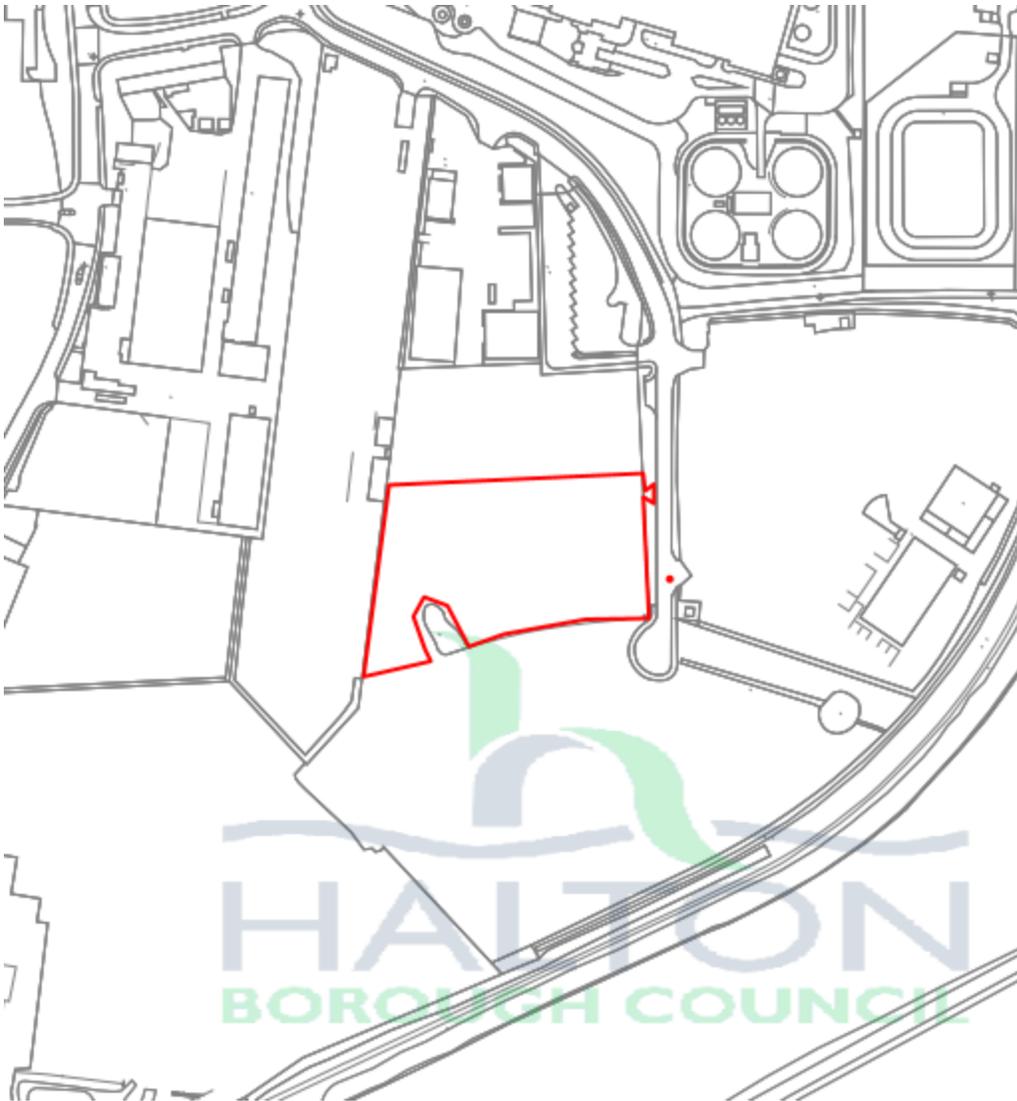


<b>APPLICATION NO:</b>	20/00164/WST
<b>LOCATION:</b>	Site B, Johnsons Lane, Widnes, WA8 0SJ
<b>PROPOSAL:</b>	Proposed change of use of land to waste transfer station including office building, weighbridge, materials bay and fencing
<b>WARD:</b>	Halton View
<b>PARISH:</b>	None
<b>APPLICANT:</b> <b>AGENT:</b>	Philip Bannon Plant Hire Limited, Sycamore House, Sutton Quay Business Park, Runcorn, WA7 3EH.  Alban Building Consultancy, 44 Mount Street, Bishops Lydeard, Taunton, TA4 3LH.
<b>DEVELOPMENT PLAN ALLOCATION:</b>  National Planning Policy Framework (2021)  Delivery and Allocations Local Plan ('DALP') (March 2022)	Primarily Employment Area
<b>DEPARTURE</b>	No
<b>REPRESENTATIONS:</b>	No representations received.
<b>KEY ISSUES:</b>	Principle of development, regeneration and employment; waste policy; noise, dust, odour and other amenity issues; drainage; contaminated land and highway and traffic issues
<b>RECOMMENDATION:</b>	Approve Subject to Conditions



## **THE APPLICATION SITE**

### The Site

The site extends to 1.01 hectares of scrubland located at Central Grid Reference SJ533858, E:353399 N: 385818, nearest postcode WA8 0SJ. The site falls gently west-east and north to south from 13.7 AOD northwest to 11.5 AOD southwest towards a watercourse to the southern boundary.

The site lies approximately 2.3km east of the centre of Widnes on the western side of a cul-de-sac Johnson's Lane, which serves industrial businesses accessed off the lane. Johnson's Lane is accessed off Gorsey Lane off the A562.

The site is bounded to the north by an existing inert waste processing site, to the east by Johnson's Lane and beyond by an ash reprocessing facility and the Fiddlers Ferry Power Station, to the south by open land and to the west by a 10 foot high wall and beyond various users including haulage and waste

management and open land including that identified for future employment use. The nearest residential development is at a distance of circa 650m at Melville Close, northwest of the site, itself located northeast of a primary school. The site is located within an area identified Flood Zone 1 and within 1km of the Widnes Warth Saltmarsh and the Upper Mersey Estuary Intertidal Area. The site does not fall within an Air Quality Management Area (AQMA).

### **Planning History**

None directly relevant.

### **THE APPLICATION**

#### **The Proposal**

The proposal is for a change of use of the land and planning permission for use of the land as a waste recycling facility processing (up to) 75,000 tonnes of inert and excavation waste annually arising from new building developments and demolition sites. Identified waste streams are soils, stone, concrete, wood, metals and tarmac.

The proposal is described in terms of two phases, broadly dividing the site into equal areas.

Phase 1 (east) with frontage to Johnson's Lane, provides for a concrete pad spanning the Phase 1 site, a new vehicular access off Johnson's Lane, the erection of two open fronted process / storage sheds (each 36m x 15m), a two storey portacabin 40 feet x 20 feet comprising offices and comfort facilities, two 40 foot containers, parking for 3 HGV lorries, car parking for five cars or light vehicles, a weighbridge and a wheel-wash.

