

Planning Committee
20 September 2011

Reference:
OUT/11/00645

Area Team:
South Team

Case Officer:
Ms J Storey

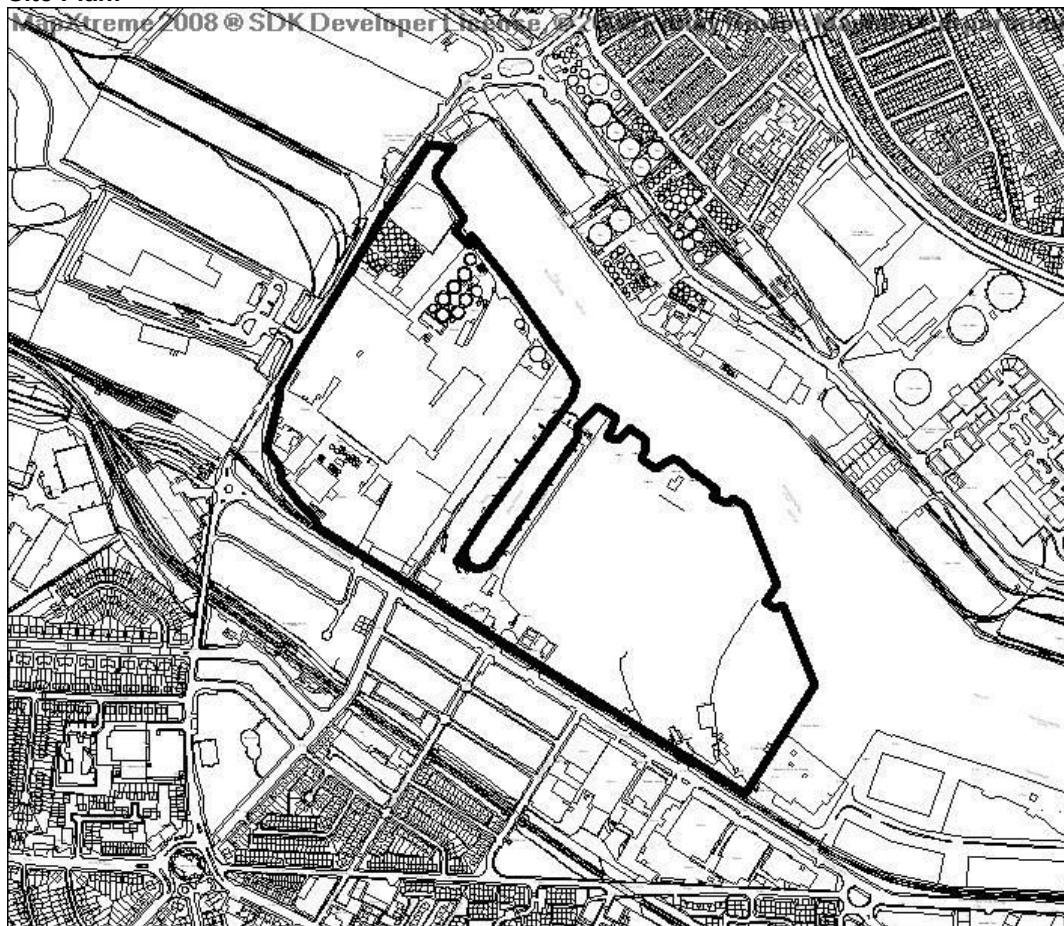
Ward:
Seacombe

Location: Land to north of BEAUFORT ROAD, and to the East of WALLASEY BRIDGE ROAD, WEST FLOAT BIRKENHEAD, CH41 1HG

Proposal: Outline planning application with all matters reserved for the demolition of existing buildings and the construction of: • Two buildings providing an overall maximum of 111,780 sq m of floor space to be used as an International Trade Centre (Sui Generis Use) (comprising trade showrooms, storage, distribution and product assembly space, exhibition space, ancillary food and drink facilities, ancillary office and management accommodation, security facilities, and associated car parking, access points, servicing areas and landscaping), on land north of Beaufort Road and east of Graving Dock No. 3, West Float, Wirral Waters, Wirral; and. • Two buildings providing an overall maximum of 116,529 sq m of floorspace to be used as one or a combination of, an International Trade Centre (as defined), B2 General Industry and B8 Warehouse/Distribution (with associated car parking, access points, servicing areas and landscaping) on land east of Wallasey Bridge Road and west of Graving Dock No. 3, West Float, Wirral Waters, Wirral. equating to a total combined floorspace of 228,300 sq m of mixed employment floorspace, Peel Land and Property (Ports) Ltd

Applicant: Peel Land and Property (Ports) Ltd
Agent : Turley Associates

Site Plan:



Development Plan allocation and policies:

Road Corridor subject to Environmental Improvement

Planning History:

There have been a large number of applications on this site, but none are relevant to this development.

Summary Of Representations and Consultations Received:

REPRESENTATIONS

Having regard to the Council's Guidance on Publicity for Applications, 73 notifications were sent to adjoining properties. Six site notices were displayed and a Press Notice was placed in the Wirral Globe. At the time of writing one representation has been received from Drivers Jonas Deloitte on behalf of Grosvenor Liverpool

Summary of representations

Whilst Grosvenor is supportive of international investment in the region, it is considered that the planning permission sought by Peel Land Property (Ports) is too flexible at this outline stage to provide sufficient comfort that the proposals would not compete with other developments in the region, including that of Liverpool One. Grosvenor state that it is vital that the appropriate controls are put in place to ensure that the proposals bring about the economic development for which they are intended, whilst not adversely affecting other investment in the region.

Grosvenor has a number of specific concerns with respect to the proposal. These are summarised as:

- a) uses proposed and restriction on uses
- b) flexibility of uses
- c) change of use; and
- d) membership and eligibility

It should be noted that Grosvenor does not object to WMBC and its partners, seeking to regenerate the Wirral. It does however consider that, given the nature and scale of development proposed, any grant of consent must be linked to the appropriate controls to deliver the type of development that has a positive impact on the region.

CONSULTATIONS

Department of Law HR and Asset Management (Environmental Protection):

No objection to this application subject to the following conditions:

1. A ground contamination survey shall be undertaken, taking into account any potential contaminants from all known previous land uses. Should this survey identify any such contaminants, then a scheme of remediation to render the site suitable for use shall be submitted to the Local Planning Authority for approval prior to such works being undertaken.
2. A statement giving precise details of the nature and extent of any such remediation, together with certification that the site has been made suitable for its intended use, shall be submitted to and approved by the Local Planning Authority before commencing any development of the site.
3. All operatives on site should be made aware of the health and safety implications from any contaminants present on the site prior to commencing work.

Sefton MBC:

Summary Analysis and Comments of the Head of Planning Services

This proposal has to be seen in the context of the wider Wirral Waters development initiative and is intended to (i) deliver employment benefits to Wirral and the wider sub-regional area and (ii) act as a catalyst for the wider and hopefully earlier development of Wirral Waters. In the planning justification for the proposal, Peel Ports have commented that, among other things: if the International Trade Centre were not delivered, the wider development of the area would still proceed but potentially at a slower pace and scale, without the benefits that the proposed investment phase one and its follow-on phases would bring. The supporting document also states that the occupation of the International Trade Centre is envisaged to be initially led by Chinese businesses which currently have no allegiance to the UK; and if the development were not delivered in a timely manner, Peel claim that it would be likely the opportunity would be lost to another area, potentially outside of the UK, at an alternative strategically accessible port location in Western Europe, eg Rotterdam, Le Havre etc.

On the face of it it would appear that such a proposal should be supported. Further our retail consultants, WYG have commented/advised as follows: "Our understanding is that the international trade centre is primarily targeted at wholesalers and other industries. We are not sure how this operation would be controlled yet and we think the best approach here would be to reserve Sefton's position until the proposed conditions or controls are shared with you."

Given the above and whilst it would seem that the principle of what is proposed is likely to be acceptable, it will be very important for Sefton to see and comment on any draft conditions which are likely to be attached to any planning approval before expressing a final view. Accordingly, it is suggested that the report be noted and the views expressed at paragraphs 2.3 and 2.4 above be conveyed to Wirral Metropolitan Borough Council as the views of Sefton Council.

Following the issue of proposed controls, Sefton MBC have now advised,

"We have now shared the proposed controls with WYG and Keith Nutter fully agrees with me that they are in a form which will raise no planning issues for Sefton."

We are both comforted by the fact that the text drafted on membership eligibility is comprehensive and robust and will clearly help address any concerns that this could, by default, ultimately become retail development."

St Helens MBC:

St. Helens Council is extremely supportive of this development. The proposal is in line with the growth aspirations of the City Region reflected in the Local Economic Partnership bid document. Furthermore the proposed development would be of benefit to businesses in St. Helens who would be able to establish business links and networks with those new businesses exhibiting in the Trade Centre. Peel's submission focuses on the ability of foreign businesses to showcase their goods here, however there must be potential for local businesses to showcase their products too and build up supply chain networks with foreign businesses.

With regards to Planning Policy the proposal is in accordance with the Government's Planning for Growth Agenda and the Regional Spatial Strategy for the North West. In particular Policy W2 of the RSS seeks to locate regionally significant economic development in sustainable and accessible locations within the urban area of the Liverpool City Region. St Helens also considers that the proposal is in line with the draft National Planning Policy Framework. Given the sheer potential scale of the development it is important that conditions are put in place to ensure the development genuinely functions as an International Trade Centre i.e. it should not be allowed to become a retail centre as this could potentially have a detrimental impact on retail expenditure in other areas of the City Region. We hope that it also acts as a strong catalyst for the promotion of British exports.

In summary, the ITC is considered to have the potential to be an extremely important economic and international business driver for the Liverpool City Region and beyond. As such, St. Helens is strongly supportive of the proposal and looks forward to working with Wirral Council to deliver this project and to facilitate trade into the sub-region as well as the essential role of supporting our local export market. We wish you much success with this important venture.

Halton:

Halton Council is extremely supportive of this development.

The proposal is in line with the growth aspirations of the City Region reflected in the Local Economic Partnership bid document.

Furthermore the proposed development would be of benefit to businesses in Halton who would be able to establish business links and networks with those new businesses exhibiting in the Trade Centre. There will also be opportunities for local businesses to support the movement of goods into and out of the site and I would suggest an introduction to Stobarts in particular would be mutually beneficial.

Peel's submission focuses on the ability of foreign businesses to showcase their goods here, however there must be potential for local businesses to showcase their products too and build up supply chain networks with foreign businesses.

With regards to Planning Policy the proposal is in accordance with the Governments Planning for Growth Agenda and the Regional Spatial Strategy for the North West. In particular Policy W2 of the RSS seeks to locate regionally significant economic development in sustainable and accessible locations within the urban area of the Liverpool City Region.

Halton also considers that the proposal is in line with the draft National Planning Policy Framework.

Given the sheer potential scale of the development it is important that conditions are put in place to ensure the development genuinely functions as an International Trade Centre i.e. it should not be allowed to become a retail centre as this could potentially have a detrimental impact to retail expenditure in other areas of the City Region. We hope that it also acts as a strong catalyst for the promotion of British exports.

In summary, the ITC is considered to have the potential to be an extremely important economic and international business driver, creating welcome new jobs for the Liverpool City Region and beyond.

As such, Halton is strongly supportive of the proposal and looks forward to working with Wirral Council to deliver this project and to facilitate trade into the sub-region as well as the essential role of supporting our local export market.

Merseytravel:

Based upon the extensive discussions that Merseytravel and WMBC have had with the developer and their agents. Together with the contents of the attached letter, I can confirm that Merseytravel is now satisfied that the sustainable transport proposals received from the applicant for the International Trade Centre planning application, offer a range of measures that suitably address Merseytravel's requested requirements for this application, as detailed in correspondence with yourselves..

Natural England:

Natura 2000 Sites to be considered

Natural England is in agreement with the Natura 2000 sites to be considered within the HRA. We also agree that Martin Mere SPA and Ramsar need only consider bird issues due to the distance between the proposed development and the designated sites.

Scope of the HRA for the International Trade Centre at West Float

NE agree that the bulleted items in the Meeting Notes document are considered to be potentially significant and will need to be included in the HRA screening document.

Potential for impact on flight lines with tall buildings and lighting

With regard to the insignificant items bulleted under impact on flight lines with tall buildings and lighting, we have the following comments to make;

It is stated that:

"Baseline surveys and anecdotal records have failed to identify consistent migration pathways in the vicinity of either East Float or the ITC at West Float and consequently impacts on bird movement,

whether associated with daily foraging activity (linked to 12hr tidal cycles) or seasonal migration patterns, are likely to be limited”.

Whilst the baselines surveys of 2007/ 2008, may well have suggested this is the case, the baseline data is considered to be out of date and the surveys were not specifically related to this development (moreover for East Float). In addition to this, what also needs to be taken into consideration are the flight lines and migration pathways between Liverpool Waters and Wirral Waters (ITC). It is accepted that this development does not contain high glass buildings, and therefore it is assumed that these considerations will be assessed under the potentially significant bullet - *Potential impacts to breeding and overwintering birds in terms of displacement, disturbance and shipping movements* Based on the documentation associated with this development we would agree with the statement that this development would not represent a significant barrier to bird movement within the local Natura 2000 sites network in terms of collision, but there may be impacts from disturbance and therefore will need to be assessed when considering the potentially significant elements.

With regard to lighting, it would be the decision of the competent authority to determine whether the lighting from this development is considered significant or not. Therefore it will be necessary for the HRA to assess the lighting specifically related to this development alongside those other developments to be considered for in-combination.

It should be noted that whether insignificant or not, all impacts need to be included and assessed within the HRA.

HRA for East Float

Natural England have previously commented on the February 2010 HRA and the CIA of June 2010 for East Float and conclude we have no further comments to make.

HRA for West Float

We have no conflict with points 1 and 2 of your email (referring to Northbank East and East Float developments), and that information from these assessments will be used to support the HRA for West Float. However we do have comments to make about point 3 which refers directly to this proposed development. Our comments are as follows;

It is accepted that the applicants for the Liverpool Waters project have produced an HRA screening document for Liverpool Waters. At this time Natural England have not formerly been asked to comment on the HRA and it is our understanding that this HRA is currently under review by Liverpool City Council (with support from MEAS). We understand following discussions with MEAS that the applicant's HRA screening report is not sufficiently robust and therefore unlikely to be sufficient for the competent authority to adopt and to conclude no LSE. Therefore we cannot agree with your approach, to use this document as a basis for not including Liverpool Waters within the HRA for West Float as appropriate. Liverpool Waters must be considered within the HRA for West Float.

In addition to the above we consider it important that all plans and projects are considered within the HRA. We would recommend that Mersey Ports Master Plan (MPMP) is considered alongside the projects that have been highlighted above. The MPMP can be found following this link <http://www.merseydocks.co.uk/masterplan/documents.htm>. The HRA must also include other relevant

Natural England were presented with the HRA Screening for West Float ITC by WSP Environment and Energy on 19 August 2011.

We wish to make the following comments;

Potential Impacts

Natural England agree with the potentially significant impacts that need to be considered within the HRA Screening as listed under 1.4.3.

It is acknowledged that the impact as a result of shipping movements (1.4.4) cannot be fully screened at this stage of the development, however it must be recognised that any increase in shipping movements may result in indirect impacts and therefore will need to be borne in mind for future HRA screening exercises. At present, there appears to be a degree of uncertainty in relation to the effect of shipping movements on Natura 2000 sites. This uncertainty needs to be dealt with before planning permission is granted. The Local Authority should consider whether shipping movements could be limited, via a planning condition, to ensure any increase does not result in an adverse effects post decision. Regulation 68 (30) of The Conservation of Habitats and Species Regulations 2010 (the “Habitat Regulations”) prohibits the grant of outline planning permission unless the planning authority is satisfied, whether by reason of the conditions or limitations imposed on the permission, or

otherwise, that no development likely to adversely affect the integrity of a European site could be carried out under the permission.

When making a screening decision all uncertainty should be properly addressed and it should not be assumed that at each stage of development a satisfactory outcome will be achieved.

Insignificant Impacts

We agree with the conclusions of insignificant impacts as detailed and under 1.4.5 to 1.4.13. However, should the development proposal change that may alter the conclusions presented thus far, it will be necessary to undertake a further HRA screening exercise. This is particularly important given that the proposal will be a phased development and further detail will be submitted at reserved matters stage.

Projects and Plans to be considered within the HRA Screening

We wish to point out that the reference of the Conservation of Habitats and Species Regulations (Habs Regs) quoted under 1.4.15 is incorrect. The regulations were update in 2010 and as such we would expect the consultant to ensure legal documents are correctly referenced.

The competent authority (in this case Wirral Metropolitan Borough Council) is required to consider in-combination as part of the HRA process. Currently the in-combination assessment is limited and we would expect there to be more detail of in-combination effects within the context of the prevailing environmental conditions. We appreciate that it may not be practicable to carry out individual assessments of other projects, however it should be possible to outline the broad types of effects that may arise from the implementation of other plans and projects. Potential effects have been identified within the screening report, however these are mainly focused on the project itself. The report should go one step further by considering the potential effects in combination with other plans and projects. Notwithstanding the outcome of other screening assessments (i.e. Northbank East and East Float) it is still necessary to assess in combination effects in relation to this proposal, as required by Regulation 61 of the Habitat Regulations (quoted below). A series of individually modest impacts may in combination produce a significant impact and therefore in-combination assessment is a fundamental component of the HRA process. The Competent Authority must be convinced, on the basis of objective information, that there will be no likely significant effect, either alone or in combination with other plans and projects. If there is any uncertainty relating to effects than the precautionary principle should be applied and an Appropriate Assessment must be undertaken. Therefore, it is important that all likely significant effects are identified at screening stage to minimise uncertainty.

The Competent Authority (in this case Wirral Metropolitan Borough Council), before deciding to undertake, or give any consent, permission or other authorisation for, a plan or project which—
(a) is likely to have a significant effect on a European site or a European offshore marine site (either alone or in combination with other plans or projects), and
(b) is not directly connected with or necessary to the management of that site,
must make an appropriate assessment of the implications for that site in view of that site's conservation objectives

It is acknowledged that the results of the HRA screening from Northbank East and East Float have been utilised to inform this HRA, however in relation to Liverpool Waters we do not agree with the comments made under 1.4.15. The reasons given by WSP for not including Liverpool Water in this HRA Screening and in previous email communication (11 August 2011) does not comply with the Habitat Regulations. We would not be expecting a judgement as to the conclusion of Liverpool Water but an assessment of the in combination effects to inform West Floats HRA. It is disappointing therefore that despite conversations/ meetings with WSP and highlighting the need to cover all plans and projects Liverpool Waters has not been included. We do not accept that *"the additional work required to undertake such a far reaching study could be excessive and we would advise goes beyond what is reasonable"*.

