

APPLICATION NO:	22/00377/FUL
LOCATION:	Land at South Lane, Widnes.
PROPOSAL:	Proposed demolition of existing buildings and the erection of residential development (Use Class C3) with associated landscaping, access/egress, car parking, drainage, and other necessary supporting infrastructure
WARD:	Farnworth
PARISH:	N/A
APPLICANT:	Prospect Homes GB
AGENT:	Barton Willmore
DEVELOPMENT PLAN ALLOCATION:	National Planning Policy Framework (2021) Delivery and Allocations Local Plan ('DALP') (March 2022). Allocated Residential Site Ref:W9 and W11(part of) Joint Merseyside and Halton Waste Local Plan (2013)
DEPARTURE	No
REPRESENTATIONS:	Public Representations received: 13 Details summarised and addressed below through the report.
KEY ISSUES:	Principle of development, affordable housing, connectivity, layout, Highway impact, mineral protection zone, residential privacy and overlooking, ecology, access, drainage, compensatory measures re former Green Belt site.
RECOMMENDATION:	Approve with conditions

APPLICATION SITE

The Site

The application site forms part of site allocation ref: W11 in the Halton DALP. The site is bound by the A5080 to the north and a rail line to the south. The land to the west is subject to planning application ref: 22/00179/FUL that was ratified for planning approval by the Committee in May. The land to the east is the remainder of the land allocation ref:W11. The land is predominantly comprises of undeveloped land that is currently arable farmland. There are parts of the development site that are currently occupied by buildings that comprise the agricultural holding that is set on the land allocation. These are proposed to be demolished.

The boundary consists of mature hedgerows and scattered broad leaved trees. A main river watercourse bisects the site.

Access is proposed to be taken from Derby Rd. currently the speed limit is 50mph. It is proposed that this speed limit will be reduced to 30mph so that it is consistent with the road speed adjacent to residential development at nearer the Moorefield Road junction.

In the wider context the development site is located at the northern edge of the Widnes conurbation beyond that of the existing residential development off Moorefield Rd, and located east of the Watkinson Way (A557) and south west of the Bold Heath Quarry.

Planning History

The application site is an undeveloped greenfield site allocations. There are no associated planning history records.

THE APPLICATION

The Proposal

The planning applications was submitted with the following description of development:

Proposed demolition of existing buildings and the erection of residential development (Use Class C3) with associated landscaping, access/egress, car parking, drainage, and other necessary supporting infrastructure

Documentation

The planning application was submitted with the following supporting documentation:

- Application form
- Proposed Plans

- Planning Statement
- Air quality assessment
- Arboricultural impact assessment
- Construction and waste method statement
- Design and access statement
- Flood risk and drainage assessment
- Heritage statement
- Landscape and visual impact assessment
- Landscape management plan
- Noise assessment
- Preliminary ecological appraisal
- Site investigation report
- Statement of community involvement
- Transport assessment
- Travel plan

Policy Context

Members are reminded that planning law requires that development proposals be determined in accordance with the development plan, unless material considerations indicate otherwise.

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

CS(R)1	Halton's Spatial Strategy
CS(R)3	Housing Supply and Locational Priorities
CS(R)6	Green Belt
CS(R)7	Infrastructure Provision
CS(R)12	Housing Mix and Specialist Housing
CS(R)13	Affordable Homes
CS(R)15	Sustainable Transport
CS(R)18	High Quality Design
CS(R)19	Sustainable Development and Climate Change
CS(R)20	Natural and Historic Environment
CS(R)21	Green Infrastructure

CS(R)22	Health and Well-Being
CS(R)23	Managing Pollution and Risk
CS(R)24	Waste
CS(R)25	Minerals
RD1	Residential Development Allocations
RD4	Greenspace Provision for Residential Development
C1	Transport Network and Accessibility
C2	Parking standards
HC10	Education
HE1	Natural Environment and Nature Conservation
HE2	Heritage Assets and the Historic Environment
HE4	Green Infrastructure and Greenspace
HE5	Trees and Landscape
HE7	Pollution and Nuisance
HE8	Land Contamination
HE9	Water Management and Flood Risk
HE10	Minerals Safeguarding Area
GR1	Design of Development
GR2	Amenity
GR3	Boundary Fences and Walls
GR5	Renewable and Low Carbon Energy

Joint Merseyside and Halton Waste Local Plan (2013)

The following policies are of relevance:

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

Supplementary Planning Documents ('SPD')

- Design of Residential Development SPD
- Draft Open Spaces Supplementary Planning Document
- Designing for Community Safety

MATERIAL CONSIDERATIONS

Below are material considerations relevant to the determination of this planning application.

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 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 application was advertised via the following methods: Site notice posted near to the site, press notice, and Council website. Surrounding properties were notified by letter.

Following the Applicant's modification of the scheme a follow up 21-day consultation exercise was issued to neighbours and statutory consultees.

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

National Highways

No objection

Environment Agency

No objection

Coal Authority

No objection

United Utilities

No objection – Conditions have been recommended that will form the basis of an informative to any grant of planning permission.

National Grid

No response

Natural England

No objection

Cheshire Police

No objection - This is subject to the request for section 106. Consideration of Cheshire Police responses are set out in the considerations of the S106 section of the report. As the Council has not agreed to this request this should be treated as an objection.

St. Helens

No objection

Warrington Borough Council

No objection

Network Rail

No objection

Council Services

Archaeology

No Objection – subject to use of planning condition to ensure monitoring of site. Further discussion is set out in the archaeology section of the report.

Highways

No objection – discussed further in Highway section of the report.

HBC Contaminated Land

No Objection in principle, subject to use of suitably worded planning conditions.

Planning Policy

No Objection

Lead Local Flood Authority

No objection subject to the use of planning conditions.

MEAS – Ecology and Waste Advisor

No objections subject to the use of appropriately worded planning conditions and off site mitigation to be secured by S106 agreement.

Open Spaces

No objection

Landscape Architect

No objection

Environmental Health

No objection

REPRESENTATIONS

A total of 13No. representations have been received as a result of the publicity undertaken for the planning application, the details of which are summarised below.

- Insufficient school facilities to cope with additional population
- Road infrastructure cannot cope
- No local shops therefore over reliance on cars
- Reduced greenery
- Increase in air and traffic pollution
- Severe impact on wildlife
- Council should support Green Belt
- Council should ensure there is sufficient medical provision for existing residents
- Children should go to school within walking distance
- There are multiple developments within the vicinity
- Trees at far end of St. Wilfreds Rd should be retained
- The proposed playground will result in constant noise
- Loss of Green Belt land
- Loss of farmland
- Proposal does not meet the exceptional test required to lose land to development in the Green Belt
- Negative impact on health and wellbeing
- Destruction of wildlife habitat
- Loss of established trees contrary to the Halton Forest Project.
- Council has a statutory duty to consider the protection of trees when granting planning permission.
- Development will bring more cars and more road noise
- Insufficient local services to account for population increase e.g. doctors, dentists, schools.
- Existing traffic problems before new development
- Damage local wildlife
- Destroy previously allocated Green Belt land
- Development risks merging with neighbouring local authorities
- Pollution from noise, dust and light
- Nearest green space is a drive away
- No nearby area of recreation
- Potential damage to watercourse
- Potential release of historic chemicals or coal into the watercourse
- Potential damage to new dwellings
- Roads in nearby development have not yet been adopted
- Loss of farmland
- Halton has already met its requirement to build houses

ASSESSMENT

Principle of Development

Planning application 22/00337/FUL concerns the residential development of W11 (part of) at the northern edge of Widnes. This is consistent with planning policy RD1 'Residential Development Allocations' of the Halton DALP.

Policy RD1 does not stipulate a delivery restriction regarding timing of delivery or a site-specific infrastructure requirements above the general decision making policies as set out in the policy section above. An indicative housing capacity figure is proposed for each allocated site within the table of Policy RD1. The development proposal presented by application 22/00337/FUL is consistent with the indicative figure with a proposed layout plan providing 99 residential dwellings.

Paragraph 1 of RD1 provides clarification for the avoidance of doubt that the housing sites allocated by the DALP are not granted permission in principle. Paragraph 2 states that the identified strategic housing allocations will assist in the delivery of the requirements set out in Policy CSR3 'Housing Supply and Locational Priorities'.

Policy CSR3 sets a housing supply priority for the Borough at 8,050 additional dwellings for the 2014-2037 period based on an average of 350 dwellings per year. The policy confirms that strategic residential location SRL7 'North East Widnes' will contribute toward this housing supply. Site allocation W11 form part of the SRL7 location, therefore the application sites are recognized by the DALP as key sites in the delivery of the Council's housing land supply priority. The proposed development densities are broadly in line with DALP expectations, therefore it is considered that the development will contribute to the Boroughs housing needs in line with planning policy.

Residential development on former Green Belt Sites

Paragraph 3 of RD1 states that; '*Residential development on Green Belt sites, or former Green Belt sites allocated in this Plan, will need to provide appropriate mitigation for the loss of green belt land in line with NPPF requirements*'.

Policy CSR6 'Green Belt', paragraph 3 states, '*Development proposals for the sites removed from the Green Belt and allocated or safeguarded in this plan should include compensatory improvements to the environmental quality and accessibility of remaining Green Belt land to offset the impact of the removal of the land from the Green Belt*'.

