacts on the Conservation Area. There are no individually listed buildings within the Conservation Area. An impact of no greater than minor adverse is therefore predicted.

- 6.125 It is recommended that a precautionary watching brief should be maintained by an archaeological consultant during major ground works in accordance with a scheme of archaeological work to record any unexpected remains that are uncovered. It is considered that this work can be secured by appropriately worded planning condition. The Council's retained adviser on archaeology has advised that this approach remains appropriate and continues to be advocated in the archaeological desk-based assessment that accompanies the revised application.
- 6.126 The submission has been updated to reflect the changes to planning policy and guidance introduced by English Heritage. The proposals are considered to comply with the development plan having particular regard to UDP Policy BE4, 6 and 12 and Core Strategy Policy CS20. English Heritage raises no objection.
- 6.127 Lighting
- 6.128 The Environmental Statement includes a chapter to assess the effects of artificial lighting caused by both the construction and operation of the development. The current conditions at the site in terms of lighting were assessed in accordance with guidance notes from the Institution of Lighting Engineers (ILE). The submission has been updated to reflect the changes to planning policy including guidance from the Institute of Lighting Professionals. The update also takes into account changes to baseline conditions through the construction of the bridge link and access road.
- 6.129 During the construction phase, lighting may be required on site after dusk during the winter months, and overnight for security of the site compound (offices, facilities etc). It is proposed that the developer be required to submit and agree a Construction Management Plan by planning condition to include construction phase lighting to ensure light pollution is minimised during this phase.
- 6.130 The proposed development will require external lighting. The assessment indicates that existing and proposed landscape bunds provide screening from lighting of the development. It also outlines that additional mitigation is proposed including:
- The landscape design proposes land bunding and screening which will negate lighting impact at the site particularly in relation to Havelock

Cottages and Linner Farm Cottages.

- Additional visual barriers are proposed to be incorporated by way of tree planting and fencing.
- The scheme will use the lowest appropriate and safe levels of lighting.
- Lighting equipment will be selected which will minimise or eliminate the upward spread of light.
- Lights will be positioned to avoid causing glare.
- Road and other signage, where necessary, will be reflective instead of illuminated unless essential for safety.
- It is recommended that external lighting positions and mounting heights will be selected to minimise lighting impact

6.131 The statement concludes that a moderate impact on some dwellings has been avoided by the lighting design and screening. A minor impact has been assessed on historical viewing receptors i.e. Lovell Hall as historical viewing would normally be carried out in daytime hours. With the proposed mitigation in place, the impacts of the lighting scheme for the development will be minimised. The consequence of the lighting impacts during both construction and operation with the recommended mitigation are expected not to cause unreasonable impact to the existing environment. The updated submission confirms that the residual affects remain unchanged.

6.132 The submitted lighting scheme has been assessed by the Council's Environmental Health Officer and Cheshire Wildlife Trust. It is confirmed that no objections are raised to this element of the scheme subject to agreement of final details of light fitting design and specification including cowls as required. This will allow confirmation that unnecessary sky glow, light trespass and spill to adjoining properties and land including wildlife habitats are minimised. Any residual impact has been assessed as being within acceptable levels and not considered to have significant affects. It is considered that this can be adequately secured by condition. On this basis it is considered that the proposals comply with the development plan having particular regard to UDP Policy PR4 and GE21 and Core Strategy Policy CS23.

6.133 Highways and Transportation

6.134 The site is proposed to have direct rail access to the West Coast Main Line and the existing and operational rail intermodal facility and will be served on site by its own rail sidings connection. In the wider context 3MG is served by the Liverpool Branch of the West Coast Mainline (WCML). Rail access to 3MG from the Midlands, the South East (deep sea container ports) and the Channel Tunnel is via the WCML through Crewe, Weaver Junction and Runcorn. Access to Scotland and Trans-Pennine routes is via Warrington (where trains are turned).

6.135 Planning permission has been granted for new road access to the HBC Field site directly from the roundabout of the A562 with the A5300 Knowsley Expressway over the West Coast Main Line (WCML).The link road will be

complete in September 2014. It is proposed that there will be no motor vehicle access from either Hale Road or Halebank Road other than for emergency access and with provision made for potential use by works and/or public bus services.

6.136 The development proposal includes provision for:

- 800 permanent car parking spaces (including 80 accessible spaces and an initial provision of 63 dedicated car share spaces);
- 32 motorcycle parking spaces, equating to 1 space per 25 car parking spaces; and
- 224 cycle parking spaces, equating to 1 space per 500 sqm; and
- 450 overflow parking spaces.

6.137 The A562/ A5300 Knowsley Expressway partially signalised roundabout is currently operating overcapacity with significant levels of queuing traffic on the A5300 southbound approach in the morning peak period. Financial contributions have been agreed in connection with the earlier planning permission for the link road based on the capacity of the link road. These have been paid to Knowsley Borough Council towards a wider package of measures required to address existing and future predicted problems associated with the junction. Knowsley Borough Council has begun this work. On that basis it is considered that issues of highway capacity at that junction and relevant contribution payments have been paid in full accordance with the earlier agreement and are not therefore required to be reconsidered at this stage.

6.138 The site is accessible by bus with bus stops located on Hale Road. Stops are provided at regular intervals and it will be possible to access them via the shared-use footpaths/ cycle routes that will link the site with the Halebank residential estate. All bus services run into Widnes Green Oaks and provide interchange with other bus services. Bus services also run to Hough Green railway station and connecting surrounding residential areas.

6.139 The former Ditton railway station is located within walking distance of the site on the London-Liverpool line. This station is currently disused but the potential for it to re-open has been identified through the Unitary Development Plan (Policy TP3). The proposals are not considered to prejudice the potential re-opening and the justification to Policy TP3 acknowledges that such a major development could contribute to the potential for re-opening "with the possible increase in patronage".

6.140 It is suggested that the provision of a single vehicular access to the application site from the primary road network could encourage walking and cycling from surrounding residential areas. Staff living locally would otherwise need to make a significant detour to access the site by car via the A5300-A562 Speke Road roundabout. Connectivity for cyclists and pedestrians will be provided by the existing cycleway/ footpath that crosses the southern and eastern sections of the site, with new security controlled links to the

development, and further enhanced by access to the new link road combined cycleway/ footpath.

- 6.141 The potential is identified to encourage use of public transport and car sharing. Provision is made for public bus service access from Halebank Road via the emergency access road and controlled through a bus gate although this would require diversion of existing services. Cycling and walking can also be promoted including provision of showers and staff facilities. This will be required through a Travel Plan produced in consultation with the Council's Highways Officers and secured by appropriate planning condition.
- 6.142 It was proposed as part of the original submission that HBC Field construction traffic would use the A562/ A5300 Knowsley Expressway roundabout and new link road with an acceptance that in any overlapping or intervening period construction traffic may be required to use a temporary site access point on Halebank Road with access via A562 Speke Boulevard. Given delays to the scheme resulting from the legal challenge and judgement of the High Court the link road will be complete and minimise need for any such access from Halebank Road. Construction traffic is an inevitable consequence of any development. It is however considered that control over the signing, routing and management of such traffic can be secured through a Construction Environmental Management Plan secured by appropriate planning condition in order to minimise impacts on local roads and surrounding residents.
- 6.143 The Highways Agency has confirmed that they raise no objection with regards to the impacts on the trunk road network and link junctions. The Council's Highways Engineer has confirmed that they have reviewed the Transport Assessment, Environmental Statement and application on behalf of the Highway Authority and considers these to give a full account of the impacts of the development upon highways and transportation.
- 6.144 It is considered that there has been no material change in terms of baseline conditions or committed developments and that the original assessment remains appropriate. The main areas of possible impact concerning Halton are considered to be the Ditton/ Moor Lane roundabouts and the Silver Jubilee Bridge. Impacts of this development on both locations in the peaks are predicted to be very low. There is no predicted impact on local roads around Halebank. On that basis it is considered that an objection could not be sustained on highways or traffic grounds. On this basis it is considered that the proposals are in accordance with the development plan having particular regard to relevant Built Environment and Transport policies of the Halton UDP TP 3, 6, 13, 14, and 15 and policies CS8 and CS15 of the Core Strategy.
- 6.145 More detailed submission is requested by planning condition in relation to detailed Travel Plan and Construction Management Plan to ensure routing of construction traffic including off site signage and that construction vehicle parking does not adversely impact upon Halebank. Financial contributions are also to be secured through the obligations of the sale of the land to secure public transport diversion to serve the site along with necessary off site highway and cycleway improvements.

6.146 Health Impact Assessment

6.147 Core Strategy Policy CS22 requires that applications for large scale major development such as this should be supported by a Health Impact Assessment to enhance potential positive impacts of development and mitigate against any negative impacts. The application is supported by a Health Impact Assessment (HIA). It identifies that the HBC Field development, like any major building and regeneration development has the potential to impact on health and wellbeing in a number of ways. These include the potential negative effects of noise, air pollution and road traffic accidents. The borough and surrounding Liverpool City Region has high rates of unemployment. The positive effects of providing new employment opportunities on physical and mental health and social networking can be substantial. The introduction, as part of the development, of access to new open green space can facilitate increased levels of physical activity, promote community participation and satisfaction and improve mental health.

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

6.149 As part of the submission update a supplementary statement has been submitted on the HBC Field Health Impact Assessment Report to reflect changes to baseline data. This concludes that the degree of shift does not constitute grounds for a follow-up HIA to be conducted. The requirements of Core Strategy Policy CS22 are considered to have been fulfilled.

6.150 Cumulative Effects

6.151 Cumulative impacts comprise the combined effect of impacts on particular receptors. This can be in the form of impact interactions (e.g. effect from noise and air quality) or the effects of the proposal alongside the effects from other committed development in the area. The Environmental Assessment work concludes that the impacts of the proposal combined with those that will result from committed schemes, including the interrelated approvals for the link road and rail sidings, will not result in a greater impact than from the proposed development itself. It is predicted that the combined effects on adjacent properties (identified as key sensitive receptors) will not result in significantly greater impacts. Impacts might combine in relation to noise, light and visual effects, but these are not considered to be cumulatively significant.

6.152 The cumulative negative effects of the proposal on the environment must also be balanced with the identified significant positive benefits of the proposal in terms of investment and job creation (the socio-economic benefits). These benefits are considered to be significant and potentially wide reaching

bringing wider economic, social, health and well-being benefits to the immediate and wider area.

6.153 In any event the potential for both positive and negative impacts of this type of development was known when the original designation of the site was made in the UDP in 2005.

6.154 Financial Contributions

6.155 Core Strategy Policy CS7 provides that “*where new development creates or exacerbates deficiencies in infrastructure it will be required to ensure those deficiencies or losses are compensated for, adequately mitigated or substituted before development is begun or occupied*”. The ES has also identified a loss of habitat for bird species that favour open arable fields.