Where detailed information is not available at screening stage, a judgement must be reached on likely significant effect on the information that is available. Where there is uncertainty the conclusion should determine a likely significant effect, unless available information clearly indicates otherwise, and detailed analysis should take place as part of the appropriate assessment.

With regard to the comments made under 1.4.16, Natural England did not agree that this development should follow the approach as used for East Float. Indeed we do not consider the HRA prepared for East Float to be vastly different to what we expect to be screened in this HRA.

Additional Technical Evidence Base

Natural England welcome the bird breeding survey. Having reviewed the information previously issued to us on 14 July 2011, we are generally satisfied with the extent of the survey and conclusions drawn from it.

We have yet to see the results of the bat surveys and as such we are not in a position to comment about the appropriateness of the survey or any conclusions drawn from this additional survey effort. However this has no relevance to the HRA screening for West Float and will therefore be commented on outside this response.

The wintering bird survey proposed for 2011/ 2012 is welcomed. However the HRA will need to be updated once the results of these surveys are available.

Assessing the Potential Effects

Air emissions (dust, particulate and traffic exhaust emissions)

We accept the conclusions of this section that the proposed development, due to its distance from the designated sites and road network to be utilised during construction and operation are sufficiently separated from the site by more than 200 m. However what has not been considered here are the in combination effects of other projects and plans which may or may not run concurrently during the construction and operational phases. This will need to be addressed before the Competent Authority can make a judgement on the need for an Appropriate Assessment.

With regard to point source emissions, it is accepted that the source of energy productions has not been fully realised and will be screened under a separate HRA once the full details of this are known. The Competent Authority will need to be satisfied that effects can be assessed at a later stage before granting outline permission, as required by Regulation 68 of the Habitat Regulations.

Ground and surface water

We are generally satisfied with the conclusions drawn in relation to the impoundment and discharge of water from the Mersey Estuary. It is acknowledged and welcomed that a supplementary site investigation scheme shall be undertaken to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site. Any conclusions drawn from this assessment will need to be re-assessed under a revised HRA. Again, in-combination effects should also be assessed.

Breeding and wintering birds(displacement and disturbance)

We generally agree with the comments made throughout 2.3.4 to 2.4.9 and in principle we also agree that the potential source of disturbance and displacement will occur during the construction phase of this development. It is noted and agreed that the magnitude of impact is anticipated to increase when considered in combination with East Float and North East Bank and potentially from Liverpool Waters (not screened), yet the conclusions under section 3 of the HRA do not reflect the in combination effects.

It is acknowledged that the proposed development may not result in significant disturbance or displacement of a large percentage of birds notified as part of the designated sites alone or with the proposed mitigation measures as stated under 2.3.26, but once again these conclusions only consider the impacts from this development and not in combination with East Float, Northeast Bank or Liverpool Waters. We also note that the wintering bird surveys of 2008 (whilst important as baseline information) will be supplemented by 2011/ 2012 wintering surveys and as such the results of these will need to be considered in an updated HRA.

Conclusions

Natural England agree with the overall conclusions when considering the development 'alone' however we do not consider this HRA to be sufficiently robust or compliant for the Authority to adopt and to conclude no likely significant effect. The whole document does not sufficiently consider the 'in combination' effects of all projects and plans. We recommend the Authority to either request the consultant to provide the additional information required to be fully compliant with the Habitat Regulations or undertake their own assessment of in-combination effects . Further work has been carried out and issued to Natural England and the

Final comments are awaited, and will be reported verbally to Planning Committee.

Highways Agency:

The Highways Agency has worked with the applicants transport consultant to come to a view on the traffic generated by the application and the reduction in car usage that would result from use of public

transport and sustainable measures to increase walking and cycling. The Agency's view is that traffic generated by this proposal does not have an impact to the extent that it would raise an objection. Furthermore, the Agency has carried out sensitivity tests to examine the effects of reduction in both public and sustainable measures. These tests indicate that traffic would not significantly increase as a result of any reduced provision.

Mersey Fire and Rescue

No objections subject to information notes.

Merseyside Police Architectural Liaison Unit

No objections in principle, subject to consultation on the detailed design.

United Utilities

No objection to the proposal provided that the following conditions are met:

- This site must be drained on a separate system, with only foul drainage connected into the foul sewer. Surface water should discharge directly in to the adjacent watercourse and will require the consent of the Environment Agency.
- The applicant must discuss full details of the site drainage proposals with John Lunt contact No. 01925 678311.
- A public sewer crosses this site and we will not permit building over it. Protective measures / proposals must be discussed and agreed in principle with United Utilities before any consent is granted. Deep rooted shrubs and trees should not be planted in the vicinity of the public sewer and overflow systems.
- The Company has 2 easements protecting a pipe which runs adjacent to Beaufort Road and one that runs adjacent to Graving Dock no.3. The easements are 2 metres either side of the pipe and are granted by a lease and Deed of Grant dated 13/05/1999. The applicant must comply with our standard conditions, a copy of which is enclosed, for work carried out on, or when crossing, aqueducts and easements

A water main crosses the site. As we need access for operating and maintaining it, we will not permit development in close proximity to the main. We can supply water for domestic purposes, but for larger quantities we will need further information.

A modification of the site layout, or diversion of the main at the applicant's expense, may be necessary. This should be taken into account in the final site layout, or a diversion will be necessary, which will be at the applicant's expense.

Any necessary disconnection or diversion required as a result of any development will be carried out at the developer's expense. Under the Water Industry Act 1991, Sections 158 & 159, we have the right to inspect, maintain, adjust, repair or alter our mains. This includes carrying out any works incidental to any of those purposes. Service pipes are not our property and we have no record of them.

A separate metered supply to each unit will be required at the applicant's expense and all internal pipework must comply with current water supply (water fittings) regulations 1999. Should this planning application be approved, the applicant should contact our Service Enquiries on 0845 7462200 regarding connection to the water mains/public sewers.

United Utilities offers a fully supported mapping service at a modest cost for our electricity, water mains and sewerage assets. This is a service, which is constantly updated by our Map Services Team (Tel No: 0870 7510101) and I recommend that the applicant give early consideration in project design as it is better value than traditional methods of data gathering. It is, however, the applicant's responsibility to demonstrate the exact relationship on site between any assets that may cross the site and any proposed development.

North West Development Agency:

The application site lies within the Birkenhead Docks strategic regional site which was designated by the Agency in July 2009. The proposal thus falls within the scope of the Agency's notification setting out the types of development on which the Agency has asked to be consulted in its role as a statutory consultee.

Following discussions between the Council and the Agency, a boundary and the following purposes for the Birkenhead Docks strategic regional site were formally agreed in 2010:

Birkenhead Docks presents the opportunity to:

- Promote a mix of uses including housing, offices, port-related development, manufacturing and process industries in a highly accessible and exceptional quality waterside environment;
- Provide for significant inward investment opportunities;
- Restructure areas adjacent to the dock estate;
- Assist in facilitating the economic restructuring of parts of the inner area surrounding Merseyside's regional centre; and
- Bring back into use derelict and under used land.

The Economic Regeneration Statement and the Planning Statement submitted in support of the planning application indicate that the International Trade Centre has the potential to attract significant inward investment and to develop trade links between UK, Western European and emerging markets across a wide range of business sectors. As a result, the proposed development would support economic growth across the Liverpool City Region and secure significant numbers of private sector jobs in an area of regeneration need.

The International Trade Centre would potentially complement the consented Wirral Waters development at East Float and support the delivery of the wider Liverpool SuperPort concept, a key City Region priority. The proposed development would also bring a significant area of contaminated vacant and under utilised land back into productive use.

The development of the proposed International Trade Centre would provide a very good fit with the agreed purposes of the strategic regional site. It would also accord with Transformational Actions 73 and 80 of the Regional Economic Strategy which aim to grow the Port of Liverpool (including Birkenhead) and deliver the designated strategic regional sites as regional investment sites, knowledge nuclei or intermodal freight terminals. On this basis, the Agency strongly supports the development of the International Trade Centre at this location.

The North West Development Agency has asked that the Council notes that Robert Hough, NWDA Chairman, has a registered interest as Director and Chairman of Peel Management Ltd. However the Agency believes that this does not preclude the Agency's advice and support for this project as the response has been prepared by an officer within the Strategy and Planning team in accordance with the NWDA's consultation policy without reference to Board level.

Environment Agency:

The Agency welcomes that the proposal seeks to include various principles of sustainability; such as sustainable energy, waste management and water management. The Agency would be happy to discuss any of these requirements further as the development moves forward.

The Agency has no objection in principle to the proposed development but would make the following comments and recommend planning conditions, where appropriate;

Flood Risk

According to the Environment Agency's flood maps the site is located within flood zones 1 (low risk), 2 (medium risk) and 3 (high risk). Therefore, in accordance with Planning Policy Statement 25, the sequential test should be undertaken. It is the responsibility of the Local Planning Authority to undertake the sequential test using information provided by the applicant. It is the Agency's understanding that this requirement has been addressed.

The Agency considers the submitted Flood Risk Assessment and Drainage Strategy to be satisfactory in principle. The documents contain various mitigation measures which appear to be appropriate for the development. These should be implemented and secured by way of a planning condition on any planning permission.

Contaminated Land

The Agency has reviewed the necessary chapters to assess possible risks to controlled waters from associated land contamination of the site.

The Agency notes that a site investigation has been undertaken to address and assess the areas to the east of Graving Dock No. 3. Contamination has been identified that requires remediation as part of the proposed development. The Agency believes that the Remedial Strategy undertaken and submitted was generic and referred to holistic environmental quality standards rather than site specific information. As a result, it does not fully address the contamination identified. The Agency recommends that the Conceptual Site model is re-visited and the detailed risk assessment be re-considered.

The Agency is also aware, which this submission confirms, that the western part of the site (currently occupied by the former Mobile Oil Co. Works) has yet to be investigated. Given the historical industrial legacy, the potential for significant contamination and elevated risks to controlled waters is greater. As such, prior to the commencement of any development, this area should be investigated, assessed and an appropriate detailed risk assessment be undertaken.

While the Environment Agency has no objection in principle to the development from a contaminated land perspective, the land on which the development is proposed poses both known and unknown risks to controlled waters. These risks need to be addressed in some detail prior to the commencement of any development. A suitably worded condition should be applied to any decision notice. Without this condition, the proposed development on this site poses an unacceptable risk to the environment and the Agency may wish to object to the application.

Water Framework Directive & Water Quality

The proposal will essentially involve the redevelopment of a previously contaminated derelict site (following demolition of the Mobil Oil Works site). The development appears not to involve any inappropriate encroachment to local waterbodies. At this stage the Environment Agency therefore agrees that the proposals will have little/no impact on existing Water Framework Directive potential(s). As development proceeds the Agency will, however, continue to review any potential impact.

The Agency would like to stress to both the applicant and the local planning authority that opportunities should still be sought to improve the Water Framework Directive potential of the area. The Agency is currently working closely with Local Authorities throughout the North West on a programme which includes various improvements including the opening up culverts (funding is available). Areas such as this could potentially be ideal for such work and the Agency has invited the Council to make contact to discuss in more detail.

The West Float is considered controlled waters and therefore only uncontaminated water may be discharge into it. The Agency notes that consideration will be made to ensure that construction activities do not impact the dock waters. This includes following the Agency's pollution prevention guidance (notes). The Agency also notes measures will be installed for operational phases of the development to protect waterbodies and recommends that these requirements are firmly established through suitably worded planning conditions

Ecology & Green Infrastructure

Birkenhead docks have a very high likelihood of supporting the European Eel (*Anguilla anguilla*), which is a 'critically endangered' species. While at this stage the Agency believes that the development should not have any direct impact upon them, they will need to be considered as part of the water management plans. For example: any abstractions or discharges will need to be screened to prevent the impingement or entrainment of glass eels or elvers. This is a legal requirement of The Eels Regulations 2009. For information, this will likely be a consideration for the applicants wider development proposals, including the approved Wirral Waters scheme. In the applicants wider vision

for the area the Agency would welcome discussions on how improvements could be made to benefit the European Eel.

The Agency encourages the applicant to consider incorporating greater levels of green infrastructure (GI) measures as development moves forward. Appropriate GI not only softens up hard landscaping but also provides many benefits environmental, economic, and social benefits. GI provides important links and areas within urban areas, and in the Agency's opinion both the docks and the Birket could both provide opportunities for such linkages to be made. This could, in turn, link to any GI aspirations of locally approved schemes, such as Wirral Waters.

The Agency recommends that the applicant visits the Green Infrastructure North West website for more guidance.

Waste

If any controlled waste is to be removed off site, then the Environment Agency states that the site operator must ensure a registered waste carrier is used to convey the waste material off site to a suitably authorised facility.

The Duty of Care regulations for dealing with waste materials are applicable for any off-site movements of wastes. The developer as waste producer therefore has a duty of care to ensure all materials removed go to an appropriate licensed disposal site and all relevant documentation is completed and kept in line with regulations.

If any waste is to be used on site, the applicant will be required to obtain the appropriate exemption or authorisation from the Agency. The Agency is unable to specify what exactly would be required if anything, due to the limited amount of information provided.

Merseyside Environmental Advisory Service

MEAS are technical advisors to the council to ensure that legislative and procedural risk is avoided and that appropriate consents can be issued.

Meas have provided technical advice on -

- Environmental statement
- Requirement for additional surveys
- Conditions
- H.R. Screening

In terms of the overall approach to the Environmental Impact Assessment, they have advised that they are content with the impact assessment scope and methodology – it follows a standard and established approach in terms of identification of sources of impact, pathways and sensitivity of receptor. It also uses acceptable parameters to assess the nature and magnitude of effects.

Furthermore, given that this is a hybrid application it is understandable that the level of information submitted varies in its detail and comprehensiveness across what is a large site e.g. contaminated land information. The comments of MEAS are contained within the main body of the report

In summary MEAS concluded that after carrying out the Habitats Regulations Assessment screening process as set out in this document, we conclude that the proposed Wirral Waters ITC:

- a) is not directly connected with or necessary to the management of the Natura 2000 sites;
- b) is not likely to have a significant effect on each of the following sites:
 - Mersey Narrows and North Wirral Foreshore proposed Ramsar site (pRamsar)
 - Mersey Narrows and North Wirral Foreshore potential Special Protection Area (pSPA)
 - Mersey Estuary Ramsar site
 - Mersey Estuary SPA

- Dee Estuary SAC
- Dee Estuary SPA
- Dee Estuary Ramsar
- Ribble and Alt Estuaries SPA
- Ribble and Alt Estuaries Ramsar site
- Liverpool Bay SPA
- Martin Mere SPA
- Martin Mere Ramsar site
- Sefton Coast SAC

either alone or in combination with other plans or projects;

c) no adverse affect on the integrity of Natura 2000 sites listed above is likely to occur as a result of the proposal.

Accordingly, no “appropriate assessment” is required to be made under Regulations 61, 62 and 68 of the Conservation (Natural Habitats & c.) Regulations before the Council decides to undertake, or give any consent, permission or other authorisation for this project

Directors Comments:

REASON FOR REFERRAL TO PLANNING COMMITTEE

The application is for large scale major development.

INTRODUCTION

Purpose of the report

The purpose of this report is to determine an outline application for the development of an International Trade Centre at Beaufort Road/Wallasey Bridge Road, Birkenhead. Any resolution to grant planning permission will be subject to the final wording of a set of draft conditions appended to this report and a Section 106 Legal Agreement prepared in accordance with the heads of terms appended to this report...

Structure of the report

This report considers the application in relation to the development plan and other material considerations.. The report will consider the likely impacts of the proposal and considers the views and representatives of statutory bodies and other representatives and individuals with an interest in the application. The application will not necessitate referral to the Secretary of State should members make the decision to approve the application. The report covers the following areas –

- Background to the development
- The application site, including:
- Description and form of the application and parameters
- Planning History
- Consultation Responses
- Development Plan Allocation and Policies
- Controls over the use applied for
- Statement of Community Involvement
- Regeneration and local employment
- Parameters and Design

- Environmental Impact Assessment
- EIA Scoping
- Environmental Statement
- Transport/Public Transport
- Ports
- Heads of Terms
- Conclusion and Recommendation

There is a summary at the end of each section and an overall conclusion at the end of the report. Appendices at the end of the report include a list of Heads of Terms, and appropriate conditions are also included.

BACKGROUND

A baseline study was developed by Peel Holdings and endorsed by Wirral Council's cabinet on 23rd July 2008 (minute 148 refers). The study was prepared in support of the strategic development opportunity of Wirral waters, focussing on Peel's landholdings in Birkenhead and Wallasey. The study considered the key issues and opportunities relating to the social, economic, environmental, policy and investment context for the area around Birkenhead Docks.

This application is being considered as part of the Wirral Waters regeneration projects focused along the River Mersey within the Ocean Gateway (Peel's proposals for its landholdings between Manchester and Liverpool, as reflected in the "Atlantic Gateway framework for a global growth opportunity report (NWDA, 2010) as endorsed by the Council, and other local authorities and regional agencies. endorsed by the North West Development Agency as the Atlantic Gateway).

The International Trade Centre proposal is unique in the UK., It will provide a facility for traders and retailers to view and order a wide range of products from overseas markets (principally the Far East). It will act as a trading gateway and hub for the UK and Western Europe. The only other comparable scheme in Europe is in Poland (called GD Poland) Peel's ITC proposals for Birkenhead provide for the opportunity for direct importation through the Port of Liverpool, thus using the site's maritime location to the full. This is not a retail facility and controls have been agreed with the applicant and can be secured through a 106 agreement to prevent the facility developing into a retail facility accessible by the general public.