Paragraph 7.71 in the policy justification to CSR6 provides clarification as to the form such compensatory measures can take; '*Compensatory improvements could include new or enhanced green infrastructure, woodland planting, landscape and visual enhancements, improvements to biodiversity, new or enhanced walking or cycling routes and improved access to new, enhanced or existing recreational and playing field provision*'.

Prior to the adoption of the DALP in March 2022 the application site was designated as Green Belt land. Therefore the requirements of RD1 para 3 and CSR6 para 3 apply. In order to address this policy requirement, the Applicant has agreed to a financial contribution toward a North Widnes active travel corridor and facilitated its route through the application site.

With continued participation from the wider development delivery within SRL7 sites as demonstrated by previously considered planning applications 22/00178/FUL and 22/00179/FUL, the north Widnes active travel corridor will provide a sustainable travel link and provide improved access to the Green Belt by utilizing and connecting to existing infrastructure at Rivendell Garden Centre and the footpath link to the west.

The Applicant has incorporated connectivity to the North Widnes Active Travel corridor through their respective site layouts by provision of a footpath through the proposed layout and in addition have confirmed that they will contribute to off site payments toward the delivery of the North Widnes Active Travel Corridor. These payments will be secured through a legal agreement by means of S106. The resulting active travel corridor will provide a sustainable mode of travel for the benefit of the Widnes population, particularly those residing at the northern edge of the existing conurbation boundary as well as future site residents of the newly allocated sites.

It is considered that the above can be adequately secured and, as such, that the Applicant has had sufficient regard to the policy based requirement to undertake suitable compensatory measures with the development of a former Green Belt site. It is considered that the proposals accord with the Development Plan having particular regard to Policies RD1 and CSR6.

Housing Mix

Both policies CS(R)3 and CS(R)12 requires on sites of 10 or more dwellings, the mix of new property types delivered are encouraged to contribute to addressing identified needs (size of homes and specialist housing) as quantified in the most up to date Strategic Housing Market Assessment, unless precluded by site specific constraints, economic viability or prevailing neighbourhood characteristics. The Mid-Mersey SHMA 2016 sets out the demographic need for different sizes of homes, identifying that the majority of market homes need to provide two or three bedrooms, with more than 50% of homes being three bedroomed. The policy justification recognises that a range of factors including affordability pressures and market signals will continue to play an important role in the market demand for different sizes of homes. Evidence from the Mid-Mersey Strategic Housing Market Assessment (SHMA) demonstrates that there is a need for a greater diversity of housing types and sizes across market housing as well as in affordable accommodation. The housing type profile in Halton currently differs from the national pattern with higher proportions of medium/large terraced houses and bungalows than the average for England and Wales. Consequently, there is under provision of other dwelling types, namely

detached homes and also to a certain extent, flatted homes. The SHELMA (LCR) shows an above average representation of detached and semi-detached sales however does not breakdown for bedroom requirements. In Halton this is due to a particularly high proportion of new build sales that upwardly skew the figures for detached and semi-detached sales.

It is important to rebalance the type and size of housing across the Borough and to ensure that the most appropriate form of housing is provided by listening to the market to ensure the requirements are met for current and future residents.

The following table illustrates the proposed residential mix.

	Market Housing	Affordable
1 bed units	0	
2 bed units	0	8 (40%)
3 bed units	36 (46%)	12 (60%)
4 bed units	43 (54%)	0
Total	99 (80%)	20 (20%)

The table below provides the objectively assessed housing need breakdown as presented in the 2016 SHMAA.

	Market	Affordable
1 bed units	6.5%	44.8%
2 bed units	30.4%	28.4 %
3 bed units	52.7%	23.8%
4+ bed units	10.5%	3.0%

From the two tables, the Applicant is under providing in 3 bedroomed market dwellings and over providing in 4 bedroomed market dwellings. No provision is given to 1 and 2 bedroomed houses.

The applications provide for 20% affordable housing in line with policy CS(R)13. The bedroom mix for the proposed affordable units differs from the need identified in the SHMA as set out in the table above. The application details 8No. 2 bedroomed dwellings and 12No. 3 bedroomed properties. These house types are comparable to the remainder of the development site. The Applicant has commendably aspired to achieve a tenure blind development scheme. The larger offering of house types for the affordable units would suggest that this has in part been achieved.

The Council has received notifications from registered social housing providers

as part of its consideration of the wider housing developments that comprise the SRL7 housing allocations. Such notifications identify a need of properties in the range of 1No to 3No bedroomed dwellings. Whilst there are no 1 bedroom units on site, the offering of 2 and 3 bedroomed units is a qualitative improvement over the provision of 1 bedroomed units.

With regard to market housing, the Applicant has set a focus on delivering 4 bedroomed detached properties accounting for 54% of the market provision. This is in contrast to the SHMA which identified 89% of need for market housing as being for 3 bedrooms or less. It should be noted that there is a difference between 'need' and 'demand' in housing terms with many families, where finances allow, choosing to occupy a larger properties than strictly needed to meet their bedroom requirements. The Applicant is a recognised housebuilder and is confident that the housing market in the locality requires the housing product they are seeking permission for. They consider the proposed units are an appropriate mix for the locality.

Since the completion of the latest SHMA in 2016, Government has introduced "First Homes" a specific form of discounted market sale as a preferred form of affordable housing. This may have skewed the need and demand figures slightly with some previously identified demand for smaller market housing now being met by "First Homes" and "Shared Ownership" properties which respectively represent 50% and 25% of the affordable units.

Whilst the mix of property types is not neatly aligned to the 2016 SHMA, the policy requirement encourages proposals to contribute to addressing identified needs and is more advisory than a prescriptive requirement. Given the contrast of the housing mix proposed when compared to the 2016 SHMA, there is considered to be a non-compliance with Policies CS(R)3 and CS(R)12, however based on the assessment set out that there are not sufficient grounds to warrant the refusal of this planning application.

The Applicant is providing two and three bedroomed affordable properties whilst this departs from the SHMAA study, it does provide larger properties than have been approved previously as part of the delivery of planning policy CS(R)13. Consideration should also be given toward the site constraint that has limited the design and layout of the property due to the shape of the site and its proximity to a main river that requires a setback from the river edge due to EA licensing requirements.

On balance it is considered that the Applicant has offered an appropriate mix of dwelling types that contribute in part to the needs of the Borough as set out in the SHMAA study. The Applicant is a housing industry developer, their position is that they are an expert in the market forces of new build sales and have followed what they consider to be a local market need to be met. The social housing offering departs from the needs set by the SHMAA, however, the Applicant has adopted a qualitative approach to this housing delivery that when in combination with other sites already considered within the SRL7 housing sites allocation will offer a range of affordable house types.

Affordable Housing

As per the terms of planning policy CSR13, residential development proposals on strategic housing sites are required to deliver 20% affordable housing as part of the proposed housing mix. Paragraph 2 of CSR13 sets out the Council's ambition for affordable housing delivery, at 74% social rent and 26% intermediary. Notwithstanding this detail, the Government published updated national guidance on the delivery of First Homes since the DALP examination in public. The Applicant has offered a proportion of first homes as part of the proposed affordable housing delivery.

First Homes are a specific kind of discounted market sale housing and should be considered to meet the definition of 'affordable housing' for planning purposes. First Homes are the government's preferred discounted market tenure and should account for at least 25% of all affordable housing units delivered by developers through planning obligations. First homes are required to fulfill the following nationally set criteria:

- Must be discounted by a minimum of 30% against the market value
- Sold to persons meeting the first homes eligibility criteria
- On their first sale will have a restriction registered on the Land Registry title to ensure that other restrictions are passed on at each subsequent title transfer
- A market price cap of £250,000 is applied
- Purchasers of a First Home should have a combined household income not exceeding £80,000 in the tax year immediately preceding the year of purchase
- A purchaser of a First Home should have a mortgage or home purchase plan to fund a minimum of 50% of the discounted purchase price

In addition to the above nationally set criteria, it is intended for the following locally set criteria to be applied. The Applicant has agreed to the following locally set criteria:

- Applicant must be a former British Armed Service Member or ex member of no longer than 5 years inc. civil partners, spouses, ex spouses/partners
- A Halton resident for a continuous period of not less than 24 consecutive months.
- A parent/child family with association to Halton resident
- A requirement to living in Halton due to employment as a key worker
- Past resident who has lived in the Borough for 5 years or more
- A key worker employed in Halton Public Sector for 12 months

- Key worker employed in health and education and childcare, public safety and national security

The affordable housing will be delivered in the following terms; First Homes 10No. units (50%), Affordable Rent 5No. Units (25%), Shared Ownership 5No. Units (25%).

The Applicant has engaged the Council with discussions concerning affordable housing and has delivered a comprehensive mix of property types and delivery mechanisms that contribute to the affordable housing need as part of a wider strategic housing site delivery. First Homes account for at least 25% of all affordable homes in accordance with national policy with the applicant intending to provide 50% of the affordable homes for the Government's preferred discounted market tenure. The remaining affordable homes would be approximately equally split between affordable rented and shared ownership / intermediate. This does not align with the Policy CS(R)13 wording that the overall number of affordable housing units should be provided as approximately 74% affordable or social rent and 26% intermediate where practicable. However, it is not considered that the percentage split in the type of affordable housing units would justify refusal of the planning permission given the overall positive contribution.

