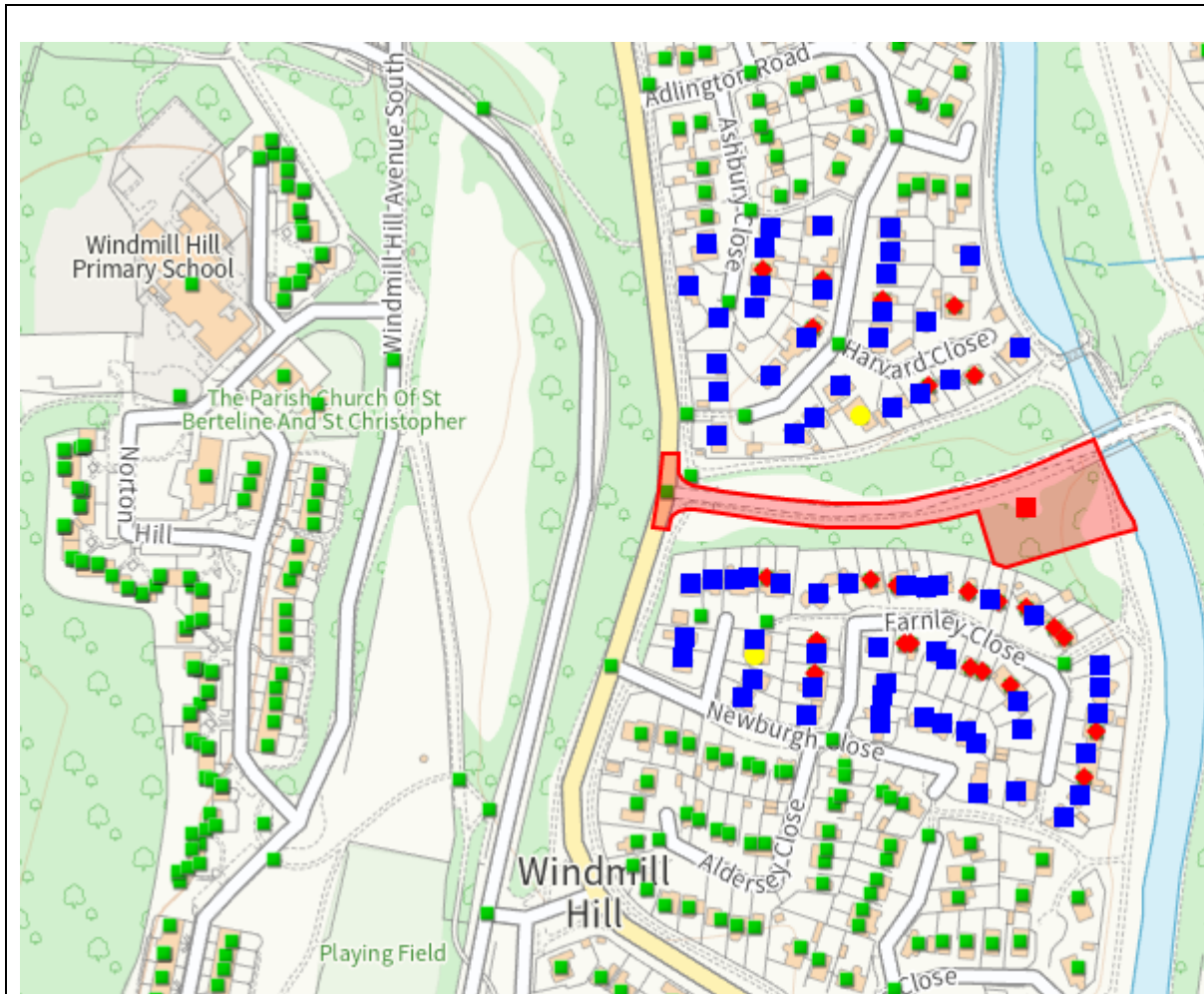


APPLICATION NO:	24/00147/FULEIA
LOCATION:	Land Off Windmill Hill Avenue, Runcorn
PROPOSAL:	Proposed erection of an electricity substation with associated plant, along with access, landscaping, means of enclosure, boundary treatments and associated ancillary infrastructure and works
WARD:	Norton North
PARISH:	None
AGENT(S) / APPLICANT(S):	Homes England
DEVELOPMENT PLAN ALLOCATION: National Planning Policy Framework (2023) Delivery and Allocations Local Plan ('DALP') (March 2022). Merseyside and Halton Joint Waste Local Plan 2013	Greenspace and Core Biodiversity Area (part)
DEPARTURE	Yes
REPRESENTATIONS:	35 letters of objection Letters of Objection from Councillors and MP
KEY ISSUES:	Principle of development; visual impact, noise and other amenity issues; ecology and biodiversity, drainage and highway issues
RECOMMENDATION:	Delegate authority to approve, subject to conditions and resolution of outstanding Highways and Drainage matters
SITE MAP	



1. THE APPLICATION SITE

1.1 The Site

Area of approximately 0.405 Ha of green space currently with trees and other vegetation/ grassland. Land off Windmill Avenue, to the south of an existing road which is currently closed to motorised traffic but which will form the northern entry Road to future phases of the Sandymoor residential development. To the east lies New Norton Bridge which crosses the Bridgewater Canal with residential properties on Farnley Close to the South.