The applicant has undertaken detailed research into this market model and The emergence of the ITC application follows their attendance at the Shanghai Expo and participation in exchanges between the respective Governments and business leaders of the UK, China and South Korea, and with the operators of similar market concepts in Asia and Eastern Europe. It has been established through these discussions that there is a potential for such a market to be developed in the UK. The applicants have confirmed that discussions have been held with a number of potential investment partners and tenants. Briefings have also taken place with the UK and Chinese governments. The applicants envisages that the ITC will be delivered within 2-3 years as a joint project along side a Chinese investment partner, who will procure tenants for the buildings, with building/phases 2-4 possibly involving an expanded phase 1 model or partnership with investors from other emerging growth economies

The applicants have identified a list of development objectives to realise the concept and economic opportunity. These include –

- 1) A trading centre of global scale and mass
- 2) A catalyst to transform regeneration opportunities
- 3) A locally supported project
- 4) A means of unlocking new markets and enhancing business competitiveness
- 5) An integrated facility allowing for importation, manufacturing/assembly and marketing to the trade
- 6) A flexible development that allows a full range of product types to be showcased
- 7) A deliverable and viable economic and tenancy model
- 8) A phased approach to implementation
- 9) A high quality built development
- 10) An internationally and locally accessible development

PLANNING HISTORY

There have been a large number of applications on this site, but none are relevant to this development

THE APPLICATION

The Application Site

The application site occupies a strategic location within the Liverpool City Region, and is a local priority area for housing and economic development, consisting of both regeneration and growth objectives, where the aim is to re-populate and bring sustainable economic activity to an area that has lost both population and economic activity over a number of decades. This is reflected in the area's designation within the Mersey Heartlands New Growth Point, Newheartlands Housing Market Renewal Initiative Pathfinder (HMRI), The Birkenhead Docklands Strategic Regional Site (NWDA), the regeneration priority area of Wirral's Unitary Development Plan and the "inner area" prioritisation of the Liverpool City Region policies within the Regional Spatial Strategy.

The proposed ITC site is part of the operational port of Liverpool owned and operated by Peel. The application site extends to approximately 25ha, and is bounded by Beaufort Road and Wallasey Bridge Road and by the West Float dock. A Graving Dock and operational ship repair facility divides the site at its midpoint. The eastern side of the site is largely vacant whilst the western side continues to be occupied by a number of different industries and port related businesses.

The site suffers from poor ground conditions and infilling, as well as various forms of significant contamination, including asbestos. The siting of the proposed Trade Centre within this location should ensure good access by air from most European destinations through its close proximity to Liverpool John Lennon Airport and Manchester International Airport. The proposed location will also enable any future occupiers to have access to the Western European Market. In addition, the port location will ensure that goods can be easily transported to the ITC from their country of origin. Currently the applicant is not expecting additional shipping numbers in the short to medium term. The ITC site is centrally located for UK and Irish markets and can assist in the wider objectives of reducing congestion, costs and emissions by ensuring that goods and products from overseas are served by more local ports and by rail, rather than travelling long distances by road.

The status of the application site is as white land and is not therefore designated for any specific purpose within Wirral's Unitary Development Plan.

Description and form of the application and parameters

The Planning application has been submitted in outline, parameter based form with all matters reserved for subsequent approval. The proposals are defined for planning and EIA purposes through fixed uses and quanta alongside a series of parameters, accompanying written principles and defining maximum building envelopes. In accordance with Circular 01/06, broad design parameters are established and the amount of development is fixed, which future reserved matters will have to adhere to. The planning application comprises of the demolition of existing buildings site remediation and enabling works and the construction of up to 4 buildings in total comprising of the following uses -

- Two buildings providing an overall maximum of 111,780m² of floor space to be used as an International Trade Centre (Sui Generis Use) which will comprise of trade showrooms, storage, distribution, and product assembly space, exhibition space, ancillary office and management accommodation, security facilities and associated car parking, access points, servicing areas and landscaping on land north of Beaufort Road and east of Graving Dock no 3, West Float. (Solely as an International Trade Centre)
- Two further buildings to provide an overall maximum of 116,529 m² of floorspace to be used as one or a combination of, an international Trade centre (as defined), B2 General Industry and B8 Warehouse/Distribution with associated car parking, access points, servicing areas and landscaping on land east of Wallasey Bridge Road and west of Graving Dock No 3. (could be a combination of ITC and B2/B8 uses)

The application is accompanied by an Environmental impact Assessment (EIA), which has been the subject to the requisite formal consultation.

Design Parameters - Use, Amount, Scale of Development

The ITC is a sui generis planning use, which means, in effect that it does not fall within any individual use class and will comprise of the following activities -

- Showrooms for traders, comprising lockable units with flexible space for sales, display and storage
- Warehousing and distribution
- Assembly of goods and products
- Trade exhibitions and fairs Management suite, offices, security, food and drink and other ancillary facilities
- Circulation areas and associated services, utilities and infrastructure
- Parking public realm, landscaping, servicing and access

The ITC will comprise of up to 4 buildings. The maximum overall amount of development and that within each building is fixed, as is the maximum footprint and height of each building. There is no maximum or minimum number of trade showrooms that can be provided within each ITC building. However, supporting assessments provided as part of this planning application are based on the anticipated likely scenario whereby the ground and first Floors of each building are occupied by showrooms of circa 1,000 sq ft each (93 sq m), with up to three workers per unit. This results in a likely maximum number of showrooms of 1,200. The ITC buildings can also accommodate storage, assembly and exhibition space Up to two of the four buildings (those at the west of the site) may be used for B2/B8 purposes, to provide flexibility for the relocation of tenants displaced by the development of East Float.

Building Maximum floor areas (Square metres/square feet (Gross Internal Area)

Building	Sq m (GIA)	Square Feet (GIA)	height to haunch
1	62,100	668,438	25
2	49,680	534,750	25
3	58,260	627,105	25
4	58,260	627,105	25
Total	228,300	2,457,398	n/a

Use Controls

As set out above, the ITC's function will be primarily as a trade facility. In order to ensure the ITC operates as a trade facility, use controls are proposed to restrict the ability of non-trade customers to access the ITC. As a result, general public customers who may normally purchase items from a retail facility will not be able to use the ITC as an alternative.

The applicants have confirmed that they will enter into a legal agreement, which requires the ITC to be operated in accordance with the submitted terms. The use control system will take the form of an eligibility scheme, with eligibility being required in order to access or purchase goods from the ITC. Eligibility will be restricted to those who have a genuine trade need to purchase goods from the ITC. This will prevent members of the public from purchasing goods from the ITC for personal consumption ensuring the ITC remains a trade facility. This is particularly important in ensuring the ITCs market does not overlap with those of conventional retailers located within nearby town centres. These issues are considered fully within the body of this report.

Layout

Whilst layout is a reserved matter, it is, in this case, considered appropriate to provide a degree of certainty regarding the location and siting of buildings. This is principally due to the following:

- The need to ensure that the layout does not prejudice the site's future ability to be served directly by water borne freight;
- The need to ensure that buildings are located at sufficient distance from the River Birket culvert which runs through the site;
- The need to protect the existing operational dry dock and ship repair facilities;
- To enable a robust assessment of the likely environmental (in particular visual) impacts of the development to be undertaken; and
- To take account of contamination issues that could affect the layout of the site.

In order to achieve the necessary balance between flexibility and certainty with respect to the site layout, four building parcels are proposed (one for each building). The parcels are approximately 25% larger than the illustrative footprint of each building, allowing the buildings to be moved around to a degree and potentially fill up the parcels, thus allowing for detailed design iteration. The number of floors within each building is also flexible, subject to height parameters and floorspace

Parking and Access

A minimum of two vehicular access points will be provided. These are not shown in detail in the application but the following principles apply:

- Vehicular access from Beaufort Road to the south, at a point east of the Graving Dock, subject to detailed highway design;
- Vehicular access from Wallasey Bridge Road, at any point along the site frontage, subject to detailed highway design;
- Other accesses may also be necessary from Beaufort Road and Wallasey Bridge Road;

Internally, the site will contain service roads connecting the parking areas and buildings (including connecting the east and west of the site)

Car parking will be located close to and around each building at a ratio of 1 car parking space for either:

- 100 square metres of GIA; or
- 50 square metres of net trade showroom space.

Parking will be calculated in detail at the point of the Reserved Matters application, using the above standards. Full disabled access will be provided throughout the ITC. Pedestrian access will be provided at all vehicular access points on the southern and western boundaries. Subject to the location of vehicular accesses, it may be necessary to provide additional pedestrian access to ensure connectivity to the local area. Detailed designs will be subject to accessibility analysis to establish whether this will be necessary.

Landscaping

Landscaping will be provided around the western and southern perimeter of the site as appropriate to soften edges, reduce the localised visual impact of the development provide green relief and could provide for habitats, particularly for bats in transit and bird roosts. This will be achieved through appropriate conditions.

Building Design

Whilst not a fixed element of the scheme, it is anticipated that the design approach to the four main buildings is established at the outset. The submitted Design and Access Statement establishes the

building design principles which future applications for reserved matters approval will need to adhere to.

It is expected that each building will follow a functional design taking the form of a square/rectangular structure containing trade showrooms arranged in a grid iron fashion.

Several primary and secondary access points will be provided around each building providing equal access to all parts of the ITC. Internally, it is anticipated that the buildings will consist of a mix of trade showrooms alongside a range of ancillary functions such as food and drink uses, exhibition space, management offices and assembly areas.

An illustrative design for Building 1 is contained within the Design and Access Statement, to demonstrate how the design may be worked up into further detail.

Existing Business Decant

Included within the planning application is the ability for current port tenants within East Float to be relocated to the western part of the site (the Mobil site) within buildings 3 and 4 alongside the ITC, which provides flexibility for both port tenants and Peel over the remaining land.

The applicants have advised that they will establish what the existing tenants requirements are, and whether they require direct access to the water. Those who require direct quayside frontage may be provided with one within the Mobil site, or if the ITC is very successful and requires the Mobil site for its phased expansion, quaysides will be provided elsewhere within West Float or indeed in the wider port estate. Overall the applicants consider that they own sufficient land across its port estate to facilitate the ITC and the East Float proposals whilst ensuring that existing tenants can be provided for. This is discussed more fully in the body of this report.

Community Involvement

The Council adopted a Statement of Community Involvement (SCI) in December 2006, which sets out the Council's approach to Community Involvement in the planning process. The SCI establishes the aims, and the main methods of engagement with the community. The Council strongly encourages landowners and developers to undertake pre-application community consultation, especially for large, complex or controversial proposals.

In response to the Council's SCI, consultation and engagement have been accepted by the applicant as one of the guiding principles of the proposed development and it is recognised that engagement with existing communities is essential if the proposed development is to build confidence in the area and positively influence existing projects and networks. The applicants have developed a structure of engagement arrangements established with stakeholders. Executive and Strategic Groups have been established as the vehicle for continuing partnership working with Wirral Council. Below this level, Working Groups are established as the vehicle by which detailed proposals are considered, including specific interest groups and statutory consultees.

The International Trade Centre application has been the subject of pre-application consultation with Council officers Merseytravel; Highways Agency, Natural England and The Environment Agency. All of these organizations have since been formally consulted on the application, along with neighboring local authorities and the general public by means of a site and press notices

Public consultation has been via a public exhibition was held at Birkenhead market on 5th August 2011, with feedback sought through questionnaires. People with an age range of 18 to over 70 completed the questionnaires. Job creation and the International Trade Centre acting as a catalyst to help deliver the main Wirral Waters project were identified as the most important elements with 91% of people ticking these as the most important factors. The results also identified the importance of new investment in the area, remediation of vacant and contaminated land, and integration of the Peel International Trade Centre to help stimulate regeneration of the North Birkenhead area. All these were considered highly important elements of the project with 88% ticking these boxes. Below are some of the supporting comments on the questionnaires completed by local people included:

“It will have a positive outlook by regenerating the area and providing new jobs, which are greatly needed in this region”.

“Bringing work and trade for Wirral, urgently needed”.

“Totally appropriate use for docklands area. Will bring lots of jobs for local people. Opportunity to make this an important regional focus for economic growth. Within the LEP area”.

“This is a good start for the rejuvenation of the area. I hope this succeeds, if it does it will be of great importance for the future”.

The applicant has also created a website (www.peelipc.co.uk) which provides information for the community and has made the application documents available to view and download.

The process detailed above is considered to comply with the recommendations of the adopted Statement of Community Involvement, responding positively to the principles established.

THE PRINCIPLE OF DEVELOPMENT

To accord with the provisions of Section 38 (6) of the Planning and Compulsory Purchase Act 2004, this application must be determined in accordance with the development plan, unless material considerations indicate otherwise. The development plan for Wirral is formed of the saved policies of the Wirral Unitary Development Plan. Material considerations relevant to this application include National and Regional Planning Policies, local evidence base documents. Among the regional planning policies are those of the Regional Spatial Strategy for the North West. Consideration of planning policies is set out in more detail in the section on policy following this section.

In relation to local policy for Wirral, the proposals and policies of the Wirral UDP were initially saved to remain in force for a period of three years from 2004, following which the Secretary of State agreed in September 2007 that the majority of the plan would remain in force until the adoption of the Core Strategy and other components of the Local Development Framework, although some parts of the UDP were not saved including the designation of the land at East Float for port use under Policy EM10. As a result of this change, the land comprising of the application site is not designated for any specific purpose in the UDP. Its status is that of ‘white land’; that is, land without a specific allocation. As a result, any proposals brought forward for development fall to be considered against any other relevant national and local policy and guidance and against other material planning considerations.

The UDP promotes urban regeneration, including housing and economic development, across the inner part of Wirral. The housing and economic development proposals included within the proposal are considered to be consistent with the policy aims and objectives of the UDP.

The Birkenhead and Wirral Waters Integrated Regeneration Study (BWWIRS) reported to the Council’s Cabinet on the 24th June 2010 (Minute 43 refers), which considered the background to the study, the preparation process, including stakeholder engagement, and the key findings and recommendations. The report also explained how the BWWIRS was an important element of the evidence base for Wirral’s Core Strategy Development Plan Document and outlined how the key findings of the study would inform a series of guiding principles for Wirral Waters; which in turn would shape the consideration of specific proposals. The Wirral full Council meeting of 12th July 2010 approved the BWWIRS as a Council document, to carry appropriate weight in the determination of planning applications

In assessing this application, officers have therefore taken into account the BWWIRS; along with its appended table which sets out the Vision and Objectives for East Float. Officers have also considered the proposal’s conformity with the emerging Local Development Framework Core Strategy, which although carrying limited weight, is consistent with the Council’s objectives for urban regeneration in the east of the Borough

It is considered that the current proposal provides a strong case for the release of port land, and impacts have been adequately addressed.

The unallocated status of the application site within the UDP means that there is no direct conflict with land allocations in the UDP. To the contrary, the proposal should help achieve the UDP’s key objectives in terms of securing the economic, social and physical regeneration of the inner area.

The application has also been assessed against National Planning Policy, including within National Planning Policy Statements. It is concluded that the proposals are in conformity with national planning policy.

PLANNING POLICY

The application is accompanied by a planning statement and economic regeneration statement which together, address the key planning policy issues relating to this application. The statement reviews the existing policy framework and identifies a series of key strategic policy objectives relevant to the ITC proposals (paragraph 6.32):

- Deliver sustainable development, with an emphasis on economic sustainable growth and an emerging presumption in favour of sustainable development;
- Ensure a marriage between opportunity and need is secured such that development is directed to areas where it can have the most beneficial impact:
- Deliver urban regeneration and address socio-economic challenges by maximizing the economic benefits of development;
- Use resources prudently, including maximizing the use of the most sustainably located brownfield resources; and
- Direct development to the most accessible locations (manage travel demand)

Development Plan Allocation and Policies

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that planning applications are determined in accordance with the development plan unless material considerations indicate otherwise. The development plan for Wirral is formed of the saved policies of the Wirral Unitary Development Plan (adopted February 2000). The North West of England Plan Regional Spatial Strategy to 2021 continues to form part of the development plan pending abolition through the Localism Bill, which is likely to become law towards the end of 2011. However, a recent judgement by the Court of Appeal confirmed that the intention to abolish the RSS can be a material consideration in the consideration of planning applications, with the weight to be attached to this depending on the circumstances of the individual case. In this case, the applicant has assessed the proposal against the policies in RSS and for the avoidance of doubt the following sections also consider the compliance of the proposal with the RSS.

REGIONAL POLICY CONTEXT

The North West of England Regional Spatial Strategy

Policy DP1 – Spatial Principles

From an assessment of the application it is concluded that the proposals would contribute to 7 of the 8 key principles of Policy DP1 of RSS:

- Promote sustainable communities;
- Promote sustainable economic development;
- Make the best use of existing resources and infrastructure;
- Manage travel demand, reduce the need to travel, and increase accessibility;
- Marry opportunity and need;
- Promote environmental quality;
- Reduce emissions and adapt to climate change

The re-use of previously developed land at the heart of Wirral's urban area, in close proximity to underused public transport infrastructure and deprived communities, adjacent to the wider Wirral Waters area will promote economic regeneration in a location which also forms part of the Birkenhead Docks Strategic Regional Site, and is within the emerging Mersey Waters Enterprise Zone. The need for regeneration of this area is reflected in the Wirral Investment Strategy, Wirral Enterprise Strategy, the Integrated Regeneration Strategy for Birkenhead and Wirral Waters and also the Liverpool

SuperPort and Atlantic Gateway initiatives.

Policy DP2 – Promote Sustainable Communities

It is concluded that the proposals contribute to the following objectives for building sustainable communities set out in RSS Policy DP2:

- Fostering sustainable relationships between homes, workplaces and other concentrations of regularly used services and facilities;
- Taking into account the economic, environmental, social and cultural implications of development and spatial investment decisions on communities;
- Promoting community safety and security, including flood risk;
- Reviving local economies, especially in the Housing Market Renewal Areas...;

The ITC proposals will provide access to new employment opportunities in a regeneration priority area and close to some of the most deprived areas of the Borough. Alongside the wider Wirral Waters proposals, the ITC proposal will integrate into a revitalised economy. As such the application proposals support the objectives of Policy DP2.

Policy DP3 – Promote sustainable Economic Development

The proposal has the potential to make a significant contribution to the achievement of the objectives of this policy particularly the reduction in the performance gap between the NW and other parts of the UK given that the ITC is a unique facility and aims to improve access to new markets in China and elsewhere and access products at lower cost. As such the application proposals support the objectives of Policy DP3.

