

Site of approximately 0.45 hectares being the site of the former Klaruw depot which was a specialist surfacing company on the west bank dock industrial estate. The site is adjoined to the north, south and west by a concrete batching plant, the Tesco chilled distribution centre. The Silver Jubilee Bridge and West Coast Mainline viaduct are east. The site is accessed via MacDermott Road which is unadopted.

Planning History

The site has a lengthy Planning history associated with the former industrial uses. None are considered directly relevant to the current application.

THE APPLICATION

The Proposal

Permission is sought for the proposed construction of a waste transfer building, change of use to commercial and industrial waste transfer station and ancillary development

Documentation

The applicant has submitted a planning application, drawings and the following reports:

Planning and Issues Statement
Phase 1 Contamination Risk Assessment
Transport Statement
Archaeology Desk Based Assessment

POLICY CONTEXT

National Planning Policy Framework

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

Paragraph 47 states that planning law requires for planning permission be determined in accordance with the development plan, unless material considerations indicate otherwise. Decisions on application should be made as quickly as possible and within statutory timescale unless a longer period has been agreed by the applicant in writing.

Paragraphs 81 states planning policies and decisions should help create the conditions in which businesses can invest, expand and adapt. Significant weight should be placed on the need to support economic growth and productivity, taking into account both local business needs and wider opportunities for development.

National Planning Policy for Waste

The National Planning Policy for Waste sets ambitious aims to work towards a more sustainable and efficient approach to resource use and management through positive planning in delivering sustainable development and resource efficiency including through the provision of modern infrastructure and by driving waste management up the waste hierarchy and by securing the re-use, recovery or disposal of waste without endangering human health or harming the environment.

Other Considerations

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

Halton Unitary Development Plan (UDP) (2005)

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

- BE1 General Requirements for Development
- BE2 Quality of Design
- PR1 Air Quality
- PR2 Noise Nuisance
- PR3 Odour Nuisance
- PR4 Light Pollution and Nuisance
- PR14 Contaminated Land
- PR16 Development and Flood Risk
- MW1 All Minerals and Waste Management Developments
- MW2 Requirements for All Applications
- TP6 Cycling 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
- E3 Primarily Employment Areas
- E5 New Industrial and Commercial Development

Halton Core Strategy Local Plan (2013)

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

- CS1 Halton's Spatial Strategy
- CS2 Presumption in Favour of Sustainable Development
- CS4 Employment Land Supply and Locational Priorities
- CS8 3MG
- CS15 Sustainable Transport
- CS18 High Quality Design
- CS19 Sustainable Development and Climate Change
- CS20 Natural and Historic Environment
- CS23 Managing Pollution and Risk
- CS24 Waste

Delivery and Allocations Local Plan

The Council submitted the Submission Delivery and Allocations Local Plan (DALP) to the Planning Inspectorate for independent examination on 5th March 2020. This will replace the existing Unitary Development Plan Proposals Map in due course. This proposes to designate the application site as Primarily Employment. This is now a material planning consideration, however at this point carries very little weight in the determination of planning applications.

Joint Waste Local Plan 2013

- WM0 Presumption in Favour of Sustainable Development
- WM1 Guide to Site Prioritisation
- WM2 Sub-regional Site Allocations
- WM3 Allocations for District Level Sites
- WM5 Areas of Search
- WM10 High Quality Design and Operation
- WM11 Sustainable Waste Transport
- WM12 Criteria for Waste Management Development
- WM13 Planning Applications for New Waste Management Facilities on Unallocated Sites

Supplementary Planning Documents (SPD)

Design of New Industrial and Commercial Development SPD

CONSULTATIONS

The application has been advertised via the following methods: site notices posted near to the site, press notice, and Council website. Surrounding commercial properties have been notified by letter.

The following organisations have been consulted and any comments received have been summarised below in the assessment section of the report where appropriate:

External Bodies:

Environment Agency – No Objection

United Utilities – No objection subject to conditions

Natural England – No Objection

Liverpool Airport – No Objection

Network Rail – No objection subject to asset protection

Council Services:

HBC Contaminated Land – No Objection subject to Conditions

HBC Highways – No Objection subject to Conditions

Lead Local Flood Authority – No Objection subject to Conditions

HBC Environmental Health - No Objection subject to Conditions

MEAS – No Objection (see detailed observations below)

Major Projects –Objection (see Principle of Development)

REPRESENTATIONS

None Received

ASSESSMENT

Background

The applicant operates a waste collection and management service across the north west including Halton and Merseyside.