1.2 Planning History

Planning permission has previously been approved for substations on the land albeit with a slightly reduced development footprint. The following application history is of relevance:

- 02/00002/FUL – Proposed 33kV substation (Refused)
- 02/00165/FUL – Proposed erection of a 33kV substation (Approved)

- 09/00517/FUL – Proposed erection of an 11KV/33kV electricity substation (Approved)

2. THE APPLICATION

2.1 The proposal and Background

Permission is sought for the proposed erection of a 33Kv substation with associated works with access via Windmill Hill Avenue East. The applicant states that the proposed substation will provide sufficient power to meet the future demand arising from both the Sandymoor South Phase 2 and Wharford Farm sites, both allocated for residential development within the Halton Delivery and Allocations Local Plan (DALP). Outline planning permission was recently approved for Sandymoor South Phase 2 for the erection of up to 250 homes. The proposal includes the following:

- Switch room (6.97m wide x 14.28m long x 4.12m high) of brick construction with concrete roof topped with tensile roofing felt and door colour coated green
- Transformer bund with fire wall 5.6m wide by 4.12m high surrounded by 2.4m Palisade fence containing a single transformer (approx. 3m high) but providing a plinth, futureproofing to accommodate a second transformer as required.
- 2.4m high perimeter mesh security fence with access gates powder coated green
- Access road for maintenance vehicles between the switch room and transformer bund.
- Landscaping to mitigate loss and screen the substation as far as possible within the operational constraints set by the operator.

The proposed substation design and layout has been provided by SP Energy Networks (SPEN) who will be responsible for the construction and operation of the substation.

2.2 Documentation

The applicant has submitted the relevant planning application form, drawings and the following plans/ reports:

Covering letter/ Planning Statement
Ecological Desk Study
Ecological Impact Assessment
Drainage Technical Note
Arboricultural Impact Assessment
Noise Assessment
Environmental Statement Addendum and Appendices
Detailed Planting Plan

3. THE DEVELOPMENT PLAN

3.1 Halton Delivery and Allocations Local Plan (2022)

The following policies contained within the Halton Delivery and Allocations Local Plan are of relevance:

- CS(R)1 Halton's Spatial Strategy;
- CS(R)3 Housing Supply and Locational Priorities
- CS(R)7 Infrastructure Provision
- 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
- CS23 Managing Pollution and Risk;
- C1 Transport Network and Accessibility
- C2 Parking Standards
- HE1 Natural Environment and Nature Conservation;
- HE4 Greenspace and Green Infrastructure/
- HE7 Pollution and Nuisance
- HE9 Water Management and Flood Risk;
- GR1 Design of Development;
- GR2 Amenity
- GR3 Boundary Fences and Walls

3.2 Supplementary Planning Documents (SPD)

Sandymoor SPD

4. MATERIAL CONSIDERATIONS

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

4.1 National Planning Policy Framework

The National Planning Policy Framework (NPPF) was last updated in December 2023 to set out the Government's planning policies for England and how these should be applied.

4.2 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.

4.3 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 persons 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.

5. CONSULTATIONS SUMMARY

HSE - Do Not Advise Against

Natural England - No Objection

Environment Agency - No Objection

Cheshire Police – No objection. Suggestion made regarding specific security features which can be provided to the applicant by way of informative

Coal Authority – No Comment

Historic England – No Comment

Network Rail – No Objection

Cadent Gas – No Objection subject to informative

Canal and River Trust – No Requirement to Consult

Sport England – No Requirement to Consult

Forestry Commission – No Comment

National Highways – No Objection

SABIC – No Observations, Proposed works are outside of the current Land Use Planning Consultation Zones and would not therefore affect SABIC pipeline apparatus.

Environmental Health Officer – No Objection subject to conditions

Highways and Transportation Development Control – Original holding objection. Updated response awaited. See Highways section of report.

Lead Local Flood Authority

No objection in principle. Updated response awaited. See Flood Risk and Drainage section of report.

Open Spaces Officer - No objection subject to conditions.

Conservation Advisor (CWAC) – No objection subject to external wall brick type and stretcher bond by condition.