Policy DP4 – Make the Best Use of Existing Resources and Infrastructure

The proposals are within the priority area set out in Policy RDF1 and LCR1. The proposals concentrate development close to existing infrastructure. The applicant notes the potential for the ITC to benefit from Peel's ownership of the Port of Liverpool and the potential to offer integrated trans-shipment, plus proximity to the airports at Liverpool and Manchester. The proposals do not require major investment in new public transport infrastructure, water supply or sewerage. It is concluded that the proposals conform to the objectives of RSS Policy DP4.

Policy DP5 – Manage Travel Demand; Reduce the Need to Travel, and Increase Accessibility

The ITC proposals will bring into use a substantial area of underused land around Birkenhead docks. I conclude elsewhere that the proposal is accessible by a choice of transport mode and that the applicant has proposed measures to reduce the need to travel. A number of measures to enhance accessibility to pedestrians and cyclists are identified, some as part of the wider Wirral Waters proposals. I conclude therefore that the application proposals conform to RSS Policy DP5.

Policy DP6 – Marry Opportunity and Need

Given the significant economic benefits identified by the applicant, including significant job creation opportunities and the application site's location close to some of the Borough's most deprived areas It is concluded that the application supports the objectives of Policy DP6.

Policy DP7 – Promote Environmental Quality

It is concluded that the proposals support 2 of the objectives of RSS Policy DP7:

- Reclaiming derelict land and remediating contaminated land for end-uses to improve the image of the region and use land resources efficiently;
- Maximising opportunities for the regeneration of derelict or dilapidated areas;

A further objective of Policy DP7 is to ensure that proposals that could have a significant effect on the integrity and conservation objectives of sites of international importance for nature conservation are subject to assessment is addressed in discussion of the response of Natural England.

Policy RDF1 – Spatial Priorities

The ITC application site is within the inner area surrounding the regional centre of Liverpool and is therefore a priority for growth and development. The proposals sit within the Council's regeneration priority area and within the Housing Market Renewal Initiative Area and Birkenhead Docks Strategic Regional Site which are regional priority locations for development. The site is also within the Mersey Waters Enterprise Zone, which is a priority area for new economic development.

Policy W1 – Strengthening the Regional Economy

The ITC concept is being promoted by the applicants as a unique development in the UK and Western Europe, which will serve as a trading gateway into the UK and European Market, providing the Wirral and Liverpool City Region with a major opportunity to build links with the key international economies of the future such as China and the Far East.

The Council's refreshed Investment Strategy, approved by Cabinet on 21st July 2011 (Minute 78 refers) identifies the ITC proposal as one of the priority projects to support the "Investing in Wirral Places" strand of the Strategy.

The ITC development will deliver new jobs, consistent with RSS and Wirral Investment Strategy objectives, in an area experiencing high levels of deprivation.

In addition to supporting the development principles in the RSS DP policies, It is concluded that the ITC development conforms to RSS Policy W1 in strengthening the economy of the North West by:

- Creating a trading gateway for the Liverpool City Region to access the key international economies, especially China;
- Supporting potential growth in service sectors;
- Providing the environment for improving the skills base of the region, including tackling skills deficiencies and concentrations of unemployment;
- Linking areas of opportunity and need.

Conformity with the RSS economic policies establishes conformity with the development plan.

Policy W2 – Locations for Regionally Significant Economic Development

RSS Policy W2 sets out the need for regionally significant economic development sites to be located close to sustainable transport nodes within the urban areas of the Liverpool City Region. Four specific locational criteria for such sites are identified – they should be:

- Capable of development within the plan period, having regard to the condition and availability of land, infrastructure capacity, market considerations and environmental capacity;
- Highly accessible, especially by adequate public transport services, walking and cycling;
- Well-related to areas with high levels of worklessness and/or areas in need of regeneration;
- Well related to neighbouring uses, particularly in terms of access, traffic generation, noise and pollution

The ITC development has the potential to be of regionally significant scale and would satisfy the locational criteria specified in Policy W2 for Regionally Significant Economic Development. I conclude therefore that the proposals support the objectives of RSS Policy W2 for regionally significant economic development.

Policy W3 – Supply of Employment Land

RSS Policy W3 sets out a number of criteria which are intended to ensure that the supply of employment land within individual districts achieves a number of key objectives. The amount of land required for employment purposes during the lifetime of RSS has been increased in Merseyside more than in other sub-regions of the North West, to reflect the additional need for economic growth, to close the gap with other more successful sub-regions and areas outside the North West. The Council's Employment Land Study – produced as part of the evidence base for the emerging Local Development Framework – indicates a potential long term short fall of up to 177 HA based on historic take-up rates and the aspirations of the Wirral Investment Strategy, in order to provide the new jobs

that will close the gap in output and GVA (Gross Value Added – a measure of the economic output delivered in an area by workers and residents).

The application site does not form part of the employment land supply in the Unitary Development Plan (and therefore RSS Policy W4 – relating to the release of allocated employment land - does not apply) and the proposals will not compromise the ability of the Council to meet its employment land supply obligations as set out in Policy W3 of RSS.

Policy W5 – Retail Development

The ITC proposal is sui-generis and the proposed control measures which will be embedded in a Section 106 legal agreement will ensure that the ITC will not be accessible to the general public and will function only as a trade facility. Assessment of the application, I concluded that the control measures will ensure that the ITC proposal will not function as a retail facility, will not have a significant adverse effect on established town and local centres, and as such will not compromise the objectives of RSS Policy W5.

Policy RT2 – Managing Travel Demand

The ITC proposals aim to reduce reliance on the private car, by the scheme's location in relation to public transport and by providing jobs close to existing residential areas. Cycling and walking is to be encouraged within the context of the wider Wirral Waters proposals. On-site parking provision within maximum standards of 1 car space per 100 sqm gross floorspace is to be clarified at Reserved Matters stage but not to exceed this standard of provision.

Policy RT6 – Ports and Waterways

RSS Policy RT6 is concerned at the impact of irreversible development on the operation of port facilities. Key requirements of RT6 relevant to this application are:

- development which would impede the operational requirements of a port should not be permitted within port boundaries shown in local Development Documents.
- safeguarding land close to ports for logistics, transport and port-related development where there is at least a reasonable likelihood of restitution to significant operational use within 15 years
- Land with wharfside frontages should also be protected for future uses that require a water connection where there is a likelihood of such use in the long term
- Specific criteria for development at ports relating to access, sustainability, health impacts and nature conservations

Implications for port operations

The site of the ITC planning application currently benefits from Port Permitted Development Rights under the General Development Order 1988 (SI 1988, No 1813), whereby Class B of Part 17 of Schedule 2 allows for the development on operational land by statutory undertakers or their lessees (the port operator – i.e. Peel Ports Division) for the purposes of shipping, or in connection with the handling of cargo or passengers. These permitted development rights do not extend to non-operational development outside the terms of Class B of Part 17 and other development requires express planning permission.

The submitted parameters plan makes provision for a minimum buffer of 12.5m between the quay side and any building to be maintained to enable vessels to access the site and be loaded/unloaded and the applicants indicate that the siting of individual buildings will be controlled so as enable the site to be served by water going vessels. This should satisfy the requirements in RT6 for development to not impede port requirements.

Implications for relocation strategy for the East Float Planning Application

Peel Ports has recently issued for consultation a Draft Port Master Plan (which was reported to Cabinet on July 21st 2011 - Minute 75 refers). The ITC application site lies within the operational dock estate and the Mobil Oil (ITC buildings 3 and 4) and Beaufort Road (ITC buildings 1 and 2) sites are identified as "areas of change" within the draft Master Plan for the purposes of the port decant strategy required to facilitate the Wirral Waters proposals in East Float. The provision made within this

planning application is the ability for port tenants to be relocated to the western part of the site (the Mobil site) within building 3 and 4 (which are additionally proposed for B2/B8 uses) alongside the ITC, to provide flexibility for both port tenants and Peel over the remaining land.

The applicant has amended the Guiding Principles for the Port (originally submitted as part of the East Float outline planning application) to consider the potential implications of the ITC proposal for the previously agreed strategy for decanting businesses from East Float given that the ITC site has been identified as a potential location for these businesses. The revised Guiding principles form Appendix A of the Planning Statement to this planning application. A key element of the approach in the amended Guiding Principles for the port (also alluded to in the Draft Master Plan) is freeing up land and premises by relocating businesses which do not require a port location to sites outside the dock estate. The revised document identifies the need for further engagement with potentially affected businesses to establish detailed needs and requirements. The amended Guiding Principles recommend that a relocation strategy be adopted for both East and West Float and the scope of this is set out in the 'recommendations and next steps' section – including the identification of local receptor sites in partnership with the Council and others to accommodate the potential decanting of tenants. The planning permission for East Float requires all applications for reserved matters to be accompanied by a detailed Port Relocation Strategy.

Cammell Laird

The application site takes in the Bidston Repair Berth which forms part of the operations of Cammell Laird. The berth functions as an overspill facility from their main site on the Mersey and is used on a project basis and mobilised on demand. It is accessed from Beaufort Road and comprises two facilities:

Berth 1 (formerly Bidston No 3 Dry-dock) 227m in length.

In relation to the ITC application, this berth splits the two clusters of buildings. The "red line" for the ITC application excludes the graving dock itself but includes the surrounding land which includes a dockside crane, vehicular access and workshops/storage buildings

Berth 2 (formerly Ilchester Wharf) 250m in length

This berth, which would be impacted by the development of buildings 3 and 4 is within the red line of the planning application.

It is proposed that the retention of the operational graving dock and related facilities is secured by a condition requiring that the graving dock and its surrounding hardstanding and crane tracks should be protected. This will be achieved through a suitably worded condition.

Subject to the safeguards described above, development of the application site for the ITC is appropriate and will not undermine the objectives or requirements of RSS Policy RT6.

Policy RT7 – Inter-Modal Freight Terminals

RSS Policy RT7 identifies the broad Birkenhead Waterfront area as appropriate for an inter-modal freight terminal (between water and land – either rail or road freight). This objective is consistent with the North West Development Agency's aspiration for maintenance of port capability within its North West Ports Study. The comments in relation to RSS Policy RT6 are also relevant to RSS Policy RT7. The application sites are not required for inter-modal freight handling and the proposal includes provision for safeguarding the quayside should this be required in the future. The docks freight line, which is currently unused, runs between the proposed ITC site and Beaufort Road, but this is shown on the plans as a landscaping strip and can be further safeguarded by condition.

Policy RT9 – Walking and Cycling

The application proposals are in conformity with RSS Policy RT9

Policy EM1 – Integrated Enhancement and Protection of the Region's Environmental Assets

Policy EM3 – Green Infrastructure

Whilst the current proposals have limited scope for introducing new Green Infrastructure as the UDP policies do not require Green Infrastructure for B8 uses, there is potential for linkage with future phases of the Wirral Waters proposals via the proposals for the Beaufort Road corridor.

Policy EM5 – Integrated Water Management

The applicant has consulted with United Utilities on the broad Wirral Waters master planning and has considered the capacity of the water and sewerage networks to accommodate the development proposed. United utilities have no objections to the proposal

Policy EM6 – Managing the North West's Coastline

The development proposals have no direct impact on Wirral's coastline. Discussion with Natural England have confirmed that any potential adverse impact on Coastal sites has been screened out.

Policy EM9 – Secondary and Recycled Aggregates

It is now a statutory requirement to provide a Site Waste Management Plan (SI 314, 2008) for construction projects with a value of over £300,000 (excluding VAT). This may include the provision of a temporary materials recycling facility on site, subject to a satisfactory planning condition governing hours of operation and the means of controlling any noise, dust or vibration issues.

Policy LCR1 – Liverpool City Region Priorities

It is concluded that the proposals are in conformity with the following objectives of RSS Policy LCR1:

- To support interventions necessary to achieve a significant improvement in the sub-region's economic performance by encouraging investment and sustainable development in the Regional Centre and surrounding inner areas. in order to contribute to the growth opportunities identified in RSS Policy W1;
- Focus sustained and co-ordinated programmes to maximise economic potential and promote urban renaissance and social inclusion within the Regional Centre and its surrounding Inner Area;
- Enhance the accessibility by public transport of the Housing Market Renewal Area and improve transport links between this (and other disadvantaged areas) and key employment, education and healthcare locations. Particular attention should be given to assisting with programmes to address worklessness;
- Maximise the employment potential of the Strategic Investment Areas (SIAs);
- Focus environmental improvements where they are most needed and will have the greatest benefit to facilitate the sustainable development of the Regional Centre and Inner Areas. This includes the remediation of contaminated land and provision of high quality green infrastructure as part of comprehensive regeneration schemes. Protect existing environmental assets in line with DP7 and EM1, in particular sites of international importance for nature conservation such as the Mersey Estuary.

Policy LCR2 – The Regional Centre and Inner Areas of Liverpool City Region

I conclude that the proposals support the following objectives of RSS Policy LCR2:

- Maintaining and enhancing the roles of Birkenhead and Bootle to provide community facilities, services and employment;
- Supporting the development of the Mersey Ports and the maritime economy; and
- Providing for employment within the inner areas in accordance with RSS Policies W2 and W3 and LCR1.

Overall It is concluded that the applications are in conformity with the policies in the Regional Spatial Strategy.

LOCAL POLICY CONTEXT

Wirral Unitary Development Plan

There are no UDP policy designations or land allocations covering the application site. Since 2007, when Policy EM10 – Birkenhead and Eastham Dock Estates from the UDP was not saved, the site has been land without designation. The effective removal of this policy enables a greater mix of uses, other than employment uses, to be developed within the operational areas of the dock estates. The process of saving policies reviewed their conformity with national advice, although subsequent national advice may have altered that conformity. In those instances, this report addresses those matters directly.

The following UDP policies are relevant to this application (compliance refers to the conformity of the planning application proposals with the relevant UDP policy, rather than to the combination of UDP policy and national policy):

UDP Policy	Compliance (compliant/not compliant/neutral)
Policy URN1 Development and Urban Regeneration	Compliant
Policy URN2 Planning Agreements for Urban Regeneration	Compliant
Policy EM6 – general criteria for New Employment Development	Compliant
Policy EM7 – Environmental criteria for New Employment Development	Compliant
Policy GR5 Landscaping and New Development	Compliant
Policy GR7 Trees and New Development	Compliant (subject to conditions for landscaping proposals)
Policy NC1 The Protection of Sites of International Importance for Nature Conservation	Compliant
Proposal NC2 Sites of International Importance for Nature Conservation	Compliant
Policy NC3 The Protection of Sites of National Importance For Nature Conservation	Compliant
Policy NC4 Sites of National Importance for Nature Conservation	Compliant
Policy NC7 Species Protection	Compliant (subject to conditions to protect species depending on outcome of bat survey)
Policy LA7 Criteria for Development at the Urban Fringe	Compliant (no adverse impact at the Urban Fringe)
Policy TRT1 Provision for Public Transport	Compliant
Policy TRT2 Safeguarding Land for Highway Schemes	Compliant
Policy TRT3 Transport and the Environment	Compliant
Policy TR7 Transport Corridor Environmental Improvements	Compliant
Policy TR8 Criteria for the Design of Highway Schemes	Compliant
Policy TR9 Requirements for Off-Street Parking	Compliant (subject to conditions on off-street parking standards)
Policy TR11 Provision for Cyclists in	Compliant

Highway and Development Schemes	
Policy TR12 Requirements for Cycle Parking	Compliant
Policy TR13 Requirements for Disabled Access	Compliant
Policy WAT1 Fluvial and Tidal Flooding	Compliant
Policy WA1 Development and Flood Risk	Compliant
Policy WAT2 Protection of the Water Environment	Compliant
Policy WA5 Protecting Surface Waters	Compliant
Policy POL1 Restrictions for Polluting and Hazardous Uses	Compliant
Policy PO5 Criteria for the Development of Contaminated Land	Compliant (subject to conditions)
Policy REN1 Principles for Renewable Energy	Compliant

Policy URN1 Development and Urban Regeneration

Policy URN1 gives the broad overarching principles of the Local Authority in assessing development and urban regeneration in the borough. The policy seeks to ensure that development is guided by the general principles of the Urban Regeneration Strategy, in ensuring that:

- (i) Full and effective use is made of land within the urban areas;
- (ii) Neglected, unused or derelict land or buildings are brought into use; and
- (iii) The need for new services is minimised by promoting the use of spare capacity in existing services;

Whilst:

(iv) The following types of land or buildings are protected from inappropriate development:

- Sites in the approved Green Belt;
- The best and most versatile agricultural land and viable farm holdings;
- Areas of Special Landscape Value;
- Sites of ecological or nature conservation importance;
- Sites identified as urban greenspace or greenspace features within other sites;
- Sites currently required for recreational purposes;
- Listed buildings;
- Other buildings or features of architectural or historic interest; and
- Conservation areas.

The application site is not within the Green Belt, or within an urban greenspace or of ecological or nature conservation importance in itself. Consideration as to whether development of the application site has potential impacts on areas of nature conservation importance elsewhere is considered elsewhere in this report.

However, overall the ITC application will accord with Policy URN1 as it seeks the urban regeneration of underutilised land within the inner area of the Borough, making effective use of the land available and minimising the need to provide new development and services outside the urban area.

Policies EM6 and EM7

These policies set out criteria for employment development on sites allocated for employment use or within a Primarily Industrial Area (PIA). Although not on an allocated site, or in a PIA, the ITC proposal is arguably closest in character to an employment use, and therefore these policies are of assistance in appraising the proposals. All the criteria in EM6 have to be satisfied, whilst EM7 requires balancing the benefits and disadvantages of the proposal when assessed against additional criteria listed. Taking into account conclusions elsewhere in this report this application would satisfy the requirements of EM6 relating amenity/impact on neighbouring uses, access, traffic generation, car/cycle parking and siting/design. Similarly in relation to Policy EM7, officers are satisfied that the benefits of the proposal would outweigh the disadvantages when assessed against the additional requirements relating to impact of increased HGV traffic, incorporation of natural features and vegetation, impact on nature conservation sites and accessibility by a choice of transport mode.

Other UDP Policies

Compliance with the other UDP policies listed in the table above is further detailed, where relevant, elsewhere in this report.