The existing use of the site is as an industrial use with offices and a workshop. The submitted supporting statement indicates that the proposed building will be used to store and sort non-hazardous wastes, predominantly mixed packaging, paper, cardboard, glass, wood and general trade waste. The quantity of waste accepted at the site is proposed not to exceed 75,000 tonnes per annum.

As an update to the planning application form as originally submitted the applicant suggests an approximate breakdown as follows:

- Commercial and Industrial – 50,000 Tonnes
- Construction, Demolition and Excavation – 10,000 Tonnes
- General Trade Waste – 15,000 Tonnes

The submission states that “the activities to be carried out on site will consist of manual sorting, separation, screening, baling, shredding, crushing or compaction of waste into different components for disposal or recovery. All waste treatment will take place within the building and all treatment and storage of wastes shall be carried out on an impermeable surface.”

The applicant has indicated that the following EWCs will be accepted at the site: 15 01 06 (mixed packaging); 20 01 01 (paper and cardboard); 20 01 02 (glass); 20 03 01 (mixed municipal waste); occasional loads of C&D waste, including 17 01 07 (stone / hardcore), 17 02 01 (wood) and 17 09 04 (mixed C&D waste). All the waste will be non-hazardous.

It is understood that the waste will primarily be trade waste collected from businesses within Halton and Merseyside (albeit the Council are not treating this as a condition of the grant of permission). Trade waste from local businesses is typically subject to 'at source' separation i.e. cardboard and clearly recyclable material separated from residual wastes. The proposed bulking/ treatment facility will allow recyclates to be bulked on the site and residual waste to be treated to produce a refuse derived fuel for use in consented recovery facilities aimed at increasing the rates of trade waste recycling and minimise the amount of trade waste sent to landfill. Bulked waste, recyclates etc. would be transported from the facility to re-processors and recovery facilities within a reduced number of larger vehicles.

The submitted application form states that the business currently supports 3 staff directly at the site and this would require an additional 6 staff. The proposed waste transfer and treatment building which is aligned along the eastern rear boundary of the site will provide a footprint of approximately 1,252 square metres (approximately 47 metres x 30 metres) with an overall height of 8.2m to the ridge.

The building will be a portal framed industrial building with exposed precast concrete panels at its base, goosewing grey single skin profiled metal cladding to the wall and roof above with contrasting red detailing and doors. The scheme as originally submitted proposed an open fronted building with simple goosewing grey cladding but, in line with officer advice, amended plans have been supplied to provide for an enclosed building with roller-shutter doors and colour variation detailing to provide better enclosure of the waste activities and a degree of visual variation to the building design.

Principle of Development

The site is designated as a Primarily Employment Area in the Halton Unitary Development Plan (UDP). UDP Policy E3 provides that development falling within Use Classes B1, B2, B8 and Sui Generis Industrial uses will be permitted in such areas. There is an argument that the proposed use would most likely be considered a B2 general industrial use. Even if a counter argument were made that the proposals constituted a Sui Generis use provision is made within UDP Policy for either within such areas where such uses meet tests with respect to the justification and other policies relating to operational impacts and compatibility with surrounding uses. Such compatibility and operational impact issues are addressed elsewhere within the report however on this basis, the proposed use is considered acceptable in principle.

The Council's Major Projects Officer has commented that:

“3MG is designated for rail related uses. This proposed construction of waste transfer building, change of use to household, commercial and industrial waste transfer station does not fit into this designation. More fundamentally, we have a fresh food facility adjacent to the site, even with all the controls in place there is the likelihood that the facility will omit odour, dust / ash, rubbish as the waste is being transported to the facility and generally cause a nuisance.”