In turn an internal access from Phase 1 into the Phase 2 processing area is shown located to the northwestern corner of the Phase 1 area, through a wheel wash. The Phase 2 area is shown unsurfaced, hosting a screener and crusher. Stockpiles are identified to the western and southern boundaries of the Phase 2 area. Proposed plant identified in the application papers is:

- 1 x McCloskey J40v2 (concrete jaw crusher)
- 1 x Maximum 409 (3 way screener)
- 1 x Doosan dx225lc-5 (excavator)
- 1 x Doosan DL300 (loading shovel)

#### **Documentation**

Application form

Drawing 353/L1B Site Location Plan

Drawing 352/L3A Site Access Plan and Sections

Drawings 353/L2 Site Layout Phase 1

Drawing 352/G1 - GA Buildings 1 & 2

Drawing 352/G2 – GA Office Building

Drawing 352/G3 – GA Weigh Bridge

Drawing 353/L2C Drainage Strategy Plan

Alternative Site Assessment, Pearly Environmental dated 19.5.2021

PEA, Bowland Ecology, dated October 2019

Design & Access Statement (Rev A, dated April 2019

Dust Management Plan, Philip Bannon Plant Hire Ltd, dated February 2020

Copy of Waste Permit EPR/FB3505GK, dated September 2017

FRA Philip Brannon Plant Hire Ltd, dated December 2019

Transport Statement, DTPC, dated March 2020

Noise assessment, Miller Goodall, dated August 2020

HAR, Pearl Environmental dated 10th August 2020

SUDS Strategy LK Group, dated November 2020

Planning Statement, Pearly Environmental, undated.

### **Policy Context**

#### **Delivery and Allocations Local Plan ('DALP') (adopted March 2022)**

CS(R)1	Halton's Spatial Strategy
CS(R) 4	Employment Land Supply and Locational
CS(R)15	Sustainable Transport
CS(R)19	Sustainable Development and Climate Change
CS(R)20	Natural and Historic Environment
CS(R)22	Health and Well-Being
CS23	Managing Pollution and Risk
CS(R)24	Waste
ED2	New Industrial and Commercial Development
C1	Transport Network and Accessibility
C2	Parking standards

- HE1 Natural Environment and Nature Conservation
- HE3 Waterways and waterfronts
- HE7 Pollution and Nuisance
- HE8 Land contamination
- HE9 Water management and flood risk
- GR1 Design and development
- GR2 Amenity
- GR3 Boundary Fences and Walls

#### 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

#### National Planning Policy Framework ('NPPF')

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

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

Paragraph 81 states that 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 ('NPPW')

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.

#### National Planning Practice Guidance (NPPG)

Together, the National Planning Policy Framework and National Planning Practice Guidance set out what the Government expects of local authorities. The overall aim is to ensure the planning system allows land to be used for new homes and jobs, while protecting valuable natural and historic environments.

#### 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.

#### 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.

## **CONSULTATIONS**

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

### Environment Agency

Whilst we have no objections to this application, we would like to draw the applicant's attention to the following informative comments:

#### Advice to LPA/applicant

This development will require an environmental permit under the Environmental Permitting (England and Wales) Regulations 2016, Regulation 12.

In circumstances where an activity/operation meets certain criteria, an exemption from permitting may apply, more information on exempt activities can be found here: <https://www.gov.uk/guidance/register-your-waste-exemptions-environmental-permits>

The applicant is advised to find out more information about the permit application process online and to send a pre-application enquiry form via the gov.uk website: <https://www.gov.uk/government/publications/environmental-permit-pre-application-advice-form>

The Environmental Protection (Duty of Care) Regulations 1991 for dealing with waste materials are applicable to any off-site movements of wastes.

The code of practice applies to you if you produce, carry, keep, dispose of, treat, import or have control of waste in England or Wales.

The law requires anyone dealing with waste to keep it safe and make sure it's dealt with responsibly and only given to businesses authorised to take it. The code of practice can be found here:

[https://www.gov.uk/uploads/system/uploads/attachment\\_data/file/waste-duty-care-code-practice-2016.pdf](https://www.gov.uk/uploads/system/uploads/attachment_data/file/waste-duty-care-code-practice-2016.pdf)

If you need to register as a carrier of waste, please follow the instructions here: <https://www.gov.uk/register-as-a-waste-carrier-broker-or-dealer-wales>

In order to meet the applicant's objectives for the waste hierarchy and obligations under the duty of care, it is important that waste is properly classified. Some waste (e.g. wood and wood based products) may be either a hazardous or non-hazardous waste dependent upon whether or not they have had preservative treatments.

Proper classification of the waste both ensures compliance and enables the correct onward handling and treatment to be applied. In the case of treated wood, it may require high temperature incineration in a directive compliant facility. More information on this can be found here: <https://www.gov.uk/how-to-classify-different-types-of-waste>

### United Utilities

In accordance with the National Planning Policy Framework (NPPF) and the National Planning Practice Guidance (NPPG), the site should be drained on a separate system with foul water draining to the public sewer and surface water draining in the most sustainable way.

We request the following drainage conditions are attached to any subsequent approval to reflect the above approach:

#### Condition 1 – Surface water

No development shall commence until a surface water drainage scheme has been submitted to and approved in writing by the Local Planning Authority. The drainage scheme must include:

- (i) An investigation of the hierarchy of drainage options in the National Planning Practice Guidance (or any subsequent amendment thereof). This investigation shall include evidence of an assessment of ground conditions and the potential for infiltration of surface water;
- (ii) A restricted rate of discharge of surface water agreed with the local planning authority (if it is agreed that infiltration is discounted by the investigations); and
- (iii) A timetable for its implementation.

The approved scheme shall also be in accordance with the Non-Statutory Technical Standards for Sustainable Drainage Systems (March 2015) or any subsequent replacement national standards.

The development hereby permitted shall be carried out only in accordance with the approved drainage scheme.

Reason: To promote sustainable development, secure proper drainage and to manage the risk of flooding and pollution.

#### Condition 2 – Foul water

Foul and surface water shall be drained on separate systems.

Reason: To secure proper drainage and to manage the risk of flooding and pollution.

The detailed layout should be prepared with consideration of what is necessary to secure a development to an adoptable standard. This is important as drainage design can be a key determining factor of site levels and layout. The proposed

design should give consideration to long term operability and give United Utilities a cost effective proposal for the life of the assets. Therefore, should this application be approved and the applicant wishes to progress a Section 104 agreement, we strongly recommend that no construction commences until the detailed drainage design, submitted as part of the Section 104 agreement, has been assessed and accepted in writing by United Utilities. Any works carried out prior to the technical assessment being approved is done entirely at the developers own risk and could be subject to change.

Management and Maintenance of Sustainable Drainage Systems. Without effective management and maintenance, sustainable drainage systems can fail or become ineffective. As a provider of wastewater services, we believe we have a duty to advise the Local Planning Authority of this potential risk to ensure the longevity of the surface water drainage system and the service it provides to people. We also wish to minimise the risk of a sustainable drainage system having a detrimental impact on the public sewer network should the two systems interact. We therefore recommend the Local Planning Authority include a condition in their Decision Notice regarding a management and maintenance regime for any sustainable drainage system that is included as part of the proposed development.