Supplementary Planning Documents

Under the Local Development Framework, the Council has adopted a series of Supplementary Planning Documents, which have been subject to public consultation and are material considerations, currently to be used alongside the adopted policies of the UDP (and in due course the Local Development Framework). One Supplementary Planning Document is material to the Wirral Waters East Float planning application:

Supplementary Planning Document	UDP Policy
Supplementary Planning Document 4 – Parking Standards	TRT3, TR9

Emerging Local Development Framework Core Strategy

The Council consulted on its Preferred Options for the Local Development Plan Core Strategy (Cabinet 22nd July 2010) between December 2010 and January 2011, following consultation on Spatial Options in January 2010. A draft plan is proposed to be issued late in 2011.

The emerging LDF Core Strategy is a material planning consideration but in accordance with national advice in PPS 1, little weight can be applied at this stage (Regulation 25 of The Town and Country Planning (Local Development)(England) Regulations 2004 (SI 2204), as amended by The Town and Country Planning (Local Development)(England)(Amendment) Regulations 2008 (SI 1371)). However, insofar as the emerging LDF Core Strategy proposes to carry forward a policy of urban regeneration in the east of the Borough, that policy continues to carry weight.

NATIONAL POLICY CONTEXT

A Draft National Planning Policy Framework has been issued by the Government for public consultation, with a deadline for comments of October 17th 2011. Recently issued advice to Planning Inspectors indicates that while it is a consultation document and therefore subject to potential amendment, nevertheless it gives an indication of the Government's "direction of travel" in planning policy. Therefore the draft guidance is capable of being a material consideration although the weight to be given to it will be a matter for the decision-makers planning judgement in each particular case. The Planning Inspectorate's advice note identifies a number of key policy changes highlighted in the impact assessment which accompanies the draft guidance: those of potential relevance to this application are:

- The presumption in favour of sustainable development: this has been previously outlined in a ministerial statement (which in itself carries weight); and
- The removal of the maximum non-residential car parking standards in PPG13

Pending adoption of the finalised National Planning Policy Framework (potentially before the end of the 2011) all existing planning policy guidance notes remain in place until cancelled.

In addition, the ministerial statement "Planning for Growth" (March 2011) highlights the intention to introduce the presumption in favour of sustainable development and encourages local planning authorities to support proposals which would secure economic growth (consistent with PPS4).

Planning Policy Statement 4

The finalised PPS4 combines the policies previously set out in PPS6 and PPG4 and is structured in the form of specific policies, rather than general policy guidance. Policies EC1-EC8 are concerned with plan-making and EC9 with monitoring. Policies EC10 to 19 of PPS 4 are concerned with development management.

The Planning Statement considers the potential for the ITC proposal to support the broad objectives of PPS4: in particular the ITC is considered to be well aligned with the overarching objective of PPS4 listed in paragraph 9 – sustainable economic growth (defined in footnote 7 as growth that can be sustained and is within environmental limits, but also enhances environmental and social welfare and avoids greater extremes in future economic cycles) – and the objectives set out in paragraph 10, in particular, building prosperous communities by improving the economic performance of cities, towns, sub-regions and local areas and reducing the gap in economic growth rates between regions, promoting regeneration and tackling deprivation. The planning statement aims to demonstrate additionally how the proposal addresses the third objective relating to sustainable development, reducing travel demand and responding to climate change.

In relation to the plan-making policies of PPS4 the Planning Statement concludes that the development does not raise any significant issues but supports a number of the objectives set out in EC2 aimed at supporting existing business sectors (EC2.1(b)); making the most efficient and effective use of land (EC2.1(d)); identify, protect and promote key distribution networks (EC2.1 (e)); deliver sustainable transport and other infrastructure to support economic development (EC2.1(f)).

The status of the application proposal for the purposes of the Development Management Policies in PPS4 relating to main town centre uses

Development management Policies EC14-16 relate to the supporting evidence for main town centre uses and the consideration of the sequential approach and impact assessments for main town centres uses not in a centre and not in accordance with the development plan. Recognising that PPS4 is intended to be broad in its application, the key consideration in this regard is whether the application falls within the scope of the main town centre uses listed in paragraph 7.1 of PPS4, in particular whether the proposal has the characteristics of a warehouse club, defined in Annex B to PPS4 as “large businesses specializing in volume sales of reduced price goods. The operator may limit access to businesses, organizations or classes of individual”.

The application is for a “sui generis” use – a use which stands on its own and falls outside the scope of the Use Classes Order. Paragraph 4.9 of the planning statement lists the range of activities which will occur in the ITC as follows:

- Showrooms for traders, comprising lockable units with flexible internal space for sales, display and storage;
- Warehousing and distribution
- Assembly of goods and products
- Trade exhibitions and fairs
- Management suite, offices, security, food and drink and other ancillary facilities
- Circulation areas and associated services, utilities and infrastructure; and
- Parking, public realm, landscaping, servicing and access

There is no maximum or minimum number of trade showrooms specified in each of the 4 buildings, but the planning statement estimates a maximum number of 1,200 showrooms of 93 sqm each with up to 3 workers per unit (not withstanding the potential use of buildings 3 and 4 for port decant purposes).

In addition to the description of the development, the nature and scope of the uses which would be permitted will be defined by planning conditions and/or a legal agreement. Paragraph 7.4 of the applicant’s planning statement indicates that the proposed control measures ensure that there would be no retail sales to the general public and the locational, operational and design requirements of the ITC make it a development which could not feasibly be located within or on the edge of a town centre.

A range of measures is proposed to ensure that the proposal, if approved, operates in a more restricted manner than a warehouse club.

The control measures are proposed for inclusion in a Section 106 legal agreement, the Heads of Terms of which have been provided by Peel and are also summarised in Appendix B of the Planning Statement. These measures would be a series of operational and other measures intended to ensure that the ITC does not operate as a retail facility open to the general public (thereby remaining outside Use Class A1) through controls which would restrict the ability to purchase goods from the ITC to genuine trade users only. The controls can be summarised as follows:-

- Access to the ITC restricted to eligible members only, with eligibility being dependent on prospective members being able to demonstrate to the management company that they represent a business with a need to purchase goods from the ITC;
- Prospective members will be required to make an application for membership, including the provision of evidence that they represent a business. Evidence may include the provision of a VAT registration number or confirmation of registration with Companies House;
- Members will be required to agree to purchasing goods for trade use only, with sanctions, including possible cancellation of membership being incurred by customers found to be purchasing goods for personal use;
- No more than four membership cards may be issued per eligible business

A central management function would be operated by Peel and its partners, which would be responsible for authorizing trading companies by providing accreditation in the form of an eligibility card, maintaining a database of eligible companies, preventing the general public from accessing the ITC and restricting tenants to only sell to eligible businesses.

Further safeguards would be provided by an access control system to the building (s) restricting access to those with an eligibility card, signage and website notices setting out the access provisions, plus measures embedded in the planning permission itself, through the sui-generis use and general enforcement powers.

Overall officers are satisfied that the control measures included within the Heads of Terms for a Section 106 legal agreement (attached to this report) provide sufficient control to prevent the ITC operating as a retail use under class A1 or a warehouse club either at initial implementation of any planning permission or subsequently. As such, the ITC proposal (with control measures) does not fall within any of the categories of "main town centre" uses (as defined in paragraph 7.1 of PPS4) and therefore PPS4 Policies EC14, EC15, EC16, EC17 and EC19 do not apply to this application. Policy EC10 of PPS4 is of relevance, however and assessment of the proposal against this policy is set out below.

Planning applications for economic development (Policy EC10)

Policy EC10 applies to all applications relating to economic development proposals. EC10.1 states that local planning authorities should adopt a positive and constructive approach towards planning applications for economic development. EC10.2 identifies five criteria against which proposals are to be assessed:

a: Whether the proposal has been planned over its lifetime to limit carbon dioxide emissions and minimise vulnerability and provide resilience to climate change;

The Planning statement indicates that the applicant is committed to delivering a highly sustainable and environmentally efficient design, which involves the reuse and remediation of brownfield land and which will be resilient to climate change, including flood risk. The applicant's environmental impact and other assessments have been reviewed by Council officers, MEAS and external consultees including the Environment Agency and no significant adverse impacts are identified.

b: Accessibility by a choice of transport and impacts on traffic levels;

In terms of the accessibility of the site, this is considered in the transport assessment and the applicant notes that the site is in a highly accessible location in the inner urban area with excellent public transport and cycling/walking connections to surrounding areas. The site also has multi-modal access potential (road, rail, water and air) providing opportunities to maximise sustainable freight and visitor access. The Director of Technical Services comments elsewhere on the conclusions of the transport assessment. No significant adverse impacts are identified in terms of accessibility

c: Securing high quality and inclusive of design;

The applicant notes that the design of the development reflects its international trade use and dockland context and wider landscape setting. Design (and heritage) is addressed elsewhere in this report and appropriate conditions have been attached to the permission.

d: Impact on economic and physical regeneration including deprived areas and social inclusion objectives

In relation to economic/physical regeneration/social inclusion (EC10.2 d & e), an Economic Regeneration Statement has been submitted by the applicant as detailed elsewhere in this report. Paragraph 7.24 of the planning statement notes that the application site is located in a regeneration area recognised locally, regionally and nationally and is a key priority for economic development. Overall I conclude that the application will deliver significant and compelling regeneration benefits, especially given the project's location in a deprived area.

In relation to social inclusion, a full socio-economic assessment has been undertaken as part of the baseline report for the Wirral Waters Strategic Regeneration Framework, highlighting in particular the levels of deprivation in east Wirral, population loss, high levels of economic inactivity, poor levels of educational attainment, relatively high numbers of people with a limiting long term illness and high levels of crime, and housing market failure.

The economic and social need for major inward investment and job creation is identified by the applicant as a significant positive local impact, which will bring wider benefits for existing centres in the area through enhancing the local economy, business competitiveness and consumer impact and expenditure. Local businesses would benefit from access to new products and markets and reduced costs. The ITC will also draw trade from across the UK and Western Europe which will bring significant benefits in terms of demand for hotels, restaurants and related visitor services and has the potential to raise the profile of the Wirral and the City Region and act as catalyst to additional development and investment.

e: The impact on local employment

The applicant considers in 7.132 of the Economic Regeneration Statement that impact on local trade facilities is potentially significant as the ITC is likely to compete to varying degrees with different trade suppliers. Such operations are generally in out of centre locations and therefore not protected by planning policy, so significant impact would only cause a planning policy issue if there was a significant loss of local employment.

The applicant considers that any impact is not likely to be significantly adverse in terms of employment. Any such losses are a matter of competition rather than planning policy and in any event the ITC is likely to result in significant net gains in local employment in line with the projections in the Economic Regeneration Statement.

The ITC through its construction phases will provide 2,147 temporary jobs across four construction years resulting in direct and indirect employment opportunities.

The economic regeneration statement states that the ITC will directly support 2,310 FTE jobs in the private sector from 2020 onwards. This issue is discussed in further detail in the economic and employment section of this report.

Particular consideration has been given by Peel to the potential impact of the ITC on existing trade businesses. Although there is no available information on the levels of employment in the trade sector, the Planning Statement suggests that by its nature the trade sector is a reflection and by product of the wider economic health of an area. There is potential for the ITC to strengthen the trade sector through introducing a new trade concept, and the qualitative differences with existing trade operations minimises the potential for direct competition.

Conclusions in relation to Policy EC10

There are no significant adverse impacts resulting from the application proposals on the impact considerations set out in Policy EC10, taking into account the likely cumulative effect of recent permissions, development under construction and completed developments.

It is considered that the ITC proposal would deliver significant and compelling regeneration benefits,

has the potential to secure sustainable economic growth and satisfies the requirements of EC10.

Economic development other than main town centre uses not in accordance with an up to date development plan (Policy EC11)

In relation to PPS4 Policy EC11, the applicant's Planning Statement considers that the ITC application is in accordance with the development plan and therefore falls outside the scope of this policy. Nonetheless, as a fallback and for the avoidance of doubt, the Planning Statement considers the ITC proposal against the three criteria listed in EC11 and concludes that it would address them fully and without any major or adverse counterbalancing considerations.

Policy EC11 indicates that that in determining planning applications for other than main town centre uses not in accordance with the development plan local planning authorities should:

- Weigh market and other economic information alongside environmental and social information;
 - Take full account of longer term benefits as well as the costs of development such as job creation, improved productivity including wider benefits to national regional or local economies and
 - Consider whether the proposal helps to meet the wider objectives of the development plan
- The status of the application site within the UDP coupled with the conformity of the application proposals with the requirements of RSS means that EC11 does not apply to this proposal, but I also concur with the applicants conclusions that the proposal would in any event deliver positive benefits when assessed against the three criteria listed in the Policy.

PPS4 policies EC14 – EC17

Notwithstanding the conclusions above in relation to the applicability of PPS4 policies EC14-EC17 to this proposal, the applicant – noting that the town centre policies of PPS4 are intended to be broad in their application - seeks to demonstrate that even if the requirements of PPS4 EC14 -17 were to be applied to this proposal, its specific characteristics mean that the ITC proposal is clearly differentiated from town centre uses and could satisfy the impact and sequential tests – in particular its

- Trade focus – restricted to trade custom;
- Controls over access and purchasing;
- Cost of units and business model, based on rental levels significantly below typical retail rents;
- Scale and site requirements related to its proposed role as an international trading gateway, which requires a critical mass equivalent to the scale of development applied for in order for the concept to be workable such that disaggregation of the proposal onto smaller sites would significantly detract from the attractiveness and functionality of the concept and undermine the cluster benefits of co-locating overseas tenants together. Also highlighted is the site specific potential for direct port and rail access; and
- General design and feel – which is of a trade facility (in industrial type buildings on a site larger than the primary shopping area of Birkenhead) rather than a town centre shopping centre experience and thus would be incompatible with a town or edge of centre location.

In relation to considerations of retail impact, the planning statement considers that the impact of the trade use would not conflict with the impact tests of Policy EC16. Similarly Para 6.21 to 6.26 of the applicant's planning statement consider the UDP's retail policies (Policies SH9 and SH10) in understanding how the ITC is differentiated as a trade use and the statement indicates that the conclusions in relation to the assessment against PPS4 can also be applied to the policies in the UDP. I agree with the applicant's conclusions in relation to PPS4 Policies EC14-17 – in particular that this proposal is clearly unsuitable for a town centre location and that with the control measures in place would not conflict with the impact tests of PPS4.

Responses to concerns expressed in representations in relation to PPS4:

Drivers Jonas Deloitte on behalf of Grosvenor

Grosvenor expresses concern that the proposed use controls could enable the applicant to bring forward a discount warehouse club/cash and carry operation – which would be classed as a main town centre use in PPS4 terms, particularly in respect of the parts of the development which will be

covered by the additional B2/B8 uses (cash and carry outlets fall within Use Class B8). Grosvenor recommends additional controls preventing permanent tills from being located within the ITC and tightening of existing sanctions with respect to sales to the general public.

Grosvenor is additionally concerned that too much flexibility is being sought over and above that which is required which could lead to significant uncertainty as to the type of development which could come forward and request greater controls over the quantum of floorspace particularly in relation to the B8 use linked also to a Section 106 agreement.

Grosvenor seeks clarification of the circumstances outlined in the Heads of Terms relating to future changes of use, relating to not permitting public access through a change of use application, listing sui generis uses which would not be acceptable, and ruling out discount warehouse/cash and carry uses.

Grosvenor is concerned that the membership/eligibility criteria do not go far enough to prevent a discount warehouse/cash and carry operation being delivered in this location and more details of the definitions of those eligible to become members/customers should be submitted at this stage or be required to be submitted and approved under the terms of the permission.

Response of the Local Planning Authority:

The use controls set out in the Heads of Terms are more restrictive than those applied at a typical warehouse club (such as Costco) and would prevent the ITC buildings being used for this purpose. The 'cash and carry' use is not included within the definition of retail use in Annex B of PPS4 or Town Centre uses listed in paragraph 7 of PPS4. Even if a cash and carry operator attempted to trade under the B8 element of the ITC, they would still be subject to the control measures embedded in the Heads of Terms which would prevent sales to the general public. The suggestion that a condition be added that no permanent tills be located in the ITC would not add to the existing restrictions on the ability to purchase goods: in any event the ITC business model is based on a large number of individual kiosks where goods will be displayed and business transactions undertaken – there will not be the general checkout area found in a typical warehouse club. The ITC - as regulated by the control measures - would not compete with Grosvenor's Liverpool One development, in my view.

Grosvenor is concerned that because other businesses restricted to 'trade only' are in practice able to sell to the public by indirect means that this will be the case with the ITC. However, Officers are satisfied that the use controls set out in the Heads of Terms will prevent sales to the general public. There is no evidence to suggest that the controls set out in the Heads of Terms will not be applied as intended. In any event the controls are enforceable and the Local Planning Authority's powers would be used in the event of any breach being identified. There is no justification for withholding planning permission on these grounds.

A condition will be applied which will ensure that the development takes place within the assessed amounts i.e. the balance of B2/B8 uses over and above those already proposed given the appropriateness of these uses in this location.

PORT OPERATIONS AND RELOCATION STRATEGY

RSS Policy RT6 is concerned at the impact of irreversible development on the operation of port facilities. Key requirements of RT6 relevant to this application are:

- development which would impede the operational requirements of a port should not be permitted within port boundaries shown in local Development Documents.
- safeguarding land close to ports for logistics, transport and port-related development where there is at least a reasonable likelihood of restitution to significant operational use within 15 years
- Land with wharveside frontages should also be protected for future uses that require a water connection where there is a likelihood of such use in the long term
- Specific criteria for development at ports relating to access, sustainability, health impacts and nature conservations

Implications for port operations

The site of the ITC planning application currently benefits from Port Permitted Development Rights under the General Development Order 1988 (SI 1988, No 1813), whereby Class B of Part 17 of Schedule 2 allows for the development on operational land by statutory undertakers or their lessees (the port operator - i.e. Peel Ports Division) for the purposes of shipping, or in connection with the handling of cargo or passengers. These permitted development rights do not extend to non-operational development outside the terms of Class B of Part 17 and other development requires express planning permission.

The submitted parameters plan makes provision for a minimum buffer of 12.5m between the quay side and any building to be maintained to enable vessels to access the site and be loaded/unloaded and the applicants indicate that the siting of individual buildings will be controlled so as enable the site to be served by water going vessels. This should satisfy the requirements in RT6 for development to not impede port requirements.