Cheshire Archaeology - Unlikely to disturb significant below ground archaeological deposits and therefore there are no further archaeological recommendations for this current application.

I would recommend that the bricks used are of a type to be used within the wider development. If this can be confirmed by the applicant that would be ideal.

Open Spaces Officer Design & Development Team – No objection. Suggests doors to be in a colour that blends into the surrounding landscape? E.g. dark green. The applicant has agreed to this suggestion to be secured by planning condition.

Merseyside Environmental Advisory Service – Ecology and Waste Advisor - No objection subject to conditions.

6. REPRESENTATIONS

The application has been advertised via the following methods: site notices posted near to the site, press notice, and Council website. Surrounding residents, landowners and Moore, Sandymoor and Daresbury Parish Councils have been notified.

35 letters of objection have been received raising the following issues:

- Loss of Greenspace
- Loss of Trees
- Impact on bats and wildlife
- Disruption from construction
- Will not serve Norton South, no benefit to existing residents, should be built at another location near properties it serves
- Location is cost/ profit driven and so not to impact on new houses at Sandymoor
- No sense to build on this side of the canal/ will it require overhead cables
- Loss of property value.
- Impact on existing residents, their mental health and wellbeing, sufferer of misophonia
- Visual impact, unsightly
- Noise impacts
- Health and safety risks, Electric and Magnetic Fields (EMF), electrical hazard, cancer risk
- Traffic and highway risks
- Several smaller substations would be better
- No need for more housing with no infrastructure i.e. schools, Doctors
- Chemicals from weeding
- Time for comment too short

A Ward Councillor has stated as follows:

I write to you to express my views on the above planning application.

*“As a resident living in the Norton North Ward.
I wish to totally oppose this Planning Application.*

*The Council should reject this application, on the grounds that the original plan for this very dangerous Power Station
Was initially planned to be in Sandymoor, Moor and Daresbury Ward Not Norton North Ward.*

This Power Station plan has also doubled in size, it's extremely close to the homes of families living in the Waters Edge Estate and young families living in Newburgh Close. None of these residents were ever informed this would happen, and worse still, it will be for New Properties that may or may not ever be built in Sandymoor. The Council are Legally Bound to inform residents of any possible future building, This Power Station is not for those living in the Norton North Ward It was never in the Local Plan, it has doubled in size to accommodate Rich Building Companies to the detriment of Halton residents."

Cllr Bramwell has written to state she fully supports the points made above with regards to this planning application and that:

"I can also see no logical reason as to why it is not being located in the area it will serve which is the Sandymoor and Daresbury Ward , as outlined in the original plan?"

Letters of objection have been received from Councillors Logan, Ryan and Lloyd Jones as follows:

Councillor Logan states:

"I wish to object to this planning application. It falls within the green corridor/space as designated in the DALP and not within the area designated for development within which there is plenty of space. A site within the development space had previously been agreed and yet it has been moved to within 2 metres of existing properties in another electoral ward. The residents in these properties have in some cases been living there for over 30 years and there was never a plan to develop the area behind their properties. Why is the substation not being proposed to be on the land designated for development amongst the properties it will service?"

Councillor Ryan states::

"I am writing to outline my objection to the proposals for the primary substation that has been submitted on 28/03/2024.

The sub-station proposed was previously outlined within application 22/00543/OUTEIA for Sandymoor South Phase 2 and, at that time, was indicated within the Sandymoor South redline demise. This was in accordance with the designations proscribed within the Halton Delivery & Allocations Plan (DALP) adopted on 2nd March 2022.

The new proposal is for the same primary sub-station and it now proposed to be located outside of the Sandymoor South redline demise, off Windmill Hill Avenue West. The land on which the sub-station is proposed is designated within the DALP as being "greenspace - core bio-diversity area".

As such, the proposal 24/00147/FULEIA is not in accordance with the adopted Local Plan and should not be permitted. The developer should be requested to locate the sub-station within the area permitted under 22/00543/OUTEIA, within the Sandymoor South redline demise.

This application is the second that I have seen within the past year where an applicant wishes to develop a space that is designated as "greenspace" within the adopted Local Plan.

The decisions made with regard to this type of application has implications, in my view, with regard to how we as Halton Borough Council and Elected Members view our Local Plan and how much commitment we have, and demonstrate, to its implementation.

Development is always a contentious issue. The adopted Local Plan provides clear guidance and, in effect, a roadmap to the development of the Borough into the future. It is important that we stay true to it. Many areas of land are designated for development within Halton, the land affected by this proposal is not one of them and it should remain as an important green corridor, as outlined within the adopted Local Plan."

Councillor Lloyd Jones states:

"I remain puzzled why it is thought appropriate to locate the substation in Norton, and on a site with environmental protection, instead of the original Sandymoor site which was within the housing development area the substation will serve."

