

APPLICATION NO:	14/00613/FUL
LOCATION:	Johnsons Lane, Widnes
PROPOSAL:	Proposed development of an incinerator bottom ash recycling facility
WARD:	Riverside
PARISH:	None
CASE OFFICER:	Rob Cooper
AGENT(S) / APPLICANT(S):	Mrs Joanna Holland H&C Consultancy Ltd 15 Sherborne Road Nottingham NG2 7BN
DEVELOPMENT PLAN ALLOCATION:	Widnes Waterfront Regeneration Area Halton Unitary Development Plan (2005) National Planning Policy Framework (2012) Halton Core Strategy (2013)
DEPARTURE REPRESENTATIONS:	Yes 10 objections
KEY ISSUES:	Principle of Development Access Ecology Dust
RECOMMENDATION:	Approve

SITE MAP



1. APPLICATION SITE

1.1 The Site

The application site consists of 3.1 hectares of vacant land designated within the Halton Unitary Development Plan as Primarily Employment, and is located adjacent to the Widnes Waterfront Regeneration Area. It is located approximately 2km east of the Widnes Town Centre. The proposed access will be off the new access off Johnsons Lane which is currently being constructed by Halton Borough Council.

2. THE APPLICATION

2.1 The Proposal

Ballast Phoenix Ltd is proposing to develop an Incinerator Bottom Ash (IBA) recycling facility on land at Johnsons Lane, Widnes. The proposal is for a facility that will have the capacity to recycle up to 250,000 tonnes per annum of secondary aggregates known as IBAA.

The IBA recycling facility is designed to accept IBA primarily from the proposed Energy from Waste facility in Runcorn. This will offer Halton a sustainable and local solution to managing its own waste, and an opportunity to reduce its reliance on primary won aggregates.

All waste treated at the facility will be non-hazardous. IBA recycling is a process capable of taking raw IBA waste and treating that material to produce a valuable product that can be sold into the construction industry.

The recycling processes ensure that the maximum value can be recovered from waste, diverting material from landfill and using waste as a resource.

2.2 Documentation

The application has been submitted with the requisite planning application form, a complete set of plans and supporting information including a design and access statement, and a ground investigations report and a transport statement, ecology report, flood risk assessment, health impact assessment and noise assessment.

2.3 History

The site is previously un-development and has no recent relevant planning history.

3. POLICY CONTEXT

3.1 National Planning Policy Framework

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

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

3.2 Halton Unitary Development Plan (UDP) (2005)

The site is designated as Primarily Employment Area in the Halton Unitary Development Plan and adjacent to the Widnes Waterfront Regeneration Area. The following policies within the adopted Unitary Development Plan are considered to be of particular relevance.

- BE1 General Requirements for Development;
- BE2 Quality of Design;
- BE22 Boundary Walls and Fences
- GE21 Species Protection
- PR1 Air Quality
- PR2 Noise Nuisance
- PR5 Water Quality
- PR14 Contaminated Land
- PR16 Development and Flood Risk
- TP6 Cycle Provision as Part of New Development
- TP7 Pedestrian Provision as Part of New Development
- TP12 Car Parking
- TP15 Accessibility to New Development
- TP17 Safe Travel for All
- PR14 Contaminated Land
- E3 Primarily Employment Area

3.3 Halton Core Strategy (2013)

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

- CS2 Presumption in Favour of Sustainable Development
- CS9 South Widnes Key Area of Change
- CS15 Sustainable Transport
- CS18 High Quality Design

CS19 Sustainable Development and Climate Change
CS20 Natural and Historic Environment
CS23 Managing Pollution and Risk

3.4 Joint Waste Local Plan 2013

WM1 Guide to Site Prioritisation
WM8 Waste Prevention and Resource Management
WM10 High Quality Design and Operation of Waste Management Facilities
WM13 Planning Applications for New Waste Management Facilities on Unallocated Sites

4. **CONSULTATIONS**

The application has been advertised as a departure to the Development Plan by a press notice and a site notice posted near the site. Adjacent occupiers have been notified by letter.

Externally, the Environment Agency, United Utilities, and Merseyside Environmental Advisory Service (MEAS) have been consulted.

The Environment Agency has confirmed that it has no objection to the proposal.

United utilities has confirmed that it has no objection subject to conditions relating to the approval of drainage details.

MEAS has been consulted in relation to Waste planning Policy and ecology and habitats regulations. It has no objections and has confirmed that the applicant site assessment complies with the Joint Waste Local Plan, and that the ecological reports are acceptable subject to conditions in relation to mitigation.

Internally, the Council's Highways and Drainage Engineers, Environmental Health Officer and Contaminated Land Officer have been consulted. Their observations have been incorporated into the assessment section below.

5. **REPRESENTATIONS**

10 representations have been received to the application objecting on the grounds that they thought the proposal was for another incinerator, which it is not. Other issues raised include pollution (dust and air quality), traffic and lack of confidence in the operator. These issues have been addressed in the assessment section below.