Implications for relocation strategy for the East Float Planning Application

Peel Ports has recently issued for consultation a Draft Port Master Plan (which was reported to Cabinet on July 21st 2011 (Minute 75 refers). The ITC application site lies within the operational dock estate and the Mobil Oil (ITC buildings 3 and 4) and Beaufort Road (ITC buildings 1 and 2) sites are identified as "areas of change" within the draft Master Plan for the purposes of the port decant strategy required to facilitate the Wirral Waters proposals in East Float. The provision made within the Planning application is the ability for port tenants to be relocated to the western part of the site (the Mobil site) within building 3 and 4 (which are additionally proposed for B2/B8 uses) alongside the ITC, to provide flexibility for both port tenants and Peel over the remaining land.

The applicant has amended the Guiding Principles for the Port (originally submitted as part of the East Float outline planning application) to consider the potential implications of the ITC proposal for the previously agreed strategy for decanting businesses from East Float given that the ITC site has been identified as a potential location for these businesses. The revised Guiding principles form Appendix A of the Planning Statement. A key element of the approach in the amended Guiding Principles for the port (also alluded to in the Draft Master Plan) is freeing up land and premises by relocating businesses which do not require a port location outside of the dock estate. The revised document identifies the need for further engagement with potentially affected businesses to establish detailed needs and requirements. The amended Guiding Principles recommend that a relocation strategy be adopted for both East and West float and the scope of this is set out in the 'recommendations and next steps' section - include the identification of local receptor sites in partnership with the Council and others to accommodate the potential decanting of tenants. The planning permission for East Float requires all applications for reserved matters to be accompanied by a detailed Port Relocation Strategy.

Cammell Laird

The application site takes in the Bidston Repair Berth which forms part of the operations of Cammell Laird. The berth functions as an overspill facility from their main site on the Mersey and is used on a project basis and mobilised on demand. It is accessed from Beaufort Road and comprises two facilities:

Berth 1 (formerly Bidston No 3 Dry - dock) 227m in length.

In relation to the ITC application, this berth splits the two clusters of buildings. The "red line" for the ITC application excludes the graving dock itself but includes the surrounding land which includes a dockside crane, vehicular access and workshops/storage buildings

Berth 2 (formerly Ilchester Wharf) 250m in length

This berth which would be impacted by the development of buildings 3 and 4 and is within the red line of the planning application.

It is proposed that the retention of the operational graving dock and related facilities are secured by a condition requiring that the graving dock and its surrounding hardstanding and crane tracks to be protected.

Subject to the safeguards described above, development of the application site for the ITC is

appropriate and will not undermine the objectives or requirements of RSS Policy RT6.

Policy RT7 - Inter-Modal Freight Terminals

RSS Policy RT7 identifies the broad Birkenhead Waterfront area as appropriate for an inter-modal freight terminal (between water and land - either rail or road freight). This objective is consistent with the North West Development Agency's aspiration for maintenance of port capability within its North West Ports Study. The comments in relation to RSS Policy RT6 are also relevant to RSS Policy RT7. The application sites are not required for inter-modal freight handling and the proposal includes provision for safeguarding the quayside should this be required in the future.

Conclusions in relation to Port Relocation

The key requirement is that there should be a Port Relocation Strategy in place and that this is implemented effectively as the proposals are progressed. This is already a requirement of the East Float planning permission as it is the implementation of that permission which will generate the need for the relocation of existing tenants.

To this end the applicants propose that a relocation strategy be adopted for both West Float and East Float that will include the following:

- a) Further Masterplanning of West Float including consultation with tenants;
- b) Identification of non port related tenants in West Float This will free up further capacity within West Float to enable investment to take place thus facilitating greater expansion of the port.
- c) Identification of local receptor sites - receptor sites will be identified to accommodate the potential decanting of tenants. Peel will work with the Council and other partners to seek to ensure that there is an adequate supply of good quality, small scale B1, B2 and B8 sites and premises in the area to accommodate these relocations.
- d) Analysis of site constraints in West Float - This process is ongoing along with an identification of the cost to bring land back into use for development as well as enabling and abnormal costs for remediation and quayside improvement works.
- e) Planning Consultation: once the above tasks have been undertaken and proposals have been consulted on and endorsed by Peel Ports and the occupiers, it will be necessary to consider whether planning approval is required and if so progress planning consultation with the Council and wider community.
- f) Communication Strategy: It will be necessary to maintain communication with occupiers within West Float and East Float in order to keep them updated on progress with the delivery process. Further communication will thus be required to establish their detailed requirements and long term aspirations for their businesses as and when it is anticipated that vacant possession is needed.
- g) Phasing - decanting needs to happen in parallel with proposed phasing. The phasing plan remains emerging and it is envisaged that development will take place in the northern and eastern part of East Float and the eastern part of the ITC site initially. These areas are already owned by „Prop Co□ with no port related operators on site and hence no tenants will be affected. Decanting of existing occupiers on occupier areas, for example the Mobil site, North Vittoria and Cathcart Quay, will be required before any development can commence there.
- h) Sign off and agreement of proposals for West Float.
- i) Phased works packages and programme for decanting agreed and progressed with individual occupiers, along with the need to agree commercial deals.
- j) Maintained strategy of open communication with affected businesses and the Council throughout the process.

It is proposed that a fully detailed schedule and programme for assisting the relocation of affected businesses be submitted to Wirral Council as part of any Reserved Matters Application for the parts of West Float or East Float which would require the relocation of such businesses.

The Local Authority will be able to monitor progress on firming up and implementing the relocation strategy through the workings of the Economic Working Group. It is also proposed, once development has commenced, that Peel should provide an annual monitoring statement to the Council setting out the current position with regard to Port occupiers in the West Float and East Float area and the effectiveness of the relocation strategy.

Conditions to secure existing port operations

The following conditions will be applied to any future planning permission to secure existing port operations.

Operational access through the site to Graving Dock No.3 from Beaufort Road shall be retained in accordance with details to be submitted to and approved by the Local Planning Authority prior to the commencement of phases of development directly affecting the Graving Dock No.3 access. Phases of development immediately abutting Graving Dock No.3 shall not prevent the ability to continue current operations and other port related uses at the Graving Dock No.3, in accordance with details to be submitted to and approved in writing by Local Planning Authority prior to the commencement of development of that phase.

The docks freight line, which is currently unused, runs between the proposed ITC site and Beaufort Road, but this is shown on the plans as a landscaping strip and can be further safeguarded by condition.

Prior to the submission of an application for any reserved matters: a detailed Port Relocation Strategy, including a timetable for implementation, detailing proposals for the methodology and arrangements to facilitate or support the relocation of existing businesses/tenants within the site to be satisfactorily relocated either within the regeneration area or to suitable alternative premises; shall be submitted to and approved in writing by the Local Planning Authority

Proposed Use Controls

In order to ensure the ITC operates as a trade facility with related warehousing, assembly, exhibition and ancillary uses, and to make certain that it does not operate as a retail facility open to the general public, it is necessary to make sure adequate controls are in place to restrict the ability to purchase goods from the ITC to genuine trade users only. The proposed control system will take the form of a restricted entry to those who have a genuine eligible trade need to purchase goods from the ITC. This will prevent members of the public from purchasing goods from the ITC for personal consumption ensuring the ITC remains a trade facility.

Operational System

The control measures will form part of an 'operational system' at the ITC. The controls to be put in place will be secured through legal agreement as a covenant. The following restrictions will ensure that goods and products are sold only to those representing eligible business and trade, not to members of the general public.

An 'ITC Management Scheme' shall be operated by the Owners during the lifetime of the development, which shall include and have the following effects:

- A centrally located management/operational function operated by the owner which will act as a hub for all activities within the ITC;
- The provision of secure entry/exit arrangement which restrict access to the ITC to employees and eligible customers only, and which prevent access by members of the general public;
- The provision of a reception facility that shall be the first point of contact for new customers;
- Arrangements for the authorisation of eligible customers by providing them with a membership/eligibility card (or other format) at the reception facility and/or by advance/remote facilities, and for making new eligible customers aware of the trade restrictions;
- A scheme for site directional information (internal and external) that reflects the intended trade use of the ITC;
- A strategy for marketing the ITC, which shall include informing visitors/customers of the trade use, that purchasing must be by eligible customers and that purchasing by non-trade members is not permitted.

Membership/eligibility cards (or other format) shall only be issued to individuals representing businesses that meet the following criteria:

- A retail business seeking to purchase goods and products at the ITC for use in connection with its own retail business, or for onward sale to retail customers; or
- A manufacturing, construction or other business that requires the use of processing of goods and products available at the ITC in connection with their business activity.

Individuals will be required to demonstrate to the ITC management that they represent businesses meeting the above criteria by providing up to date 'business information', which may include but will not be limited to:

- VAT registration number or certificate (or international equivalent);
- Self-assessment tax return (or international equivalent);
- Confirmation of registration with Companies House (or international equivalent)
- Register of partnerships;
- Business advert within Yellow Pages (and yell.com) or other recognised mainstream advertising.
- Personal Photographic ID of the cardholder
- Presentation of three invoices from different suppliers, made out in the company name of the applicant showing that the applicant's business currently buys the products which will be available at the ITC

Applications for eligibility/membership will be encouraged to be made online, so that confirmation can be provided prior to visiting the ITC. For those arriving 'cold' at the ITC, eligibility/membership shall be made available at the reception facility.

All eligible customers shall be provided with a membership/eligibility card (or other format, subject to technological advancement). No more than three further cards (or other formats) will be issued per eligible business (four in total). In addition, membership/eligibility will be valid for a period of 5 years to minimise the risk of older cards being used by customers who do not represent an eligible trade. At the end of the 5 year period, up to date evidence of business eligibility shall be re-provided in order to gain renewed eligibility/membership.

Eligible customers shall not be restricted to purchasing any particular type or volume of goods.

Upon becoming eligible, customers will be informed in writing of restrictions relating to general public sales and will be required to agree to terms and conditions relating to their use of the ITC and eligibility/membership, including purchasing goods for trade use only. Customers found to be abusing their eligibility for private or general public retail sales will incur sanctions, including possible cancellation of eligibility.

Membership/eligibility cards shall not be issued to the following:

1. Members of the general public seeking membership/eligibility that are unable to meet the membership/eligibility criteria;
2. All other individuals as are unable to demonstrate that they meet the membership/eligibility criteria.

Access to all areas where goods and products are traded (defined as the 'trading area') shall be restricted by means of secure entry/exit arrangements and operated under the ITC management scheme, located at the site periphery and/or building entrance/exits. Full details of the secure entry/exit arrangements shall be provided within the Reserved Matters application for each phase of development and the phase of development shall not commence until the Local Planning Authority has approved such details.

Employees (of the ITC and its tenant traders) shall be able to enter the trading area through the secure entry/exit arrangements in accordance with a scheme to be submitted to and approved by the Local Authority for each phase of development.

Access to the trading area for all other individuals shall be restricted except for eligible customers, defined as those carrying a membership/eligibility card (or other agreed format). Individuals without a membership/eligibility card shall not be permitted to enter the trading area.

Regeneration and Local employment

The International Trade Centre will become a gateway to the UK and Europe to enable new, innovative products to be brought in, showcased and sold. This will allow emerging economies and suppliers to meet UK and European markets' increasing choice and competitive advantage. The opening up of new markets and trade routes will provide sectors such as manufacturing, technology and construction with increased opportunities to access new and existing products at lower cost, providing efficiency and cost benefits to UK and European markets. This will in turn facilitate increased business activity and output, providing wider employment and economic growth.

The ITC forms part of the Wirral Waters proposals and would be a catalyst for the wider development. Located within the Governments recently announced Merseywaters Enterprise Zone, the ITC presents a unique opportunity for Wirral to maximise the benefits of the Enterprise Zone status and take full advantage of the prospects of this regeneration opportunity.

The applicant has submitted an Economic Regeneration Statement, which supports the outline planning application. The statement suggests that the ITC is likely to create over 3,000 full time equivalent jobs directly and indirectly, and contribute over £100 million annual GVA to the economy. It will provide a large number of private sector employment opportunities in a deprived area of need. The skill levels of the new employment opportunities are very well aligned with the local community and a Local Employment and Skills Action Plan is being put in place to maximise access for local people to the new jobs. The employment opportunities will be additional as the ITC represents economic activity that would not otherwise occur in the area. The ITC will also bring a number of other benefits to the local area, including increased demand for tourism/visitor facilities and housing. The Council recognises the significant economic benefits that this development could bring to the area and also welcomes the opportunity that is presents for creating jobs and employment for the wider community. Through the Heads of Terms an agreement will be achieved to ensure that a Local Employment and Skills Action Plan is prepared and submitted to the Council.

International Trade Links

The ITC provides the opportunity to be a hub for international economic activity. The Council and Peel Holdings have been working to ensure that trade links with China and South Korea are maximised and the potential to link and bring in investment and economic growth is achieved. The ITC can help to secure trading links and growth with emerging economies, maximising development and international links within the City Region.

The ITC will provide the gateway for businesses and trade to get their products and goods showcased in the UK and Europe. The ITC will improve trade links, manufacturing opportunities and provide a single point of contact for businesses.

Growth Sectors

The Liverpool City Region identifies the existing and future drivers of the local economy. The Liverpool City Region is moving away from mass manufacturing of heavy goods towards specialist manufacturing of high technology goods. The applicant notes that the efficiency and continued productivity of these sectors is reliant on being able to tap into the advances in technology offered by products and components manufactured in emerging economies. Ready access to such markets is key to ensuring the UK economy remains competitive. Without such access, these industries, to which the UK economy is intrinsically linked, will not be able to compete in a global market.

The Liverpool City Region sector priorities are:

- Science and innovation
- Environmental technology
- Automotive
- Chemical

- Maritime
- Construction
- Retail and catering

The Economic Statement supporting the application highlights the importance of developing the key sectors of the economy to maximise opportunities.

Imports and Exports

The ITC will directly import goods from Western Europe and emerging economies taking advantage of the Port locations and strong transport links. The ITC may also indirectly contribute to increasing exports and the growth of this economy.

Advanced Manufacturing

The growth sector of advanced manufacturing is expanding in the UK and the Government is keen to encourage this. The applicant has acknowledged this within the economic regeneration statement stating that the growth of advanced manufacturing within the UK will require strong supply chain links for a range of goods, products and materials that will be needed. Many advanced goods, products and materials will be developed and refined in the UK, using expertise, knowledge and technological innovation from the UK, but using components, parts and materials from other nations. In the global market place, it will be essential for UK manufacturing businesses to compete internationally by accessing the best goods, at the lowest possible cost. The ITC looks to explore this further with the potential opportunity to pursue any supply chain and manufacturing operations which may be suitable to the ITC.

Low Carbon

The low carbon and green economy sector is a huge potential market opportunity and the ITC lends itself well to developing this through the Port location and sustainable importing and exporting of goods, a central source for goods and the opportunity to develop further energy networks. The manufacturing and supply of green technologies complements the aspirations for the ITC and the Council's Investment Strategy.

The aspirations for growth in the key sectors for the City Region and the Council would be welcomed and supported to provide economic growth and development. Maximising the opportunities that the ITC could bring will be of key importance to the Council to ensure employment, regeneration and development within this key location.

Employment Opportunities

Wirral Council is ranked 60th most deprived Local Authority nationally in the Index of Multiple Deprivation 2010, and ranks 10th nationally for the employment domain. 23 (11%) of Wirral's 207 Lower Super Output Areas (LSOAs) are in the top 3% most deprived nationally. Birkenhead includes the 4th and 5th most deprived LSOA's for employment deprivation in England. Wirral also has severe concentrations of worklessness in the borough with 35.7% of people in the worst performing neighbourhoods claiming an out of work benefit (DWP, February 2011). The Council through its Investment Strategy is driven to increase the levels of skills and the employment prospects of its residents and reduce the level of deprivation in the neighbourhoods in most need.

Through the ITC the range and type of jobs varies from manual lower skilled work to more advanced skilled employment. The applicant has submitted more detailed information around the skill levels, type and range of employment opportunities that are likely to come forward with the development.

The economic regeneration statement states that the ITC will directly support 2,310 FTE jobs in the private sector from 2020 onwards, potentially generating £69m annual GVA, with four incremental phases to the ITC, bringing a staged increase over the next 10 years. The ITC through its construction phases will provide 2,147 temporary jobs across four construction years resulting in direct and indirect employment opportunities.

Indirect and Direct FTE Creation (Cumulative Middle Range)

Year	Direct	Wirral	Merseyside	North West	Total
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	FTEs	10%	(including Wirral) 33%	(including Merseyside/Wirral) 50%	(Direct + NW)
2013	644	64	213	322	966
2014	644	64	213	322	966
2015	1,180	118	389	590	1,770
2016	1,180	118	389	590	1,770
2017	1,180	118	389	590	1,770
2018	1,745	175	576	873	2,618
2019	1,745	175	576	873	2,618
2020	2,310	231	762	1,155	3,465

(from the Economic Regeneration Statement)

Heads of Terms

The Employment and Skills Action Plan will include:

- Commitments and actions to link the development to local business networks/procurement/supply chains, during both the construction and operational phases of development, including promoting the use of businesses in the local area in contracts awarded in respect of the development;
- Resources to ensure that local people have maximum opportunity to benefit from the Development;
- Support for the provision of appropriate and accredited employment-led pre-employment training;
- Ensuring that economically inactive people have the opportunity to gain employment and learn new skills as a result of the development;
- Incorporating initiatives which include customised training, work experience, ongoing skills and workforce development/progression opportunities, and job interview guarantees, for different age/skill groups, including apprenticeships,
- A protocol for joint working with the Council which will identify the provision of relevant targeted recruitment and construction training; and
- The promotion of opportunities for local people for work placement experience, diplomas, apprenticeships and vocational training and local employment within the project.