6.156 In accordance with Core Strategy Policy CS7 and UDP Policy GE21 works would normally be required with respect to identified deficiencies and mitigation to make the development acceptable in planning terms. These contributions would normally be secured by means of S.106 legal agreement. The position of the Council as land owner is considered to afford a significant degree of control in this regard. The Council confirms that the disposal of the land shall be subject to the obligations set out in Table 5 below.

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

| TABLE 5 | | |
|----------------------------------|--------------|--------------------------------------|
| Works | Contribution | Timescale for Payment |
| Halebank Road White Lining | £15,000 | Prior to Commencement of Development |
| Ditton Junction Highway Works | £100,000 | |
| Off Site Road Signage | £125,000 | |
| Cycle and bus route improvements | £160,000 | |
| Skylark field commuted sum | £4,000 | |
| Acoustic Barrier Commuted sum | £100,000 | |
| | | |

6.158 Regulation 122 of the Community Infrastructure Levy Regulations 2010 provides that a planning obligation may only constitute a reason for granting planning permission for the development if the obligation is:

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

6.159 The identified deficiencies and associated contributions are considered to fulfil the requirements of Policies CS7 and GE21 and meet the relevant tests as set out under the Community and Infrastructure Levy Regulations 2010 It follows that the above requirements could legitimately be required under a planning obligation.

6.160 The above references to the 2010 Regulations are included simply to demonstrate that the contributions required in the recommendations set out below would be considered to be reasonable if incorporated within a planning obligation. By analogy these contributions would also be reasonable if incorporated within a development agreement.

7.0 CONCLUSIONS

7.1 The application seeks to provide a development of new, rail served, distribution warehousing. It will have dedicated road and rail access for which planning permission has previously been approved and a dedicated rail siding within the development site.

7.2 The LPA's approach has been made in accordance with Section 38 of the Planning and Compulsory Purchase Act 2004 that requires that "for the purposes of any determination to be made under the Planning Acts the determination must be made in accordance with the plan unless material considerations indicate otherwise." Furthermore, "At the heart of the National Planning Policy Framework is a presumption in favour of sustainable development, which should be seen as a golden thread running through both plan-making and decision-taking"(Para 13). National and local policy are considered to provide a clear and well established framework for the development of the application site for warehouse and distribution use with access to transport goods by rail having regard, in particular, to Core Strategy Policy CS8. In addition, recent national policy has strengthened the requirements for a positive approach to plan-making and planning decisions, particularly where they support economic growth and sustainable development, including large scale facilities such as rail freight interchanges.

7.3 The core part of the development is contained entirely within Site 253 and those elements of the proposals are therefore considered wholly compliant with the development plan including the saved UDP Policies carried forward and Core Strategy Policy CS8. The elements of the development which are outside Site 253 are considered appropriate development within Green Belt and not to conflict with the purposes for which Proposed Green Space was designated and therefore it is not considered that refusal of planning permission could be sustained.

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

- 7.5 The scheme is considered to offer a well-designed, high quality development. It is considered that significant efforts have been made to minimise and mitigate likely impacts having particular regard to its visual appearance, screen mounding and landscaping. The application connects directly with the extant permission for the new link road which is nearing completion and which will therefore connect the application site to Speke Road and Knowsley Expressway and not utilise local roads. This approach to access will ensure that all motorised traffic, except for buses and emergency vehicles will only access the site via the link road and have the added potential to encourage access to the site, by employees, by modes other than the private car.
- 7.6 The scale, general design and form of the building are considered to be acceptable for this type of development. It is not considered that any argument could be made that the proposal differs in any significant way from that envisaged when the site was allocated for such use through the Unitary Development Plan and Core Strategy. It is considered to be of a scale and quality of design suited to the designated use of the site and in keeping with the wider development aspirations of 3MG. The Environmental Statement demonstrates how development impacts will be satisfactorily addressed. On this basis it is considered that the relevant built environment and protection policies within the Halton UDP, the Core Strategy and Supplementary Planning Documents are satisfied.
- 7.7 The application includes dedicated rail sidings so that the building is designed to be rail-served. It is also proposed that a Grampian style condition be attached that requires operational connectivity to the rail network across land outside the application site prior to commencement of the use in order to ensure that the development is rail served in accordance with Core Strategy Policy CS8. Concerns raised by Halebank Parish Council about whether the scheme will be rail linked have therefore been dealt with.
- 7.8 The scheme promises a development of regional significance attracting considerable inward investment and creating significant numbers of jobs. It is also considered to offer a significant contribution to the sustainable growth and regeneration of the area and the more sustainable transportation of goods through the ongoing development and expansion of 3MG in accordance with National and Local Policy. The proposals are considered to accord with local and national policy and the application is therefore recommended for approval.

8.0 RECOMMENDATION:

- A) The Committee is satisfied that the payments referred to in section 6 Financial Contributions and Table 5 thereto of this report will be secured as part of the sale of land / development agreement.
- B) That the application be approved subject to the following conditions:

CONDITIONS

- (1) The development hereby permitted shall be begun before the expiration of five years from the date of this permission.

Reason:- In order to comply with Section 91 of the Town and Country Planning Act 1990.

- (2) This permission shall relate to the application as submitted and as detailed by the approved Drawings and Documents Schedule for HBC Field, Halebank Road, Widnes. The development hereby approved shall be carried out in accordance with the application and all approved plans and associated supporting information including clarification response letters, the Environmental Statement and recommendations and mitigation measures contained therein.

Reason:- To define the permission, to ensure that the development is carried out in accordance with the approved details, in order to minimise risk to the environment and impact on nearby residents and to comply with Policy BE1 of the Halton Unitary Development Plan.

CONDITIONS TO BE COMPLIED WITH BEFORE DEVELOPMENT/USE COMMENCES

- (3) The development hereby approved shall not be commenced until the following has been submitted to and agreed in writing by the Local Planning Authority:
 - a) A Construction Environmental Management Plan to include pollution and silt pollution control measures and specific measures to minimise and mitigate impacts including noise, light, odour and dust.
 - b) A plan for the control of routeing, access/ egress to/ from the site, parking, and waiting for all construction traffic including plant and deliveries. For the avoidance of doubt the routeing, access/ egress to/ from the site, other than in the case of emergency or unavoidable road closure, shall take place via the dedicated link road to A5300/ A562 only and not Halebank Road.

The development shall be carried out in accordance with the approved details.

Reason:- To allow the Local Planning Authority to ensure that sufficient regard is given to minimising potential impacts on neighbours, the environment and to comply with Policies BE1 and PR1 of the Halton Unitary Development Plan.

- (4) The development hereby approved shall not be commenced until the details of wheel cleansing facilities for heavy commercial and site vehicles has been submitted to and agreed in writing by the Local Planning Authority. Such details as are approved shall be implemented, maintained and used by all heavy commercial and site vehicles with an operating

weight greater than 3 tonnes before leaving the site throughout the construction period of the development.

Reason:- To ensure that satisfactory measures are in force so as to alleviate any impact dust and dirt may have on the local environment and highways, and to comply with Policy BE1 of the Halton Unitary Development Plan.

- (5) No development shall take place within the site, until a programme of archaeological work in accordance with a written scheme of investigation and recommendations has been submitted to and approved in writing by the Local Planning Authority. The work programme shall be carried out in accordance with the approved scheme.

Reason:- To ensure the proper investigation of the site due to its historic importance and to comply with Policy BE5 of the Halton Unitary Development Plan and Core Strategy Policy CS20.

- (6) No development shall take place within the site, until a Site Wide Waste Management Plan and a Materials Management Plan to cover the ground and earth works and construction phases of the development has been submitted to and agreed in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details and such details as are agreed shall be implemented in full throughout the construction phase of the development.

Reason:- To allow the Local Planning Authority to ensure that sufficient regard is given to the consideration for minimising and re-use of waste materials and to comply with Policies BE1 of the Halton Unitary Development Plan, Core Strategy Policy CS24 and Policy WM9 of the Joint Waste Local Plan 2013.

- (7) No development shall take place (other than ground remediation and earthworks) until details of a surface water regulation scheme (based on sustainable drainage principles and including maintenance timing / phasing) is submitted to, and approved in writing by, the Local Planning Authority. The scheme shall be fully implemented and subsequently maintained, in accordance with the timing / phasing arrangements embodied within the scheme.

Reason:- To prevent the increased risk of flooding and to comply with Policy PR16 of the Halton Unitary Development Plan and Core Strategy Policy CS23.

- (8) No development shall take place (other than ground remediation and earthworks) until details of the proposed finished floor levels of the building hereby approved has been submitted to and approved in writing by the Local Planning Authority. The finished floor level of the building hereby approved shall be set at a minimum of 8.0 A.O.D. The scheme shall be constructed and completed in accordance with the approved

details.

Reason:- To reduce the risk of flooding to the proposed development and future occupants and to comply with Policy PR16 of the Halton Unitary Development Plan and Core Strategy Policy CS23.

- (9) No development shall take place (other than ground remediation and earthworks) until a detailed drainage scheme for the site has been submitted to, and approved in writing by, the Local Planning Authority. The drainage scheme for the site shall be designed to provide the following:
1. All surface water drainage from the lorry parking and manoeuvring areas will pass through a Class 1 Full Retention Separator, with alarm.
 2. Car parking areas shall drain through a Class 1 by-pass separator with alarm.
 3. Separators shall comply with BS EN 858 part 1 and 2 in full
 4. Penstocks shall isolate the service yards areas and car parks (final manholes before discharge to Ponds A and B) - that these can be closed in the event of a major incident/emergency.

The scheme shall be fully implemented and maintained for the life time of the development.

Reason:- To prevent pollution of the water environment and to comply with Policy PR5 of the Halton Unitary Development Plan.

CONDITIONS TO BE COMPLIED WITH DURING THE COURSE OF THE DEVELOPMENT/USE

- (10) Prior to the implementation or installation of any hard surfacing works to the HGV waiting spaces, reach-stacker operation zone, loading/ unloading yards and circulation space, visitor and staff parking (including overflow car park spaces) and related circulation roads, full details of the materials to be used in the finished surfaces of those areas shall be submitted to and agreed in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.

Reason:- To ensure the appropriate use of quality materials in the interests of visual amenity and to comply with Policy BE2 of the Halton Unitary Development Plan.