And

"I suggest the issue as to why the applicant is preferring to locate in Norton is central to meaningful consideration of the application.

Surely the applicant should be requested to provide an answer to this issue, with supporting evidence?

In the absence of such information, then the only appropriate decision would appear to be rejection of the application and construction of the substation on the already approved site on Sandymoor?"

One letter of objection has been received from Mike Amesbury MP stating the following:

"I am writing to express my objection to the proposed plan to build an electricity substation to the rear of properties in Farnley Close, Runcorn, as referenced in planning application 24/00147/FULEIA. This proposal has raised significant concerns among the residents, particularly those directly impacted by the construction, and I share their apprehensions.

The proposed substation is intended to serve the new properties being built in the Sandymoor area, yet it is planned to be situated in close proximity to established homes in Farnley Close. This placement is problematic for several reasons:

- Lack of Direct Benefit: The substation offers no direct benefit to the residents of Farnley Close, who will bear the brunt of the negative impacts without any of the advantages. It is unjust for the residents of an existing, well-established community to suffer the consequences of a development that serves a different area.*
- Environmental Impact: The construction of this substation will have a detrimental effect on local wildlife and established trees. The removal of trees and disruption of habitats will not only degrade the local environment but also negatively impact the biodiversity of the area. The replacement of green spaces with a large substation and a 4.2-meter perimeter brick wall is a significant and unwelcome change to the landscape.*
- Impact on Property Values and Quality of Life: The presence of a large substation and high wall will likely decrease the property values of homes in Farnley Close. Additionally, the aesthetic and noise impacts associated with the substation could significantly diminish the quality of life for the residents, many of whom chose this location for its peace and tranquility.*
- Alternative Locations: Given that the substation is intended to serve the Sandymoor development, it would be more appropriate and equitable to locate it closer to the new housing area it is designed to support. This would mitigate the adverse effects on the existing residents of Farnley Close and better align the infrastructure with the community it is intended to benefit.*

While I fully support investment in Runcorn and the development of new housing, it is crucial that such developments are planned and executed in a manner that is fair and considerate to all residents. Placing the substation in a location that significantly impacts existing communities, without providing them any benefits, is neither fair nor acceptable.

I urge the planning committee to consider the proposed location of the substation. Exploring alternative sites that do not negatively impact the established residents of Farnley Close should be a priority.

Thank you for your attention to this matter. I look forward to your response and to working together to find a solution that respects the needs and well-being of all Runcorn residents.”

7. ASSESSMENT

7.1 Background, Principle of Development and loss of Greenspace and Core Biodiversity Area

DALP Policy CS(R)3 sets out the provision that will be made for housing supply over the plan period. It identifies Sandymoor (SRL4) and Wharford Farm (SRL3) as two of the nine Strategic Residential Locations whilst Policy RD1 provides further detail in relation to these site allocations.

It is stated that a 33kV substation is to provide the future electricity power needs of these allocated residential sites. The applicant states that, due to the lead in times for installation and operation of the substation equipment, planning permission is required at this early stage to ensure that sufficient power is available to allow occupation of these future homes should Reserved Matters be approved and/ or planning permission be secured as required.

The site is designated within the Halton Delivery and Allocations Local Plan (DALP) as Greenspace and, in part, as a Core Biodiversity Area. Policies HE1 and HE4 are of particular relevance in this regard. A Greenway runs to the east of the site along the Bridgewater canal but is unaffected by the proposals. Whilst land cannot be allocated through a supplementary planning document (SPD), the Councils adopted Sandymoor SPD identifies the site as a potential location for a substation at figure 5.1. The text also refers to the supply of utility services being a potential constraint and threat and that the Masterplan includes a potential location for a proposed new substation adjacent to the new access road from Windmill Hill Avenue.

Policy HE4 states that where development would result in the loss of existing green infrastructure and green space identified on the policy map, development will only be permitted where it can be demonstrated that the green infrastructure and green space is surplus to requirements in accordance with Policy RD4 and CS(R)21 and will not result in a shortfall during the plan period or that *'replacement green infrastructure and green space is provided of equivalent or better provision in terms of quality and*

quantity, and in a suitable location to meet the needs of users of the existing green infrastructure and green space.'

When measured against the Council's Open Space Calculator it is not considered that any argument could be sustained that there is not a surplus of such open space within the area or that the loss of such a relatively small area of open space would result in a shortfall over the plan period. Furthermore, it is not considered arguable that the proposals would detract from the Borough's ability to divert recreational pressure away from sensitive European designated sites or increase recreational pressure on such sites as stipulated by Policy HE4.