Parameters and Design

PPS1 (Creating Sustainable Communities) sets out the governments commitment to sustainable development, the importance of re using previously developed land, creating sustainable patterns of development, creating useable, durable and adaptable places and promoting good design in development – ‘good design ensures attractive, usable, durable and adaptable places and is a key element in achieving sustainable development. Good design is indivisible from good planning ... good design should contribute positively to making places better for people ... high quality and inclusive design should be the aim of all those involved in the development process ... planning authorities should have regard to good practice set out in *By Design – Urban Design in the Planning System*:

Towards Better Practice'

PPS1 makes it clear that high quality and inclusive design should be the aim of all those involved in the development process. This includes accessibility and connection to public transport, the efficient use of resources, seeking to adapt and reduce the impact of climate change; car parking that is well integrated with a high quality public realm and streets that are pedestrian, cycle and vehicle friendly

PPG17 (Planning for Open Space) –'local networks of high quality and well-managed open space help create urban environments that are attractive, clean and safe and can play a major part in improving people's sense of well being ... new open spaces should improve the quality of the public realm through good design'

The design guidelines contained within **By Design – Urban Design in the Planning System**: By Design highlights the fact that good design is important everywhere. The key aspect it focuses on includes the design of buildings and spaces, landscape, road and movement systems. Towards Better Practice and referred to in PPS1 above contain seven design objectives or principles to assist in achieving good design. These objectives are:

- Character – planning should promote character in townscape and landscape to create places with their own identity;
- Continuity and Enclosure – there should be a continuity of street frontages and enclosure of space in order to clearly define public and private areas;
- Quality of the Public Realm – planning should promote public spaces and routes which are attractive, safe, uncluttered and effective for all in society;
- Ease of Movement – accessibility and permeability should be promoted making places that connect and are easy to move through putting people before traffic and integrating land use and transport;
- Legibility – development should incorporate recognisable routes, intersections and landmarks to help people find their way around;
- Adaptability – development should be capable of responding to changing social, technological and economic circumstances;
- Diversity – planning should promote diversity and choice through a mix of compatible developments and uses to create viable places which respond to local need.

Circular 01/2006 (DCLG)

The requirements for design and access statements were set out in the government circular 'Guidance to changes in the development control system' which was effective from 10 August 2006. The circular states that outline planning applications must include a minimum level of detail on:

- Use- the use or uses proposed for the development and any distinct development zones within the site identified;
- Amount- the amount of development proposed for each use;
- Indicative layout- an indicative layout with separate development zones proposed within the site boundary where appropriate;
- Scale Parameters- an indication of the upper and lower limits for height, width and length of each building within the site boundary and
- Indicative access points- areas in which the access points to the site will be situated.

Parameter approach and application material

The application has been submitted in outline form with all matters reserved. The detailed design is therefore not an issue for consideration at this stage, it is however fundamental that the outline consent establishes a set of coherent parameters that set the ground rules for the future development of the site ensuring a well integrated high quality development and design.

The parameter plan L (--) 201 sets out the structuring principles and along with the design and access statement forms the core basis of the outline application. The parameter plans and written principles outline the spatial elements of the development which are fixed or committed. Some components have been fixed at the outset for EIA purposes and technical assessment (including environmental testing ES), however the strategic context of the site and the clearly defined operational and functional requirements of the ITC model have dictated the parameters and naturally limiting

tolerances.

In achieving quality in urban design the design and access statement is a key component of the submission supporting the fixed parameters plans and written principles. The 'Structuring Principles' set out within Section 3 of the Design and Access Statement Addendum sets out the structuring design principles that have informed the development of site options and the evolution of the design to arrive at a scheme which is operationally viable and enables the ICT business model to be successfully implemented while responding to the opportunities and challenges presented by the site and its setting.

The physical proposals

The parameter plan maximises use of the site and will produce a form and density of urban development that is unique to the area currently surrounding the site in order to create a critical mass of development and activity appropriate to its function and necessary to attract investment of an international scale.

The building form, size and design are largely determined by the operational requirements. The maximum and minimum size of the buildings therefore reflects the Market requirements. The minimum building size is determined by the need for the viability of the development and its ability to penetrate the target market and create a minimum critical mass of showroom floor space.

In physical terms the proposed masterplan sets out the following maximum parameters of the proposed development, which have been assessed within the ES-

- Illustrative building foot prints
- Maximum building extent parcels
- Safeguarded quays
- Circulation and parking areas
- Structural landscaping
- Principal accesses
- Safeguarded land for potential future transport corridor

Design development and Proposals

The design has evolved from a single large format building covering a large proportion of the site to a series of four individual buildings set within the site that utilise the development's dockside setting for both functional and recreational purposes and most specifically in retaining the Graving Dock as an asset. It is also crucial that the ITC is capable of being served by water to maximise its sustainability and to offer multiple options for the transporting of goods to and from the ITC and connecting the ITC to other countries where goods will be displayed and sold.

The detailed layout is a reserved matter, it is, in this case, considered appropriate to provide a degree of fix regarding the location and siting of buildings. This is principally due to the following:

- The need to ensure that the layout does not prejudice the site's future ability to be served directly by water borne freight;
- The need to ensure that buildings are located at sufficient distance from the River Birket culvert which runs through the site;
- The need to protect the existing operational dry dock and ship repair facilities; and
- To enable a robust assessment of the likely visual impacts of the development to be undertaken.

In order to achieve the necessary balance between flexibility and certainty with respect to the site layout, four building parcels are proposed (one for each building). The parcels are approximately 25% larger than the illustrative footprint of each building, allowing the buildings to move around to a degree and potentially fill up the parcels, thus allowing for detailed design iteration.

Structuring Principles

The key design drivers have informed a set of structuring principles that have influenced the outline scheme and will inform the detailed design proposals at the site. The key fixed components are:

- 4 buildings – 2 to either side of Graving Dock
- Access points to buildings on all sides
- Safeguarding of the Port function
- Structural landscaping around the southern and western boundaries of the site
- Retention of dock edges and walls
- Avoidance of built development over the culvert which runs through the site
- Two vehicular access points
- Sufficient and appropriate levels of car parking

The structuring principles that have informed the fixed components are set out in more detail under sub headings to enable a greater understanding of the design evolution and requirements of the ITC concept (as set out within section 3 of the DAS and supported by the illustrative proposals within section 4).

Uses and activities

The ITC promotes trade related industry for employment uses and is intended as a focal point for operational and associated port activities. The design drivers are largely determined by the prescriptive functional requirements of the trade centre and the proposals are therefore based upon a structured set of design principles based upon the commercial function and operation and has inherently affected the overall design. The trade centre will be a multi functional space capable of meeting the specific requirements of a building of this nature as well as accommodating a range of other complementary and alternative uses. In those terms it must provide:

- A high profile international scale use
- Trade Focused
- Flexible storage, display and assembly space- trade exhibitions and events
- An efficient internal layout comprising of lockable showroom units
- A cost effective design
- An industrial/ trade feel
- Easy internal movement and the ability to zone different uses/ areas
- Multiple access points
- To be flexible enough to be used as industrial/ warehousing uses if necessary
- Ability to incorporate sustainable transport options for the movement of goods to and from the ITC
- employee facilities and amenities
- other ancillary space

Movement and connections

The site has over time become isolated with much development turning its back on the surrounding industry and neighbourhoods and failing to utilise its dockside setting for recreational or functional purposes.

The application seeks to reinstate a legible framework that promotes a coherent and strategic approach to movement, utilising the water and developing the public realm through-out the site. The baseline study and the Strategic Regeneration Framework work has been used to demonstrate a detailed understanding of the physical context of the site and the role of the 'connecting threads' establishing strategic links between the site strategically on an international basis and locally with other development areas within the overall Wirral Waters Strategic Regeneration Framework including East Float, other key locations as well as partnership neighbourhoods based upon the following structuring principles:

- Strategic access points from south and west
- Servicing/ deliveries

- Direct and safe access to parking
- Site Circulation
- Integrate with Wirral waters
- Integrate with surrounding communities

The accompanying plan to the Design and Access Statement sets out the broad place making parameters in illustrative terms identifying activity hubs, key movement corridors and landscaped areas through the site and beyond. This framework aligns with the broader framework proposals developing for the surrounding area and along with other strategies given the level of regeneration the area is likely to benefit from. The Council recognises that ownership, the economy and development market and design ambitions are all likely to change during the lifetime of such a lengthy consent. The overall aim of the parameters is to establish a clear framework for future development ensuring that essential components have been distilled.

Landscape, Environment and Identity

Although the detail of this will be developed at reserved matters stage it is crucial at outline stage that there is a robust framework for more qualitative detail on function, form, character, scale, landscape and public realm. The principles below and illustrative plan enable the Council to consider how the proposals could deliver design quality and align with strategic objectives for the area prior to granting outline consent as a comprehensive framework against which subsequent reserved matters can be assessed. The key principles set out include the identification of landscape corridors, different edges, focal points and structural landscaping, all of which will inform the detailed design.

Given the nature and harsh industrial environment a robust public realm and landscaping strategy will be fundamental to changing perceptions of the site on both a long and short term basis. The creation of clear, safe, animated routes, utilising the waterside setting that focus active uses and pedestrian movement at key destinations and along key connections are intended to create a coherent and legible framework reconnecting the docks and linking with other developments such as East Float and surrounding areas. The plan demonstrates the connecting threads and key routes/ areas in this respect with landscaping around the perimeter of the site as appropriate to soften edges, reduce the localised visual impact of the development and provide green relief. This will be achieved through appropriate conditions. The key structuring principles are:

- Site clearance
- Modern, high quality buildings
- A facility for international trade
- Site remediation
- Strong site boundaries
- Structural landscaping
- Managed and secure environment
- Varied hardstanding
- Internal Landscaping

Building design, layout and configuration

The internal layout is based upon a grid iron format ensuring each space within the building is equally accessible and close to all exit points. The layout has been regimented to achieve maximum efficiency, the maximum number of units within but also to ensure maximum flexibility. The building envelope needs to be capable of accommodating hundreds of lockable units at approx 1,000sqft (93 sq m) each. It is based around an internal grid iron layout. The location of the ITC centre in terms of its proximity and ability to be served by water is also of fundamental importance, giving multiple options for the transport of goods making the most of the strategic location.

The submitted Design and Access Statement establishes the building design principles which future applications for reserved matters approval will need to adhere to. Whilst not a fixed element of the scheme, it is anticipated that the design approach to the four main buildings is established at the outset.

Briefly, it is expected that each building will follow a functional design taking the form of a square/rectangular structure containing trade showrooms arranged in a grid iron fashion with glazing at ground floor level only. It is considered that this form of development is appropriate in this context and would complement emerging frameworks and strategies being developed for the area.

Several primary and secondary access points will be provided around each building providing equal access to all parts of the ITC. Internally, it is anticipated that the buildings will consist of a mix of trade showrooms alongside a range of ancillary functions such as food and drink uses, exhibition space, management offices and assembly areas.

An illustrative design for Building 1 is contained within the DAS, to demonstrate how the design may be worked up into further detail.

HIGHWAY/TRAFFIC IMPLICATIONS

Access

A series of fixed access points have been provided to each building . Fixed points generally respond to the surrounding context and functional requirement which limits the amount of options.

The design and access statement sets out the approach to access and provides commitment to achieving an inclusive environment across the site area. The broad principles are set out within the design and access statement for the different components of the development albeit the more detailed issues for individual plots/ areas will be dealt with at reserved matters stage.

Transport

A Transport Assessment (TA) has been submitted in support of the application based on 228,300sq.m of mixed employment floorspace, split into a number of units (currently four).

The TA models the impact of the proposal on the highway to the year 2020 (to tie in with modeling for the East Float proposals).

Various scenarios are modeled within the TA, including the ITC on its own and also in conjunction with the East Float proposals.

The TA modeling indicates that highway improvements will be required at the Dock Road / Poulton Bridge Road roundabout junction in order to mitigate against the impact of the ITC and suggests that this would be delivered through conditions attached to the previously approved Wirral Waters East Float proposals.

The TA also suggests that pedestrian and cycle links in the area are suitable and that public transport provision is also suitable and no mitigation is necessary for these, other than consideration of new and upgraded bus stops.

Upon considering the TA and it's conclusions, I take the view that the highway mitigation measures necessary to allow this specific development to go ahead should be secured against this development through appropriate conditions and that this should not be dependent upon the East Float development coming forward.

These measures would consist of various improvements in the local area, including at Dock Road / Poulton Bridge Road roundabout junction and also link improvements such as pedestrian and cycle facilities along Wallasey Bridge Road and Beaufort Road.

In terms of sustainable transport, I take the view that the infrastructure and environment for pedestrians and cyclists needs to be improved to encourage sustainable modes of travel to the site in addition to the improvement of public transport infrastructure and services, in order to support aspirations for this to be a sustainable development in transport terms.

The highway improvement and sustainable transport requirements can be obtained via suitable planning conditions linked to appropriate trigger points for future reserved matters applications. Some

of these measures (in particular those related to sustainable transport issues) would be required at an early stage of development of the overall site and the trigger points for these measures will reflect this.

In relation to the site itself, as this is an outline application, there are no firm details for access, parking, pedestrian or cycle infrastructure or facilities. These details would be expected to come forward with future reserved matters applications and conditions are suggested in order to ensure that this is the case.

In terms of public transport the site is not very well served by buses within the immediate vicinity. There is a high frequency bus corridor at 430m from the site boundary, outside the 400m that is recognised as an acceptable distance to walk to a bus stop. However, the walking environment to access this corridor would need to be upgraded.

The ITC is well located with access to the site from Birkenhead North railway station however the walking environment needs to be enhanced to provide a safe and attractive walking realm for train users to access the site.

The walking environment in the immediate vicinity of the site would require upgrading as a result of this development. To improve access to the site by walking there would need to be improvements to pavements and crossing points to make pedestrians feel safe and secure.

The provision of a feeder bus service to link the ITC development to Birkenhead North Railway Station and bus stops on Laird Street, is recommended to be provided as part of the Travel Plan for the development, for a period of 2 years. At this stage, it is considered that the service would operate during normal AM and PM peak periods, although the Travel Plan process would allow flexibility, including the potential for seasonal operation. This is a matter that can be dealt with as part of the condition requiring the Travel Plan.

Improvements to pedestrian and cycle facilities will be created on the site frontage for each phase of the ITC development as this is progressed. The reserved matters planning applications will provide detail of the access arrangements including improvements for pedestrians and cyclists, and relocation of bus stops where appropriate for each phase. For Phase 1 a dedicated pedestrian crossing (most probably a Toucan Crossing) would be provided across Beaufort Road to link the development to the existing pedestrian network to the south. On-road painted cycle lanes on Beaufort Road would also form part of the access design between the site access and the Beaufort Road/Wallasey Bridge Road roundabout. New bus stops would be provided at the top end of Ilchester Road to bring stops for the 10/10A bus services closer to the Phase 1 development.

ENVIRONMENTAL/SUSTAINABILITY ISSUES

Habitat Regulations Screening

Under the Habitat Regulations Wirral Council as 'competent authority' is required to screen the ITC development for likely significant affects on the network of Natura 2000 sites in the vicinity of Wirral Waters, notably Mersey Estuary SPA and Mersey Narrows North Wirral Foreshore SPA. The HRA Screening has been undertaken by MEAS on behalf of Wirral Council, and has been informed by an extensive screening report prepared by WSP on behalf of the applicant.

The HRA Screening considered impacts on the ITC alone and in combination with other relevant plans and projects. These include Wirral Waters and Liverpool Waters. **The HRA Screening report considers:**

n summary MEAS concluded that after carrying out the Habitats Regulations Assessment screening process as set out in this document, we conclude that the proposed Wirral Waters ITC:

- a) is not directly connected with or necessary to the management of the Natura 2000 sites;
- b) is not likely to have a significant effect on each of the following sites:
 - Mersey Narrows and North Wirral Foreshore proposed Ramsar site (pRamsar)
 - Mersey Narrows and North Wirral Foreshore potential Special Protection Area (pSPA)

- Mersey Estuary Ramsar site
- Mersey Estuary SPA
- Dee Estuary SAC
- Dee Estuary SPA
- Dee Estuary Ramsar
- Ribble and Alt Estuaries SPA
- Ribble and Alt Estuaries Ramsar site
- Liverpool Bay SPA
- Martin Mere SPA
- Martin Mere Ramsar site
- Sefton Coast SAC

either alone or in combination with other plans or projects;

c) no adverse affect on the integrity of Natura 2000 sites listed above is likely to occur as a result of the proposal.

Accordingly, no "appropriate assessment" is required to be made under Regulations 61, 62 and 68 of the Conservation (Natural Habitats & c.) Regulations before the Council decides to undertake, or give any consent, permission or other authorisation for this project

It is important to note that a number of mitigation measures have been proposed by the applicant and agreed to be incorporated into the ITC Screening as a means of ensuring that there are no likely significant effects on the relevant Natura 2000 sites. These will be screened through planning conditions including:

1. Lighting strategy (conformation that lighting will be directed away from any bird use areas);
2. Wintering bird surveys and spring and autumn passage surveys. These will be undertaken in the appropriate season from Autumn/Winter 2011 to Spring 2013, two ensure two years of bird data is available to inform current and future studies. Further discussions will also take place regarding a longer term monitoring strategy for birds at Wirral Waters and the wider area;
3. Minimal disturbance bird zone (the locations of which to be discussed at the detailed design stage alongside other project objectives); and
4. Details on longer term aspiration to utilise shipping as a transportation method as and when this aspiration becomes commercially viable. At this future stage, details on shipping movements may lead to the need for a supplementary HRA screening exercise.

The HRA Screening Report and the Council's conclusions as competent authority are currently the subject of consultation with Natural England who is the relevant authority in this instance. It is hoped to receive written confirmation from Natural England that they concur with the findings of the screening. Prior to Committee consideration, the Natural England response will be reported in full to Members. However, should a response not be forthcoming from Natural England by the 20th MEAS has advised the Council to proceed with caution as the regulations do not allow conditional consent to be issued. Should this eventuality arise, and as a way forward, the Committee could provide an 'in principle' consent and delegate the decision to the Director of Corporate Services upon receipt of Natural England's response. A copy of the HRA Screening report and letter to Natural England is included in the appendix to this report.

Environmental Impact Assessment

An Environmental Statement as required by the Town and Country Planning (Environmental Impact Assessment) (England and Wales) accompanies the Planning application. The proposals are categorised as an "urban Development project" within Schedule 2, section 10(b) of the regulations. Circular 2/99 (EIA) provides advice on thresholds where Schedule 2 development is likely to require an EIA. In the case of urban infrastructure projects, paragraph A19 of the Circular states that development for sites which have not previously been intensively developed are more likely to require EIA if the site is more than 5 hectares; it would provide a total of more than 10,000 sq.m of new commercial floorspace; or the development would have a significant urbanising effects in a previously non-urbanised area

The applicants have prepared an EIA without seeking a formal EIA 'Screening Opinion' and the full Environmental Statement has formed part of the planning submission.