- (11) Prior to the commencement of construction of any part of balancing pond B as identified on Drawing No. P003 Rev G an Environmental Management Plan (EMP) shall have been submitted to and agreed in writing by the Local Planning Authority to include detailed habitat creation and planting schedules to render balancing pond B, any existing and replacement waterbodies within the site unattractive to birds potentially moving from the estuary (gulls, waders and waterfowl). Such

designs may include the establishment of reeds, proximity of trees and managing potential flightlines and sightlines through appropriate location and design of landscaping bunds etc. Such details shall include details of a scheme for monitoring of the use of the site by gulls, waders and waterfowl to be undertaken through the vegetation establishment period and methods of reporting results to the Local Planning Authority and agreeing additional measures deployed as required. These could include netting of the waterbodies (Balancing Pond B and existing waterbodies if also required).

Reason:- In the interests of aerodrome safeguarding, to minimise potential for birdstrike and to comply with Policy BE1 of the Halton Unitary Development Plan.

- (12) Prior to the implementation or installation of any fencing, security or other boundary treatment which include 2.4m high paladin fence, security controlled pedestrian, cycle and/ or vehicle access and emergency access barriers hereby approved, full specification details, including colour coating, of that fencing, security or boundary treatment shall be submitted to and agreed in writing by the Local Planning Authority. Any fencing or such boundary treatment shall be carried out in full accordance with those approved details and approved plan P003 Rev G prior to commencement of use of the building hereby approved and shall be maintained for the lifetime of the development.

Reason:- To ensure the appropriate use of quality materials and boundary treatments in the interests of crime prevention and visual amenity and to comply with Policy BE2 of the Halton Unitary Development Plan.

- (13) Prior to the implementation or installation of either sprinkler tanks, pump houses, bus stops or security barriers as detailed on approved plan P003 Rev G full specification details, including colour coating, of that feature shall be submitted to and agreed in writing by the Local Planning Authority. Any such feature shall be installed in full accordance with those approved details and approved plan P003 Rev G prior to commencement of use of the building hereby approved and shall be maintained for the lifetime of the development.

Reason:- To ensure the appropriate design and quality of those ancillary features in the interests of visual amenity and to comply with Policy BE2 of the Halton Unitary Development Plan.

- (14) The finished yard and ground levels as a result of carrying out the development hereby approved shall be in full accordance with the approved plan (Drwg No. NK016803_P_0600).

Reason:- To define the extent of this permission, to ensure the development is carried out in accordance with the approved details in the interests of visual and residential amenity, and to comply with

Policies PR16 and BE1 of the Halton Unitary Development Plan.

- (15) Unless such works do not cause existing ambient noise levels to be exceeded (as set out in the noise assessment submitted as part of the application) there shall be no construction work associated with the development on the site at any time on any Sunday, Bank Holiday or other Public Holiday or on any other day except between the following hours:

08:00 - 18.00 Monday to Friday

08:00 - 12.00 Saturdays

Reason:- To ensure that the development is carried out as submitted and approved, to minimise nuisance caused to nearby residents, and to comply with Policy BE1 of the Halton Unitary Development Plan and Core Strategy Policy CS23.

- (16) No Heavy Commercial Vehicle or any other vehicle which has an operating weight greater than 3 tonnes associated with the construction of the development shall enter or leave the site at any time on any Sunday, Bank or Public Holiday or on any other day except between the following hours:

08:00 - 18.00 Monday to Friday

08:00 - 12.00 Saturdays

Reason:- To ensure that the development is carried out as submitted and approved, to minimise nuisance caused to nearby residents, and to comply with Policy BE1 of the Halton Unitary Development Plan and Core Strategy Policy CS23.

- (17) The development permitted by this planning permission shall be carried out in accordance with the approved Flood Risk Assessment (FRA) July 2011/ref: 24261 001/Peter Brett Associates and, the following mitigation measures detailed within the FRA:

Restricting the discharge of surface water from the site to a maximum rate of 4.8 l/s/ha for all rainfall events up to and including the critical 100-year return period event, including an additional 20% increase in rainfall intensities to cater for the impact of predicted climate change.

Reason:- To reduce flood risk, both on the site and elsewhere to an acceptable level and to comply with Policy PR16 of the Halton Unitary Development Plan and Core Strategy Policy CS23.

- (18) The retaining wall at the reach-stacker operation zone and rail siding interface as defined by Dwg No. P003 Rev G shall be constructed in accordance with Drawing Numbers NK016803_P_0600 and NK016803_T_0620.

Reason:- To ensure the development is carried out as approved and to

comply with Policy BE1 of the Halton Unitary Development Plan.

- (19) The retaining wall to the enhanced landscape bund as defined by Dwg No. P003 Rev G shall be constructed using a Timbalok timber crib retaining wall system.

Reason:- To allow the Local Planning Authority to retain control over the construction of retaining walls, to ensure the development is carried out as approved and to comply with Policy BE1 of the Halton Unitary Development Plan.

- (20) No trees or hedgerows shown to be retained shall be felled, pruned, lopped, topped, uprooted or damaged in any way as a result of carrying out the development hereby approved.

Reason:- In order to avoid damage to the trees and hedgerows on and adjoining the site, in accordance with the provisions of Section 197 of the Town and Country Planning Act 1990, in the interests of visual amenity and to comply with Policy BE1 of the Halton Unitary Development Plan.

- (21) If at any time during the course of carrying out the development hereby approved contamination not previously identified is found to be present at the site then no further development shall be carried out until a remediation strategy detailing how this unsuspected contamination shall be dealt with has been submitted to and agreed in writing by the local planning authority. The remediation strategy shall thereafter be implemented as approved.

Reason:- To ensure a safe form of development which poses no unacceptable risk of pollution and to comply with Policy PR14 of the Halton Unitary Development Plan and Core Strategy Policy CS23.

CONDITIONS TO BE COMPLIED WITH BEFORE THE COMPLETION OF THE DEVELOPMENT AND/OR COMMENCEMENT OF THE USE

- (22) All hard and soft landscape works shall be carried out in accordance with the approved details. The works shall be carried out prior to the occupation of any part of the development.

Reason:- In the interests of visual amenity and in accordance with the provisions of Section 197 of the Town and Country Planning Act 1990 , and to comply with Policy BE2 of the Halton Unitary Development Plan..

- (23) A landscape management and maintenance plan, including long term design objectives and maintenance schedules for all landscaped areas shall be submitted to and approved by the Local Planning Authority prior to the occupation of the development. The landscape management plan shall be carried out as approved.

Reason:- In the interests of visual amenity and in accordance with the

provisions of Section 197 of the Town and Country Planning Act 1990, and to comply with Policy BE1 of the Halton Unitary Development Plan.

- (24) Prior to the commencement of use of any part of the building hereby approved a detailed travel plan including timescale for implementation shall be submitted to and agreed in writing by the Local Planning Authority. Such details as are agreed shall be implemented in full and in accordance with the submitted timescales for the lifetime of the development.

Reason:- To ensure provision for a range of transport options in the interest of sustainable development and to comply with Policy TP16 of the Halton Unitary Development Plan and Core Strategy Policy CS15.

- (25) No part of the development hereby approved shall be occupied until space has been laid out within the site for the safe and secure parking of bicycles in accordance with drawing no. P003 Rev G and a detailed specification for covered and secure cycle stands has been submitted to and agreed in writing by the Local Planning Authority. The cycle stands shall be retained for the lifetime of the development.

Reason:- To ensure the satisfactory provision for cycle parking to encourage alternatives and sustainable means of travel and to comply with Policy TP6 of the Halton Unitary Development Plan and Core Strategy Policy CS15.

- (26) Prior to the occupation of the premises hereby approved the vehicle access, service and parking areas shall be laid out and surfaced in accordance with the approved plans, and shall be retained for the lifetime of the development within the curtilage of the site for use exclusively in connection with the development hereby approved.

Reason:- To ensure the satisfactory development of the site in the interests of highway safety, and to comply with Policy BE1 of the Halton Unitary Development Plan.

- (27) No part of the development hereby approved shall be brought into use until a scheme of biodiversity and ecology/ habitat enhancement features including bat and bird boxes has been submitted to and agreed in writing by the Local Planning Authority. The scheme shall include a timetable for implementation and maintenance, shall be implemented in full accordance with the submitted details and shall be maintained for the lifetime of the development.

Reason:- In the interests of species and habitat creation/ protection and to comply with Policy GE21 of the Halton Unitary Development Plan and Core Strategy Policy CS20.

- (28) Prior to the installation of any external lighting hereby approved, details of measures to minimise light spill beyond the site boundary and sky

glow, including cowls and/ or specific luminaire design features, shall be submitted to and agreed in writing by the Local Planning Authority. The lighting scheme shall be implemented in accordance with the details as agreed and shall be maintained for the lifetime of the development.

Reason:- To minimise impacts of light spill in the interests of visual and residential amenity, to minimise impact on surrounding landscape corridors for foraging by bats and to comply with Policies PR4 and GE21 of the Halton Unitary Development Plan.

- (29) No part of the building hereby approved shall be brought into use until areas have been clearly defined and laid out within the site for the safe and secure storage and collection of waste and recycling in accordance with details to be submitted to and agreed in writing by the Local Planning Authority. All future storage and collection of waste and recycling shall take place within that area for the lifetime of the development.

Reason:- To ensure that satisfactory provision is made within the site for safe and secure storage and collection of waste and recycling, to minimise potential for unsightly open storage in the interests of visual amenity and to comply with Policy BE1 of the Halton Unitary Development Plan.

- (30) Prior to the commencement of use of the development hereby approved, a Remediation Verification Plan shall be submitted to and approved, in writing, by the Local Planning Authority. The plan shall provide detailed verification methodology and data in order to identify all material unsuitable for use as fill or re-use on site, to demonstrate that works for the excavation and removal of all such material and pollutant linkages have been completed in accordance the Environmental Statement and Construction Environmental Management Plan and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.

Reason:- To allow the Local Planning Authority to ensure the development is carried out as agreed in a safe form that poses no unacceptable risk of pollution and to comply with Policy PR14 of the Halton Unitary Development Plan.

- (31) Prior to the commencement of use of the development hereby approved, upon completion of the site remedial works a verification report containing the data collected in accordance with the verification plan required by Condition 30 of this planning permission shall be submitted to and agreed in writing by the Local Planning Authority.

Reason:- To allow the Local Planning Authority to ensure the development is carried out as agreed in a safe form that poses no unacceptable risk of pollution and to comply with Policy PR14 of the Halton Unitary Development Plan.

- (32) No part of the development hereby approved shall be brought into use until a scheme of acoustic mounds and barriers has been implemented in full and in full accordance with the approved plans having particular regard to Dwg No.s Site Plan P003 Rev G, Landscape Cross Sections 02 Rev B and 03 Rev A, Smithy House Landscape Mitigation Details 06 Rev B and Noise and Vibration Technical Note 13463i2. Such a scheme as is agreed and implemented shall be so maintained for the life of the development

Reason:- In order to secure the satisfactory development of the site, to minimise risk of nuisance caused by noise, and to comply with Policy PR2 of the Halton Unitary Development Plan.

