

**REPORT TO:** Development Management Committee

**DATE:** 6<sup>th</sup> December 2022

**REPORTING OFFICER:** Operational Director – Policy, Planning & Transportation

**SUBJECT:** Planning Applications to be Determined by the Committee – AB Update List

**WARD(S):** Boroughwide

| PAGE NO. | LIST A* | LIST B**        | Updated Information   |
|----------|---------|-----------------|---|
| 7        |         | 22/00152/FULEIA | <p><b><u>ONE ADDITIONAL CONDITION RECOMMENDED</u></b></p> <p>Members should note that one additional condition (set out in <b>bold</b>) is suggested to appropriately secure the planning obligations in relation to the proposed development in addition to those outlined in full in the report:</p> <p><b>No development shall commence until all those with an interest in the land comprising the development hereby permitted have entered into an agreement with the local planning authority under section 106 of the Town and Country Planning Act 1990. The agreement must contain obligations in relation to:</b></p> <ul style="list-style-type: none"> <li>(i) <b>The provision of off-site signage</b></li> <li>(ii) <b>Cycle and bus route improvements</b></li> <li>(iii) <b>Mitigation/compensation for the loss of breeding bird habitat</b></li> <li>(iv) <b>Pond/reedbed creation (including appropriate biodiversity management plans)</b></li> </ul> <p><b>Reason – To ensure improved access to the site by sustainable modes and to ensure appropriate ecological mitigation and management in accordance with Policies CS(R)15, CS(R)20, CS(R)21, C1, C2, GR1, GR2, HE1, and HE4 of the Halton Delivery and Allocations Local Plan and NPPF.</b></p> |

**FURTHER OBSERVATIONS FROM THE COUNCIL'S ECOLOGICAL ADVISOR (*in italics*)**

**Priority Habitats**

*Further discussions have been held between ourselves and the applicant and their ecological advisors. The applicant has identified two offsite locations for delivery of Priority Habitat reedbed creation, which are acceptable. These sites do not however fully compensate for the area of habitat that will be lost to the proposals, with a shortfall of approximately 0.5 hectares. As this is the case the applicant will also need to provide a financial contribution towards additional offsite reedbed creation – either through the local authority, or via a third party (eg. Wildlife trust). The agreed figure would need to cover habitat creation, plus 30 years management. Draft figures from pilot projects regarding habitat creation and management are indicating that creation of habitats such as woodland and grassland are being costed at £250k-£300K per hectare, with open water habitats more in the region of £800k per hectare. Given the wetland nature of reedbed habitat a figure somewhere between these two values would seem to be appropriate in this instance, and figure of £200k for creation of 0.5 hectares would seem sufficient in this case.*

*I have advised the applicants ecologist that prior to determination we require an outline proposal for the reedbed habitat and financial contribution, as a single document. This should include locations of the offsite provision on the applicant lands. Detailed proposals and long term management requirements can then be secured by means of an appropriately worded condition, as outlined below:*

*Prior to occupation of the development, a detailed scheme of off-site ecological mitigation and long term management shall be submitted to and approved by the local planning authority. The ecological mitigation scheme shall ensure no net loss of Priority Habitat as a result of the proposals. The approved ecological mitigation scheme shall be implemented no later than the*

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|  |  | <p><i>first appropriate season following the occupation of the development. The season to be agreed with the local planning authority as part of the approval of the ecological mitigation scheme.</i></p> <p>The above observations in relation to priority habitat provide a further update in respect of the assessment at 6.81 of the report. They also explain the habitat creation commuted sum of £200,000.00 set out at 6.216 of the report.</p> <p>Members will note that at 6.81 of the report that following assessment was made:</p> <p>“The principles of appropriate avoidance/mitigation/compensation for priority habitat are required to be agreed with the council prior to determination and then secured by a legal agreement”.</p> <p>Outline proposals / principles for habitat creation to achieve no net priority habitat loss are still required prior to determination. Officers do however consider that appropriate biodiversity management plans for other referenced sites in the applicant’s ownership should be secured by legal agreement as set out at section 9 of the report rather by condition.</p> <p>Based on the outline proposals / principles for habitat creation to achieve no net priority habitat loss are still required prior to determination, the first line of the recommendation set out at section 9 of the report is amended to the following:</p> <p>That authority be delegated to the Operational Director – Policy, Planning and Transportation in consultation with the Chair or Vice Chair of the Committee, subject to the outstanding issue (principles of appropriate avoidance/mitigation/compensation for priority habitat) being resolved, that the application be approved subject to the following:</p> <p>(as set out at section 9 of the report).</p> |
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|  |  | <b><u>FURTHER CLARIFICATIONS ON THE CONTENT OF THE REPORT</u></b>  |
|  |  | <ul style="list-style-type: none"> <li>• Paragraph 6.39 – Future management of the of the designated Greenspace (Halebank Park) is also secured through the land sale agreement;</li> <li>• Paragraph 6.41 – Future access arrangements for the designated Greenspace (Halebank Park) is also secured through the land sale agreement;</li> <li>• Paragraph 6.77 – This paragraph should have referred to the following HRA Screening:<br/><br/>HRA Screening Report – Mersey Estuary Special Protection Area, HBC Fields, Brooks Ecological, Ref: ER-5864-03.8 – 31.01.2022 – Revised 25.11.2022</li> <li>• Paragraph 6.81 – This should have made reference to achieving no net loss of priority habitats rather than no net biodiversity loss;</li> <li>• Paragraph 6.93 – This should have made reference to achieving no net loss of priority habitats rather than no net biodiversity loss;</li> <li>• Paragraph 6.163 – This should have made reference to the requirement for a detailed cycle parking scheme being secured by condition as set out at condition number 22.</li> </ul> |

\* LIST A items are those items that are not considered to raise significant issues that require further explanation. Members have a full report and these items are not anticipated to initiate further discussion. List A items are considered at the start of the meeting unless a Member specifically requests that an item be moved to List B.

\*\* LIST B items are those items which are considered to raise more potentially significant issues, that may warrant further update, explanation, discussion or other announcement. List B items may also have speakers registered who wish to address the committee.

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#### **Note:- Background Papers**

With respect to all applications to be determined by the Committee, the submitted planning applications are background papers to the report. Other background papers specifically mentioned and listed within the report are open to inspection by contacting [Dev.control@halton.gov.uk](mailto:Dev.control@halton.gov.uk) in accordance with Section 100D of the Local Government Act 1972.