For schemes of 10 or more units and other major development, we recommend the Local Planning Authority consults with the Lead Local Flood Authority regarding the exact wording of any condition. You may find the below a useful example:

Prior to occupation of the development a sustainable drainage management and maintenance plan for the lifetime of the development shall be submitted to the local planning authority and agreed in writing. The sustainable drainage management and maintenance plan shall include as a minimum:

- a. Arrangements for adoption by an appropriate public body or statutory undertaker, or, management and maintenance by a resident's management company; and
- b. Arrangements for inspection and ongoing maintenance of all elements of the sustainable drainage system to secure the operation of the surface water drainage scheme throughout its lifetime.

The development shall subsequently be completed, maintained and managed in accordance with the approved plan.

Reason: To ensure that management arrangements are in place for the sustainable drainage system in order to manage the risk of flooding and pollution during the lifetime of the development.

Please note United Utilities cannot provide comment on the management and maintenance of an asset that is owned by a third party management and maintenance company. We would not be involved in the discharge of the management and maintenance condition in these circumstances.

## Water Supply

If the applicant intends to obtain a water supply from United Utilities for the proposed development, we strongly recommend they engage with us at the earliest opportunity. If reinforcement of the water network is required to meet the demand, this could be a significant project and the design and construction period should be accounted for.

## United Utilities' Property, Assets and Infrastructure

A public sewer crosses this site and we may not permit building over it. We will require an access strip width of six metres, three metres either side of the centre line of the sewer which is in accordance with the minimum distances specified in the current issue of "Sewers for Adoption", for maintenance or replacement. Therefore a modification of the site layout, or a diversion of the affected public sewer at the applicant's expense, may be necessary. To establish if a sewer diversion is feasible, the applicant must discuss this at an early stage with our Developer Engineer at [wastewaterdeveloperservices@uuplc.co.uk](mailto:wastewaterdeveloperservices@uuplc.co.uk) as a lengthy lead in period may be required if a sewer diversion proves to be acceptable.

Deep rooted shrubs and trees should not be planted in the vicinity of the public sewer and overflow systems.

Where United Utilities' assets exist, the level of cover to the water mains and public sewers must not be compromised either during or after construction.

## Health and Safety Executive

The proposed development site which you have identified does not currently lie within the consultation distance (CD) of a major hazard site or major accident hazard pipeline; therefore at present HSE does not need to be consulted on any developments on this site. However, should there be a delay submitting a planning application for the proposed development on this site, you may wish to approach HSE again to ensure that there have been no changes to CDs in this area in the intervening period.

## **Council Services**

### HBC Contaminated Land

I have considered the land contamination issues for the site and have the following observations.

The site is not one considered to be affected by land contamination due to previous or current usage (there is no evidence of any previous development on the site).

The proposed end use is of low sensitivity to land contamination impacts.

As the proposed use is for the handling and processing of wastes there is a potential for creating new pollutant linkages and future land contamination, which

should be mitigated against in the design and operation of the site. Of particular note is the close proximity to a small surface water feature (pond).

There is not a requirement to assess the land contamination status of the site, but I would recommend that details are submitted regarding the surfacing of the site along with drainage and measures to ensure run-off from the site does not contain material from the stockpiles and waste processing areas (I note that the Phase 2 area is not to be surfaced initially, but it isn't clear if there is any control on that area not being used until it has been suitably prepared). It is possible that these elements will be a requirement of the Environmental Permit issued by the Environment Agency for the operation of the waste transfer station, but such details haven't been included.

The above comments notwithstanding, I have no objection to the proposed scheme.

### HBC Highways

#### Access

It is evident from the submitted drawings that there is no designed safe pedestrian access to the site along Johnsons' Lane. It will be necessary for a footway to be constructed which links from the existing section on Johnsons Lane and extends through to the site access. This would need to be secured through a Section 278 with the Highway Authority.

The access into the site crosses a highway verge with a present width of 6m. As such the applicant would be required to enter into a Section 278 agreement with the Council in regard to the construction of the site access.

It is noted that there is no provision within the detail of the drawings for either pedestrian or cycle access into the site. This would be required as a condition should the application prove successful.

#### Parking

The application proposes 6 car parking spaces. For a site of this size this seems relatively low however, it would be deemed appropriate given the staff numbers and the availability on site of additional parking if it was required. It will be necessary however to provide 10% disabled parking and we would require 1 Electric Vehicle charging point as a minimum.

It will also be necessary by condition to provide cycle parking which is covered, secure and in a visible location within the site. At present there are no details within the application which illustrate this.

#### Drainage

The application provides some detail in regard to the drainage channel within the highway verge. The drawing provided indicates the instillation of 3 pipes in the existing swale. Are these pipes designed to carry only highway surface water? The depth proposed for setting these is between 1 and 1.5m. We would require

further construction details as to the depth these are set and if how this would be sufficient to protect the pipes from the weight of vehicular traffic.

The details for the drainage strategy within the FRA would appear to be insufficient for a development of this nature and will require further detailed calculations in respect to outflow and attenuation rates.

Further details on what would be required will be supplied separately by the Drainage Engineer.

Conditions if the proposal is approved:

- The applicant would be required to enter into a Section 278 agreement with the Council in regard to the construction of the access and footway
- Dedicated, safe cycle and walking routes clearly defined into the site with a separate gate access.
- 10% Disabled Parking provided as part of the application
- One minimum Electric Charging Point
- Further details in regard to the drainage pipes proposed for instillation into the highway to deal with the surface water to ensure the depth is adequate and the pipes are protected.
- Cycle parking which is covered, secure and visible within the site boundary.
- Further detail in regard to drainage and attenuation from the site.
- Construction Management plan

#### Lead Local Flood Authority

After reviewing 20/00164/WST planning application, the site is 1.01ha, the proposed development lies within Fluvial Flood Zone 1 and the site can be seen to have a low Surface Water Flood Risk (Environment Agency Flood Map for Planning and Environment Agency Long Term Flood Risk Maps) and is not within a Critical Drainage Area. The entrance from Johnsons Lane is at the highest end of the site allowing for safe access to and from the site.

The Flood Risk Assessment states the proposed development is for commercial / no residential end use and therefore classified as 'Less Vulnerable' in the PPG. There has been no historic flooding of the site, finished floor levels will be set 150mm above the level of surrounding pavement to prevent surface water flooding of the buildings should the drainage system fail. The document states the nature of the proposed development will not result in a reduction of floodplain storage.

The applicant has provided the following document as a drainage strategy for the site: OTH\_redFRA 20 1231 Johnsons Lane Widnes\_Redacted.pdf

With regards to existing drainage on and surrounding the site the Sustainable

Drainage Strategy (SDS) states:

- Johnsons Lane runs adjacent to eastern boundary and there is a swale that feed the highway drainage towards the watercourse to the south of the site.
- There is a pond at the southern boundary connected into a drain running along the south of the site. This runs past Johnson's Lane and drains into the swale.
- The site falls gently towards the drain which appears to collect the surface water from the site.
- An 825mm foul sewer crosses the site from North to South which the applicant has discussed discharging foul waters to at an unrestricted rate.
- There is a deep surface water sewer located in Johnsons Lane.