- (33) No part of the use hereby approved shall be commenced until a scheme of off-site works have been implemented to provide vehicular access to and egress from the site via the A562/ A5300 Speke Road Knowsley Expressway Junction in accordance with earlier planning permissions 08/00031/HBCFUL (Halton Borough Council) and 08/00068/FUL (Knowsley Council).

Reason:- To ensure satisfactory access and egress to and from the site, to minimise traffic impacts on the local highway network at Hale Bank and to comply with Policy E7 of the Halton Unitary Development Plan.

- (34) No part of the development hereby approved shall be brought into use until all of the following are completed: (a) rail sidings have been provided within the application site to a standard providing operational connectivity to the rail network in accordance with the approved plans P003 Rev G; (b) the retaining wall and (c) reach-stacker operation zone and (d) rail siding interface which are defined in Dwg Nos. P003 Rev G, NK016803_P_0600 and NK016803_T_0620. Such sidings and reach-stacker operation zone and rail siding interface shall be retained for the lifetime of the development.

Reason:- To ensure adequate provision is made to secure rail access to the site, to encourage movement of freight by rail and to comply with Core Strategy Policy CS8.

- (35) No part of the development hereby approved shall be brought into use until a copy of formal sign off by the Office of the Rail Regulator or any superseding authority for works to provide rail sidings within the application site to a standard providing operational connectivity to the rail network in accordance with the approved plans P003 Rev G has been submitted to and acknowledged in writing by the Local Planning Authority. Such sidings shall be retained for the lifetime of the development.

- (36) No part of the use hereby approved shall be commenced until a management plan for grassland management relating to the Barn Owl

Feeding Site to the west of the site as identified on the submitted plans has been submitted to and agreed in writing by the Local Planning Authority. The plan shall be designed to provide habitat creation and management for ground nesting birds, including skylark, and short and long-term management proposals. The plan shall be implemented in full.

Reason:- To ensure that appropriate provision is made for mitigation and habitat creation for ground nesting birds and to comply with Policy GE21 of the Halton Unitary Development Plan.

- (37) Prior to the commencement of the use hereby approved a detailed plan including a timetable for implementation of a post completion Spring walkover to identify if any invasive species have been introduced to the site shall be submitted to and agreed in writing. Such plan shall include details for submission and approval of the results of such walkover and identify any requirements for longer-term monitoring, maintenance and arrangements for treatment and/ or removal should such invasive species be identified.

Reason:- To allow the Local Planning Authority to ensure that sufficient regard is given to preventing the spread of invasive species.

- (38) Prior to the commencement of the use hereby approved a detailed Operational Waste Management Plan including details of facilities to collect and store bulk wastes generated as a result of the use shall be submitted to and agreed in writing by the Local Planning Authority. Such a Plan shall be implemented in accordance with the approved details for the lifetime of the development.

Reason:- To allow the Local Planning Authority to ensure that sufficient regard is given to the consideration for minimising and re-use of waste materials and to comply with Policies BE1 of the Halton Unitary Development Plan, Core Strategy Policy CS24 and Policy WM9 of the Joint Waste Local Plan 2013.

CONDITIONS TO BE COMPLIED WITH THROUGHOUT THE LIFE OF THIS PLANNING PERMISSION

- (39) The development hereby approved shall be used for the purposes of a single, rail-served building for storage and distribution purposes with ancillary offices and for no other purpose.

Reason:- For the avoidance of doubt as to the extent of this permission, and to comply with Core Strategy Policy CS8.

- (40) There shall be no outdoor storage or display of equipment, plant, goods or material within the site other than as detailed in the approved plans.

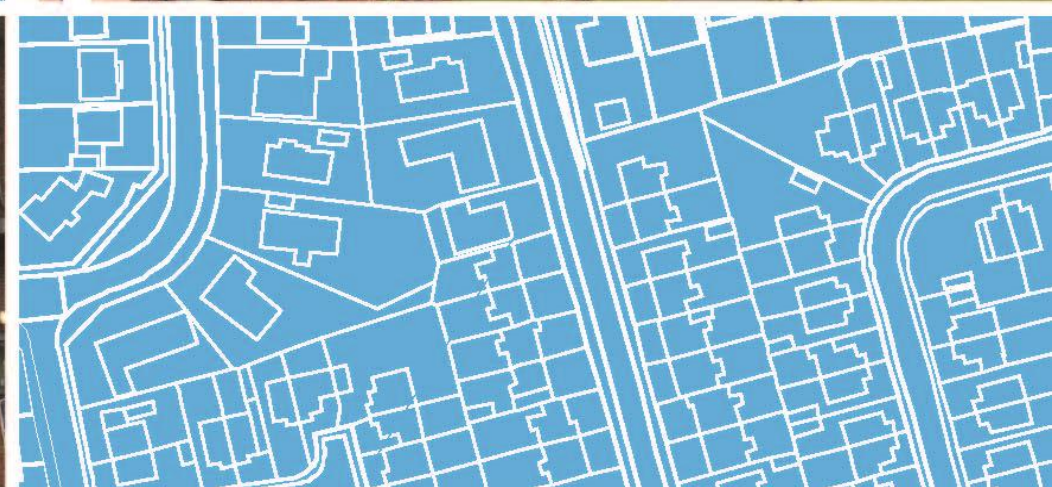
Reason:- In the interests of visual amenity, and to comply with Policy E5 of the Halton Unitary Development Plan.

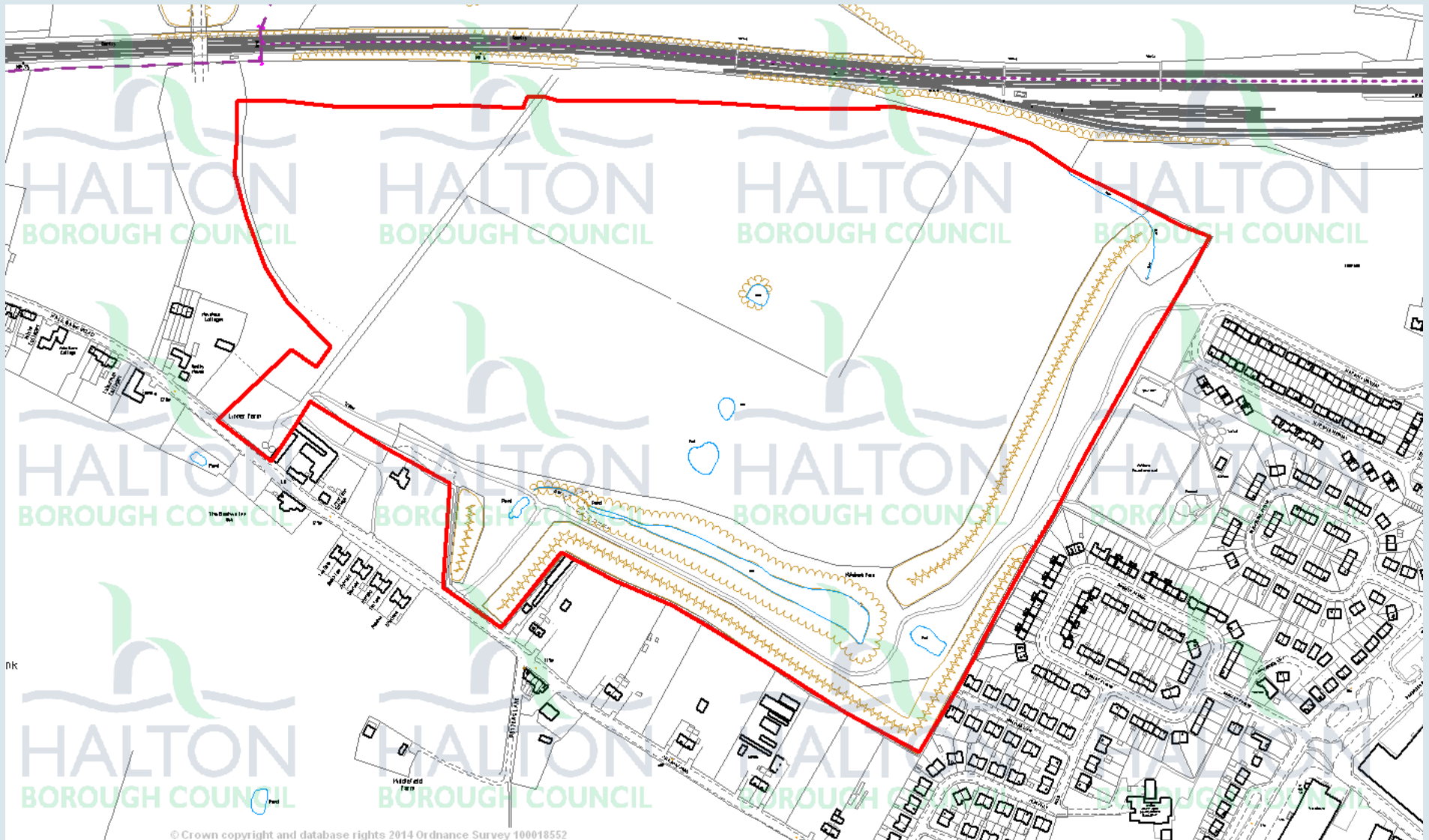
- (41) Except to provide access/ egress for emergency vehicles and public transport vehicles, no motorised traffic shall at any time be permitted to gain access to or egress from Halebank Road using the section of roadway identified as Emergency Access on the approved plan (Dwg No. P003 Rev G).