Whilst the applicant had initially submitted a description of development for “...change of use to household, commercial and industrial...” it is understood that this was a reflection of harmonising the terminology used in this application with that of the environmental permit application with the Environment Agency in order to ensure that the planning permission, if granted, was accurately matched with the permit sought. The initial permit sought at the time was for a regulator specified “SR2015 No 6: 75kTe household, commercial and industrial waste transfer station with treatment” and hence the use of this terminology. Across their existing business, the applicant does not currently service households and does not intend to do so at this address. The description of development has therefore been amended to more closely reflect the waste streams intended to be handled. The Council are satisfied that there is no prejudice in making this amendment to the scheme to members of the public.

The site is included within the shaded area for the 3MG Key Area of Change as contained within Core Strategy Policy CS8. Core Strategy Policy CS8 also includes overarching policies and aspirations with respect to the delivery of B8 employment to deliver regionally important logistics and distribution development and provision of jobs. That Policy does not however supersede designation on the UDP Proposals map or UDP Policy E3. It is not considered that refusal of planning permission could be justified on the basis of the “land use designation”. Issues relating to environmental impacts and compatibility with adjoining uses are addressed later in the report.

The Council’s retained adviser on waste has at numerous stages of the application raised a number of ongoing queries with the applicant in order to demonstrate compliance with the Waste Local Plan (WLP) having particular regard to Policies WM1, WM2, WM3, WM10, WM12 and WM13. The advice received from MEAS by the planning authority is included as an appendix to this report.

Through their final advice correspondence they confirm that:

“a questionnaire regarding the current status and availability of the site was sent to the current owner of site H1 on 3rd August 2020 by post (no email or telephone number available). A preferred response date of 14th August was set, but so far no response has been received.

In the absence of any updated information from the site owner of site H1, I have undertaken the following assessment with respect to policies WM1 and WM13 of the

Merseyside and Halton Joint Waste Local Plan.

The proposed development is not on an allocated site, however, the applicant has undertaken a qualitative assessment of the availability and suitability of all the sites allocated in the WLP. The applicant also notes that the proposed site is not considered to be strategically significant in terms of policy WM2, and I would concur with this. They have contacted the owner of site H1 but have not received any response. Site H2 is not currently available. I am satisfied that the review of other sites is satisfactory and that the reasons given for unsuitability are fair. The proposed site is to serve Halton and the immediate area, proximity to their existing site is a deliverability consideration for them. The applicant has not stated where the sister sites are, however, it is understood that they are based in Wrexham, Chester and Birmingham (based on google search 24/08/20), so the synergy in terms of location is not clear other than proximity to the Mersey Gateway.

The proposed site sits with the Area of Search for Halton identified in policy WM5.

The applicant has submitted a site scoring assessment which they identify has achieved as score of 32. When run through the WLP scoring process the site achieved a score of -23. However, having reviewed the discrepancies between the scores and have made various adjustments to the WLP score where I believe this was underscored resulting in a score of 7. The applicant's score is possibly over scored by 25 (proximity to large energy uses and major road junctions), if this adjustment is made then the applicant score matches the WLP score of 7.

This is lower than site H1, but the scoring process is not definitive in identifying the most suitable sites and is partly used to identify constraints on a site. I am satisfied with how the scoring has been undertaken.

The applicant has not included a sustainability appraisal, but in this instance I do not think this is critical, as it is a relatively small facility within an area of search and on an industrial estate.

Habitats Regulations Assessment was undertaken as part of the original response to the application on 26th September 2019 which concluded no likely significant effect. Natural England issued a 'no objection' response.

A deliverability assessment has been included as part of the review of other sites, I am satisfied that the majority of sites are unsuitable because they are too large, or unavailable. This would particularly be the case for H1, and they state in an email dated 14th July 2020, that ASH's proposal would take only a very small part of the H1 site if it were available and would potentially impact upon the development of other waste sites at that location. From their deliverability perspective, at present there is no supporting infrastructure on site H1, which would need to be in place in the same way

that it already is at the ASH application site. The assessment of sites also indicated that site H1 is likely to require significant site investigation and remediation which is also identified in the site profile for the WLP. It is not clear whether the proposed site requires remediation but other infrastructure is in place.

Overall, in the absence of an update from the owner of site H1, I consider the applicant has submitted sufficient information to demonstrate compliance with policies WM1 and WM13.