With regards the drainage hierarchy, the SDS indicates the following:

- Infiltration methods such as soakaways are unlikely to be feasible on the account of deep clay deposits below the site, but will need to be confirmed at detail design stage.
- This a pond and watercourse to the southern boundary of the site that drains towards the culverted crossing of the highway to the east. To the east of Johnson's Lane, the existing watercourse and pond were replicated and relocated to the south of the existing. Surface water from the site is currently draining naturally to the open watercourse.
- There is a surface water sewer running across Johnson's Lane to the northeast of the site.
- The proposed drainage strategy is for the site to drain in a similar way to how it currently drains i.e. to watercourse. The applicant proposes to provide attenuation on site through use of a swale and basin. Retention on the site would be 485.5m<sup>3</sup> which would account for the 100 year +40% CC event.

Flows would be restricted to 5l/s by a flow control device at the end of the system, which is lower than the current Greenfield runoff rate. This outline strategy would be acceptable to the LLFA.

- The LLFA would note permission from United Utilities will be required to connect the foul drainage from the development to the public sewer.

Based on this information, the outline drainage strategy for the site would be deemed acceptable by the LLFA, however would require further development prior to any works are undertaken. Therefore the LLFA would recommend the following conditions be added should the LPA be minded to approve the application:

No development shall take place until a detailed drainage strategy for the disposal of surface water in accordance with the SUDS hierarchy have been submitted to and approved by the local planning authority. The scheme shall be implemented and thereafter managed and maintained in accordance with the approved details. Those details shall include:

- i. plans of proposed drainage for the site, topography of the site pre and post development, including details of finished floor levels, an overland flow path plan should the drainage system fail.
- ii. details of the flood mitigation measures to be adopted to mitigate against surface water flood risk on site.
- iii. a management and maintenance plan for the lifetime of the development which shall include the arrangements for adoption by, or connection to any system adopted by, any public body or statutory undertaker, or any other arrangements to secure the operation of the sustainable drainage scheme throughout its lifetime.
- iv. infiltration testing, soakaway design and/or attenuation and filtration structures and calculations to demonstrate a reduction in surface water runoff rate to greenfield rates for new roof/hardstanding areas.
- v. verification that capacity downstream of the outfall to watercourse is sufficient for the proposed discharge.

### HBC Environmental Health

Environmental Health has considered this application in relation to noise and air quality relating to dust emissions. It should be noted that the proposed use is subject to the environmental permit EPR/FB3J05GK, issued by the Environment Agency.

#### Noise

The applicant has provided a noise assessment as part of the application. This uses the methods in BS5228:2009 (Code for Noise and Vibration Control on Construction and Open Sites) to predict the noise on site and then compares this at nearby noise sensitive receptors using the methodology contained with BS4142:2014:A1:2019 (Methods for Rating and Assessing Industrial and Commercial Noise). I am satisfied that the methodology is appropriately applied in relation to this application and the conclusions are robust.

The assessment identifies 3 noise sensitive receptors at French Street, Naylor Road and St John Fisher School. It then assesses the cumulative impact of the 4 noise making pieces of equipment on site. The assessment then calculates the impact of the proposed site at these locations comparative to the existing noise levels. The noise sensitive receptors are all in excess of 600m from the proposed site and are shielded by other commercial buildings across the intervening industrial area. The assessment concludes that noise from the site will be between 9 and 12 dB below the existing levels and therefore indicates a negligible impact on the noise environment at these receptors.

The application makes it clear that the site will only operate between 07:00 and 17:00 hours on weekdays and 07:00 to 13:00 hours on Saturdays. This further protects the noise environment around the noise sensitive dwellings.

## Dust

The applicant as also submitted a dust mitigation plan. This addresses the measures to be implemented to ensure that dust emissions off site are minimised. This includes the use of water on site to minimise dust emissions, a wheel wash at the site exit to prevent mud and dust being carried onto the road, measures to be taken should dust emissions become visible off-site, maintenance, minimising drop heights where possible and speed limits around the site. Given the location of the site in an existing industrial and over ½km from the nearest residential and sensitive properties I am satisfied that the dust emissions can be adequately controlled within the area.

## Recommendations

With regard to noise emissions Environmental Health would be satisfied that, given the location of the development, it presents a negligible risk, during daytime hours to sensitive receptors.

With regards to dust emissions Environmental Health would be satisfied that the risk of emissions from the site can be mitigated through careful management. The dust management plan indicates the willingness of the operator to employ methods to reduce the amount of dust generated on site and exported off. I would suggest that this is reflected in the conditions on any planning consent issued.

## Proposed Planning Conditions

To reduce the environmental risk to nearby sensitive receptors I would ask that conditions to have the following effect are included in any planning consent issued for this application

- 1- The site shall only operate within the following hours: 07:00 – 17:00 hours Monday to Friday 07:00 – 13:00 hours Saturday
- 2- An adequate water supply which can reach the whole of the site shall be available at all times.
- 3- The crusher and screener shall not operate without a water supply being available to water down materials.
- 4- A copy of the dust management plan shall be on site at all times.

## MEAS – Ecology and Waste Advisor

### RESPONSE DATED 05/05/2020

In principle, I consider that the proposal would help to achieve the vision for the WLP along with strategic objectives SO1, SO2, SO3, SO4, SO6 and SO8. However, there are some additional pieces of information required to fulfil all the policy requirements.

Policies WM1, WM2, WM3 and WM5 5. Section 3 of the Planning Statement

(Pearl Environmental Proposed Aggregate Recycling Facility: Johnsons Lane, Widnes) undertakes an assessment of compliance with the WLP policies. For policy WM1, it identifies site H1 (Widnes Waterfront) as the only allocated site but does not make any assessment as to whether it is suitable or available. It is understood that the site is available, although it is acknowledged the site is larger than required. The applicant needs to demonstrate that part of the site would not be available or suitable for their needs and whether or not it is deliverable. This is a requirement of policy WM1. A site scoring assessment for the proposed site has been submitted and scores favourably with the allocated sites. This information is required prior to determination.

Allocated site H2 (Ecocycle) is according to the applicant is currently used for civil engineering/plant storage and waste management. Whilst the site would be suitable for the proposed facility, there are currently no commercially available plots and none of the individual plots would be large enough. I concur that this is the current status quo.

The site falls within the Area of Search defined by policy WM5 for Halton described in the policy as Industrial Areas of Ditton/Widnes. The areas of search are defined for small scale reprocessing activity, which would include the proposed activity.

Given that the applicant is an existing Halton business looking to relocated within Halton, on this occasion I think it is reasonable to restrict their search to allocated sites within Halton.

Policy WM7 (Protecting Existing Waste Management Capacity for Built Facilities)

The supporting documentation does not consider policy WM7, this is relevant to the proposal as it is an existing waste management facility currently located on Ditton Road, Widnes. Policy WM7 is supportive of retaining this waste management capacity, albeit the proposal is to relocate from its existing site.