An additional requirement of policy CSR13 concerns affordable housing integration within the surrounding development to avoid over concentration and provide seamless design. The Applicant has incorporated the affordable housing units across the development site, situating affordable units as small clusters amongst market housing. Whilst the styles of the affordable units are smaller owing to their smaller designs, they are comprised of a high quality choice of building materials that will complement the surrounding market housing. The Applicant has taken steps to ensure suitable interfaces exist between affordable units and smaller market housing to offer a complementary streetview appearance.

Affordable housing would be secured by means of suitably worded clauses within an accompanying S106 agreement. First homes eligibility criteria would also form part of the S106 wording with a requirement for criteria to be entered into the title deeds to ensure market discount is retained in perpetuity. The development proposal will deliver the 20% affordable housing requirement which meets the broad requirements of planning policy CS(R)13. It is not considered that the percentage split in the type of affordable housing units would warrant the refusal of the application.

Design and Appearance

The development proposal is a well-designed housing scheme that comprises a visually attractive layout with good quality architectural design. The Applicant has chosen a collection of house types that are well suited to one another and the application site layout. The appearance is consistent with that seen in the more

recent housing developments in north Widnes. Whilst this is undoubtedly a significant change from the undeveloped appearance on site at present, the proposed development is consistent with that envisaged by the DALP land allocation. The final appearance will result in a well-designed expansion to the northerly boundary of the Widnes town suburb. The surrounding housing stock is of mixed era with no specific form or architectural style that would give rise to the term 'local distinctiveness'. Notwithstanding, the Applicant has sought to maintain the existing natural boundary at the entrance point to the proposed housing scheme utilizing existing landscape assets. In addition adherence has been made to the Council's interface standards, ensuring that existing residents that border the application site boundary are afforded the privacy requirements set by policy. The resultant development will present a softened interface with its egress point onto Derby Rd and creates a developed interface that is sympathetic to its surroundings.

On this basis the proposal is considered acceptable in respect of its design and external appearance and is therefore in compliance with Policies CSR18 and GR1 of the Halton DALP.

Residential Amenity

The Applicant proposes a development that meets the relevant standards for residential development as set out in the Council's SPD. The scheme is comprised of 2-4No. bedroomed houses that are presented across 9 complimentary house types. The Applicant has presented two material pallets for the majority of house types that will break up the street view appearance into one of visual interest. Suitable off road parking spaces have been provided in the form of designated parking, driveways and in the case of detached properties private garages.

The development of the application site will represent a fundamental change in its appearance irreparably changing the outlook of surrounding residents. However, such a view is consistent with the Local Plan land allocation.

The layout of the site has posed a design challenge, the Applicant has adopted an approach of design to best mitigate this as far as practicable. The line of properties that bound the rail line have parking to the front, this has created a large area of hardstanding, the Applicant has addressed this as far as it is capable of doing without losing residential units by breaking up the development line and using car park courts where possible. The remainder of the site has employed a mix of private drives and garages where there has been sufficient space to accommodate these design features.

Due to the constraint of the application site land holding, the development proposal does not have a road frontage directly onto Derby Rd. An entrance from Derby Rd. leads to the first street view of the development. This approach will lead to the retention of an existing mature landscape boundary feature that will allow the proposed development to blend more softly in to the Derby Rd frontage.

appearance and thereby present a sympathetic interface between the development and its surroundings.

The proposed development layouts adequately address the requirements of the Design of Residential Development SPD (the SPD) and follows good urban design principles with complementary plot layouts that ensure good natural surveillance and convey a pedestrian and community safe sense of place. The Council has consulted Cheshire Police as part of the applications determination, a response has been returned raising no issues with regard to designing out crime. Advice contained within that response can be relayed to the Applicant by way of informative attached to any planning permission.

Interface distances between proposed plots meet the interface requirements of the SPD.

There is a single interface of note between plots 14/15/16 and existing properties 37/39/41 St. Wilfreds Road. These interfaces have been measured on plan to be 21m. This measurement accords with the interface requirements of the SPD. Proposed interface distances within the application site boundary are considered acceptable.

Paragraph 6.14 of the SPD provides guidance in the calculation of required sizes for usable minimum private garden spaces for houses, paragraph 6.16 clarify garden space for flats and apartments as follows:

- Houses having 1-2 bedrooms shall have a minimum private outdoor space of 50sqm per unit
- Houses having 3 bedrooms shall have a minimum private outdoor space of 70sqm per unit
- Houses having 4 or more bedrooms shall have a minimum private outdoor space of 90sqm per unit

Consideration has been given toward garden sizes within the proposed residential site. The suggested minimum garden size set by the SPD for residential properties is met on the majority of the plots. The scheme is however considered deficient with respect to a number of plots (approximately 17%). Just because the gardens on some plots could be classed as modest, it does not follow that unacceptable harm would necessarily be caused to future occupiers. The gardens would provide sufficient space for sitting out, hanging laundry and for children to play. The proposed ratio of garden to space per plot would appear proportionate.

The scheme does make provision for areas of public open space within the proposed development including an area for equipped play.

With regard to the amenity of the Proposed Developments, it is considered that the proposals would provide for an appropriate form of development that do not impact unduly on existing residents and that sufficient regard has been had for the amenity of future occupiers.

On this basis the proposals are considered acceptable having regard to Policies GR1 and GR2 of the Halton DALP.

Open space, Greenspace and Green Infrastructure

Policies RD4, HE4 and HE5 of the Halton DALP set out the Council's expectations for the provision of open space and green infrastructure in new developments. Policy RD4 underlines the importance at para 9.18 of the DALP where it states:

The provision of greenspace underpins people's quality of life. The Council views such provision as being important to individual health and wellbeing, and to the promotion of sustainable communities.

Paragraph 9.23 of the DALP goes on to say:

The provision of attractive and functional open space has an important role to play in ensuring a satisfactory housing estate design. It is vital that it should be considered as an integral element of the overall residential layout. The type, location and amount of areas of open space must be one of the starting points in drawing up the design of a new development. However, it should be noted that not all residential development will create a need for all types of open space and the type and amount will be guided by site specific circumstances.

The planning application proposes a modest area of open space that accommodates an area of equipped play. However, this is considered a shortfall in open space provision. This shortfall is the direct result of the site constraints, specifically the shape of the land and its size and the boundary constraints of a main river and the rail line to the south. DALP Policy RD4 allows for off-site green space mitigation if on site provision is not feasible. As stated an amount of green space is provided on site that will serve as an immediate rest bite for residents, particularly those with young children. In addition each property has an acceptable garden size that will allow a private outdoor space. Therefore, on site access to open and green space will be provided to new residents in the form of private and public spaces.

Policy RD4 'Greenspace provision for residential development', states; all residential development of 10 or more dwellings that create or exacerbate a projected quantitative shortfall of greenspace or are not served by existing accessible greenspace will be expected to make appropriate provision for the needs arising from the development, having regard to the standards detailed in table RD4.1 The Halton Open Space Study 2020 (OSS) forms the evidence base for this policy.

Policy RD4 seeks to ensure that new housing development does not create or exacerbate shortages of five different types of open space. Demand arising from new development is assessed by calculating potential population on site and applying a quantitative standard per person (m²/person) and considering the quantity and proximity of existing supply within the area.

The application site lies within Area Forum 3, which is identified as having deficiencies in the provision of natural and semi-natural open space, provision for children and young people and allotments. The site has access to existing provision for all of these typologies within the distances set out in policy RD4.

Whilst the scheme includes provision for some typologies on-site, a deficiency remains in provision for children and young people and allotments. There remains a deficiency of natural and semi-natural open space. These shortfalls are being addressed through the payment of a commuted sum for off-site provision. The Applicant has agreed to pay a financial contribution to mitigate the identified shortfall in open space provision. This amount is calculated at £44,448.18 and forms part of the heads of terms of the S106 agreement that is proposed. This financial contribution is necessary for the planning application proposal to comply with DALP policy RD4. Further discussion on this is set out in the S106 section of the report.

On this basis the proposal is considered acceptable in this regard and in compliance with Policies RD4, HE4 and HE5 of the Halton DALP

Ecology

As noted above, the Council's retained ecology advisor has issued a response of no objection. This opinion is dependent upon the use of a schedule of recommended planning conditions and financial obligations that will contribute toward off site mitigation.

Recreational Pressure

The Proposed Development is located within 5km of the Mersey Estuary SPA and the Mersey Estuary Ramsar. The Council's retained ecology advisor has undertaken a Habitat Regulation Assessment (HRA) that concludes that there will be no impact on these sites on account of their distance from the application site boundary. This has been assessed with regard to potential habitat loss or noise/visual disturbance. Notwithstanding, due to the development sites proximity to the international sites, recreational pressure has been identified as a likely significant effect of the proposals. To mitigate for this, the Applicant has agreed to subscribe to the Halton recreational management Interim approach (HRMIA) which will be paid at £278.26 per unit. On this basis, it is considered that the potential impacts as a result of recreational pressure have been addressed. The Council has notified Natural England of the Applicants commitment regarding the HRMIA and provided a copy of the undertaken HRA. Natural England have responded to confirm a position of no objection.