My email response (dated 18th May 2020) in relation to additional information provided (Information dated 11/03/20) indicated that I was satisfied that all the information requirements of policy WM12 had been provide subject to Environmental Health, Highways and Planning colleagues being satisfied.”

The proposed development is not on an allocated site but does sit within the Area of Search for Halton identified in policy WM5. Officers have made contact with the owner of Site H1 who confirmed that the site was available but at that time discussions were ongoing with a prospective purchaser. The applicant has stated that “contact has been made with the owners of site H1 in relation to purchasing an acre of the site for a waste facility. The owners have made it clear that they do not want to develop the site piecemeal and are not prepared to sell the required amount of land.” Officers have not verified this statement with owner however, notwithstanding the issue of availability, Site H1 is considered to have been “demonstrated as not being suitable for the proposed waste management operation” per policy WM1. Site H2 is currently occupied and not available.

It is considered that the applicant has supplied sufficient information to demonstrate compliance with the Waste Local Plan (WLP) having particular regard to Policies WM1, WM2, WM3, WM10, WM11, WM12 and WM13. No pathway is identified that could give rise to likely significant effects on the European sites and therefore a detailed Habitats Regulations Assessment report is not required in this case.

The proposal is considered compliant with policy WM10 (High Quality Design and Operation of Waste Management Facilities), the visual impacts are not considered significant as the area is an existing industrial area, the facility will be designed to fit into its surroundings.

As requested, the applicant has provided further clarification demonstrating that traffic generation from the proposed development are likely to be significantly lower than other potential lawful uses of the site and the Council’s Highways Officer has confirmed that they raise no objection. No information has been provided on where the waste will be going. This is however considered to be a market decision dependant on contracts and not a matter for control through any grant of planning permission.

Issues relating to noise, dust, odour and other amenity issues are addressed later in this report. The proposals are considered to accord with UDP policies BE1, BE2 and E5, the Waste Local Plan and Core Strategy Policy CS24 and are therefore considered acceptable in this regard.

Design and Character

The scheme proposes a waste transfer and treatment building aligned along the eastern rear boundary of the site will provide a footprint of approximately 1,252 square metres (approximately 47 metres x 30 metres) with an overall height of 8.2m to the ridge.

The building will be a portal framed industrial building with exposed precast concrete panels at its base, goosewing grey single skin profiled metal cladding to the wall and roof above with contrasting red detailing and doors. The scheme as originally submitted proposed an open fronted building with simple goosewing grey cladding but, in line with officer advice, amended plans have been supplied to provide for an enclosed building with roller-shutter doors and colour variation detailing to provide better enclosure of the waste activities and a degree of visual variation to the building design.

Despite the utilitarian nature of the building amendments have been sought which result in some improvement to the overall design. The building is considered appropriate to the proposed use and the character of the area. It is not considered that refusal of planning permission could be justified on design grounds. It is considered that conditions requiring that all tipping and handling/ treatment of waste be contained within the building and restricting external storage of waste or processed material are considered appropriate. Existing offices and a workshop building on site continue to be used for administration staff and vehicle maintenance respectively.

The proposed site is located close to and fronts the approach to the Silver Jubilee Bridge approach and West Coast Main Line Viaduct. Given that activities will be contained within the proposed building, relative levels and screening of views into the site from the viaduct it is not considered particularly visible from any main road or rail transport routes and any views are likely to be limited and fleeting. The proposals are considered to accord with UDP Policy BE1, BE2, E5 and the Council's adopted Design of New Industrial and Commercial Development SPD.

Noise, Dust, Odour and Other Amenity Issues

The applicant has indicated that the following EWCs will be accepted at the site: 15 01 06 (mixed packaging); 20 01 01 (paper and cardboard); 20 01 02 (glass); 20 03 01 (mixed municipal waste); occasional loads of Construction and Demolition (C&D), including 17 01 07 (stone / hardcore), 17 02 01 (wood) and 17 09 04 (mixed C&D)

waste). All the waste will be non-hazardous. The waste will primarily be trade waste collected from businesses within Halton and Merseyside.