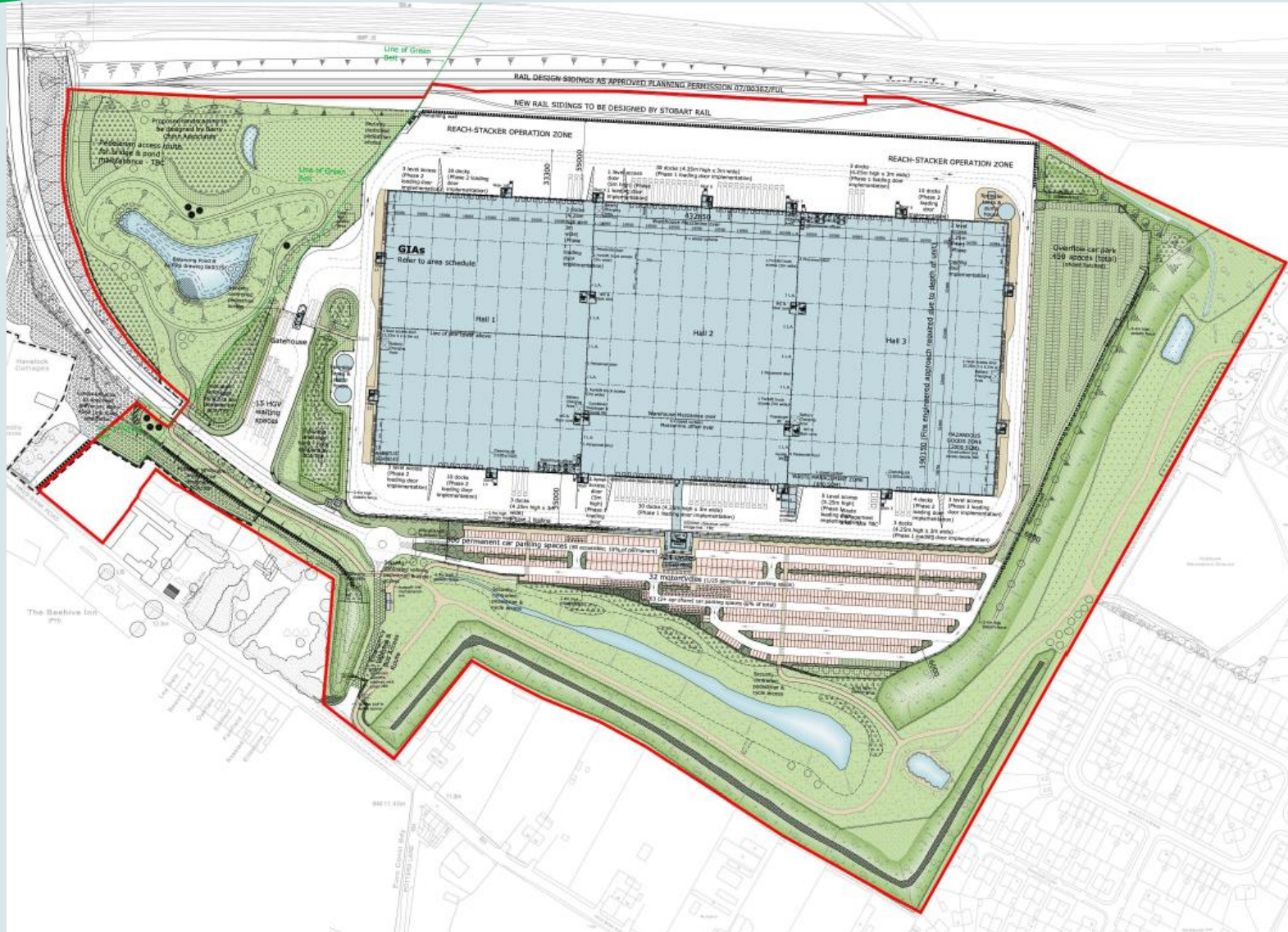
Reason:- In order to prevent traffic using the local highway network in the interests of highway safety and to minimise impacts on local residents and to comply with Core Strategy Policy CS8.

- (42) There shall be no external plant or plant extracting to air operated within the site.

Reason:- To ensure that the development is carried out in accordance with the submitted Environmental Statement, to minimise potential noise nuisance and to comply with Policy PR2 of the Halton Unitary Development Plan.







Proposed South Elevation
1:500 @ A0

Extract of Proposed South Elevation
1:200 @ A0

Proposed East Elevation
1:500 @ A0

Extract of Proposed East Elevation
1:200 @ A0

Proposed West Elevation
1:500 @ A0

Extract of Proposed West Elevation
1:200 @ A0

Proposed North Elevation
1:500 @ A0

Extract of Proposed North Elevation
1:200 @ A0

Proposed Stair & Lift Tower, South Elevation. 1:200 @ A0

Phase 1 loading door implementation

Phase 2 loading door implementation

Phase 3 loading door implementation

Roof to have solar thermal installation

Materials Key with Indicative Colours as Colour MPS200/Plasma/AL Colour Chart:

1. WALLS: Colour match Terra-Tone or similar. Colour: Corus Colourscape Plasma Alpha 90, F08
2. WALLS: Colour match profile sheet Terra-Tone. Horizontal profile reference: CA 12 1000. Colour: Corus Colourscape Plasma Alpha 90, F08 or 90, F07
3. WALLS: Colour match profile sheet Terra-Tone. Horizontal profile reference: CA 12 1000. Colour: Corus Colourscape Plasma Alpha 90, F08 or 90, F07
4. WALLS: Colour match profile sheet Terra-Tone. Horizontal profile reference: CA 12 1000. Colour: Corus Colourscape Plasma Alpha 90, F08 or 90, F07
5. ALL DETAILS: Colour to coordinate with existing colour
6. ROOF: Colour match profile sheet Terra-Tone. Profile reference: CA 12 1000. Colour: Corus Colourscape Plasma Omega 90, F08, F07 or 90, F07
7. ROOF: Colour match profile sheet Terra-Tone. Profile reference: CA 12 1000. Colour: Corus Colourscape Plasma Omega 90, F08, F07 or 90, F07
8. GLASS: Colour match profile sheet Terra-Tone. Profile reference: CA 12 1000. Colour: Corus Colourscape Plasma Omega 90, F08, F07 or 90, F07

Notes:
1. All details to coordinate with existing colour.
2. All details to coordinate with existing colour.
3. All details to coordinate with existing colour.
4. All details to coordinate with existing colour.
5. All details to coordinate with existing colour.
6. All details to coordinate with existing colour.
7. All details to coordinate with existing colour.
8. All details to coordinate with existing colour.

PLANNING

PROLOGIS

STEPHEN GEORGE & PARTNERS LLP
Architects
10000 Lakeside Parkway
Suite 1000
Arlington, VA 22204
Tel: 703.441.1000
Fax: 703.441.1001
www.stephen-george.com

Witness, HBC Fields Project Tiger

Drawings:
Drawing No: 10000
Date: 10/10/2019
Scale: 1:500



**GLYN R BRIDGE
TOWN PLANNING CONSULTANT**

**4 Hulme Hall Avenue, Cheadle Hulme, Cheadle, Cheshire SK8 6LN
Tel: 07967 445490 - Email: glynbridge66@hotmail.co.uk**

**Date: 28th August 2014
Your ref: 11/00269/FULEIA**

By e-mail

T Gibbs Esq
Divisional Manager – Policy & Development Services
Halton Borough Council
Municipal Building
Kingsway
Widnes WA8 7QF

Dear Mr Gibbs

**PROPOSED SINGLE RAIL SERVED BUILDING FOR STORAGE AND DISTRIBUTION PURPOSES AT HBC FIELD,
HALE BANK ROAD, HALE BANK, WIDNES**

Thank you for your recent further consultation on the above. This letter sets out the comments of Hale Bank Parish Council (HBPC). As we have previously observed, this application remains a very complex submission for a very large scale development. The responses to my previous letters and the recent updates to the supporting reports are often highly complex and technical, so they are not always easy for Parish Councillors, local residents or even planning consultants such as me to respond to.

We have identified two material changes to the site layout. One is the addition of two small ponds as part of the amended surface water drainage scheme. The HBPC have no comments on this amendment.

The second change that we have identified is an increase in the height of the acoustic fence at the rear of Linner Farm from 2 metres to 5 metres, together with associated changes to the screening and landscaping. The AMEC noise and vibration report appears to have been completely updated. It claims that the acoustic fence has been increased in height *“to reduce noise impacts from HGV movements and loadings”*. The schedule of reports and changes also refers to reducing noise from on-site employee vehicle movements. We would assume that this is confirmed in the AMEC report, but I have been unable to find any reference to it. If it is not covered in the report, then we are unable to properly comment on it.

Nevertheless, we have received further advice from our consultant, Paul Bassett of Hepworth Acoustics. His salient comments now relate mainly for the need to impose robust conditions to ensure that the physical and managerial mitigation measures are fully carried out, thereafter retained and achieve their purpose. The Council has already seen the conditions suggested by Mr Bassett in his letter dated 5th March. HBPC fully endorse his suggestions.

It is claimed that the lighting proposals will have only a low impact and that this will be achieved by good design and screening. Nowhere have we been able to find out exactly how ‘good design’ will be translated into ‘low’ impact. For example, the tall lighting columns will be visible from a wide area, as will the reflected glow from them throughout the hours of darkness. Maybe they do shine down and therefore spread less

light, but there will be no hiding from them. We have been unable to find any clear explanation how the impact of floodlighting a huge 32 ha site can be regarded as 'low'. There will be too many lights covering such a wide area that they cannot be screened and there will inevitably be a reflected 'glow' during the hours of darkness as with any large floodlit site as can be seen.

The lighting chapter of the revised Statement refers to "a new access and junction for the development which joins Hale Bank Road to the south of the site". The HBPC trusts this is not actually a new vehicular access, but the bus and emergency access as originally proposed. If it is not, then the public have been misled and the consequences for traffic, together with the loss of amenity to those living along Hale Bank Road will be catastrophic.

The application proposal is described in the application as "rail-served". We thus expected the current application for the new sidings (ref: 14/00382/HBCFUL) to demonstrate how the sidings will serve the proposed warehouse. In fact, they appear not to. The proposal is described on that application form as:-

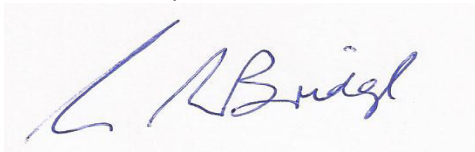
"Proposed construction of 5 no. railway sidings to be implemented on a phased basis to serve the Mersey Multimodal Gateway (3MG) connecting to the national rail network West Coast Mainline via Ditton Junction sidings at Ditton Strategic Rail Freight Park Ditton Road (west) Widnes Cheshire"

In other words, it serves the Mersey Multimodal Gateway, not the warehouse. The sidings application effectively confirms this. The applicant is Halton Borough Council, not Pro Logis, so the sidings proposal has nothing to do with them. I have also been unable to find anything in the supporting documentation that explains how the sidings will be linked with the warehouse. The application plans show the sidings in a cutting and they do not show any details of the proposed warehouse. There is thus no indication of how the sidings will be linked with the warehouse or how goods can be transported between the warehouse and the trains. Indeed, the application layout plans suggest that such links will not be possible to achieve.

In the absence of any evidence to the contrary, the HBPC are now even more convinced that the application description of the warehouse as being rail linked is wrong. Indeed the current plans for the sidings actually confirm their fears. This does, of course, fly completely in the face of why the HBC Field was released from Green Belt and allocated for development in the first place. Once again the HBPC feel that they and the residents of Halebank have been misled by the Council.

HBPC remain very unhappy with this application and the way it is being presented. The success or otherwise of the noise mitigation measures is wholly dependent upon the imposition and compliance with robust conditions, which they are not confident will be enforced. They still see no evidence, other than the applicant's assurances, that the lighting scheme will actually have the low impact claimed for it. The proposed use of the vehicular access onto Hale Bank Road is now confused, so clarification is required. Finally, they still see no evidence whatsoever that the warehouse will, as stated in the description of the development in the application, actually be rail served. Indeed, the plans for the sidings application suggest that it will not and cannot be rail served.