The subscription payment of the interim measure will be secured by a S106 agreement. Further discussion on the terms of the S106 agreement are set out below.

Priority Habitats

The development proposal will have an affect on priority habitats resulting in the loss of hedgerows, wet woodland, traditional orchard and a pond. As a result DALP policy CSR20 applies.

The proposed plan would result in the loss of the traditional orchard area to the west of the site, the pond to the east an area of wet woodland adjacent to the pond and the loss of a native hedgerow which crosses the site as well as a section of hedgerow for the new site access. The landscaping proposals indicate new native hedgerow planting will take place as part of the schemes delivery. A full assessment of this impact is considered in the review set out in the no net loss and biodiversity net gain section of the report.

Protected/Priority Species

A preliminary ecological appraisal (PEA) has been submitted as part of the package of ecological data that accompanied the planning application. Great crested newt (GCN) eDNA surveys have been undertaken for a number of ponds within 250 metres of the site in 2021. These surveys included the onsite pond (W01). The submitted PEA identifies a further 6No. waterbodies within 250 meters of the site boundary, three of which were the subject eDNA surveys in 2021 which were negative. These surveys are still considered to be valid. From recent aerial photographs one pond (W05) is no longer present. Pond W11 is a relatively new SUDs pond located adjacent to W12. Given the negative eDNA result for pond W12 and the age of pond W11 it is considered unlikely to support GCN. Survey site W02 is the watercourse on site, which when assessed from site had a very low water level and does not appear suitable as a breeding site for GCN. Given the negative eDNA results from ponds in the area the likelihood of GCN present in the watercourse is considered to be very low.

The PEA identifies a further five ponds in the range 250-500m from the site boundary. Given the distance, and barriers that bound the site e.g. rail line to south and A-road to the north these ponds do not require further consideration.

It is considered that following the above assessment, it is unlikely that great crested newts are present on site. On that basis the Council's retained adviser on ecology matters has advised that the Council does not need to consider the proposals against the three tests of the Habitats Regulations.

As a precaution, it is advised that the Council adopts a reasonable avoidance measure condition for the construction phase of the development. This can be secured by an appropriately worded condition requiring a construction and environment management plan (CEMP). The habitats on site are suitable for badger and hedgehog which are protected priority species, therefore DALP policy CSR20 applies. The CEMP will also detail avoidance measures for badgers and hedgehogs. In order to maintain habitat connectivity of hedgehogs, the Council's advisor has recommended that 13cm x 13cm gaps be installed into any close board fences on site. This can be secured by a suitably worded planning condition.

Bats

The Applicant has submitted an outline bat mitigation strategy. This has been considered by the Council's retained ecology advisor. The low conservation status of the bat roost recorded on site showed a single day roost of a single soprano pipistrelle bat. The mitigation measures provided are considered to be acceptable and they provide sufficient information to enable the LPA to complete the tree test assessment of the Habitats Regulations. A copy of this assessment is set out in the Council's ecology advice and is appended in full to this report (Appendix 1). As the proposal will involve the destruction of a bat roost the Applicant will require a Natural England European Protected Species license prior to building on site'. To ensure this is in place, and to ensure that the three tests are met the following planning conditions are recommended:

That works will not commence unless the local planning authority has been provided with a copy of a license issued by Natural England pursuant to Regulation 55 of The Conservation of Habitats and Species Regulations 2017 authorising the specified development to go ahead or that evidence is provided that the site has been registered under the bat mitigation class license (CL21); and that the development shall only be carried out in accordance with all of the recommendations for mitigation and compensation set out in the Outline Bat Mitigation Strategy (Biora, 24 March 2023) which details the methods for maintaining the conservation status of bats, unless otherwise approved in writing by the local planning authority or varied by a European Protected Species license subsequently issued by Natural England.

Six trees upon the site were considered to provide low bat roosting potential, although no bat emergence from these trees was recorded during the bat surveys. However, as a precaution, it is advised that felling of these trees should employ soft felling techniques under supervision of a suitably qualified ecologist. This can be secured by a suitably worded planning condition. Further ecological protection conditions are recommended including a requirement for a Landscape Ecological Management Plan (LEMP) and secured through the CEMP by appropriately worded planning conditions.

As set out in the above assessment, the Applicant has undertaken the relevant ecological impact studies to support their development proposal. These have been reviewed by the Council's advisor who has set out a recommended list of planning conditions. These have been accepted by the Applicant.

Biodiversity No Net Loss/ Net Gain

The Applicant's ecological consultant has submitted a DEFRA Biodiversity Metric 3.1 assessment and a Biodiversity Net Gain (BNG) Assessment Report. The Council's retained ecology advisor has reviewed this documentation, the Biodiversity Metric 3.1 assessment is accepted.

The BNG Assessment has found that the proposed development will result in a

reduction of -9.88 habitat units, a loss of -0.88 hedgerow units and a loss of -0.43 river units. The number of units required to ensure no biodiversity net loss is as follows, habitat +9.89units, hedgerow +0.89units and river +0.44units.

The applicant has offered to pay a commuted sum figure of £25,000 per credit unit to the Council on account of the habitats being considered priority habitats. Applying the outcome of the biodiversity metric identified a need to deliver post development positive interventions set out above. A financial contribution of £280,500 is agreed to mitigate the harm caused by the proposed development. This commuted sum figure is to be secured by a S106 agreement. The payment will then be used by the Council to undertake habitat creation and enhancement at one of the Council-owned sites which have been identified as potential offsetting sites. These sites are due to be surveyed in Spring 2023.

In order to deliver such habitat creation and enhancement, it is necessary for the Applicant to produce a full and detailed Landscape and Ecological Management Plan, which covers management of the application site. The detail of which must ensure that this takes place for a minimum 30 year period. This requirement will be secured by a suitably worded planning condition to ensure the following is included. The Plan should include the following:

- Description and evaluation of the features to be managed;
- Ecological trends and constraints on site which may influence management;
- Aims and objectives of management;
- Appropriate management options for achieving aims and objectives;
- Prescriptions for management actions;
- Preparation of a work schedule (including an annual work plan and the means by which the plan will be rolled forward annually);
- Personnel responsible for implementation of the plan;
- Confirmation of funding and ownership and
- Details of a programme of monitoring and remedial measures triggered by monitoring.

The wording of the planning condition is agreed by the Applicant. On this basis, it is considered that the scheme complies with DALP policy CSR20.

Highways

The development proposal has been reviewed by the Council's highway engineer on behalf of the Local Highway Authority. Comments provided indicate that the Development will have an impact on the local highway network pursuant to the quantum of development sought.

Bus Accessibility - Consideration has been given to bus access in the vicinity of the North Widnes developments. Three main services run in the vicinity of the site, along the Moorfield Road and Derby Road corridors respectively. Two of those services are within 400m of the site boundary with the majority of units on site also measured to be within 400m. In terms of the broader bus provision, frequencies of services into Widnes are limited. It is thought that the lower frequency is a result of amount of housing in the far north of Widnes along Derby Road and South Lane. The proposed increase in housing through the delivery of the SRL7 allocated sites would likely create a greater demand for public transport in the area. The Applicant has agreed to a scheme whereby a single free bus pass to each household for a period of 12 months. It is considered that this would encourage and create an awareness for new residents of the local bus services. The payment funding for this provision would need to be secured by Section 106 agreement as set out in the legal agreement section. This would likewise allow the operator an opportunity to monitor usage and demand for future bus service and frequency reviews.

The Highway Assessment undertaken from the Councils Highway Officer is as follows:

CONTEXT

The application is one of a number of residential housing proposals being brought forward as a result of the Land Allocations Delivery Plan's publication. Given the scale of the potential for new housing in the north of Widnes it will be necessary for developers to consider their sites in context with all of the neighbouring plots in order that a comprehensive assessment of the future highway circumstances can be best assessed.

CUMULATIVE DEVELOPMENT

Applications 22/00178/FUL & 22/00179/FUL by Redrow submitted an additional sensitivity test report with traffic impact assessments which identified that certain junctions in the proximity to the development would be at or near to capacity in future year models. These junctions included Derby Road, Lunts Heath Road as well as Wilmere Lane and the A5080 Cronton Lane junction with Norlands Lane.

The introduction of improved, LTN compliant and high-quality active travel measures would allow for greater access to sustainable and healthy travel choices. This would create the space along a traffic heavy corridor with excess of 7000 vehicle movements per day, for people to walk and cycle safely to local facilities. It also provides the opportunity for a modal shift on shorter journeys to promote health, well-being and positively contribute to the Liverpool City Regions ambitions to reduce the dependency on car borne trips.

Mott McDonald were commissioned by the Council to review i-transport proposals for active travel measures along the northern corridor in Widnes from the Sixth Form College to the borough boundary on South Lane and down to Farnworth Village. These measures included segregated cycleways, kerb

realignments, the raising of junction levels and improved crossing points. In addition to this, the capacity at junctions for vehicular traffic was also addressed to allow for more efficient movements of vehicles and mitigate against queuing. This included kerb realignment and the addition of MOVA to signal operations.