6. **ASSESSMENT**

6.1 Policy

The site is designated as Primarily Employment Area. Policy E3 of the Halton Unitary Development Plan is therefore of relevance and adjacent to the Widnes Waterfront (CS9 South Widnes Key Area of Change). As the proposed IBA waste

recycling facility is a sui-generis use, the application has been advertised as a departure, prior to its consideration under this application.

The siting of such uses also needs to be considered against the relevant policies within the Joint Waste Local Plan. The applicant has submitted a Site Selection Assessment report justifying use of an unallocated site for waste use, as required by policy WM1 and WM13 of the Merseyside and Halton Joint Waste Local Plan. The report provides adequate justification for using an unallocated site, and therefore, compliance with policies WM1 and WM13 is confirmed.

The facility will contribute to the development of the local economy and to the long term viability of waste management services in the wider area. The facility will also contribute to local employment as the operation of the facility will provide 9 full time and 1 part time jobs. The facility will also support ancillary employment opportunities from the need for haulage drivers and maintenance of the plant and machinery on site.

6.2 Location, Design and Appearance

The site is located in an industrial area consisting of various industrial uses and existing waste management facilities in close proximity and adjacent to the site, and Fiddlers Ferry power station to the east of the site.

Taking into account the industrialised nature of the site and the existing compatible uses, the external storage of the IBA would have a stockpile height of up to 12m. Whilst this does seem significant in height, this has to be put into the context of the surrounding sites, most notably the coal stockpiles to the east at Fiddlers Ferry power station, the raised level of the former ICI tip to the south and the scale of the United Utilities sludge plant to the north. Taking these into consideration, the stock piles are considered to be acceptable and reflect surrounding uses.

The access has been designed to take into account the already approved access road, which is currently being constructed, and the existing exit from the household waste site, as well as the existing service track to the north that leads down to the canal.

The proposal involves only a limited amount of buildings. These include the process building which would be an industrial shed with a foot print of approximately 45m by 25m and a maximum ridge height of 15m. Other built development includes the two weigh bridges and associated offices, and welfare facilities. The design and appearance of the buildings would be industrial in nature and in keeping with the surrounding area.

Policy WM10 of the Joint Waste Local Plan 'High Quality Design and Operation of Waste Management Facilities', requires developments to meet BREEAM standards. As this very much relates to the final detailed construction design of the buildings, a suitably worded condition is considered to be acceptable to ensure this policy is complied with.

6.3 Highways

The proposed access to the site will be off the new access off Johnsons Lane which is currently being constructed by Halton Borough Council. This new access road was also subject to a separate planning application (14/00053/FUL) and was granted permission in 2014, it being processed under the Council's scheme of delegation.

The site will operate from 07:00 to 18:00 hours Monday to Friday, and 08:00 to 13:00 hours on a Saturday. The site will not operate on a Sunday or Bank Holiday, but will carry out maintenance between the hours of 08:00-16:00 hours, if necessary.

The proposed facility will generate on a typical day up to 146 HGV movements (equivalent to 73 vehicles entering the site and 73 vehicles leaving the site). Of these, 33 vehicles (66 two-way movements) will deliver the raw IBA to the site and 40 (80 two-way movements) will be collecting the processed material to deliver to construction sites. There will also be occasional deliveries of fuel to the site and metals leaving the site for recycling.

The majority of the traffic accessing the facility and bringing the IBA, will approach from the south via the Silver Jubilee Bridge and along the A557/A562, as the majority of the material (205,000 tonnes) would be coming from the Runcorn Energy from waste site. This would be brought to the site in 30 tonne articulated vehicles, spread out throughout the working day. The Highways Engineer has confirmed that the number of movements is not expected to have a significant impact on the highway network.

With regards to parking, the site layout plan provides for 20 car parking spaces for staff. Taking into account the staffing levels at the site and the potential for any visitors, this level of car parking is considered to be acceptable.

The Council's Highway Engineer has been consulted and has no objections to the application. Conditions are recommended in relation to the provision of: secure, covered and convenient cycle parking; a method statement to ensure highways are kept clean during operation of the site; and a construction management plan to comply with Policies BE1, TP6 and TP16.

6.3 Ecology

The applicant has submitted an ecology survey report and great crested newt survey report in accordance with Halton Local Plan Core Strategy policy CS20 and UDP policies GE17, GE18, GE19, GE20 and GE21 (Extended Phase One habitat Survey, Proposed Works, Johnsons Lane, Widnes, Crestwood Environmental, 8 November 2013, CE-WD0634-RP01-FINAL and Great Crested Newt Survey, proposed Development at Johnsons Lane, Widnes, Cheshire, CES Ecology, 2013). The surveys are acceptable and will be forwarded to Merseyside BioBank.