The Council's retained adviser on Waste matters has identified that concern has been raised by the Council's Environmental Health Officer that, given that mixed municipal waste is proposed to be accepted at the site, this could result in odour/pest problems. The EU definition of municipal waste is 'Municipal waste covers household waste and waste similar in nature and composition to household waste'. This could include commercial/trade waste of a similar nature, therefore the concerns are reasonable and information on odour management and bird/vermin control should be submitted to the satisfaction of Environmental Health colleagues.

The Council's Environmental Health Officer has commented as follows:

Environmental Health has considered this application with regards to noise, odour and dust. The application is for a waste transfer site in an existing commercial area.

Noise and dust

The location of the site bounded by industry and major roads offers mitigation to the residential areas in relation to noise and dust

Odour

With regard to odour it is unclear whether the site will be accepting food waste or soiled packaging. The application does not indicate that there will be any technical upgrades to the building, and actually indicates that the building will be open along one side. Whilst there have been some assurances that food waste will not be handled, I would suggest that this would need to be conditioned as part of the planning, so as to make its handling an offence. I would ask as well that a similar assurance is provided with regard to food packaging as often this contains food debris which can cause odours and attract pests.

Conclusion

I would suggest that the applicant either needs to upgrade the building such that it is able to contain odours or accept conditions that remove their ability to accept food waste and food packaging. Without these assurances Environmental Health would not be able to support the application.

The applicant also indicates that if the planning permission is successful they will apply for a bespoke Environmental Permit at which point they will prepare the following information: Environmental Management System, Odour Management Plan, Noise Management Plan, Fire Prevention Plan and Dust Management Plan. However, some of these details are required to satisfy the requirements of policy WM12 (Box 1 General Information) and Environmental Health requirements.

The Council's Environmental Health Officer has sought confirmation that the facility will not be accepting food waste or soiled packaging.

With respect to concerns about odour the applicant has provided further clarification regarding the nature of the waste and the way in which it will be managed, particularly with regard to food waste. The applicant confirms that the proposals are to handle a mixture of dry waste streams coming from waste collection rounds and, whilst there may be occasional elements of food or soiled packaging included, this is not a significant proportion of the waste received. It has been confirmed that there is no specific food waste collection round proposed to deliver to this site. Each load is inspected as it is unloaded at the site and any waste containing food or soiled packaging is removed from the main waste stream and stored separately to avoid cross contamination with recyclable materials. Any such waste will be loaded into a sealed storage container for removal from the site.

As a result it is suggested that risk of odours is low as a result of the type of material handled which is generally low odour and not putrescible, but also because there is a rapid throughput of material with waste being held on site for only a short period of time. It is indicated that the bays within the building which handle mixed residual wastes are filled and emptied sequentially so that waste is not left on site for a prolonged period and does not have the opportunity to become odorous and that this is the company's standard operating procedure.

With respect to noise, dust and litter issues, all unloading, management and loading of materials handled is to be undertaken within the building including shredding. All waste entering and leaving the site will be in either sealed vehicles or covered containers. Consequently, the potential for fugitive release is considered to be low. This, together with the distance from the nearest residential areas and intervening structures means the potential impacts on local residents are also low.

Such issues will be a consideration of the Environmental Permit issued by the Environment Agency. As stated in the NPPF "...local planning authorities should focus on whether the development itself is an acceptable use of the land, and the impact of the use, rather than the control of processes or emissions themselves where these are subject to approval under pollution control regimes....local planning authorities should assume that these regimes will operate effectively".

Notwithstanding that, It is considered that conditions restricting the volume of waste, requiring all materials to be handled within the building, restricting external storage and that all waste entering and leaving the site will be in either sealed vehicles or covered containers can appropriately be secured by planning condition. A further condition restricting the nature of waste received is also proposed as follows:

Wastes accepted at the site shall be limited to commercial and industrial residual waste, recyclates and construction and demolition waste. Source segregated food waste from any source or unsegregated waste obtained from domestic premises shall not be accepted, stored or processed on the site at any time. Any food waste inadvertently accepted shall be separated to minimise cross contamination and loaded into a sealed storage container for removal off site as soon as practicable..

Reason:- To define the permission and minimise the risk of odour.