The proposed active travel route will allow for improved pedestrian and cycle access along Cronton Lane. These measures tie into existing facilities at the Black Horse roundabout to link to an LTN compliant two-way cycle lane along the southern side of Lunts Heath Road. From here the route continues onto Derby Road on its northern side to meet with Redrow's 3m frontage cycle lane before extending eastwards to the borough boundary. New crossing points are proposed at the junction of Cronton Lane close to Norlands Lane and on Lunts Heath Road to connect the Miller Homes development to public right of way Widnes No.5 which is a well-used traffic free route to school and local facilities in Farnworth.

These measures should contribute significantly to an improvement in travel choices in the north of Widnes whilst aiming to mitigate against the cumulative effect of residential development in the north of Widnes as well as complimenting existing active travel schemes currently being delivered.

GENERAL PRINCIPLES OF THE SUBMISSION

It is understood that Cheshire Police support the alteration of the speed limit to 30mph and sightlines drawn to this road speed would be deemed appropriate.

The most recent plan submitted provides details of agreed cycle routes. As agreed the path adjacent to plot 90 is an intermodal link constructed for emergency vehicle access. The pathway opposite this which would link into Redrows adjacent development would be required to be constructed to a width of 3.2m. This is acknowledged to have been agreed with the developer.

OBSERVATIONS OF THE LAYOUT PLAN

The internal roads are designed to be 20mph speed restricted however the designed length of 'straight runs' along the estate roads lends themselves to high speeds. It is unclear from the plans what is proposed in regard to the traffic calming identified. It is worth noting that previous experience with raised tables has led to issues to vehicle overrun onto the footway. We would require traffic control measures to be included at the junctions of raised tables are to be used or alternatively traffic calming thumps would likely be more effective. A planning condition requiring future confirmation of traffic calming measures is recommended.

Any new or extended areas of hard-standing are required to be constructed of porous materials or provision made to allow for direct run-off water from a hard surface to a permeable or porous area or surface within the curtilage of the dwelling to prevent surface water runoff onto the highway. Additional information can be found within;

https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/7728/pavingfrontgardens.pdf

It is understood and acknowledged as per the application submission that the vegetation management across the site and that bounding South Lane is to be under an agreement for regular maintenance by a management company.

SUMMARY OF REQUIREMENTS

- *Traffic calming measures, details recommended to be secured by suitably worded planning condition;*
- *Contribution toward off site works as per the cumulative assessment analysis. Financial contributions toward active travel to be secured by S106 agreement (details set out in the S106 chapter);*
- *Provision of cycleway connection not adjacent westerly site (as per plan submitted) delivery to be secured by suitably worded planning condition;*
- *Emergency access connection to future site to the east (as per plan submitted) delivery to be secured by suitably worded planning condition;*
- *Widening of pathway on South Lane to 3.2m as per agreement, delivery to be secured by suitably worded planning condition;*

The recommended schedule of conditions put forward by the Council's Highways Officer have been agreed by the Applicant. Based on the above assessment which sets out matters to be secured by Section 106 agreement and conditions, the Highway Officer does not raise any objection to the application 22/00377/FUL. From a highway perspective, the application is considered to be compliant with Policies CS(R)15, CS(R)18, CS(R)22, C1 and C2 of the DALP.

Drainage and Flood Risk

The applications are supported by a Flood Risk Assessment for each site. This has been reviewed by the Lead Local Flood Authority (LLFA). The LLFA have confirmed as follows:

- *The site is described as 3.51ha and is considered to be a greenfield site.*
- *The proposed development is would comprise residential dwellings that would classify as more vulnerable to flood risk as defined within Planning Practice Guidance.*
- *A Flood Risk assessment and Drainage strategy has been prepared in support of the application ref. OTH_Flood Risk and Drainage Assessment.pdf*
- *The site has also been assessed as part of the [Halton Level 2 Strategic Flood risk assessment](#). Information from this document does not appear to have been reviewed by the applicant as part of their application.*

The LLFAs comments on the Flood Risk Assessment are:

- *Fluvial flood risk*

- *The proposed development includes residential property which is appropriate within Flood Zone 1 subject to the need to avoid flood risk from sources other than main rivers and the sea.*
- *Whilst the site is located within flood zone 1, the assessment does not acknowledge that the watercourse is unlikely to have been modelled by the Environment Agency at this location due to its small upstream catchment.*
- *The Applicant has supported the application through a hydraulic modelling study. This indicates a small flow path of flood waters across the north of the site, with maximum depths in the 0.1% AEP event of 0.1 to 0.3mm above ground level. Therefore the LLFA would recommend a condition to set the finished floor levels in the area of flood risk to be a minimum of whichever is higher of 300mm above the:*
 - *average ground level of the site*
 - *adjacent road level to the building*
 - *estimated river or sea flood level*
- *In summary, the assessment of fluvial flood risk is considered to be adequate. It is recommended that the applicant continues to consult with the Environment Agency regarding permits for the proposed culvert crossing.*
- *Surface water flood risk*
 - *The flood risk assessment adequately considers the potential for risk from this source would be low.*
- *Groundwater*
 - *The flood risk assessment adequately considers the potential for risk from this source would be low.*
- *Flooding from artificial sources.*
 - *The LLFA is satisfied that the risk from sewers, canals and reservoirs would be low*

Drainage strategy

- *Runoff rates*
 - *Pre-development Runoff rates have been calculated for the 1 year, 30 year and 100 year storm events as well as for the Qbar event. Modelling of the drainage system appears to indicate that runoff would be effectively restricted to 17.6 l/s (Qbar rates) during all events up to the 1% AEP +45% AEP rainfall event.*
- *Drainage performance*
 - *Micro drainage outputs identify that no flooding at the surface would*

occur during the 3.3% AEP event including a climate change and 1% AEP +45% rainfall event. Therefore the proposed system appears to have an appropriate design standard.

- *Discharge location*
 - o *It is noted that infiltration testing has not been undertaken. However, the LLFA notes that high ground water levels have been recorded and that infiltration is unlikely to be feasible. Therefore, it is accepted that discharge into the watercourse is the most sustainable viable option.*
- *Assessment of SuDS*
 - o *The strategy proposes to attenuated flows using a series of below ground attenuation tanks. Which have been placed to accommodate the areas of highest flood risk and Brook location*
- *Maintenance and management*
 - o *Information would be required to be provided relating to how the proposed system would be maintained and who would be responsible for this once the system is in place.*

In summary the LLFA advise that the proposed development is considered to be suitable in terms of flood risk and that the applicant has demonstrated that the development would use sustainable drainage and generally suitable design criteria have been proposed. Conditions have been requested to provide additional details concerning existing and proposed ground levels of the site, road levels, estimated river or sea flood level. In addition a post development SUDS verification report is required confirming the SUDS system has been constructed in accordance with the approved design.

Subject to the attachment of the recommended conditions, the development proposal is considered to comply with DALP Policies, with particular regard to HE9.

Contaminated Land

As part of a package of supporting documentation, the Applicant has submitted a ground investigation report. This has been reviewed by the Council's contaminated land officer, the following observations from whom are of note.

The site has been in agricultural use for as long as the records studied show, with the development of two farms on the site. Other site history of note is the infilling of several ponds. The site investigation was designed to give good coverage of the site and to target specific features (infilled ponds). Soil and ground gases were sampled and analysed.

The site investigation and subsequent risk assessment identified a number of issues for the site. Made ground, primarily located around the former farm in the northern part of the site and associated with the infilled ponds, exhibited elevated concentrations of the number of soil contaminants. Asbestos fibres and asbestos containing materials were also identified in a number of locations within the made ground – particularly within the infilled ponds. A simple cover system (600mm of verified soil) for garden and landscaped areas in the location of made ground deposits is recommended.

Ground gas monitoring and risk assessment was complicated by high groundwater levels, which produced unreliable gas flow measurements. However, the extended monitoring period combined with a lines of evidence approach led to a sound risk assessment. The majority of the site is low risk with the possibility of remedial measures required in the location of the former ponds. A number of options for the management/removal of this risk are presented.

The report acknowledges that there were some limitations to the investigation as at the time a number of the on site properties were occupied, limiting access to those areas of the site. I am in agreement with the findings of the submitted reporting and therefore do not object to the proposals. However, there are a number of additional elements that need to be undertaken by the applicant, submitted and agreed. These include the additional site investigation of the previously inaccessible areas, a remedial strategy that covers the soils and ground gas risks identified (this may include further gas monitoring). A verification report will be required upon completion of the agreed remedial actions.

The above can be secured by a suitably worded planning condition. On this basis the Contaminated Land Officer raises no objections. It is considered that the Proposed Development complies with DALP Policy HE8. A further condition requiring verification that any recommended remediation has been implemented has also been recommended.

Noise

The applications are each supported by a Noise Impact Assessment. These have been reviewed by the Councils' EHO who has provided the following opinion.

The applicant has submitted an acoustic report reference 102805, dated 1/06/2022 in support of the application. The impact of existing sources of noise that may affect the development site are assessed in order to ensure that sound levels specified in BS 8233:2014 Guidance on Sound Reduction for Buildings can be achieved at all properties within the development site, in addition to the maximum sound level of 55dB for external amenity spaces as specified by the World Health Organisation. This is an agreed assessment methodology.

To the south the site is affected by railway traffic from the Liverpool to Manchester Railway line, as well as road traffic noise from South Lane. As such

a scheme of mitigation is proposed to ensure that the both the internal and external sound levels are met.