The site falls partially within a Core Biodiversity Area under Policy HE1 of the DALP. The applicant has submitted an ecological desk study, impact assessment and technical note which provide further detail on the proposed planting strategy and impact on biodiversity present across the site. The applicant has state the following summary, alongside further analysis and justification of the proposed development having regard to Policies HE1 and HE4 of the DALP.

"The nature of the existing green infrastructure both within and adjacent to the application site has restricted the establishment of a diverse habitat structure suitable to support a range of flora and fauna. The semi-natural broad-leaved woodland, grassland and dense scrubland present on site are not identifiable as priority habitats and therefore the proposal does not conflict with criterion 2, 3 or 9 of Policy HE1.

When proposals may affect designated natural assets, such as Core Biodiversity Areas, the mitigation hierarchy within Policy HE1 requires proposals to demonstrate (in order):

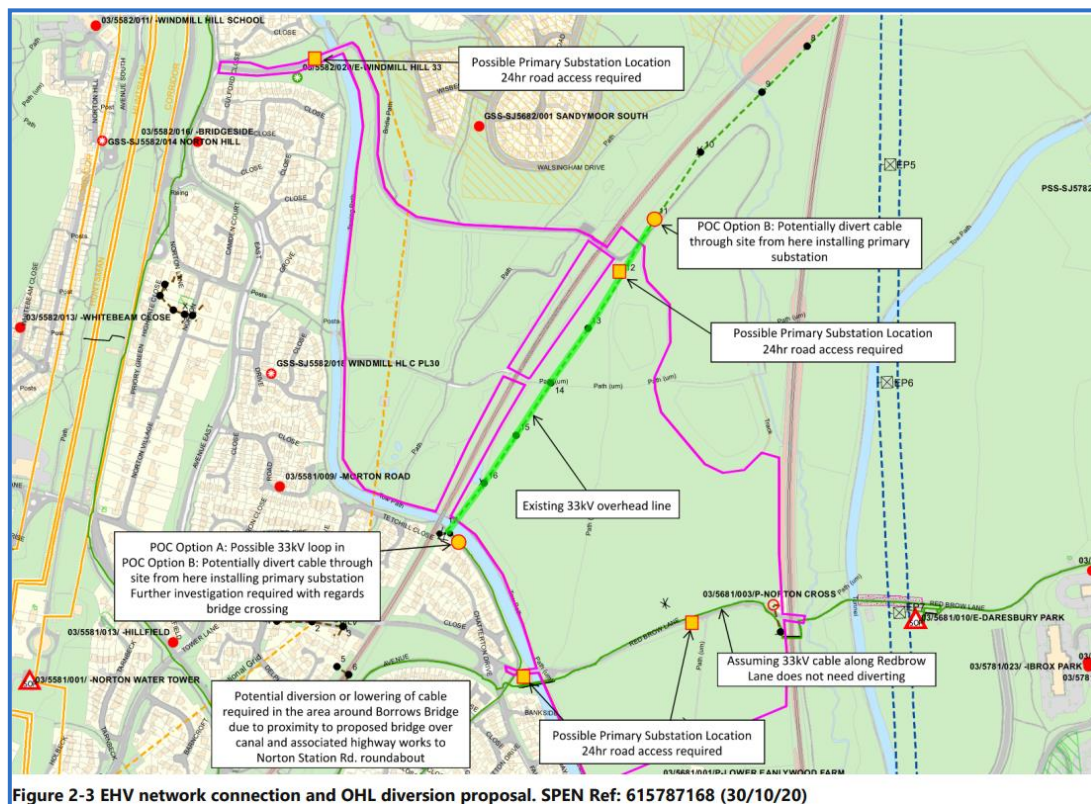
- 1. Avoidance*
- 2. Minimisation*
- 3. Mitigation; and*
- 4. Compensation.*

The proposed development is considered to adhere to this hierarchy as follows:

- 1. Avoidance*

The Utility Report supporting the recently consented outline planning application for Sandymoor South Phase 2 (22/00543/OUTEIA) identified the need for an extra high voltage electricity connection (33 kV) due to existing network capacity constraints.

Several alternative locations for a substation were considered within this report (Figure 2-3), as shown below:



The substation application and its accompanying ES addendum explore these options in further detail. Several alternative locations for the substation have been discounted due to: the operational requirements of SPEN (i.e. 24/7 access for servicing and emergency); infrastructure requirements and the associated cost of works (i.e. the physical location of the existing 33kV network at Windmill Hill Avenue East); conflicts arising with the delivery of works alongside the proposed residential development of Sandymoor South; and, detailed technical studies undertaken by utility specialists (i.e. network loads and power distribution within the area).