The applicant has confirmed that normal operating hours will be 6am to 8pm 7 days a week. It is not considered that imposition of a condition restricting hours of operation could be justified with respect to the 6 tests for use of planning conditions set down within the National Planning Policy Framework.

Airport Safeguarding

Liverpool John Lennon Airport have confirmed that they have assessed the above proposal in line with Aerodrome Safeguarding. After confirmation from the developer that the site will not be accepting putrescible waste The Airport have found that the proposed works will have no impact on operations at LJLA; therefore they have No Objections to this application.

Highway Considerations

The existing site is currently accessed via Macdermott Road which has no adopted status and is remote from the adopted highway network. Connectivity is provided to the wider highway network through the existing industrial area. The proposed additional facility will continue to be accessed in the same way.

The application is supported by a Transport Statement which the Council's Highways Officer has confirmed that, on the whole, is considered robust. The Council's Highways Officer has noted that the site has an existing commercial use and the proposal is comparable in terms of trip generation and vehicle movements, therefore no significant impact is anticipated by the change of use.

Links for non-motorised users and access to sustainable travel is considered poor due to lack of footway connections however the fact that there is an existing permitted use within a commercial area needs to be considered and therefore there are no grounds for the Highway Authority to object to the proposal. It is also noted that good footpath links do exist to points in relatively close proximity to the site with lower grade footpaths completing the connection to the site entrance. Land required to improve these final sections falls largely outside the control of the applicant and it is not considered that requiring the applicant to secure such improvements could be justified.

On that basis it is considered that no significant transport or highway safety issues are raised capable of sustaining a refusal of planning permission and is acceptable based on NPPF, UDP and Core Strategy Policy.

Ecology

The following European designated sites are close to the development site and Core Strategy Policy CS20 applies:

Mersey Estuary SPA; and
Mersey Estuary Ramsar.

The proposed development is 315m north of the European sites and has potential to cause likely significant effects i.e. noise, visual and dust on these designated sites. In line with Sweetman (2018). MEAS have undertaken the assessment of likely significant effects, using the Source-Pathway-Receptor model, which is based upon the essential features and characteristics of the project only (Appendix 1, Table 1). This concludes that the proposals will have no likely significant effects on the above European sites.

Natural England has also confirmed that the proposed development will not have significant adverse impacts on statutorily protected nature conservation sites or landscapes and raise no objection.

The Councils retained adviser has confirmed, following confirmation regarding the limited vegetation on the site, that no bat survey is required. Vegetation on site may however provide nesting opportunities for breeding birds, which are protected. It is considered that this can be properly addressed by condition.

Flood Risk and Drainage

The Lead Local Flood Authority has confirmed that the site is 0.45ha, the proposed development lies within Fluvial Flood Zone 1 and the site can be seen to have a low Surface Water Flood Risk based on the Environment Agency Flood Map for Planning and Environment Agency Long Term Flood Risk Maps. The site is not within a Critical Drainage Area.

There are public combined and surface water sewers within a reasonable distance of the development. Permission from United Utilities will be required to connect the drainage from the development to the public sewer and for consent to divert their current drainage system. It should be noted that United Utilities will expect to see that the drainage hierarchy, as described in Part H of the Building Regulations, has been considered before allowing any discharges to the public sewer. United Utilities has confirmed that they raise no objection subject a condition to that effect and limiting discharge rates where discharge to the public sewer is proposed. A United Utilities sewer is shown to cross the site and to be diverted to allow construction of the

proposed waste transfer building. This will require separate consent from United Utilities.

The submission is considered to provide sufficient justification for the drainage proposals in accordance with the drainage hierarchy. The LLFA and United Utilities has confirmed that they raise no objections in principle. Detailed drainage design, including appropriate interceptors and attenuation, can be adequately secured by appropriately worded condition attached to a planning permission.

Contaminated Land

The application is supported by the following document;

- Phase 1 contamination assessment, MacDermott Road, Widnes, ref 3965-426-A, Oaktree Environmental Ltd, 25 January 2019

The report has been reviewed by the Council's Contaminated Land Officer and has commented as follows:

"The report reviews the historical map data and other environmental databases provided within a Groundsure Report, and identifies a number of potential contamination sources both on and off site. However, there is no detail from the surrounding historical investigations or discussion of the particular known issues in the former West Bank Dock area.