Policy WM10 (High Quality Design and Operation of Waste Management Facilities)

The Planning Statement indicates that application of a BREEAM rating is not appropriate as the only buildings on site will be open sided sheds primarily aimed at keeping materials dry. I concur with this. However, sustainability has been considered with proposals to use rainwater harvesting to provide water for dust suppression, size/profile and colour of building to be in keeping with the industrial landscape and use of recycled hardcore for the site surface. The site also benefits from screening to the south by an existing wildlife buffer. Subject to Environmental Health being satisfied with amenity issues, I consider sufficient information has been submitted to comply with this policy.

Policy WM11 (Sustainable Waste Transport)

The Planning Statement acknowledges that the site is not suitable for alternative modes of transport other than road – this is accepted. It also indicates that the

site will serve the local area with transportation limited to 10 miles from Halton, and therefore reduces the carbon impact of transporting further afield. This is particularly relevant given the weight of inert materials and carbon impact of transporting long distances. The Transport Assessment (DTPC Report No. J1164/TS dated March 2020) calculates anticipated vehicles movements based on throughput of 75,000 tonnes per year. I will be guided by Highways colleagues on whether they consider this policy has been complied with.

#### Policy WM12 (Criteria for Waste Management Development)

Appendix 1 of the Planning Statement includes a table which covers every aspect of information required by Box 1 associated with policy WM12 of the WLP. This is welcomed. The majority of this information is satisfactory, however, there are some additional information requirements see paragraphs 14 and 15 below. From a waste perspective, the only outstanding query is to clarify the actual throughput of the site is it 30,000 tonnes or 75,000 tonnes as different supporting documents state different amounts. This information is required prior to determination.

#### Habitats Regulations

The development site is 500 metres and 620 metres from Widnes Warth Saltmarsh and Upper Mersey Estuary Intertidal Area Local Wildlife Sites (respectively) designated for saltmarsh, reedbed and mudflat habitat. Collectively they comprise supporting habitat (Functionally Linked Land (FLL)) for qualifying species of the following European sites which are protected under the Conservation of Habitats & Species Regulations 2017 (as amended) and Core Strategy policy CS20 applies:

- Mersey Narrows and North Wirral Foreshore SPA;
- Mersey Narrows and North Wirral Foreshore Ramsar site;
- Dee Estuary SPA;
- Dee Estuary Ramsar site;
- Mersey Estuary SPA; and
- Mersey Estuary Ramsar site.

I have considered the proposals and the possibility of likely significant effects on European sites using the source-pathway-receptor model. There are pathways between the proposals and the European sites, therefore, the proposal requires Habitats Regulations Assessment for likely significant effects. Core Strategy policy CS20 applies. The Assessment of Likely Significant Effects must be carried out prior to determination.

To enable a Habitats Regulations Assessment to be carried out the following information is required:

- Detailed construction method statement(s) setting out; what work will be done, when (an indication of the time of year and how long work will take),

- how the work will be undertaken, if there will be any emissions (such as to water, air, disposal to land) and any transport requirements to the site;
- An amended noise assessment that provides modelling to assess the noise levels at the Functionally Linked Land which is a sensitive ecological receptor (Local Wildlife Sites) approximately 620 metres south of the site; and
  - Confirmation that the applicant will use the existing foul sewer for foul drainage as indicated as acceptable by United Utilities.

This information is requested under Regulation 63 (2) and will be used to enable the competent authority to determine whether an appropriate assessment is required.

### General Ecology

The applicant has submitted an ecology report to support the application (Preliminary Ecological Appraisal, Bowland Ecology, October 2019). The report is limited as it concludes that there will be no impact on the nearby Local Wildlife Sites due to the distance between them and the development site. This is not accepted see paragraphs above regarding Habitats Regulations. Although this conclusion is a limitation of the report the remainder of the report is considered acceptable.

Habitats on site or adjacent to the site may provide roosting, foraging and commuting habitat for bats. Lighting for the development may affect the use of these areas. A lighting scheme can be designed so that it protects ecology and does not result in excessive light spill onto the habitats, areas in line with NPPF (paragraph 180). This can be secured by a suitably worded planning condition. It would be helpful for the applicant to refer to Bat Conservation Trust website <https://www.bats.org.uk/news/2018/09/new-guidance-on-bats-and-lighting>

The site provides nesting opportunities for breeding birds, which are protected and Core Strategy policy CS20 applies. The following planning condition is required.

### Condition

No tree felling, scrub clearance, hedgerow removal, vegetation management, ground clearance or building work is to take place during the period 1 March to 31 August inclusive. If it is necessary to undertake works during the bird breeding season then all buildings, trees, scrub, hedgerows and vegetation are to be checked first by an appropriately experienced ecologist to ensure no breeding birds are present. If present, details of how they will be protected are required to be submitted for approval.

The proposed development will result in the loss of bird breeding habitat and Core Strategy policy CS20 applies. To mitigate for this loss, details of bird nesting boxes as recommended in Section 5.9 of the ecology report (e.g. number, type and location on an appropriately scaled plan) that will be erected on the site should be provided to the Local Planning Authority for agreement. The

following planning condition is required.

#### Condition

The development hereby permitted shall not be occupied until details of bird boxes to include number, type and location on an appropriately scaled plan as well as timing of installation, has been provided for approval and implemented in accordance with those details.

Great crested newt is known in the wider area although not recorded within the site during previously accepted surveys of the area. Common toad is known to be present within the site, is protected and Core Strategy policy CS20 applies. Due to the highly likely absence of Great crested newt from the ponds close to the development site the Reasonable Avoidance Measures (RAMs) recommended in Section 5.13 of the ecology report are sufficient to ensure all amphibians are not harmed by the proposals. These RAMs can be secured by a suitably worded planning condition.

The ditch running along the southern boundary of the site was assessed as potentially providing habitat for Water vole. However, no evidence of Water vole was recorded. Section 5.3 of the ecology report recommends the protection and planting of a 10 metre buffer zone along the southern boundary of the site. This buffer zone is sufficient to ensure Water vole, if present, will not be harmed by the proposed works. Details of the methods of protection of this zone during construction should be submitted to the Council for approval. This can be secured by a suitably worded planning condition.

The report states that Hedgehog is likely to be present within the site. Hedgehog is protected and Core Strategy policy CS20 applies. The Reasonable Avoidance Measures (RAMs) recommended in sections 5.7 and 5.8 of the ecology report are sufficient to ensure Hedgehog is not harmed by the proposals and can be secured by a suitably worded planning condition.

The ecology report recommends the planting of a ten metre wide wildflower meadow along the southern boundary of the site to mitigate for the loss of bird breeding, invertebrate, bat foraging and terrestrial mammal habitat. This mitigation is accepted and details of the location, area, species to be planted and its management in perpetuity should be submitted to the Council for approval. This can be secured by a suitably worded planning condition.