Due to the site proximity to the Mersey Estuary Ramsar and SPA, Merseyside Environmental Advisory Service (MEAS) has reviewed the proposal submitted by the applicant and assessed the likelihood of significant effects under the Habitats Regulations using the source-pathway-receptor model. Its conclusion is that there is no pathway that could give rise to likely significant effects on the European sites and it does not warrant a detailed Habitats Regulations Assessment report because the facility will not use any processes, or produce by-products that would impact upon the nearby Natura 2000 sites.

It is also noted that the CEMP would be sufficient to ensure the development is unlikely to harm the features for which any of the sites have been designated and a detailed Habitats Regulations Assessment report would not be necessary for the current proposals.

It has been noted that since the surveys were undertaken, the site has been stripped of vegetation and top soil.

The removal of vegetation and topsoil is likely to have altered the site sufficiently to encourage ground nesting birds such as little ringed plover to breed. All breeding birds are protected, however, little ringed plover is included on Schedule 1 of the Wildlife and Countryside Act (1981) which means it is afforded additional legal protection. The site must be surveyed for breeding ground nesting birds by a suitably qualified ecologist immediately before the start of works and the survey report submitted to the Council for approval prior to work starting. If nests become established during works on site, work in the vicinity of the nest must stop until the chicks have fledged. This can be secured by a suitably worded planning condition.

A condition is recommended to secure the recommendations in 6.1.4 and 6.1.5 of the Phase 1 habitat survey report which relate to the provision of a habitat corridor around the boundaries of the site.

The ecological survey report recorded Japanese knotweed within the site boundary. Work to treat the Japanese Knotweed on site was carried out just over 12 months ago, starting January 2014. This work has been carried out by a qualified company in accordance with a management plan.

6.4 Contaminated Land

A site investigation has previously been carried out for the Local Authority as the Council owned the site. The contaminated land officer and the Environment Agency have been consulted and have advised that there have been no former contaminative uses at the site, and geological maps indicate relatively low sensitivity with regards to controlled waters. Therefore, in view of the above, no further investigations are required.

6.5 Flood Risk

In accordance with the National Planning Policy the Application has been accompanied with a flood risk assessment. The Environment Agency has been consulted and has no objection.

6.6 Noise

Due to the nature of the application and the use of mechanical processing of the raw IBA, the application has been accompanied with a noise report carried out in accordance with BS5228. The predicted noise of the proposed IBA operations meets the relevant criteria of a rating level no higher than 10dB below the background noise level. Based on this assessment it is considered that the noise impact would be minimal.

6.7 Summary and Conclusion

The IBA recycling facility will ensure that the maximum value can be recovered from waste, diverting material from landfill and using waste as a resource, and moving waste up the waste hierarchy in accordance with the National Waste Management Plan for England and the Planning Policy Statement (PPS) 10: Planning for Sustainable Waste.

The proposals for the facility accord with the overarching aims of the NPPF. The proposed development meets the criteria for sustainable development for which there is a presumption in favour for development.

The proposals comply with the Joint Waste Local Plan WM1 'Guide to Site Prioritisation' and WM13 'Planning Applications for New Waste Management Facilities on Unallocated Sites'.

The number of vehicle movements is not expected to have a significant impact on the highway network, and the proposed new access can be constructed in a manner that would not have a detrimental impact on highway safety and complies with policies TP12 'Car Parking' and TP15 'Accessibility to New Development' of the Unitary Development Plan.

The facility will contribute to the development of the local economy and to the long term viability of waste management services in the wider area. The facility will also contribute to local employment.

7. RECOMMENDATIONS

Grant planning permission subject to conditions

8. CONDITIONS

1. Time limit on commencement of development
2. Condition listing approved plans and documents – (Policy BE1)

3. Development shall be carried out and operated in accordance with the submitted flood risk assessment (PR16)
4. Development shall be carried out and operated in accordance with the submitted noise risk assessment (PR2)
5. Condition for dust management plan to ensure prevention and control of any mud or debris tracked offsite. (PR1)
6. Condition requiring submission of building materials – (Policy BE2)
7. Condition requiring the submission of details of drainage condition (s) (Policy BE1)
8. Boundary Treatments – (Policy BE22)
9. Submission and Agreement of finished floor and site levels – (Policy BE1)
10. Construction Traffic Management Plan (BE1)
11. Condition in relation to breeding birds (GE21)
12. Condition requiring the submission of a Construction Management Plan (BE1).
13. Condition requiring the submission of details of secure covered cycle parking (TP6).
14. Condition restricting use to the operation of an Incinerator Bottom Ash Recycling Facility (BE1, WM1 and WM13)
15. Condition limiting stockpile heights to a maximum of 12m (BE1)
16. Condition stating no substances/material shall be burnt on site (PR1)
17. Condition controlling hours of operation (BE1)
18. Condition(s) relating to submission of landscaping and habitat mitigation (BE1 and GE1).

9. SUSTAINABILITY STATEMENT

As required by:

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

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