The report concludes that there are no significant complete pollutant linkages associated with the site and therefore no further assessment nor remediation measures are required.

The site is in part underlain by an infilled dock. It is known that the dock was filled using a range of wastes from local industries, including a substantial volume of asbestos containing wastes. Neighbouring historical land uses have involved mobile and persistent organic pollutants that could have impacted this site.

The linkage to controlled waters is discounted, both to shallow and deeper groundwater. However, I believe there is a reasonable possibility of a significant linkage given the site history, potential contaminants and the underlying geology that should be assessed in more detail.

The potential for ground gases is discounted as the proposed new building is open sided and therefore there is not an enclosed space vulnerable to gas accumulation. However, there is the possibility that in the future there is a need to enclose the building (or in light of comments from the Environmental Health Officer at this development stage). Regardless of the newbuilding, there is an existing building on site that forms part of this application, and there is no assessment of the risk posed to this element.

The report states that the nature of the proposed construction method will not involve significant excavation of the underlying ground. However, there are proposals within the application to divert a sewer. The drawings indicate that the sewer sits at a depth

of approximately 4m below ground level. This suggests that significant excavations would be necessary with the resulting generation of potentially contaminated spoil. Given the reasonable possibility of contamination, particularly asbestos containing materials, I think that is also an area that requires further assessment.

In summary, there are a number of potentially significant pollutant linkages that require further assessment. Ideally this should be resolved prior to a decision, however, it may be possible to control via applying a condition to any approval. Therefore, I do not object to the application if any approval is conditioned to require the detailed site investigation, risk assessment and, where necessary, remediation strategy with associated verification reporting.”

The Environment Agency has confirmed that they raise no objection in principle subject to conditions relating to ground contamination, remediation and verification as similar to those raised above. They also raise questions in response to the report conclusions that the site does not pose a risk to controlled waters and that no further works are required in respect of controlled waters. They advise that, taking into account the historical land uses both on and off site, further works are required to enable the risks to controlled waters to be fully assessed to determine whether any mitigation measures are required to protect the controlled water receptors of concern. They also suggest conditions relating to the restriction of penetrative or piled foundation design to protect controlled waters. It is considered that these outstanding issues can be address by appropriately worded planning conditions.

The attachment of the condition above will ensure compliance with Policy PR5, PR14 of the Halton Unitary Development Plan and Policy CS23 of the Halton Core Strategy Local Plan. Additional comments of the Environment Agency can be attached to any planning permission as an informative.

Archaeology

The application is supported by an Archaeological Desk Based Assessment. This concludes that there is very little evidence of Prehistoric and Roman activity and that the site remained as salt marsh through the Early Medieval and Medieval periods so the potential for the site is low. Accounting for later impacts the potential is reduced to very low. The Post Medieval and Modern development of the site are reported as being well understood with the development of the docks and chemical and industrial works. The potential for remains of these is identified as high but of negligible significance. The potential for well preserved remains of the Mersey Flat type boats known to have been used as part of the infill of the dock is categorised as very low and if remains are found, to be of low to medium significance.

The report has been reviewed by the Council’s retained adviser who has confirmed that the potential for significant archaeological deposits for this proposed area are

unlikely and therefore, there are no archaeological observations required for this development.

Other Waste Issues, Sustainable Development and Climate Change.

The proposal is major development and involves demolition and construction activities which are likely to generate significant volumes of waste. Policy WM8 of the Merseyside and Halton Waste Joint Local Plan (WLP), the National Planning Policy for Waste and Planning Practice Guidance apply. These policies require the minimisation of waste production and implementation of measures to achieve efficient use of resources, including designing out waste and minimisation of off-site disposal. In accordance with policy WM8, evidence through a waste audit or a similar mechanism (e.g. a site waste management plan) demonstrating how this will be achieved is required. It is considered that this can be secured by a suitably worded planning condition. In terms of waste management, it is considered that there will be sufficient space for the storage of waste including separated recyclable materials in accordance with Policy WM9.