This report and its conclusions are accepted.

We would also wish to ensure the hours of work are appropriately controlled on this development site.

In conclusion the Applicant has submitted a noise impact assessment in support of its planning applications. The findings have been reviewed and accepted by the Council's Environmental Health Officer. The noise impact measures will be secured by a suitably worded planning condition It is considered that the Applicant has complied with planning policy H7 of the Halton DALP.

Air Quality

The applicant has submitted an Air Quality Assessment to each of the planning applications. These have been assessed by the Council's EHO who have provided the following comments.

The applicant has submitted an Air Quality Assessment reference 102805, dated 06/06/2022 in support of the application. The potential for off-site impacts from dust emissions during the construction phase of the development has been assessed, in accordance with The Institute of Air Quality Management Guidance on the Assessment of Dust form Demolition and Construction.

The report identifies that with appropriate mitigation in place, impact on human health as a result of the construction phase is not significant.

The Air Quality Assessment goes on to consider the increase in Annual Average Daily Traffic from the site once operational, and whether this increase is significant in terms of air quality, based on criteria taken from Land-Use Planning & Development Control: Planning for Air Quality produced by Environmental Protection UK and The Institute of Air Quality.

The report identifies that that the impact of increased traffic flow on local air quality is not significant

The methodologies used in this report and its conclusions are accepted.

To conclude, the Applicant has submitted an air quality assessment to support the application. The scope of the document and the recommendations have been reviewed and accepted by the Council's Environmental Health Officer. The development is considered to comply with DALP policy HE7.

Mineral Safeguarding

Policy HE10 of the Halton DALP sets out the Council's policy position regarding the protection of mineral safeguarding areas from sterilisation by other forms of development. A requirement of the policy is to give consideration that the mineral

extraction can continue to be extracted without unacceptable community impact.

As part of the planning application, the Council has consulted the Environmental Health Officer. They confirmed that having reviewed the distance of the application boundary from the quarry site there was no risk of noise causing nuisance to the domestic enjoyment of the proposed dwellings. The greatest impact on the proposed dwellings from a noise perspective would be generated from the surrounding highway network and rail line. With regard to potential nuisance from dust, the Environmental Health Officer has considered potential impacts. No concern was raised due the adequate distance between the respective site boundaries. It is of note that the application site does not bound Bold Heath Quarry, and there is a mature landscape bounded highway between the Quarry and the application site.

In view of the above consideration, there are no concerns relating to mineral safeguarding that would give justification to the refusal of the proposed schemes.

Mineral Area of Search

The planning application site is designated as a minerals area of search by the DALP proposals map, therefore DALP policy HE20 applies to this consideration.

Para 2 of this policy states, *Planning permission for other development that would result in the direct or indirect sterilisation of the identified mineral resources in a defined MSA will not be permitted unless: a. it is demonstrated by way of a minerals assessment (MA) that the resource is not of economic value; or b. the mineral can be extracted without unacceptable community or environmental impacts prior to the development taking place;*

The Applicant has undertaken a mineral assessment in support of the planning application. This document puts forward an assessment of the geology of the immediate area. Mineral resources have been identified as superficial till deposits comprising of deposits from glacial clay with minor granular units and a bedrock of Chester sandstone formation. The glacial clay deposit is located above the mineral and is estimated to be 10m in depth across most of the development sites. In addition it is likely that the geology of interest only partially covers the proposed site and given its greater depth than the sub alluvial gravel, the supporting documentation concludes that the mineral is not economically viable as an extractable resource.

Previously considered schemes that neighbor this planning application site were accompanied by a more detailed assessment of the same resource. Those reports noted that to exploit the land would result in a deep depression and a stockpile of removed material for future remediation. Such an activity would likely remove any future development opportunity of the application sites due to a restored land being comprised of made ground. Development upon made ground adds an additional burden of cost to overcome the constraint from a built engineering perspective.

It is accepted that the mineral resource in the area of search as shown on the

DALP Allocations Map is not viable. On this basis it is considered that the planning applications comply with planning policy HE10.

Archaeology

As noted above the Council's retained advisor in these fields has considered the heritage assessment that accompanied the planning application and raised no objection. The following comments are of note.

The archaeological considerations for this proposed development include the buildings associated with both Boundary Farm and Abbey Farm, both of which appear on the first edition OS map (1881) of the area, the proposed development seeks to demolish these structures. A programme of archaeological survey should be undertaken prior to the demolition to generate a permanent record of these structures and any historical materials therein.

There is also a township boundary which runs through the centre of the site, which will be significantly impacted by the proposed development. The township boundary runs along the stream to the south of Boundary Farm and north of Abbey Farm. This township boundary may hold archaeological deposits relating to the early uses of the landscape in this area, or potentially prehistoric materials as noted and outlined within the supplied Heritage Assessment.

Given the archaeological considerations outlined above, it would be recommended that a programme of archaeological mitigation is undertaken in order to identify and record any below ground remains present within the proposed development area.

The programme of archaeological mitigation may be as follows:

- *Level II Building Survey for the structures at Boundary Farm and Abbey Farm prior to the demolition*
- *Developer funded watching brief during the clearing of the structures following the demolition, and during excavations for foundations and services*
- *Targeted excavation along the township boundary during key aspects of the development, such as the removal of topsoil's, excavations for foundations and services.*

The above programme of archaeological mitigation may be secured by condition, a recommended wording for this is offered below:

No development shall take place within the area indicated until the applicant, or their agents or successors in title, has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has been submitted by the applicant and approved in writing by the local planning authority. The work shall be carried out strictly in accordance with the approved scheme.

The Applicant has provided sufficient information to consider the archaeological value of heritage assets that may exist on site. The Council's advisor in this field

has recommended a program of mitigation that will be secured by way of a planning condition in the terms set out in the above advice. The Applicant has agreed to this condition. It is considered that the development proposal complies with DALP Policy HE2.

Impact on Local Services

A key feature in the responses received to the public consultation exercise has centered on the concerns regarding this development and the impact it will have on local services, specifically education places in primary and secondary schools, health services regarding GP surgery places and dentists.

EDUCATION - The Local Education Authority have stated that there is sufficient capacity within the Halton Borough in terms of primary and secondary school provision based on existing population levels. In addition it should also be noted that latest population projections do not predict significant increases in the number of school age residents over the Plan period to 2037. On this basis there is no anticipated shortfall in this provision as a result of the DALP site allocations. Therefore, no financial contribution is sought toward a pooled fund to increase existing capacity.

HEALTH SERVICES - No request for additional funding finance has been received from any public body as a result of this application or in response to the Council's allocation of residential sites by the DALP. The concerns raised in response to the public consultation exercise relate to existing service levels, such objections are based on an existing situation albeit one that additional households borne from the development would marginally worsen. Notwithstanding, no policy justification or scheme exists to justify mitigation or financial contributions in this regard and it is not considered sufficient reason for refusing a grant of planning permission for residential development on a strategic housing site.

Police - Matters relating to impact on Policing services are covered later in the report.

Sustainable development and climate change

Policy CSR19 of the DALP requires all new development to be sustainable and be designed to have regard to the predicted effects of climate change. The policy recommends that developers consider national guidance to ensure development is sustainable and appropriate to the location.

Policy GR1 states all major development proposals must demonstrate how sustainable design and construction methods will be incorporated to achieve efficiency and resilience to climate change in accordance with CSR19 taking into account the site specific viability of the development where appropriate.

DALP policies CSR24 and GR5 encourage suitable construction practices including the incorporation of low carbon energy into new developments to

address carbon emissions arising from housing.

The residential development subject of this planning application will be built according to the new Part L building regulation standards. This is equal to a 31% reduction over the previous outgoing build standards. In addition upgrades will be made in order of the Governments energy hierarchy that sets an aspiration to use less energy compared to the baseline set of Part L. The differences are set out in the table below.

<i>Element Type</i>	<i>Part L 2021 Maximum U-value W/(m².K)</i>	<i>Prospect Homes Build Specification U-value W/(m².K)</i>
<i>All roof types</i>	<i>0.16</i>	<i>0.10</i>
<i>Wall</i>	<i>0.26</i>	<i>0.16</i>
<i>Floor</i>	<i>0.18</i>	<i>0.14</i>
<i>Party wall</i>	<i>0.20</i>	<i>0.00</i>
<i>Window</i>	<i>1.6</i>	<i>1.20</i>
<i>Doors (including glazed doors)</i>	<i>1.6</i>	<i>1.60</i>

The Applicant at this time has opted to use gas boilers as a means of generating heat within the proposed residential units but will be looking at wastewater heat recovery. In addition it is expected that all plots will have some level of PV array installed. The Applicant will also install EV charging.

These measures are above that of fabric first approach detailing positive interventions in line with DALP policy CS(R)19 and GR5. The Applicant has confirmed that the first 60 plots to be built on the application site will be constructed using these measures. The balance of 39 remaining dwellings are expected to be constructed after 2025, at which date the Applicant has forecast to roll out the installation of air source heat pumps. This additional measure will result in a 70% emission reduction.