Yours sincerely



Glyn R Bridge
on behalf of Hale Bank Parish Council

21 Little Peter Street, Manchester, M15 4PS

T 0161 242 7900

F 0161 235 8407

E manchester@hepworth-acoustics.co.uk

www.hepworth-acoustics.co.uk



Offices across the country

Our ref: 22104.1/1

10 January 2014

Mrs J Egan
Parish Clerk
Hale Bank Parish Council

via email only to: julieshan@blueyonder.co.uk

Dear Mrs Egan,

Re: Proposed Single Rail Served Building for Storage and Distribution Purposes at HBC Field, Hale Bank Road, Hale Bank, Widnes (Application No. 11/00269/FULEIA)

You have commissioned Hepworth Acoustics Ltd to carry out an independent 'desk top' review of the noise assessment work that has been carried out by Amec and which forms part of the Environmental Statement that was prepared for the proposed warehouse development at Hale Bank. The purpose of our commission is to check that the correct approach, standards, etc have been used; that the conclusions made are well founded; and that any recommendations for noise mitigation are appropriate and adequate to protect the amenity of local residents.

Our review has focussed on the operational phase of the development rather than the construction phase.

As well as relevant plans of the proposed development, the following documents have been studied:-

1. Chapter 11 'Noise and Vibration' of the Environmental Statement (2011) and Appendices – prepared by Amec.
2. ES Noise Assessment Addendum (February 2013) - prepared by Amec.
3. Letter from Glyn Bridge on behalf of the Parish Council (23 July 2013).
4. Technical Note re. additional noise assessment work (November 2013) - prepared by Amec.
5. Appendix Two of Response to Glyn Bridge July letter (November 2013) - prepared by Amec.

Rather than describe each separate document we have provided an overview and only referred to specific parts of the individual documents when necessary. Our findings are set out below and aspects requiring clarification have been underlined.

Qualifications

The author of this report has the following qualifications:- BSc(Hons.) in Environmental Science; the Institute of Acoustics' 'Diploma in Acoustics and Noise Control'; and a MSc in Environmental Acoustics. He has over 25 years experience in the monitoring, assessment and control of environmental noise. He has been employed for the last 20 years by Hepworth Acoustics and now holds the position of Technical Director. Hepworth Acoustics is an independent acoustics consultancy, which is engaged by a range of private companies, local authorities and government departments to provide independent advice on environmental noise matters. Prior to this he gained several years local authority experience as a specialist environmental noise control officer. He is a Fellow of the Institute of Acoustics.

Proposed Site Layout of Development

The proposed development involves a large warehouse/distribution building of 16m in height.

A rail freight loading/unloading facility is proposed to the north of the building. As noise from the loading/unloading area would be screened from the nearest dwellings by the building itself, it was agreed with the Council that this aspect did not need to be considered in the Environmental Statement. This is a reasonable approach.

Lorry loading bays are proposed in the north (rear) and south (front) elevations of the building with a large car park to the front. It is stated that the north side bays will be used for 'goods out', and the south elevation bays will be used for 'goods in'. The loading bays to the rear will be screened by the building itself. Therefore it is the front area that is of interest in terms of potential noise impact.

However, as is discussed later, in the noise chapter Amec have stated that the southern elevation loading bays will not be used at night. If this is the case, this would certainly help to limit noise impact on the amenity of local residents. However, in the latest Amec report, an assessment of lorries being loaded by fork-lift trucks at night outside the southern elevation is included – clarification should be sought on the anticipated type and extent of lorry loading/unloading at night outside the southern elevation.

An access road is proposed which will run to the rear of the Linner Farm area. It is understood that this access road already has planning permission.

Areas of bunding/acoustic fencing are proposed to reduce noise emissions from the site and access road.

General Approach of the Amec Noise Assessment

Each chapter of an Environmental Statement must follow a prescribed procedure and reporting structure that includes an assessment method, a baseline study, assessment of impacts, mitigation of impacts, and assessment of residual impacts. The Amec noise chapter follows this procedure in the correct manner.

In the UK different assessment methods/standards have been established for different types of noise. This means that different types (sources) of noise associated with the proposed development at Hale Bank have to be assessed using a number of different approaches and standards. Amec have used appropriate approaches and standards for the relevant types of noise.

Details of actual numbers of lorry movements on the proposed development site are not known at this stage. Therefore Amec have had to devise, and agree with the Environmental Health Department, 'worst case' scenarios for noise calculation and assessment purposes. This is a standard procedure.

However, as sometimes happens, a considerable length of time has elapsed from submission of the application in July 2011 which has resulted in two subsequent additional noise reports being prepared by Amec - an addendum report in February 2013 and a Technical Note in November 2013. The most recent report attempts to update and summarise information from the previous reports but refers back to various sections of both the 2011 chapter and the February 2013 report, so there is no single 'stand alone' noise assessment document. It is difficult enough for a lay person to understand a noise chapter of an Environmental Statement or technical noise report, however having 3 noise reports to refer to makes it virtually impossible.

Baseline Noise Survey

Measurement of existing noise levels in the area has been carried out by installing automatic noise meters for 5-7 days in June 2011 at each of 3 residential locations. The locations were (1) Clap Gate Crescent, (2) Heath View, and (3) Linner Farm Cottages. The results are shown in chart form in Appendix 11.1 and average daytime and night-time values are shown in Table 11.9 of the noise chapter.

The daytime background noise levels are quite low and the late night background noise levels are particularly low. From Appendix 11.1, the background noise levels at night can be as low as 30 dBL_{A90(5 min)} at Locations 1 and 3, and below 30 dBL_{A90(5 min)} at Location 2. Although the results are set out in the Appendix, the fact that the background noise climate of the area is so low at night is not highlighted in the noise chapter, nor in the subsequent two reports.

This aspect is important because the lower the level of the prevailing background noise, the greater the potential noise impact from any operations taking place at night at the development site.

Where considered appropriate Amec have assessed noise impact by comparing predicted noise levels from the development with “representative” existing night-time L_{A90} background noise levels. However, in their assessment the background levels used by Amec are not the lowest 5-minute values measured, nor the lowest whole night value averaged over an 8 hour night-time period. It is not clear how the background values used for assessment purposes in the reports have been derived, but they appear to be equivalent to ‘averages of average values’. If so, such an approach may underestimate the potential environmental noise impact of the proposed development. Clarification should be sought on how background noise levels in the assessment of impact tables have been derived, and if necessary the tables revised to provide a more accurate evaluation of potential noise impact.

In Table 1 below I compare the night-time background noise values adopted by Amec for assessment purposes with values extracted from the results of the Amec baseline noise survey.

Table 1: Background Noise Levels At Night

| Location | Lowest 5-minute value measured L_{A90(5 min.)} | Lowest whole night Average value L_{A90(5 min.)} | Background Noise Level used by Amec for Assessment L_{A90(5 min.)} |
|----------------------|---|---|---|
| Clap Gate Crescent | 31 dB(A) | 35 dB(A) | 42 dB(A) |
| Heathview Road | 27 dB(A) | 34 dB(A) | 36 dB(A) |
| Linner Farm Cottages | 31 dB(A) | 35 dB(A) | 38 dB(A) |

It would be unreasonable to assess the noise impact of a major development proposal on the basis of the very lowest single L_{A90} 5-minute value measured at night. However, from examination of the noise survey results charts in Appendix 11.1 of the Environmental Statement, it appears to me that the background noise levels used by Amec for assessment purposes are on the high side. For assessment purposes, I would recommend the values shown in Table 2 as being more representative of late night background noise at the 3 residential locations.

Table 2: Recommended Background Noise Levels At Night For Assessment Purposes

| Location | Representative Night-time Background Noise Level L_{A90(5 min.)} |
|----------------------|---|
| Clap Gate Crescent | 35 dB(A) |
| Heathview Road | 34 dB(A) |
| Linner Farm Cottages | 35 dB(A) |

Noise from On-Site HGV Movements/Operations

The layout drawing shows articulated lorries backed in to the loading areas of the warehouse. There are loading doors proposed along virtually the whole length of the rear and front elevations, so this will be a large capacity site. There is reference to these being 'dock loading bays' such that loading/unloading is carried out via the rear of the lorry from within the building such that there will no fork-lift truck activity outside the building. However, the latest Amec report does include an assessment of lorries being loaded by fork-lift trucks at night outside the southern elevation – as stated previously clarification should be sought on this aspect.

At some distribution warehouse sites refrigerated lorry trailers are used which generate noise from the on-vehicle chiller equipment. However, there is no mention of such trailers in the noise reports and it is therefore assumed that refrigerated vehicles will not be used at this site. This could be addressed by a suitably worded planning condition that prohibits use of refrigerated vehicles.

At some distribution warehouse sites lorry trailers are moved around the site using 'shunters'. These are non-road going diesel tractor units which may be noisier than standard road-going lorries. However, there is no mention of such shunters in the noise reports and it is therefore assumed that shunters will not be used at this site. This could be addressed by a suitably worded planning condition that prohibits use of shunters.

Therefore, from the above, the main source of noise from the development site would be associated with movements of heavy goods vehicles (HGVs) to and from the loading bays.

Amec have assumed a 3 shift system with 'goods out' loading bays in the rear elevation and 'goods in' loading bays in the front elevation. In the 2011 noise chapter it is stated that "there will be minimal HGV traffic between the hours of 21:00 and 07:00 using the inbound docking bays on the south side of the proposed warehouse building" and later in the same report that use of the bays on the south side of the building will be "restricted to between 07:00 and 21:00" hours only (clarification required on this).

The noise chapter of the Environmental Statement does not include a quantitative assessment of noise from on-site vehicle movements, but the November 2013 Technical Note does. Section 2.5 of the November report describes a method to assess noise impact of on-site vehicle movements which was agreed with the Environmental Health Department. Essentially the agreed methodology is a 'worst case' BS4142 assessment with the aim of controlling noise from the on-site vehicle movements to 10dB(A) *below* the existing background noise climate at night at each of the 3 residential locations used for the baseline noise survey. This is an exacting design standard to adopt and agree with the Council, but one which I agree would fully protect the amenity of local residents.

Three different scenarios for on-site vehicle movements were assessed for a worst case 5 minute period. I have seen concern raised by the Parish Council about use of a 5-minute period when operations could take place throughout the night. However, use of a worst case 5-minute period (i.e. late at night when background noise levels are at their lowest) is a standard approach and indeed a 5 minute assessment period for night-time noise is specifically recommended in BS4142. In terms of safeguarding the amenity of local residents, a worst case 5-minute assessment is actually better than an assessment of noise levels averaged over the whole of the night.