#### RESPONSE DATED 22/09/2020

#### Habitats Regulations

The development site is 500 metres and 620 metres from Widnes Warth Saltmarsh and Upper Mersey Estuary Intertidal Area Local Wildlife Sites (respectively) designated for saltmarsh, reedbed and mudflat habitat. Collectively they comprise supporting habitat (Functionally Linked Land (FLL)) for qualifying species of the following European sites which are protected under the Conservation of Habitats & Species Regulations 2017 (as amended) and Core

Strategy policy CS20 applies:

- Mersey Narrows and North Wirral Foreshore SPA;
- Mersey Narrows and North Wirral Foreshore Ramsar site;
- Dee Estuary SPA;
- Dee Estuary Ramsar site;
- Mersey Estuary SPA; and
- Mersey Estuary Ramsar site.

I have considered the proposals and the possibility of likely significant effects on European sites using the source-pathway-receptor model. I advise that there is no pathway that could result in likely significant effects on the European sites and the proposals do not warrant a detailed Habitats Regulations Assessment for the following reasons:

- The site is not Functionally Linked Land (FLL)
- The site is approximately 500 metres from the nearest functionally linked land, there will be no direct land take;
- The site is elevated from the functionally linked land (this will reduce visual disturbance);
- The applicant has confirmed that site drainage will be directed into the existing foul drainage infrastructure crossing the site; and
- Noise levels generated from the site will not exceed levels that could cause a response from qualifying features of the European sites using the Functionally linked land approximately 500 metres south of the site (Noise Assessment, Miller Goodall, 12 August 2020, Ref: 102291-2).

All previous comments regarding protected species and landscaping remain valid (Memo from Lucy Atkinson to Jeff Eaton, 5 May 2020, HA20-012).

#### Waste Local Plan

The applicant has submitted additional information in response to our original memo of 5th May 2020 (Letter from The Alban Building Consultancy to Jeff Eaton (Halton Council) Ref: 20/00164/WST dated 13/08/20). This includes a consideration of the proposed facility against allocated site H1, concluding that access is not currently available to the site from Tan House Lane, and that the costs of opening up the access and/or providing a 500m access road to the main body of site H1 would be prohibitively costly and therefore unviable for the such a small scale operation.

The response goes on to state that the size of the site (H1) lends itself to waste operations of sub-regional a scale. The proposed facility would require only a small fraction of the site. Carving the site up is likely to jeopardize viability for a large scale operation and there is unlikely to be unavailable for such small scale operations. This is true, however, one potential use of the site is a resource

recovery park which could accommodate the proposed facility, however, it is anticipated that this would likely need to be developed as a whole and not on a piecemeal basis.

Contact has recently been made (03/08/20) with the landowner of site H1 with regard to the current status of the site. To date no response has been received. In the absence, of further information from the site owner, I consider that the above assessment of the proposed facility against site H1 is reasonable. The costs of delivering the proposed facility on this site would be unviable. It is not clear if access to the site from Tan House Lane is still possible. I will be guided by planning colleagues as to whether this is correct.

Therefore, I consider that policy WM1 has been complied with.

## RESPONSE DATED 27/07/2021

### Waste Local Plan

Subsequent to previous responses on this application, the appeal decision (APP/D0650/W/20/3251697) regarding another waste management proposal in Widnes was made on 2nd February 2021. This confirmed the previous JR ruling that policy WM1 of the Waste Local Plan must be followed strictly, as a key policy of the plan and so, further demonstration that the allocated sites are not available was requested from the applicant.

The applicant has now submitted an email (Email from Courtney Ellis (Butcher & Barker LLP) to Jeff Eaton (Halton Council) dated 21/5/21) and encloses an updated and more detailed Alternative Site Assessment (ASA) (Pearl Environmental 19th May 2021) of the proposed facility against site H1 which includes the following information:

Site H1 is allocated for sub-regional use and is a large, derelict site with a mosaic of hardstandings at various heights. This is not considered viable/deliverable for the proposed inert waste recycling facility for the following reasons:

- i. The southern end of Tan House Lane where the site is accessed is no a surfaced walkway with access to TPT beyond the railway and the canal. The cost of opening up this access is beyond the viability of this project;
- ii. If Tan House Lane were reopened, an internal access road of approximately 500m would be required to the main plot. This would involve breaking out and levelling a substantial area of hardstanding and foundations, which again would not be viable for this project;
- iii. The size of the site lends itself to waste operations of sub-regional scale. The proposed facility is a local facility and would require only a small fraction of the site.
- iv. The proposed facility is for inert waste and waste would be from the area local to Widnes and transport costs are a major consideration in determining site suitability.

v. Some information has been gleaned on the potential contamination levels on site and the cost of remediation would be beyond the commercial viability of this small scale facility.

A conversation between the applicant, Mr Bannon, has been had with Mr Cosgrove, the landowner of site H1, on 17th May 2021. Mr Cosgrove indicated that the land was not for sale and he was in discussion with a third party to develop the site. No written evidence has been provided regarding the conversation. Subsequent to this, Halton's Principal Planning Officer has spoken to the landowner of site H1, who indicated that he is currently in discussion with other parties regarding the site's development. The outcome of the discussion is not yet clear.

Further to point 4 iii) above, the planning statement indicates that incoming waste will be derived from highways works throughout Halton and not far beyond (within 10 miles of site). Recycled aggregates delivered for use in re-instatement works and road construction projects within a similar area. Although an earlier section of the planning statement (Policy WM11) refers to the sources of waste materials and markets being geographically varied. From my experience, the key point here is that given the heavy nature of the materials it is not economically viable to transport such materials long distances. It is the size/throughput of the site which determines whether it is district level or sub-regional.

The difference with the appeal site is that the applicant was subject to a long-term contract with MRWA for management of inert waste from all HWRCs in the sub-region.

The ASA also includes site scoring process using the guidance in the Waste Local Plan and a Sustainability Assessment (SA). I have noted one discrepancy on the site scoring which would reduce the overall score by -10, however, other than that the site scoring seems reasonable. I am satisfied with the SA.

#### Summary

The owner of site H1 is currently in discussion with other parties regarding the development of the site, as confirmed during a conversation with Halton's Principal Planning Officer. The outcome of the discussion is not yet clear.

There are key differences between this proposal and the site subject to the appeal. This proposal is a local, district level facility and transport costs are more constrained given the nature of inert material. It is smaller scale and has less throughput than the site subject to appeal. Therefore, the site is not considered sub-regional. Furthermore, the site does lie within an Area of Search and is surrounded by other waste uses. The Sustainability Appraisal and Site scoring are reasonable.

I consider that if it is accepted that this waste operation is district level, rather than sub-regional, then the differences between this site and the appeal site are clear, and therefore, in this instance, the policy requirements of WM1 and WM13 of the WLP have been met.

## **REPRESENTATIONS**

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. No representations have been received as a result of the publicity undertaken.

## **ASSESSMENT**

### **Principle of Development**

The proposal is for a new waste recycling facility on a vacant site adjoining other waste uses.