Halton Core Strategy Policy CS19 (Sustainable Development and Climate Change) seeks to encourage BREEAM Excellent standard from 2013. As a new build, it is also expected that the building should comply with BREEAM Excellent rating, as required by the policy WM10. The applicant has stated that it is not possible to meet BREEAM rating standards due to the proposed nature of the waste transfer station and commercial arrangements. The building is a simple, portal framed construction which is functional in terms of the operations to be carried out, namely waste sorting. There are no welfare facilities etc as these are located elsewhere on the site or need for insulation.

It has previously been accepted that efforts to secure a BREEAM rating would be inappropriate and counterproductive in such cases. Whilst the development is unable to demonstrate compliance with this element of the policy, it is considered that the proposals are in conformity with the Development Plan when taken as a whole, and meet the principles of achieving sustainable development as required by the NPPF.

When considered against the justification to policies CS19 and WM10 this justification is considered acceptable and it is not considered that refusal of planning permission could be justified on these grounds.

Equality Duty

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

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

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

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

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

Conclusions

The application seeks permission for the proposed construction of waste transfer building, change of use to Commercial and Industrial waste transfer station and ancillary development. Wastes will be treated and stored within a new proposed, enclosed waste transfer building.

Core Strategy Policy CS2, JWLP Policy WM0 and NPPF paragraphs 11 and 38 set out the presumption in favour of sustainable development whereby applications that are consistent with national and up-to-date local policy should be approved without delay.

The proposals are considered compliant with the Joint Waste Local Plan and Core Strategy policy CS24. The proposals are also considered to accord with UDP Policies MW1 and MW2. Where any areas of such compliance have been queried with the applicant, these are considered to have been adequately addressed and it is not considered that refusal of planning permission could be justified in this regard.

The proposals are considered appropriate to the character of the industrial area, will result in significant environmental improvement when compared with the former use and contribute to the regeneration of the area. The proposals are accord with UDP Policy RG5, BE3 and GE30.

Purely in the alternative, even if it was found that the proposal was contrary to the development plan as a whole (ie. that the Council's approach to the policies was considered flawed), the Council remain satisfied that as a matter of planning judgment the benefits of the proposal (including the opportunity to treat further waste) and the

lack of any tangible planning harms arising from the development justify the grant of planning permission as a material consideration (i.e. if the proposal was contrary to the development plan, applying s.38(6), this would be a material consideration that would justify departure from the development plan). Thus, on any approach to the application, officers are satisfied that this constitutes sustainable development that should be granted.

The Council's Highways Engineer and Environmental Health Officer have confirmed that they raise no objections.

RECOMMENDATION

That the application is approved subject to conditions relating to the following:

1. Standard 3 year timescale for commencement of development
2. Specifying approved and amended plans
3. Requiring submission and agreement of a Construction Environmental Management Plan to include wheel wash and construction hours
4. Materials condition(s), requiring submission and agreement of building external finishing materials (BE2)
5. Vehicle access, parking, servicing etc to be constructed prior to occupation of properties/ commencement of use. (BE1)
6. Requiring submission and agreement of cycle parking details (TP6)
7. Condition restricting waste throughput to 75,000 tonnes per annum
8. Condition restricting waste types accepted/ processed
9. Condition(s) restricting external storage processing
10. Condition(s) requiring waste to be delivered/ exported in sealed/ covered wagons (BE1)
11. Protecting nesting birds (GE21)
12. Restricting penetrative/ piled foundations (PR5)
13. Submission and agreement of solar panel details (BE1/2)
14. Condition relating to contamination/ ground investigation/ remediation (PR14/15)
15. Conditions relating to/ requiring submission and agreement of detailed surface water/ highway drainage scheme including attenuation/ interceptors (BE1/ PR5)
16. Submission and agreement of Site Waste Management Plan (WM8)

BACKGROUND PAPERS

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

SUSTAINABILITY STATEMENT

As required by:

- The National Planning Policy Framework (2019);
- The Town and Country Planning (Development Management Procedure) (England) Order 2015; and
- The Planning (Listed Buildings and Conservation Areas) (Amendment) (England) Regulations 2015.

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