The predicted noise levels from the site are then compared with the night-time background noise level and evaluated by determining whether or not the site noise levels are 10dB(A) below the background noise level i.e. the 'yardstick' agreed with the Council. At Locations 1 and 2 Amec conclude that the noise levels do comply with the 'background minus 10 dB(A)' noise criterion. However it is clear that the predicted noise levels at Location 3 (Linner Farm Cottages) do not meet the criterion.

Amec go on to investigate noise levels from HGVs waiting at the entrance gate and loading of HGVs by fork-lift trucks outside the southern elevation. However, the same conclusion is reached in that the predicted noise levels from the site do not comply with the ‘background minus 10 dB(A)’ noise criterion at Linner Farm Cottages.

It is not clear to what extent audible reversing signals of reversing lorries has been taken into account in the Amec calculations.

Finally, Amec consider the combined noise impact of 1 HGV accessing the site, 1 HGV at a loading bay and 1 HGV waiting at the site entrance within the same 5 minute period. Again the conclusion is that the predicted noise levels comply with the ‘background minus 10 dB(A)’ noise criterion at only 2 of 3 assessment locations. Amec state that the predicted cumulative noise level of up to 43 dBL_{Aeq}(5 min.) at Linner Farm Cottages “is at most 5dB above the background noise level” and therefore, as defined in BS4142, is ‘of marginal significance’. However this depends on what background noise level is used and whether or not the 5 dB acoustic feature correction has been applied. In Table 3 below I have carried out a BS 4142 assessment on the basis of the background noise level that I recommended in Table 2.

Table 3: BS 4142 Assessment for Location 3 at Night

| Location | Amec Predicted Noise Level | Background Noise Level | Difference |
|----------------------|----------------------------|---------------------------|------------|
| | L _{Aeq} (5 min.) | L _{A90} (5 min.) | |
| Linner Farm Cottages | 43 dB(A) | 35 dB(A) | + 8 dB(A) |

In terms of the likelihood of complaints about the noise, a difference of 8 dB(A) amounts to more than ‘of marginal significance’. If the predicted noise level does not already include the 5dB acoustic feature correction (clarification on this required from Amec), the Rating Level would be 48 dB which would exceed the background noise level by 13 dB(A) i.e. complaints likely. Applying the 5dB penalty would take into account the irregular character of HGV movements/loading operations which was raised as a concern by the Parish Council in the July letter. On any basis, the predicted noise impact is a long way from the criterion of being 10 dB(A) *below* the background noise level that was agreed with the Council. (Note the noise barrier in the Linner Farm area has since been improved – as discussed later).

In Section 4.10 of the November Report Amec rather abandon the BS 4142 approach which they recommended, in favour of absolute noise level criteria that are set out in British Standard 8233. It is stated that to achieve the ‘good’ standard of noise climate inside bedrooms would require an external noise level of no more than 40 dBL_{Aeq}(8 hours). Based on the external level of 43 dBL_{Aeq}(5 min.) predicted at Linner Farm Cottages, to meet the 40 dB(A) criterion would require there to be no noise from the site for half of the 8 hour night-time period.

Amec state that maximum noise levels are expected to be no more than 10-15 dB above the L_{Aeq} values for the HGV movements and that, on this basis, L_{Amax} levels would not exceed the L_{Amax} criterion of 45 dB(A) that is recommended in BS 8233 for bedrooms.

However, whilst reference to BS 8233 is useful, it should be borne in mind that the noise levels recommended in the standard apply only to ‘anonymous’ sources of noise such as general traffic noise rather than noise from specific premises/developments.

Noise from External Fixed Plant

Noise from outdoor mechanical services equipment is assessed in the Amec November 2013 Technical Note. This equipment comprises 13 heat pump units which would be located at low level outside the southern elevation of the warehouse building. Noise impact has been assessed to British Standard 4142

which is the correct approach. The Amec calculations take into account the distance to the nearest dwellings, the effect of the proposed acoustic screening measures, etc.

It is stated that the heat pumps will operate continuously and therefore the 5dB 'acoustic feature correction' as defined in BS4142 has not been applied. However Amec state that they have no information on the frequency spectra of the equipment and so it is not known whether or not the equipment generates any 'tonal' noise components. In such cases it would be good practice to include the 5dB acoustic feature correction.

Nevertheless, the plant noise emission values quoted by the manufacturer are modest. Therefore, based on the Amec noise calculation results, even if the 5dB correction was applied, the predicted noise rating levels at the nearest dwellings would be extremely low and well below the prevailing background noise climate of the area. This was confirmed by Amec in their response to the July letter submitted on behalf of the Parish Council.

Therefore noise from operation of fixed plant would not affect the living conditions of local residents.

Mention is made of a diesel powered pump for the warehouse sprinkler which can be expected to emit higher noise levels. However, I agree with Amec in that since the diesel engine would only be operated in an emergency situation, and during occasional testing (in the daytime), it should not be included in the BS 4142 noise assessment.

Noise from Off-Site Traffic

Amec have considered the noise impact associated with changes of traffic flows on the local highways network. The correct standard calculation and assessment procedure has been used.

The greatest impact can be expected to occur from the new access road to the site from the Newstead Road roundabout. The only traffic on this road will be that associated with the proposed development. The traffic noise calculations have assumed that the new road would have a specialist 'low noise' road surface.

The calculations take into account noise mitigation measures (noise screening) proposed for this road. We understand that planning permission for the access road has already been granted and there are planning conditions requiring certain noise barriers to be installed. However it appears that, over time, Amec have proposed various changes to the barriers. The latest changes proposed in the November report, including a 5 metres high acoustic fence in the area near Linner Farm, have been taken into account in the latest off-site traffic noise calculations. On this basis, the calculated 18-hour traffic noise level increases are low and would not significantly affect living conditions of local residents.

However I note that in the original 2011 noise chapter Amec included a separate assessment for the early morning period between 05:00 and 06:00 hours because this was considered to be the 'most sensitive' time as cars associated with a shift changeover will be using the road, as well as HGVs carrying outbound goods. I also note that the Parish Council raised a concern about traffic noise during this early morning period in the July letter. Amec concluded that at Linner Farm Cottage the 05:00-06:00 traffic noise would result in major adverse impact. No such assessment is included in the latest (i.e. November) report. Given the concern of the Parish Council about this issue we recommend that Amec are requested to review and update the assessment for this early morning period taking into account the improved noise barrier provision.

Noise Mitigation Measures

The noise chapter and subsequent noise reports make reference to a number of noise mitigation measures that have already been incorporated into the proposed development, or assumed by Amec, or recommended by Amec.

The latest noise mitigation measures proposed in the November report include raising the height of the acoustic fencing in the Linner Farm area to 5 metres. This would provide greater noise protection. From

the report, Amec calculate an improvement in noise reduction of 4 – 5 dB(A) which would reduce the noise from the site shown in my Table 3 above. I agree that an acoustic fence of this height is necessary in order to minimise noise impact as far as is practicable. Nevertheless, it is still the case that Amec target of achieving noise levels from the site 10dB below the late night background noise would not be achieved. Since this aim was agreed with the Environmental; Health Officer, clarification should be sought from the Council that they are happy with this situation.

The November Amec report usefully includes two cross sections which show the heights of the proposed noise barriers in relation to the bedroom windows of Smithy House and Linner Farm. It would be helpful if Amec could extend these sections to show the warehouse building and also to provide similar cross sections for their assessment locations R1 and R2, and if possible to one of the dwellings in Hale Bank Road e.g. No. 60.

Installation of the noise barriers, and provision of some of the other noise mitigation measures, can be ensured by appropriately worded planning conditions. Other measures would have to be the subject of a comprehensive Noise Management Plan which would have to be drawn up by the developer/operator and agreed with the Council. The purpose of the Noise Management Plan would be to minimise noise impact of the site operations on the amenity of local residents as far as is practicable.

The following issues need to be addressed by planning conditions or the Noise Management Plan:-

- Provision of Acoustic Barriers in accordance with the latest Amec recommendations, including the 5m high acoustic fencing.
- No use of the loading/unloading areas in the southern elevation of the warehouse building between 21:00 – 07:00 hours.
- Vehicles on the site to be fitted with ‘broadband’ white noise reverse warning systems rather than ‘bleepers’.
- No use of the site by refrigerated vehicles.
- No use of the site by lorry trailer ‘shunters’.
- Method to be deployed to avoid, or minimise impact noise from, drop down dock levellers at loading bays.
- Use of loading dock shelters/seals to minimise breakout of noise from within warehouse.
- General management measures to prevent unnecessary revving or idling of HGV engines, unnecessary use of horns, shouting of drivers/staff, etc.
- Access road to have specialist ‘low noise’ road surface.
- Environmental noise limits for mechanical services equipment.

Conclusion

The three noise reports prepared by Amec have been studied. As one would expect, for a professional organisation, we confirm that Amec have used the appropriate guidance documents in their assessment and have applied due diligence.

The proposal is for a major storage and distribution facility with associated comings and goings of delivery vehicles. Clearly, the amenity of local residents needs to be protected, but the access road already has planning approval and presumably this was envisaged to serve an employment land use. A development such as the one proposed will always have a degree of noise impact, in planning terms it is a question of whether or not that noise impact is reasonable i.e. within levels recommended in relevant

British Standards. To this end Amec have recommended a number of measures to mitigate the potential noise impact and recently the acoustic screening proposed in the south-west area has been significantly improved. Nevertheless, from the analysis provided to date by Amec, at one of the 3 assessment locations the predicted noise from the HGV operations does not achieve the noise control standard that was agreed with the Environmental Health Department.

We have identified a number of points which are important and require clarification or further assessment. We therefore recommend that the Parish Council seek a commitment from the Council to defer any planning decision until these points of clarification, which are important in terms of the potential noise impact on people living nearby, have been provided for consideration by the Council and the Parish Council.

For Hepworth Acoustics Ltd.
Yours sincerely,

A handwritten signature in black ink, appearing to read 'P. T. Bassett', written in a cursive style.

Paul Bassett BSc MSc FIOA
Technical Director

21 Little Peter Street, Manchester, M15 4PS

T 0161 242 7900

F 0161 235 8407

E manchester@hepworth-acoustics.co.uk

www.hepworth-acoustics.co.uk



Offices across the country

Our ref: 22104.2/1

5 March 2014

Mrs J Egan
Parish Clerk
Hale Bank Parish Council

via email only to: julieshan@blueyonder.co.uk

Dear Mrs Egan,

Re: Proposed Single Rail Served Building for Storage and Distribution Purposes at HBC Field, Hale Bank Road, Hale Bank, Widnes (Application No. 11/00269/FULEIA)

In January 2014 The Parish Council commissioned Hepworth Acoustics Ltd to carry out an independent 'desk top' review of the noise assessment work that was carried out by Amec in connection with the proposed warehouse development at Hale Bank. Our findings were set out in a letter dated 10 January 2014.