The proposed waste streams would be imported non-hazardous inert as permitted under Standard Permit SR2010 No 12 and identified by the applicant as concrete, brick, stone, tarmac and soils. A Standard Permit (75,000 tonnes) was approved by the Environment Agency in September 2017 and is exhibited in the application papers. Vehicle movements are anticipated to be in the region of 52 'in' and 52 'out' movements per day made up of rigid bodied tipper trucks and staff/light vehicles.

The site in issue is identified in the DALP Proposals Map for Primary Employment use, Policy ED2 : (Employment Development) but is not an allocated site.

Policies WM1 and WM13 of the Joint Waste Local Plan 2013 require that developers should develop sites allocated in the Waste Local Plan in the first instance and that such a full written assessment of alternative allocated sites should be appropriately completed before unallocated sites will be considered. There are two allocated sites in Halton which are H1 – Sub-regional Site Allocation – Site at Widnes Waterfront and H2 – District Level Site - Eco-cycle Waste Ltd, 3 Johnson's Lane, Widnes.

As set out the in the MEAS response, the district allocated site H2 (Ecocycle) is, according to the applicant, currently used for civil engineering/plant storage and waste management. Whilst the site would be suitable for the proposed facility, there are currently no commercially available plots and none of the individual plots would be large enough.

The applicant has submitted information and explanation demonstrating why they consider their proposal compliant with the WM1 and WM13 policy requirements in relation to allocated sub regional site H1 (Widnes Waterfront).

They confirm that none of the H1 land was for sale, that the H1 site is of significant size and suitable for sub regional strategic needs where the applicant's requirements were more modest and would be fulfilled by 11% of the H1 site. The applicant notes that the H1 site is known to be grossly contaminated and would require a long internal access road and resolution of existing foundations and hardstandings. In summary for reason of its size, suitability (or lack thereof) and the considerable costs associated with its

remediation, H1 would not present a practical or commercially viable alternative to the proposal site. This is accepted by MEAS.

The planning statement indicates that incoming waste will be derived from highways works throughout Halton and not far beyond (within 10 miles of site). This is accepted due to the heavy nature of the materials and the economic viability of moving such. The proposal is therefore considered a district level waste operation and the applicant is not expected to consider other allocated sites within other boroughs in the Waste Local Plan area.

If allocated sites are not available, then the waste industry should seek sites within the areas of search, as set out in policy WM5. These areas are suitable for small-scale waste management activity, such as waste transfer stations, re-processing activity or displacement of existing waste management uses. This site is in the area of search and is adjacent to other waste uses and on this basis there is a presumption in favour of development. The proposal is considered compliant with Waste Local Plan policies WM1, WM2, WM3, WM5, WM7, WM10, WM11 and WM13 based on the above assessment and the observations made by MEAS.

Policy ED2 provides that all proposals for new employment development must be appropriate and development falling within Use Classes B1, B2, B8 and Sui Generis Industrial uses will normally be permitted in such areas. The proposed development falls within the identified uses and as such is considered acceptable in principle in this location.

### Design and Character

The scheme proposes a waste recycling facility comprising a processing yard, two large storage buildings, two storey portacabin site offices with containers and parking. This is considered acceptable for the proposed use and is reflective of the character of the area.

### Site Layout

The application site is broadly identified in two equal parts Phase 1 and Phase 2. Phase one will comprise a concrete yard with two large open fronted steel portal buildings measuring 36m x 15m with a ridge height of 12m, constructed of colour coated steel over precast concrete panels with fibre cement roofing with translucent roof lights.

Office and comfort facilities will be delivered in a single two storey portacabin located in proximity to the weighbridge. The Site plan identifies two forty foot containers, parking provision for HGVs and light vehicles and a wheelwash positioned at the internal access point between Phase 1 and Phase 2 areas. An area immediately south of the Phase 1 area is identified as a wildlife corridor in accordance the applicant's ecology report. This includes the planting of a ten metre wide wildflower meadow along the southern boundary of the site to

mitigate for the loss of bird breeding, invertebrate, bat foraging and terrestrial mammal habitat to ensure compliance with Policy HE1.

Phase 2 is the unsurfaced processing area with a ten foot high wall to the western boundary. Locations for stockpiles of materials are identified located to the western and southern aspects of the Phase 2 area to a maximum height of 10m. The vacant area accommodates the proposed crusher and screener and in addition other identified plant to be used on site, specifically a shovel and excavator.

A swale and pond is located to the southern boundary of the site although it is anticipated that surface water will be drained to the public surface water sewer in Johnson's Lane. Foul drainage will be discharged by gravity into the foul sewer crossing the site.

The proposed buildings are open fronted, utilitarian in nature and are considered appropriate for the intended use. The site and buildings will be viewed from the east off Johnsons Lane and from the north and east will be experienced in the context of other waste and employment uses. Views into the site from the south are partially screened by an existing wildlife buffer.

Sustainability has been considered with proposals to use rainwater harvesting for use in dust suppression.

### Noise

The proposal was supported with a noise assessment. However, Merseyside Environmental Advisory Service ('MEAS') required an amended noise assessment to assess noise impacts at the Functionally Linked Land. As a consequence the application is supported with an updated noise assessment to include local sensitive receptors and further as requested an assessment of impact upon the nearby (within 600m) Upper Mersey Estuary Intertidal Area Local Wildlife Site. The report concludes that the site will have a low impact at nearby receptors and noise should not be considered as a constraint to the proposed development. The assessment of operational noise on the Intertidal Local Wildlife Site to the south shows that noise disturbance will be considered a low level effect and unlikely to cause a response in birds. Conditions will limit operations to 07:00 – 17:00 hours Monday to Friday and 7am to midday on Saturdays. All vehicles and mobile plant shall utilise broadband/white noise reversing alarms and the boundary wall to the west of the site will be retained or replaced with a structure of at least equal quality.

### Dust

The application is supported with a Dust Management Plan identifying sources of potential dust emissions and proposed mitigation. The report identifies that the prevailing winds blow from the west and northwest so that neighbouring residential and business users to the west and north would be least affected by

any dust impacts and those to the east and southeast would be the most likely affected. In these areas an existing waste operator (Ballast Phoenix) is located to the east and open land is to the southeast so that no material adversity will be experienced.

Potential sources of dust are noted to arise on loading and unloading, through vehicle movements, dust material from stockpiles and through processing on site when typically dust can carry 350m and further with wind assistance.

Prevention and mitigation methods are identified to include operating hours (07:00-17:00 Monday to Friday and 07:00 to midday on Saturdays. An adequate water supply which can reach the whole site shall be available at all times. The crusher and screener shall not operate without a water supply being available to water down materials. The use of a windsock will be required on site and cessation of loading and unloading will be effected until conditions pass in dry windy conditions or when operations are identified as causing or likely to cause visible emissions across site boundaries. Water suppression will be used to damp down yard surfaces in those circumstances.

All unloading and loading will take place in the Phase 2 area where stockpiles will be located. Loading and unloading protocols to limit dust will be followed and water suppression spraying and misting will limit impacts in warm dry and windy conditions. Stockpiles and access routes will similarly be maintained damp in such conditions.