The option to locate a primary substation east of the railway arch at Wharford Farm has been discounted due to the feasibility, scope and cost of works associated with making a 33kV electrical connection beneath the railway line from Windmill Hill Avenue, and due to the limitations of future maintenance and service arrangements beneath the arch, including 24/7 access that would be required to the substation, necessitating a formal highway connection that does not currently exist (to be progressed within a future application for Wharford Farm). Elsewhere, locating the substation along Red Brow Lane has been discounted following confirmation by SPEN that limited capacity exists along the alternative 33kV cable route in this location, in addition to the limitations of vehicular access outlined above. Finally, limited electrical

capacity within Walsingham Drive and the substantial civil works package that would be required to deliver a 33kV connection from Windmill Hill East over New Norton Bridge into Sandymoor South, likely to further conflict with the delivery of works required to New Norton Bridge under OPA 22/00543/OUT) have led to the preferred location west of New Norton Bridge being selected.

In summary, the proposed location: shares none of the operational, logistical or physical constraints presented by the alternative locations originally presented within the Utility Report and Environmental Statement supporting OPA 22/00543/OUT; is further supported as a suitable location by the network operator SPEN who will be responsible for the construction, connection and maintenance in perpetuity; and will ultimately enable the delivery of new homes across the strategic residential allocation at Sandymoor South in a coordinated and timely manner.

It is established that construction of a new substation in this location is the optimal, available solution to energise both Sandymoor South Phase 2 and Wharford Farm (which in turn will provide the capacity needed for the neighbourhood as a whole).

It should also be noted that in anticipation of a primary substation being delivered off Windmill Hill Avenue East, land that forms part of the current planning application site boundary was transferred by the Commission for New Towns (Homes England's predecessor body) to SPEN in 1991."

The principle of development for a primary substation and associated works in this location has also been established through two previous planning applications which were approved albeit now lapsed and approved in the context of earlier development plan policies.

Whilst the proposals will result in a net loss of scrub and woodland habitat area within the site, due to the footprint of the substation, given the small site area and future operational requirements associated with a substation use, there is limited ability to provide replacement habitat within the application site boundary. Loss of habitat has been minimised as far as possible. By way of mitigation and compensation, proposed native scrub planting, seeding of amenity grassland in front of the substation and tree planting will be maintained as far as possible and reinforced with additional planting as detailed on the submitted detailed planting plan.

The submitted ecology report states that no evidence of bat use or presence was found at the site. The Council's retained adviser on ecology matters advises that, on that basis, the Council **does not** need to consider the proposals against the three tests (Habitats Regulations).

Natural England, the Council's Open Spaces Officer and retained adviser on ecology matters have all raised no objection subject to conditions. The Council's retained

adviser on ecology matters has confirmed that the planting plans, subject to planning condition for maintenance, alongside bat and bird box enhancements are sufficient to determine no net loss from removal of younger and self-seeded trees, bramble scrub and species poor grassland and biodiversity enhancement. Also that no further information is required to demonstrate no net loss to biodiversity. The application is considered to comply with Policies HE1 and HE4 of the Halton Delivery and Allocations Local Plan. Where any argument could be made that there exists an element of non-compliance with the avoidance criteria within policy HE4 it is considered that the benefits of the scheme in contributing to the future homes provision outweigh any harm.

7.2 Design and Character

The proposal is to build a 33Kv substation including switch room of brick construction with concrete roof topped with tensile roofing felt, transformer bund including second transformer plinth, with fire wall, fencing and access road for maintenance vehicles. The proposals are utilitarian in nature defined by the functional requirements of the plant required and future maintenance.

The proposed substation is in close proximity to the rear garden fences of houses on Farnley Close. At the nearest, those properties will face the rear blank wall of the brick switch room with the firewall and future transformer sitting further away due to the angle of those properties. The proposal is relatively well screened by existing vegetation which is proposed to be reinforced, including evergreen species, on the remaining land between those properties and the substation development.

The applicant has submitted relevant levels and cross section information showing that the substation will be set at a slightly lower level than the adjoining residential properties. Notwithstanding that the proposed substation is likely to be visible from those nearest properties particularly from first floor rear windows. Any views from ground floor windows and gardens are likely to be limited as the effects have been mitigated as far as possible. Views from the northern entry Road to future phases of the Sandymoor residential development are likely to be in passing only given the extent of tree cover either side of the development. Any residual harm is not considered to justify refusal of planning permission in this case given the benefits of the scheme in terms of securing grid capacity and potential future housing supply.

7.3 Amenity Issues and Noise

A number of objections have been made regarding the potential of issues from the development including noise, and other amenity issues.