You have now asked us to study and comment on 3 new documents that have been issued by Amec in advance of the Planning Committee meeting on 10 March 2014.

The 3 documents are:-

Document 1 - Amec letter to Isobel Mason, Environmental Protection Officer at Halton Borough Council dated 24 January 2014;

Document 2 - Amec Response to Parish Council dated January 2014;

Document 3 - Amec Technical Note dated February 2014.

My comments on the main aspects of the 3 documents are set out below.

Document 1

The first document contains three paragraphs which cover averaging of background noise levels, assessment to British Standard 4142, and assessment to British Standard 8233.

Background Noise

Amec have carried out baseline monitoring over 5 days which I agree is extensive. In my January letter I acknowledged that it would be overly restrictive to work on the basis of the lowest period noise level and that some averaging is necessary. However, since the proposed operations will take place on a 24 hours basis it is the background noise levels in the quieter middle part of the night that are of paramount importance in terms of potential noise impact. It appears that Amec have averaged the noise levels over the whole of the night (i.e. not just the quietest hours of the night) and over several nights. This means that the average background noise levels used by Amec in their BS4142 assessment tend to err on the high side.

BS4142:1997 'Method for rating industrial noise affecting mixed residential and industrial areas'

In previous reports Amec described how, in order to safeguard the amenity of local residents, they recommended, and agreed with the Environmental Protection Officer, that the noise from HGV loading activities carried out on the on the site (rated according to BS4142) should be controlled so as to be at least 10 dB(A) below the background noise level.

However, even by not adding the 5dB 'acoustic feature' penalty (that is required to take into account the character of the noise) and using their adopted background noise levels, Amec found that noise from the proposed development will not meet the agreed assessment criterion at all residential locations.

In fact, applying the 5 dB(A) acoustic feature correction to the figures in the November 2013 report, rather than being 10 dB(A) below the background noise, the noise rating level from HGV activities at night will be at least 10 dB(A) above the background noise at Linner Farm Cottages. According to BS4142 this means a likelihood of noise complaints.

Subsequently the proposed height of the noise barrier in the Linner Farm area has been increased (to 5 metres) in order to reduce the noise impact as far as is practicable.

However as it is clear that the BS4142 acoustic design criterion that Amec recommended to the Council cannot be met, Amec state that the noise impact should instead be assessed to an alternative British Standard, BS 8233. It is stated that this 'new criterion' has been agreed with the Council.

BS 8233:1999 'Sound insulation and noise reduction for buildings – Code of practice'

British Standard 8233:1999 is currently under revision and publication of a new version is imminent.

BS8233 contains recommended acceptable noise levels for inside dwellings in absolute terms i.e. unrelated to the background noise climate of the area. The noise criteria are expressed in terms of 'reasonable' and 'good' standards of noise climate in L_{Aeq} , and there is also an L_{Amax} criterion for peaks of noise at night. These criteria are applied more commonly for proposed new dwellings rather than for existing dwellings, but there is no reason why they should not be used for existing houses. However, the criteria apply for 'anonymous' sources of noise such as general road traffic rather than noise from an adjacent warehouse site. Therefore if the criteria are to be applied here, the more onerous 'good' standard should be adopted.

Document 1 states that based on a worst case 5 minute assessment, with the proposed increased height acoustic fence, the internal 'good' standard will be achieved in all of the assessed residential locations. (In Document 3 it is stated that the noise levels will achieve both the L_{Aeq} and L_{Amax} night-time criteria in BS8233).

If it is the case that the Environmental Protection Officer has agreed with Amec that meeting the noise criteria in BS 8233 criteria would safeguard the amenity of local residents, I would recommend that this is formalised by setting appropriate noise limits in a planning condition (as set out later in this letter). Local residents would then have the re-assurance that should the noise from the site operations be found to exceed the BS8233 noise limits, planning enforcement action could be taken against the operator to ensure the noise levels specified in the planning condition are met.

Document 2

In this document Amec respond to the points requiring clarification that were raised in my January letter.

From their responses I note the following points:-

- Amec confirm that the original Environmental Assessment was based on the wrong assumption that there would be no loading/unloading at night outside the southern elevation of the warehouse.

- Amec advise that the sentence in the Environmental Statement stating that loading bays on the south side will be restricted to between 0700 and 21:00 hours was an error and in fact HGV movements may occur at night.
- Amec now state *“the nature of HGV movements will typically be infrequent during the night”*. It is not clear on what basis this statement is made, or how local residents can be ensured of this without a planning condition restricting the numbers of HGV movements at night.
- Amec confirm that fork lift trucks will only be used inside the warehouse and not outside – this is something that can be the subject of a planning condition.
- Amec confirm that HGV reversing alarms have not been taken into account in the noise assessment.
- In their response to point 7, Amec have not answered the question as to whether or not the BS4142 assessment of HGV movements/loading operations in their November 2013 report included the necessary 5 dB(A) acoustic feature correction to take into account the irregular nature of the noise. I have therefore assumed they have not. Therefore the BS4142 noise rating levels in the Amec November Technical Report are 5 dB too low and under-predict the likely noise impact. (The figures in the latest February 2014 report have increased by 5dB so now appear to include the 5 dB correction).
- Amec have agreed to examine the noise impact of traffic between 05:00-06:00 which was identified by the Parish Council as a particular concern. (This is included in the new February 2014 Technical Report and on the basis of the results presented, which include the effect of the 5m high acoustic fencing, the findings are satisfactory).
- Amec state that the ‘new criterion’ of using the internal noise guidelines in BS 8233 instead of the BS 4142 approach is acceptable to the Council.
- Amec have provided improved cross sections as requested.

Document 3

In many parts the February 2014 Amec Technical Report is identical to the previous November 2013 version. The differences occur in parts of Sections 4, 5, and 6.

The 5 dB acoustic feature correction has now been applied to the predicted noise levels from HGV/loading operations in Section 4.

Consequently the predicted noise impact at Linner Farm has increased. For various calculation scenarios (HGVs waiting at entrance gate, HGVs loading, on-site HGV movements) the noise rating levels exceed the background noise level by 10 dB(A) or more. Therefore Amec conclude that according to BS 4142 there is a likelihood of complaints about the noise.

In Section 5 the effect of increasing the acoustic fencing to 5 metres in height is investigated. This is shown to result in a 5 dB(A) reduction. With the higher noise barrier, the noise rating levels are predicted to be up to 6 dB above the Amec background noise level. Amec conclude that, in terms of likelihood of complaints, this is ‘of marginal significance’. However, if a more conservative late night background noise level is adopted for Linner Farm (as recommended in my January letter) the noise rating level would be 9dB(A) above the background noise level which would mean a likelihood of complaints about the noise.

Later in Section 5 Amec suggest that a further reduction could be achieved by ensuring that HGVs have their engines switched off whilst parked at the loading bays. Also Amec recommend that loading should only take place at the east bays during the night-time period.

In Section 6 the noise impact is analysed with respect to BS 8233 looking at individual elevations of Linner Farm. The results indicate that the noise levels are expected to be within the 'good' standard of 30 dBL_{Aeq(8 hrs)} inside bedrooms at night and within 45 dBL_{Amax}. Therefore if reliance on BS 8233 for control of noise at this development has now been agreed by the Environmental Protection Officer, rather than the BS4142 approach that was agreed previously, it would appear that the noise impact as predicted by Amec will be acceptable to the Borough Council. Moreover, as the noise impact is predicted to comply with BS8233 (a fully adopted British Standard) it would be difficult for the Parish Council to object to the development proposal on technical aspects of the noise assessment, subject to appropriate noise planning conditions.

Planning Conditions

Should the Planning Committee of the Borough Council be minded to approve the proposed warehouse development it would be necessary that suitable planning conditions are imposed which would adequately protect the amenity of local residents from noise.

Based on the latest Amec documents provided, and the recommendations in my January letter, the following issues need to be addressed by planning conditions or the Noise Management Plan:-

- Noise from all on-site HGV movements and HGV loading/unloading operations between 23:00-07:00 hours to be controlled so as not to exceed 30 dBL_{Aeq(8hrs)} inside bedrooms (equivalent to 40 dBL_{Aeq(8hrs)} outside bedrooms) and 45 dBL_{Amax} inside bedrooms (equivalent to 55 dBL_{Amax} outside bedrooms) of dwellings.
- Provision of Acoustic Barriers in accordance with the latest Amec recommendations, including the 5m high acoustic fencing.
- Engines of HGVs to be switched off when parked at the loading/unloading areas in the southern elevation of the warehouse building between 23:00 – 07:00 hours.
- HGVs to use east bays of the southern elevation of the warehouse building between 23:00 – 07:00 hours.
- Vehicles on the site to be fitted with 'broadband' white noise reverse warning systems rather than 'bleepers'.
- No use of the site by refrigerated vehicles.
- No use of the site by lorry trailer 'shunters'.
- All loading/unloading of HGVs to be carried out from inside the warehouse building.
- Method to be deployed to avoid, or minimise impact noise from drop-down dock levellers at loading bays.
- Use of loading dock shelters/seals to minimise breakout of noise from within warehouse.
- General management measures to prevent unnecessary revving or idling of HGV engines, unnecessary use of horns, shouting of drivers/staff, etc.
- Access road to have specialist 'low noise' road surface.
- Specific environmental noise limits for mechanical services equipment based on BS 4142.

For Hepworth Acoustics Ltd.
Yours sincerely,

A handwritten signature in black ink, appearing to read 'P. T. Bassett', written in a cursive style.

Paul Bassett BSc MSc FIOA
Technical Director

REPORT TO: Development Control Committee
DATE: 8 September 2014
REPORTING OFFICER: Strategic Director, Policy & Resources
SUBJECT: Miscellaneous Items
WARD(S): Boroughwide

The following Appeals have been received / are in progress:

12/00428/S73

APP/D0650/A/13/2196163 - Proposed removal of condition 1 from Planning Permission APP/D0650/C/10/2126943 to allow the permanent retention of a mixed use for the keeping of horses and a residential gypsy caravan site at Land south-west of junction between, Newton Lane and Chester Road, Daresbury, Warrington, Cheshire, WA4 4AJ.

Inquiry has been held, currently awaiting decision of the SoS.

13/00278/FUL – (APP/D0650/V/14/2212165) Proposed redevelopment of existing high school comprising new school building, provision of new tennis courts, relocation of playing fields, new car parking and associated hard and soft landscaping and demolition of the existing school buildings at The Heath Specialist Technology College.

The Secretary Of State has called the application in for his consideration. This will now be heard by a public Inquiry likely to be in the new year.