The Council's retained adviser has confirmed that the Applicants approach is sufficient to meet the requirements set out in Local Plan policy CS(R)19 Sustainable Development and Climate Change. Policy CS(R)19 seeks to encourage new development to incorporate current best practice in sustainable design and construction. It is therefore considered reasonable to attach a condition requiring the Applicant to submit these details formerly and that they are implemented on site as part of the proposed developments delivery. This will ensure compliance with Policy CS(R) 19.

Waste.

The proposal involves construction activities and policy WM8 and WM9 of the Joint Merseyside and Halton Waste Local Plan (WLP) applies. This policy requires the minimisation of waste production and implementation of measures to achieve efficient use of resources, including designing out waste. In accordance with policy WM8, evidence through a waste audit or a similar mechanism (e.g. site waste management plan) demonstrating how this will be achieved must be

submitted and can be secured by a suitably worded planning condition.

Sufficient land exists within the site to deal with domestic on site waste and recycling measures in order to comply with planning policy WM9.

Legal Agreement

This section of the report will consider the areas of financial contribution identified and discussed in the report and their weighing of importance having had full regard to the individual matters and the strategic importance of underlying policy justification.

Cheshire Police – As part of the Consultation on this application Cheshire police have raised the impact of the development on the demands it will place on Cheshire Constabulary. The police have therefore requested a contribution to the provision towards the provision of police infrastructure by way of S106 contribution to mitigate the impacts of the development. The Police have stated that this payment would go towards Staff set up costs, Police vehicles and premises. Full details of this request has been sent to members directly.

The cost breakdown presented by the Police is as follows:

S106

This section of the report will consider the areas of financial contribution identified and discussed in the report and their weighing of importance having had full regard to the individual matters and the strategic importance of underlying policy justification.

Cheshire Police – A financial contribution of £24,651.42 is sought to mitigate its impact on Cheshire Constabulary infrastructure. Cheshire Police state that their organization does not have the capacity to meet the additional demands the proposed developments will place upon it. The cost breakdown presented by the Police is as follows:

Infrastructure req.	Area	Total Cost
Staff set up	Widnes and Runcorn	£3,444.44
Vehicles	Widnes and Runcorn LPUs	£2472.42
Premises	Widnes LPU	£18,734.56
Total		£24,651.42

In order for contributions to be acceptable it must pass tests in the Community Infrastructure Levy

122(2) of the Community Infrastructure Levy ('CIL') Regulations 2010 sets out

that obligations must be:

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

The body of evidence set out by the police, establishes only that a contribution towards policing costs could be considered lawful in some circumstances.

It is considered that the requested contributions are not demonstrated to be necessary to make the development acceptable in planning terms.

The fundamental principle behind an obligation being necessary to make something acceptable in planning terms is whether the obligation relates to a harm which a development must mitigate to be compliant with the Development Plan. Notwithstanding the strength of any argument, the Police puts forward for additional funding, if that funding is not justified by policy, it cannot be secured through planning obligation.

The DALP includes a number of policies for the delivery of specific infrastructure but does not include any provision for policing facilities. DALP Policy CS(R)7 does make an allowance for the provision of infrastructure more generally (Part 2):

“2. Where new development creates or exacerbates deficiencies in infrastructure it will be required to ensure those deficiencies or losses are compensated for, adequately mitigated or substituted for in a timely manner. On larger developments that will be completed in phases or over a number of years, an agreed delivery schedule of infrastructure works may be appropriate. Where infrastructure provision is not made directly by the developer, contributions may be secured by an agreement under Section 106 of the Act including where appropriate via a phased payment schedule”.

The policy itself requires new development to compensate for, adequately mitigate or substitute deficiencies in infrastructure where it creates or exacerbates that deficiency. The policy itself doesn't define what infrastructure can be included, but 7.72 of the Local Plan state that the DALP development proposals will be supported by an “appropriate level of infrastructure” which includes:

- transport infrastructure such as roads, railways, public transport, and cycling and walking routes;*
- physical and environmental infrastructure such as water supply and treatment, flood defence infrastructure, and energy supply;*
- green infrastructure such as public greenspaces;*
- social infrastructure including community services and facilities; and,*
- digital infrastructure such as internet access”.*

Paragraph 7.76 crucially sets out that “Alongside the infrastructure requirements

for the DALP, the Infrastructure Plan details the infrastructure needed to support general growth across the Borough. Infrastructure needs will evolve over the plan period and as such it will be necessary to undertake further reviews of the Infrastructure Plan. The Infrastructure Plan will be a 'live' document which will be updated as required over the lifetime of the Core Strategy saved policies, the Delivery and Allocations Plan and as new local plan documents emerge, infrastructure schemes are completed and in accordance with discussions with infrastructure / service providers to further review the need for infrastructure within the Borough."

The Halton Infrastructure Plan 2019 set out in Chapter 26 how policing infrastructure requirements have been considered by the Plan and notes the potential of increased development to add to the requirement for resources in policing. It notes that development schemes therefore have the capacity to increase the demand for police and partnership resources and this can impact upon capital investment (new Police facilities) and the revenue costs of additional Police officers and police staff. It sets out that it is therefore reasonable that policing and community safety needs be taken into account by Halton Borough Council and developers when determining planning applications relating to the new development.

At 26.4 of the IDP it states

"The demands on police and community safety resources manifest themselves in a variety of forms dependent on the scale and nature of the proposed development, including:

- The need to acquire land and the capital costs of Police buildings*
- Associated facilities for the provision of new Police stations or Police information points*
- Provision of new vehicles*
- Additional staff resources, including Police Community Support Officers, Environmental Council staff, Anti-Social Behaviour officers etc.*
- Extension of existing communication infrastructure e.g. radios, CCTV shopwatch*
- Crime reduction measures in line with 'Secured by Design' principles"*

At paragraph 26.13 of the IDP, it states *"Halton Borough Council will continue to work collaboratively with the Cheshire Police Authority, Cheshire Fire and Rescue Service and the North West Ambulance Service to ensure their needs are given consideration in subsequent planning policy documents"*

With regard to the above, it is clear that infrastructure for policing is capable of being required, by the Council, to satisfy the provisions of Policy CS(R)7. The items which funding has been requested for by the Police fall broadly within the items that the Council envisaged in its IDP2019. We do not dispute that position taken by the Police.

However, what is clear is that it is for the Council to determine whether there is an appropriate level of infrastructure in place currently and subsequently whether contributions or mitigation is necessary. The Council's point of reference for that must be the IDP. The IDP, in this case, has already considered the case that the Police have put forward (in consultation with the Police) and considered that further work is required (with the Police), to be included in future policy documents, before infrastructure requirements can be justified. It is not for the Police to unilaterally seek to determine what level of funds it requires from new development. The DALP and its evidence base make this clear. The DALP (supported by its evidence base) is clearly the starting point for decision making.

With regard to the above, the Council do not consider that an obligation was necessary to make the scheme acceptable in planning terms, we do not consider that the evidence provided by the Police sufficiently demonstrates that the contributions are fairly and reasonably related to the development .

The Police evidence sets out that the link between Police funding and population growth is not a simple one but notes that an increase in population in an area does not lead to an overall increase in central government grant.

However, the evidence then goes on to make a very simple calculation for justifying its requests based on a population per Police person calculation. The response fails to take any account of the increase in revenue which will be generated by the proposed development in Council tax precept. Whilst we must take on face value that grant funding doesn't necessarily increase with population, there is no further information to justify how grant funding is distributed so that any calculation can be made on what the likely impact of the development is.

The Police evidence states that in October 2019, the Home Office confirmed that the Constabulary will receive funding to recruit an additional 240 officers by the end of 2024, however, that this was purely meant to address the reductions in officer numbers in preceding years caused by austerity. The Police state that this funding is therefore earmarked to ensure existing settlements and communities receive an acceptable level of policing service, rather than provision in response to proposed development growth. Whilst that may be the case, it is impossible to justify from the Police's evidence, what the previous impact of austerity (and therefore current budgets) have had on the deficiencies within the Police budget. It is not for the planning system to charge developers to fund existing deficiencies in services.

Cheshire Police have put forward a justification that funding is sought to address the uplift in population brought on as a result of the development. This assumes that 100% of the proposed new developments population will come from outside the Borough. Whilst an element of in migration is accepted as likely to take place at either the level of Borough boundary and the Cheshire Police administration boundary, it is not accepted by the Council that this will amount to 100% of any new residential development. By way of example, the 2011 Census data shows that 9326 people responded to state that they resided at a different address the

year before 83% of which had moved from an address elsewhere in Cheshire. Whilst those individuals had moved from one local authority to another, they had remained within the Cheshire Police administrative boundary.

It is evident from the above, and from a review of the Police’s evidence, that the factors which should be considered in trying to understand the potential impact of new development on policing are indeed varied and complex. It is not possible from the information submitted to robustly demonstrate that the contribution requested by the police is fairly and reasonable related to the development.

In terms of contributions these need to be properly undertaken and tested. It is not possible for the Council to consider how reasonably the contributions would relate to development; that includes their impact on viability of providing an otherwise compliant level of obligations (including affordable housing provision) in the Borough. The contributions towards policing has not been considered within the Council’s Whole Plan Viability Assessment.

Distribution of spend

This report has set out a number of planning considerations that following an examination of planning policy have resulted in the Applicant agreeing to a package of off site commuted sum payments in order to comply with the DALP. The following table sets out the value of contributions sought from the development in order to mitigate harm.