Policy CS23 'Managing Pollution and Risk' which states, "*Development proposals should not exacerbate and where possible, should minimise, all forms of emissions and odour, water, noise and light pollution.*"

Policy HE7 'Pollution and Nuisance' identifies that where risks for pollution and nuisance are identified, planning permission will be granted for developments providing certain criteria are met. Specifically in relation to noise it notes: "*b. Noise nuisance is not likely to cause a significant increase in ambient noise levels for either day or night time conditions.*"

The application as originally submitted was accompanied by a Noise Assessment. A response from the Council's Environmental Health Officer raised concerns about the predicted noise levels and impact on the amenity of adjoining residents and that additional mitigation against potential noise impact was required.

The applicant has submitted an updated Noise Assessment following consultation with the future operator, plant to be installed and sound power level for the transformer to ensure that noise levels proposed by the Environmental Health Officer can be achieved.

This has resulted in a substantial reduction in the predicted noise levels associated with the proposed development. On this basis the Council's Environmental Health Officer has confirmed that to proposed would be inaudible at the closest residential properties based on predicted noise levels being 5dB(A) below the measured background noise level of 33dB(A).

On that basis the Council's Environmental Health Officer raises no objection subject to conditions requiring that noise levels from fixed plant and equipment on site, measured at the perimeter of the site shall not exceed 27dB(A) and restricting construction hours. It is considered that such conditions would protect residents in future with respect to installation of any second transformer or any future works benefiting from the broad ranging permitted development rights afforded to such operators.

The applicant has further advised that they would accept a planning condition requiring post completion validation testing of the substation sound levels to ensure that the predicted sound level data is being achieved during operation of the substation subject to review of final wording which would add a further layer of assurance in this regard.

One letter of objection has stated that they suffer badly from misophonia (an extreme emotional reaction to certain everyday sounds). Based on the above and in the absence of further evidence it is not considered that refusal of planning permission could be refused on this basis.

It is acknowledged that scope exists for potential dust and other impacts during the construction phase. Given the proximity to residential properties it is considered that a requirement for a Construction Management Plan to minimise such impacts can be justified and secured by suitably worded planning condition. Hours of construction can be controlled by way of suitably worded planning condition.

On that basis it is considered that the proposals accord with Policies CS23 and HE7 of the Halton Delivery and Allocations Local Plan.

7.4 Highway Considerations

Access to the site is from the northern entry road which is proposed to serve future phases of the Sandymoor residential development. The site includes an access road for maintenance vehicles between the switch room and transformer bund.

The Council's Highways Officer, whilst raising no objection in principle, has listed a number of queries and concerns including existing and proposed levels, clarity on impact on amenity path networks, drainage, operation detail relating to access and turning for servicing maintenance vehicles visiting the site, visibility and vehicle tracking and turning to allow access/ egress in a forward gear.

The applicant has responded including additional levels information and confirmation that drainage will be via connection to an existing manhole. They have also advised that vehicle movements associated with accessing the substation for servicing and maintenance are on average expected to occur no more than once a week, with the largest type of service vehicle in attendance being a transit van or similar (c.5m length).

Given this infrequency of vehicular movements to and from the substation site they maintain that any impact on this section of the access road and local highway network will be negligible with no severe impact.

At the time of writing an updated response from the Council's Highways Officer is awaited to demonstrate compliance with DALP Policies C1 and C2. Members will be updated as required.

7.5 Flood Risk and Drainage

The application site is identified as lying within Flood Risk Zone 1. In accordance with national and local policy the proposed development is therefore considered to be located within an area of low flood risk. The site does not exceed 1Ha so no Flood Risk Assessment (FRA) is required to support the application. A drainage strategy has however been submitted with the application.

The Lead Local Flood Authority has confirmed that the strategy is acceptable in principle but raised some technical queries including in relation to the location and condition of the downstream outfall, discharge rates, prevention of fuel contamination, drainage calculations, maintenance and management.

The applicant has responded including a Drainage Technical Note. This states that, having regard to the drainage hierarchy and limited runoff rates, a connection to an existing surface water sewer adjacent to the site has been determined to be the best outfall option.

The Technical Note concludes that, due to the size of the site and runoff rate calculated it is assumed that all surface water runoff generated on the site can be attenuated within the sewer network proposed up to and including the 1 in 100 year event plus 45% climate change. Further, that the proposed surface water drainage strategy can effectively control all runoff generated within the site and maintain pre-development greenfield runoff rates, without increasing flood risk on or off the site.

At the time of writing updated comments are awaited from the LLFA. Members will be updated orally should any comments be received with respect to flood risk and drainage of the site to demonstrate compliance with Policy HE9 and NPPF.

7.6 Health Risks

A number of objections have been made on the grounds of health risks associated with the proposed development.