A copy of the dust management plan shall be available at all times and a complaints procedure will be followed in the event of arisings and the processes will be reviewed annually for effectiveness.

The Halton Environmental Protection Officer was consulted and concurs that the applicant's dust mitigation proposals are suitable to ensure that dust emissions are minimized and that these should be conditioned.

### Odour

The waste streams in issue are new development or demolition arisings with no food or animal waste so that odour is unlikely to be in issue.

### Access and Highway Considerations

The proposal provides for a new ramped and gated access to the northeastern corner of the site, joining Johnson's Lane at 11.08 AOD.

As previously identified the Council's Highways Officer commented in respect of access, parking and drainage proposals and further requirements to be secured by condition. In particular these require the provision of designated safe pedestrian and cycle access to the site along Johnsons Lane and extending through the site access, together with secure, visible cycle storage within the

application site, dedicated Disabled Parking provision and one Electric Charging point. Further queries arose in respect of drainage and attenuation from the site and the provision of a Construction Management Plan. The applicant responded in writing (13.8.20) to provide further information confirming the intention to deliver these requirements. The attachment of appropriate conditions would ensure policy compliance with Policies C1 and C2.

### Ecology

As previously identified MEAS commented in respect of the proposals and environmental and ecological impacts requiring further information to better facilitate an assessment in relation to Likely Significant Effects. Identified requirements included those of noise impact discussed below. The applicant responded in writing (13.8.20) observing that an EA Permit 75,000t had been issued based on a generic environmental risk assessment so that the EA was satisfied that the proposal would pose no significant risk to protected habitats. However, observing the further requirements of Halton BC, Pearl Environmental for the applicant produced a risk assessment identifying Widnes Warth Saltmarsh and Upper Mersey Estuary Intertidal Area and their regional biological and conservation importance for birds and a range of species, in turn considering potential impacts of the proposed development through construction and operational phases. Identified hazards include dust carried from vehicle movements, (soil stockpiles, processing activities, loading and unloading), water run-off (carried overland and through drainage) and noise and vibration (from mobile plant operation and vehicle movements). Management proposals are identified to mitigate and manage these impacts in a range of measures to be embraced in conditions.

### Contaminated Land

The site comprises scrubland / former agricultural land so that contamination is not a material factor of concern. However, it is the case that incoming waste streams and their processing on site may give rise to pollutant linkages and future land contamination and contamination to the surface water feature and beyond. This is a concern raised by the Land Contamination Team for resolution which similar observation is made by the LLFA. Requirements for the provision of detailed proposals for site drainage (to include sealed tanks) are suitable for condition.

### 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.

Policy CS(R)19 (Sustainable Development and Climate Change) seeks to encourage BREEAM 'Very Good' standard. As a new build, it is also expected that the building should comply with BREEAM Excellent rating, as required by the policy WM10. The Planning Statement indicates that application of a BREEAM rating is not appropriate as the only buildings on site will be open sided sheds primarily aimed at keeping materials dry. This is accepted.

The applicant does however note that sustainability has been considered with proposals to use rainwater harvesting to provide water for dust suppression, size/profile and colour of building to be in keeping with the industrial landscape and use of recycled hardcore for the site surface. The site also benefits from screening to the south by an existing wildlife buffer.

Whilst the development is unable to demonstrate compliance with the referenced policies, 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.

### Conclusions

The proposal is a major application, the site exceeding 0.5 ha of rough pasture land in an area identified as Primary Employment in proximity to a range of waste users. The site is not an allocated waste site so an assessment of the availability and suitability of the alternative allocated waste sites has been undertaken by the applicant and the conclusions are accepted. Additional sites that are required for waste-related re-processing activities and other small scale waste management facilities over and above those allocated for specific waste management uses will be considered favourably in the

Industrial areas of Ditton / Widnes. This site falls within this area of search and on this basis is considered favourably.

The application seeks permission for the change of use of the site from a vacant site to a waste recycling facility. The waste will be drawn from the local area (within 10 miles) and processed and stored on site to leave the site as product. In this regard the proposal is in line with sustainable objectives under the development plan as it is with the waste hierarchy and local and national objectives to recycle waste where waste cannot be otherwise prevented.

The design of the development is considered appropriate to the proposed use of the land.

The Joint Waste Local Plan 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 Local Plan Policy CS(R)19 (Sustainable Development and Climate Change), CS24 (Waste) and subject to compliance with conditions are capable of being similarly compliant with policies CS(R)15 (Sustainable Transport), CS(R)20 (Natural and Historic Environment), CS(R)22 (Health and Well Being), CS23 (Managing Pollution and Risk), HE1 (Natural Environment and Nature Conservation), HE3 Waterways and Waterfronts), HE7 Pollution and Nuisance and HE9 (Water Management and Flood Risk). In accordance with Local Plan Policy GR2, having regard to the matters set out in the application papers to include responses to further information required and submitted by the applicant in response the local planning authority is satisfied that the amenity of neighbouring users will not be materially affected by the development and conditions will be imposed to secure compliance with proposed safeguarding measures and mitigation.

## **RECOMMENDATION**

That the application be approved subject to conditions:

## **CONDITIONS**

1. Time Limit – Full Permission.
2. Approved Plans.
3. Hours of Operation (Policy GR2)
4. External Facing Materials (Policy GR1)
5. Sustainable Urban Drainage Scheme (Policies CS23 and HE9)
6. Sustainable Drainage Management and Maintenance Plan (Policies CS23 and HE9)
7. Foul and surface water shall be drained on separate systems (Policies CS23 and HE9)
8. Off Site Highway Works (Policy C1)
9. Parking and Servicing Provision (Policies C1 and C2)
10. Cycle Parking (Policy C2)
11. Electric Vehicle Charging Point Scheme (Policy C2)

12. Construction Environmental Management Plan (Policies C1, HE1 and GR2)
13. Boundary Treatments Scheme (Policies GR2 and GR3)
14. Utilisation of broadband / white noise reversing alarms (Policy GR2)
15. Implementation of Dust Management Plan (Policy GR2)
16. Provision of an adequate water supply (Policy GR2)
17. Crusher and screener shall not operate without the water supply referenced in condition number 16 (Policy GR2)
18. Installation of a windsock to guide operations undertaken on site (Policy GR2)
19. Maintenance procedures for stockpiles (Policy GR2)
20. Breeding Bird Protection (Policies CS(R)20 and HE1)
21. Bird Boxes Scheme (Policies CS(R)20 and HE1)
22. Protection of Swale/Pond/ Wildlife Corridor during Construction Period (Policies CS(R)20 and HE1)
23. Lighting Scheme to Protect Ecology (Policies CS(R)20 and HE1)
24. Reasonable Avoidance Measures – Amphibians (Policies CS(R)20 and HE1)
25. Reasonable Avoidance Measures - Hedgehogs (Policies CS(R)20 and HE1)
26. Implementation and Maintenance of Wildflower Meadow (Policies CS(R)20 and HE1)
27. 10m height restriction on any stockpiles (Policy GR1)

## **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 (2021);
- 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.