Description Of Item	Values Appropriated
Recreational Pressure	£27,547.74
BNG	£280,500
Active Travel	£264,118.14
Bus subsidies	provided a 12 month buss pass per household
Open Space	£44,448.18
Total (minus cost of bus pass)	£616,614.06

Discussions with the Applicant have resulted in a spending allowance of £616,614.06. The Applicant asserts that a greater allowance would make the scheme unviable. No viability report has been submitted. The Council has not requested a viability report as the Applicant is still providing 20% affordable housing in line with DALP policy CSR13.

As set out in the table above, the Applicant has agreed a maximum £616,614.06 off site cumulative contribution. The table sets out a breakdown of the spending allocation based on the areas of consideration set out in the report above. The

Applicant has agreed to pay recreational pressure compensation and biodiversity net gain in full. This will ensure that the scheme complies with national and local planning policies with regard to ecology and nature conservation as set out in the ecology section of the report.

An off site contribution of £44,448.18 has been agreed by the Applicant concerning the on site provision of open space. The open space shown as part of the proposed layout is considered deficient within the terms of DALP policy RD4. However, the policy makes allowance for off-site provision as part of policy its wording. The combination of the agreed contribution and the quantum of open space as shown on the proposed layout plan is considered sufficient to comply with the requirements of planning policy RD4.

The Council has designed an active travel design to for north Widnes. This scheme is designed to address the impacts borne from the land allocations of SRL7 of DALP policy RD1. Therefore it is imperative that the scheme be funded sufficiently from schemes developed on these sites. The Applicant has agreed a contribution of £264,118.14 to this scheme.

With regard to public transport, there is an existing bus route with a bus stop on the application boundary. The Applicant has agreed to fund a 12-month bus pass per household. This is sufficient to ensure compliance with DALP policy CSR15.

The S106 funds have been allocated having full regard to planning policy. They will ensure that the scheme is delivered in a sustainable manner and that any harms are sufficiently mitigated.

Planning Balance and Conclusion

Whilst there is an element of non-compliance detailed in relation to housing and affordable housing tenure mix, this is not considered to be contrary to the development plan as a whole.

Based on the above assessment and subject to the proposed to be issued with a planning approval conditions and legal agreement provisions, the proposal is deemed acceptable. The proposed development would provide residential development on an allocated housing site in a sustainable location, contributing to housing need in the Borough and delivery of high quality development and on site open space provision.

When assessed against the policies in the NPPF taken as a whole, taking into account the details of the scheme and any material planning considerations, the proposal is thus sustainable development for which the NPPF carries a presumption in favour.

As such, the proposal is considered to accord with the Development Plan and national policy in the NPPF.

RECOMMENDATION

Approval subject to the following:

- a) S106 agreement that secures the terms set out at in the Legal Agreement section of this report.
- b) Schedule of conditions set out below
- c) That if the S106 agreement is not signed within a reasonable period of time, authority given to refuse this planning application.

Recommended conditions as follows:

CONDITIONS

1. Time Limit – Full Permission.
2. Approved Plans
3. Contaminated Land identification and remediation strategy
4. Contaminated Land validation report
5. External Facing Materials
6. Structural details of all retaining walls within 4m of a highway
7. Boundary
8. EV charge parking spaces to be detailed
9. Construction management plan including avoidance measures re habitat/ mammal/ bird nesting/ amphibians
10. Construction waste audit
11. Hedgehog highway network measures
12. Lighting scheme to limit impact on nocturnal species along Bridgewater Canal
13. Ecological protection strategy
14. Replacement of existing hedgerow
15. Ecological habitat management plan
16. Bird and bat boxes details
17. Domestic refuse storage details
18. Suds verification report
19. Removal of GPDO Schedule 2, Part 1, Class F – no fences forward of front elevation.
20. Standard 3-year permission
21. Approved Plans
22. Construction Environment Management Plan
23. LLFA – Details
24. LLFA – validation report
25. Prior to development a noise impact assessment
26. Contaminated Land investigation and remediation
27. Contaminated Land validation report

28. Contaminated land unsuspected contamination
29. Landscape management plan
30. Archaeology

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.

Appendix 1. – Advice provided by the Council’s retained ecology advisor dated 13th April 2023

Merseyside Environmental Advisory Service
The Barn, Court Hey Park,
Roby Road, Huyton, L16 3NA
Director: Alan Jemmett, PhD, MBA

Enquiries: 0151 934 4951

Contact: Peter McKeon
Email: measdconsultations@eas.sefton.gov.uk

DEVELOPMENT MANAGEMENT ADVICE

To: Andrew Evans
Organisation: Halton Council

From: Peter McKeon
Principal Ecologist

Your Ref: 22/00377/FUL
File Ref: HA22-035
Date: 13 April 2023

Proposed demolition of existing buildings and the erection of residential development (Use Class C3) with associated landscaping, access/egress, car parking, drainage, and other necessary supporting infrastructure at Land At South Lane, Widnes, Cheshire
Additional Information - Bat Mitigation Measures

1. Thank you for consulting Merseyside Environmental Advisory Service in respect of this planning application. The proposals comprise the above planning description.
 2. Having reviewed the application and supporting documentation, our advice is set out below in two parts.
 - Part One deals with issues of regulatory compliance, action required **prior to determination** and matters to be dealt with through planning conditions. Advice is only included here where action is required or where a positive statement of compliance is necessary for statutory purposes.
 - Should the Council decide to adopt an alternative approach to MEAS Part 1 advice, I request that you let us know. MEAS may be able to provide further advice on options to manage risks in the determination of the application.
 - Part Two sets out guidance to facilitate the implementation of Part One advice and informative notes.
 - Appendix 1 provides the detailed reasoning in respect of the conclusions presented in Part One regarding Habitats Regulations Assessment (three tests).
- In this case Part One comprises paragraphs 3 to 6, whilst there is no Part Two.

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Part One

3. Following previous MEAS advice of 30 January 2023, the applicant has submitted an Outline Bat Mitigation Strategy (*Biora, 24 March 2023*). Considering the low conservation status of the bat roost recorded upon the site (i.e. a day roost of a single soprano pipistrelle bat), the mitigation measures provided are considered to be acceptable and they provide sufficient information to enable the LPA to complete the three test assessment (Habitats Regulations).
4. The three test assessment has been completed and can be found in Appendix 1 below. **By including the assessment within the Planning Committee / Delegated Powers report shows how the Council has engaged with the Habitats Directive.**
5. As the proposals involve the destruction of a bat roost, the applicant will require a Natural England European Protected Species licence prior to any works commencing on building B12. To ensure this is in place the following planning condition is required:

CONDITION

Works will not commence unless the local planning authority has been provided with a copy of a licence issued by Natural England pursuant to Regulation 55 of The Conservation of Habitats and Species Regulations 2017 authorising the specified development to go ahead or that evidence is provided that the site has been registered under the bat mitigation class licence (CL21).

6. To ensure that the mitigation is undertaken and that the three tests are met, I advise that the following planning condition is required:

CONDITION

The development shall only be carried out in accordance with all of the recommendations for mitigation and compensation set out in the Outline Bat Mitigation Strategy (*Biora, 24 March 2023*) which details the methods for maintaining the conservation status of bats, unless otherwise approved in writing by the local planning authority or varied by a European Protected Species licence subsequently issued by Natural England.

I would be pleased to discuss these issues further and to provide additional information in respect of any of the matters raised.

Peter McKeon MCIEEM
Principal Ecologist

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Appendix 1: Three-Test Assessment for European Protected Species

The three tests are set out in Regulation 55 of the Habitats Regulations 2017. The three test assessment of the proposals is set out below. National Planning Policy Guidance applies¹.

This three-test assessment has been undertaken by a MEAS suitably qualified ecologist. Set out below is our advice to the Local Planning Authority (LPA) case officer in relation to the proposed development and whether Tests 1 to 3 are satisfied. Tests 1 and 2 are social, economic, and planning tests, therefore we recommend the case officer draws upon on wider information with regard to evidencing of whether Tests 1 and 2 are satisfied as necessary in determining this application.

Test 1: Regulation 55(1)(e): *"preserving public health or public safety or other imperative reasons of overriding public interest including those of a social or economic nature and beneficial consequences of primary importance for the environment"*

The proposed development will contribute towards housing targets as set out in Policy CS(R)3 of the Halton Delivery and Allocations Local Plan. The proposed construction works will provide employment that will benefit the local economy. This test has been satisfied.

Test 2: Regulation 55(9)(a): *"that there is no satisfactory alternative"*

The site has been allocated for housing in the Halton Delivery and Allocations Local Plan. Removal of the building with the bat roost present (B12), is required to enable the development to provide the required number of dwellings. This test has been met.

Test 3: Regulation 55(9)(b): *"that the action authorised will not be detrimental to the maintenance of the population of the species concerned at a favourable conservation status in their natural range"*

In our view, if the mitigation measures outlined in the submitted Outline Bat Mitigation Strategy (*Biora*, 24 March 2023) are implemented in full, then this test would be satisfied.

¹ [Protected species and development: advice for local planning authorities - GOV.UK \(www.gov.uk\)](https://www.gov.uk/guidance/protected-species-and-development-advice-for-local-planning-authorities)

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