The applicant has responded that *“the equipment proposed to be installed by SPEN is heavily regulated along with the rest of the UK electricity network, and equipment specifications must accord with the Electric and Magnetic Fields (EMF) public exposure limits in force in the UK.”*

For public exposure, the UK complies with the 1998 ICNIRP Guidelines in the terms of the 1999 EU Recommendation. A voluntary Code of Practice exists between the Energy Networks Association and Government. Among many other details, it sets out how to demonstrate compliance with the public exposure limits.

A Statement of Compliance of Electricity Substations with Public Exposure Limits for Electric and Magnetic Fields has been produced. That statement states that *“this Statement is regarded as sufficient to demonstrate compliance. Further calculations or measurements are not necessary”* and that *“compliance with exposure guidelines for such equipment will be assumed unless evidence is brought to the contrary.”* It also includes confirmation that all underground cables at 132kV and below are compliant.

It is assumed that any chemical weeding will be carried out in accordance with manufacturers instructions and other legislation. The proposed equipment is contained within a building and/ or surrounded by fencing. There is no evidence that the proposed would pose an undue risk of electrical hazard than any other substation. It is not considered that refusal of planning permission could be sustained on these grounds.

On that basis, and in the absence of evidence to the contrary it is not considered that refusal of planning permission could be justified on health grounds.

7.7 Environmental Impact Regulations Conformity

The consented residential development at Sandymoor (22/00543/OUTEIA) is an EIA development. The proposed development is an amendment to the original EIA project. An Environmental Statement (ES) addendum has therefore been prepared to assess the likely significant effect on the environment due to the proposed development beyond those assessed in the original ES. In summary this concludes that the Noise Assessment and Environmental Assessment that accompany the planning application have considered all short-term impacts during the construction period and long term impacts post-installation during the operational phase of the development. They have concluded no significant residual environmental effects aside from a negligible adverse visual impact to users of the public right of way along the Bridgewater Canal and a minor adverse visual impact to residents on Farnley Close as a result of the proposed development. In line with the recommendations set out within the various supporting documents, mitigation is proposed in the form of new native scrub and tree planting around the site perimeter as shown on the Detailed Planting Plan that accompanies the planning application. It is considered that this can be used as a basis for determination of the application.

8 Summary and Conclusions

Permission is sought for the proposed erection of a 33Kv substation with associated works with access via Windmill Hill Avenue. The applicant states that the proposed substation will provide sufficient power to meet the future demand arising from both the Sandymoor South Phase 2 and Wharford Farm sites, both allocated for residential development within the Halton Delivery and Allocations Local Plan (DALP).

The proposal will result in the loss of an area of designated greenspace and a smaller area designated as a Core Biodiversity Area. These issues have been addressed earlier in the report. The proposals are utilitarian in nature defined by the functional requirements of the plant required and future maintenance.

The proposed substation is likely to be visible from those nearest properties particularly from first floor rear windows and from the northern entry Road to future phases of the Sandymoor residential development. Any views from ground floor windows and gardens are likely to be limited with the proposed mitigatory planting. Any residual harm is not considered to justify refusal of planning permission in this case given the benefits of the scheme in terms of securing grid capacity and potential future housing supply as allocated through the local plan.

Issues relating to noise, levels, health and detailed planting in particular are considered to have been satisfactorily addressed. At the time of writing, comments remain outstanding from the Council's Highways Officer and Lead Local Flood

Authority in response updates provided by the applicant to queries and concerns raised. Members will be updated orally on those responses.

9 RECOMMENDATION

- a) That authority be delegated to the Director of Planning and Transportation, in consultation with the Chair or Vice Chair, to approve the application subject to satisfactory resolution of the outstanding Highway and drainage matters

- b) subject to conditions relating to the following:
 1. Standard 3 year timescale for commencement of development
 2. Specifying approved and amended plans
 3. Materials condition(s) requiring submission and agreement of details
 4. Implementation of a scheme of bat and bird boxes and brash piles in accordance with details to be submitted and approved
 5. Submission and agreement of Tree Protection Plan and Arboricultural Method Statement
 6. Requiring all fencing and switch room doors to be colour coated dark green
 7. Restricting hours of construction
 8. Submission and agreement of a Construction Environmental Plan including RAMs for terrestrial mammals
 9. RAMs for amphibian species
 10. Protecting nesting birds
 11. Securing implementation of landscaping as agreed
 12. Submission and agreement of a Landscape Environmental Management Plan
 13. Controlling external lighting
 14. Drainage Conditions
 15. Requiring noise levels from fixed plant and equipment on site, measured at the perimeter of the site not exceed 27dB(A)
 16. Completion validation testing with respect to noise.
 17. Requiring levels to be carried out as approved.

SUSTAINABILITY STATEMENT

As required by:

- The National Planning Policy Framework;
 - The Town and Country Planning (Development Management Procedure) (England) (Amendment No.2) Order 2012; and
- 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.