An assessment of the likely environmental effects of the proposed development during construction and once completed has been undertaken and measures have been recommended to prevent, reduce and where possible offset any significant adverse effects on the environment.

MEAS have advised that they are content with the impact assessment scope and methodology – it follows a standard and established approach in terms of identification of sources of impact, pathways and sensitivity of receptor. It also uses acceptable parameters to assess the nature and magnitude of effects

The proposed masterplan sets out the following maximum parameters of the proposed development, which have been assessed within this ES-

- Illustrative building foot prints
- Maximum building extent parcels
- Safeguarded quays
- Circulation and parking areas
- Structural landscaping
- Principle accesses
- Safeguarded land for potential future transport corridor

The ES contains the following supporting documents –

- Traffic and Transport;
- Air Quality;
- Noise;
- Soils, Geology and Contamination;
- Water Resources, Flooding and Drainage;
- Archaeology;
- Ecology & Biodiversity;
- Townscape and Visual Character; and
- Cumulative Effects.

Summary of the Environmental Assessment

• Traffic and Transport

The Environmental Statement contends that the site is well located for access to the strategic highway network close to Junction 1 of the M53 and to the Kingsway Tunnel for access to Liverpool City Centre and other areas of Merseyside and beyond. The M53 is underutilised compared with much of the UK Motorway network and so provides scope for growth in the movement of people and goods. The applicants consider that the most significant effects from the proposed development will be on the highway network. Whilst the proposed development would not have a detrimental effect on the majority of the study area's highway network, there are potentially detrimental effects at peak periods at the Poulton Bridge road/Docks Link/Dock Road roundabout and at the Duke Street/Dock

Road/Gorse Lane traffic signal junction. Improvements can be provided to overcome these predicted effects. Such improvements are proposed as part of the transport strategy for the adjacent East Float committed development and a co-ordinated approach to future infrastructure improvements is recommended. Limited effects would occur on the highway network during construction given both of the sites ease of access to the principal and strategic highway network.

The Proposed Development has ensured that the existing dock edges are safeguarded in the event that water born transport to and from site is required then it is capable of being accommodated. This will be secured through the 106 agreement.

1 Air Quality

A qualitative assessment of the potential effects on local air quality from site preparation, earthworks and construction activities on the proposed development has been carried out as part of the EIA. This showed that during construction activities releases of dust and PM10 are likely to occur. The greatest potential for nuisance problems to occur will be within 200 metres of the construction site perimeter. There may be limited incidences of increased dust deposited on property beyond this distance. However, the applicants consider that through good site practice and the implementation of suitable mitigation measures, the effect of dust and PM10 releases could be reduced to acceptable levels.

The effect on air quality from construction traffic will be in the areas immediately adjacent to the principal means of site access for construction traffic. However, the applicants consider that such increases in pollutant concentrations are not considered to increase significantly and will only occur over a short-term period.

2 Noise

The statement identifies that the baseline noise environment within the vicinity of the site predominantly consists of road traffic noise from Beaufort Road (the A5030), Wallasey Bridge Road (the A5088), Dock Road (the A5139) and the Kingsway Tunnel Approach, with the addition of a limited amount of noise of a commercial/industrial nature.

The statement recognizes that there is a limited number of existing noise sensitive receptors located in the vicinity of the site, with the majority of the dwellings in the areas being at least 200m from the site boundary. The nearest dwellings – 3no (only one of which is occupied) – are located in Ilchester Road to the south of the Site, and are approximately 70m from the site boundary. Additional dwellings are located further from site in Buccleuch Street, Solway Street and Station Road, and are approximately 170m from the Site boundary. There are also dwellings located to the north of the Site, but these are in Limekiln Lane, which is beyond West Float and Dock Road, and the various industrial premises/structures, and approximately 280m from the site boundary. The very nearest receptors are the commercial premises on Beaufort Road, south of the site, namely RFD Beaufort, CMR Supply and Services and Wirral Community Transport.

The assessment undertaken suggests that a worst case assessment of noise associated with the construction phase of the proposed ITC has identified that potentially significant negative effects could occur at the closest dwellings and commercial premises, but which, in terms of the dwellings, will, at most, be of minor negative significance, whilst in terms of the commercial premises, will, at most, be of moderate negative significance. Accordingly, a number of mitigation measures have been identified with a view to minimising the effects of any construction noise. This will be achieved through a suitably worded planning condition.

An assessment of development generated road traffic noise has also been undertaken. This assessment has determined that noise level changes associated with the proposed development itself will be negligible, but that the effect of other, committed developments (with or without the Proposed Development) will result in minor negative effects along Beaufort Road, and thus potentially at the nearest receptors to this road.

A review of development-generated car parking noise has also been undertaken. This assessment has determined that noise level changes at the nearest receptors will be negligible.

4 Soils, Geology and contamination

The application site is located within an operational heavy industrial port that comprises a mixture of land uses in the vicinity of the site including West Float (which forms the northern boundary of the site), warehousing, offices, car parking, disused warehouses and various commercial and industrial premises. The western half of the site comprises a former Mobil Oil works with associated tanks, former tar distillery with associated tanks, warehousing and a boat-building yard. Many of the buildings are currently vacant. Buildings on the eastern half of the site have largely been demolished with the exception of two steel frame buildings and a brick building in the south of the Site.

Geological mapping and the applicant's ground investigation across the eastern half of the site indicates that the site is underlain by a locally significant thickness of Made Ground, overlying Alluvium and the Permo Triassic Sherwood Sandstone Group. The Alluvium is classified as a Secondary Aquifer. The Sherwood Sandstone Group is classified as a Principal aquifer.

There are a number of potentially significant effects, which will need to be carefully managed at the site. These include potential exposure of construction and demolition workers, ground/maintenance workers, future site users and third parties to contamination sources including asbestos, historical contamination, potential World War II ordnance and volatile vapours. These and other sources of contamination could also affect other sensitive receptors such as West Float dock and the underlying groundwater.

Potentially significant effects to both the future built development and existing structures (e.g. the dock walls), in terms of instability and geotechnical risks have been assessed and appropriate strategies to minimise risk is clearly outlined in the assessment.

The applicants have confirmed that a targeted intrusive ground investigation will be undertaken at reserved matters stage on the western half of the site to appropriately assess the potential for land contamination and hazardous ground gases beneath the site. A preliminary investigation (a desk top survey was completed as part of the relevant ES component) has been undertaken and the applicants have confirmed that there is a viable remediation solution. As outlined in Chapter 9 – Soils, Geology and Contamination of the ES, and summarised in Table 9.1, potential exposure to contaminants associated with historical and current land uses has been considered as being of moderate to major negative significance (based on a worst case scenario of potential contaminants). However, it has been assumed that the supplementary ground investigation in the western half will clarify the potential contaminants and enable the development of an appropriate remediation strategy, which can be implemented. The assessment assumes that the remediation will ensure that contaminant levels are reduced to a level suitable for the proposed use as this is why the residual effect as outlined in Chapter 9 – Soils, Geology and Contamination, and summarised in Table 9.1 are considered to be of negligible significance'.

In addition, a review of the asbestos register and management plan and unexploded ordnance (UXO) assessment will be undertaken to confirm asbestos containing materials within the building fabric of existing buildings and the potential for UXOs below ground across the site. Should elevated concentrations of contaminants / hazardous ground gases, asbestos or high risk of UXOs be identified, mitigation measures will be implemented in line with current best practice and relevant guidance to protect human health, West Float Dock and underlying groundwater and the wider environment during the site preparation, demolition and construction and operational phases of the proposed development.

5 Water Resources Flooding and Drainage

The West Float operational dock water feature is located adjacent to the northern boundary of the Site. An operational graving dock, Graving Dock No.3, is located in the centre of the site orientated in a northeast-southwest direction. The River Birket becomes culverted adjacent to the southwest corner of the Site and the tidal River Mersey is located 2km to the east.

Reference to Environment Agency (EA) flooding maps and further topographical survey work confirms that the majority of the Site is in EA designated Flood Zone 1 (low risk). Small areas of the Site on the fringes of the docks are anticipated to fall within Flood Zone 2 (moderate risk) interceptors for the western section. Foul drainage currently discharges to public sewer. United Utilities (UU) provides the potable water supply to the area and the drainage infrastructure in the area.

Based on the available baseline data, the applicants consider that the following significant risks may be associated with the proposed development:

3 Decrease in the physical quality of groundwater and surface water features from surface water run-off

- Increase in flooding (tidal, fluvial, pluvial and groundwater)
- Increase in foul water discharge; and
- Increase in water demand.

To minimize these risks, it is proposed that during construction a temporary drainage system will be in place, a Construction Environmental Management Plan (CEMP) will be prepared and EA guidance will be adopted to ensure that construction activities will not have a significant negative effect on water quality and that flood risk will be minimised. Contingency and evacuation plans will be prepared in case of flooding during both the construction and operational phases and provisions will be made for extra flood storage capacity within the dock system. These measures are in line with national, regional and local policies PPS 23, PPS 25, RSS EM5, UDP WAT1 and CO1. This will be achieved through a suitably worded planning condition.

The proposed finished floor level of the buildings within the Proposed Development of 6.87m Above Ordnance Datum (AOD) allows for climate change and a freeboard of 100mm. During the operational phase, proposed flood defense measures also include strengthening and back-propping the dock gates to withstand positive differential pressure and reducing the water level in the docks to attenuate excess fluvial flows. These measures will manage flood levels predicted at the site following consideration of climate change in line with PPS25. The drainage strategy will facilitate controlled discharge of surface water to prevent flooding and protect water receptors in line with PPS 23 and Water Environment Regulations 2003 (Water Framework Directive). Operational phase mitigation measures also comply with regional and local policies. This will be achieved through a suitably worded planning condition. The applicants have advised that UU are confident that they can currently meet water demand in the area and are currently considering potential measures to meet water demand in the future. Water conservation techniques will be incorporated into the development in order to reduce potable water demand and foul drainage. Both UU and the design team are committed to sustainable water efficiency and reducing water demand in line with the Water Act 2003. United Utilities have no objections to the proposal subject to the conditions outlined above.

6 Archaeology

The site represents an example of mid-19th century Birkenhead dock works, containing surviving elements that are largely complete, although these are fragments of the original whole. It is possible that other archaeological remains exist, buried beneath the layer of modern made ground across the site. This potential, overall, makes the site a low sensitivity archaeological receptor.

The whole site would be affected to a depth of 2m by the proposed development, removing below-ground remains to that depth and above-ground buildings or structures of archaeological sensitivity. This is likely to cause a high magnitude of change in most cases. The significance of effects is variable. In most cases the loss of archaeological sensitivity would be negligible; in some the effect may be of minor negative or moderate negative significance.

In all cases, the loss of archaeological sensitivity (i.e. the value to future research) can be mitigated by investigation and recording, which would result in a residual effect of negligible significance. This investigation and recording would take place prior to the construction phase, in the form of historic building survey, or during the construction phase, in the form of a targeted archaeological watching brief on below-ground works.

The historical value of a place is not just embodied in its fabric. Since the site has already changed use several times, re-development may affect material remains of archaeological significance (through destruction of their fabric) and their setting, but the historic significance of the site will be undiminished. In addition, the applicants advise that those aspects of the historic environment that are retained in the new design, most notably the graving dock, will be made accessible by the change of use to a commercial site. In this way, the appreciable nature of the historical significance of the former docks' activities will be enhanced as a result of the proposed development.

The proposed development is not in contradiction with any current legislation, planning policy or planning guidance regarding heritage.

7 Ecology and Biodiversity

Data and Information was gathered from data searching and consultation, an Extended Phase 1 Habitat survey and information from previous wintering bird surveys undertaken in 2008. This information informed an Ecological Impact Assessment (EclA) and this was supplemented with a previous EclA undertaken for the adjacent East Float site, which was used in order to evaluate the site and surrounding areas in terms of the protected species and important habitats that it has the potential to support.

The site in its current form currently consists of largely hard standing and buildings with areas of previously developed/bare ground supporting ruderal vegetation and scrub.

Habitat loss (buildings, scrub and bare ground) on site is predicted to occur through construction of the Proposed Development, however through compensation and enhancement measures would result in the occurrence of significant negative effects being unlikely.

Birds have been identified and confirmed as the only species of value considered with regard to construction and operational phase effects of development on the site. Should important or rare bird species be found to be breeding within the site, then mitigation will be implemented, if required, to offset any effects resulting from the proposed development. Following this, there will be no net loss in suitable habitat for bird species through the implementation of replacement nesting sites.

Overall, with the implementation of suitable mitigation measures specifically for birds, and the provision of landscape planting along the sites southern and western perimeter, there will be a negligible to minor positive effect at the site scale from the Proposed Development. This will be achieved through a suitably worded planning condition.

MEAS have reviewed the bat survey letter report. In summary no bat roosts were recorded on-site and the buildings surveyed had low potential for use by bats as a roost. Bats were found to be using the site for foraging and commuting and may use the buildings in future so soft demolition of buildings and update bat surveys are recommended and can be secured by applying suitably worded planning conditions.

A letter report detailing bat surveys and building assessment for bat roost potential has been provided by Ecology Services UK Limited (West Float ITC, Wirral Waters, Birkenhead, Merseyside, CH41 7AG) and is in accordance with UDP policy NC7. I have reviewed the report and advise that the surveys have been undertaken by suitably qualified, experienced and licensed ecologists.

The daytime building assessment for bat roost potential was undertaken using appropriate methods, at a suitable time of year, in accordance with current best practice and is acceptable for the buildings that were accessed. Some buildings were not surveyed due to health and safety issues.

The evening survey was undertaken at a suitable time of year. Best practice recommends three survey visits to include one dawn visit to determine use of buildings by bats, whilst activity surveys can comprise of two evening visits. It is noted that the accessible buildings on-site were only surveyed once (over two evenings), which is not in line with best practice. However, the buildings were classified as 'low' bat roost potential based on the daytime assessment so the survey effort is considered sufficient in this case. Some areas of site were not accessed due to health and safety issues. I will forward survey data and report to Cheshire rECOrd.

Six buildings were assessed for bat roost potential in the daytime, with five buildings being included within a transect of the site during the evening surveys. No bats or evidence of bats were found in the buildings assessed and they were classed as having negligible or low bat roost potential due to lighting levels, disturbance and building structure. Common pipistrelle bats were recorded foraging on-site although the first record occurred approximately 40 minutes after sunset. This suggests they may be roosting some distance away from the site.

The activity levels recorded around the buildings and in the vegetated area of the site suggest that the site is of use to commuting and foraging bats. The soft landscaping and lighting proposals should be designed to minimise disturbance to foraging and commuting bats and can enhance the environment for bats if designed appropriately. This can be secured by a suitably worded planning condition and could ensure that the proposed development makes a contribution to biodiversity in accordance with the NERC 'Biodiversity Duty', Policy NC7 of the adopted UDP and paragraph 14 of PPS9. An ecologist could be consulted to provide detailed lighting and soft landscaping proposals that are sensitive to bat use of the site. The publication 'Bat Conservation Trust (2009) *Bats and lighting in the*

UK- bats and the built environment series' provides useful guidance for lighting proposals.

8 Townscape and visual character

The principal issue being assessed within this Townscape and Visual Character is the effect on views and character from Bidston Hill – 'Area of Special Landscape Value' and other identified receptors. Given the site area currently lacks any real townscape quality as a component of the former Birkenhead Dock environment, and has little visual cohesion with the surrounding land use, the proposed development is likely to be seen as an additional catalyst to the overall redevelopment of Birkenhead. The enhancement and compensation strategy has also ensured that building heights and scale are designed to be complementary to adjacent structures and the dock environment; and that the building design utilises the existing dock layout, with the inclusion of necessary development off-sets from the retained graving dock and the River Birket culvert.

In relation to the proposed development, whilst the maximum ITC dimensions will inevitably result in some noticeable change in local townscape character, the re-utilisation of the dockside environment will respond well to the scale and landform, resulting in a minor positive effect to most sensitive adjoining character receptors (such as the Duke Street Bascule Bridge, Bidston Hill and Bidston Moss). The completed design will incorporate measures to blend with the surroundings (including the Wirral Waters City Boulevard vision) and enhance the condition of the local character in accordance with policy provisions. The statement considers that there are no long term negative effects are predicted upon identified townscape character receptors.

The only temporary negative (minor negative) visual effects during the site preparation earthworks and construction phase are predicted in relation to the users and limited number of residents associated with Beaufort Road, located to the immediate south of the site. Demolition and construction activities will be clearly visible as a result of the proximity to the site and the openness of the dockside townscape. For many of the other identified visual receptors, the proposed mitigation measures could reduce the perceived residual effects from minor adverse to negligible, particularly through the careful phasing of demolition and construction. The overall urban context and skyline views from more sensitive locations such as Bidston Hill and Bidston Moss are not likely to be affected adversely, resulting in a negligible effect upon such receptors.

In relation to Stanley Road Park, the minimum parameters will be largely screened from view by intervening built form and vegetation, whilst the maximum parameters will block some views of the northern neighbourhood townscape (Wallasey) beyond.

On balance, the removal of the derelict dock structures and re-utilisation of the dockside environment will result in a minor positive effect.

As a result of the final scheme an improvement in the condition of the views will be experienced with the provision of structural landscaping and a revitalised dockside environment. The proposed surface car parking and other infrastructure will also be visible; however, the overall improvement in the view experience will be beneficial.

In relation to elevated panoramic views across the site towards the Liverpool skyline beyond, the placement of the four buildings will have a very limited effect on the overall amenity or visual experience in relation to the receptors using the Area of Special Landscape Value at Bidston Hill. The maximum parameters would be slightly more visible in the middle distance, but the overall change in scene from Bidston Hill and Bidston Moss is assessed as representing a minor positive residual effect. Views to the skyline of Liverpool City Centre will not be affected.

In conclusion, it is considered that the completed development proposals will complement, respect and fit into the existing scale and pattern of the townscape context. The ITC scheme will enable the enhancement and restoration of the largely derelict West Float Docks south side character and offer an improvement to the visual amenity of the local area, without adversely affecting important views such as those from Bidston Hill 'Area of Special Landscape Value' in accordance with Policy LA1.

9 Cumulative Effects

There are two types of cumulative effects: effect interactions which are multiple effects from the proposed development to a particular receptor (e.g. local residential properties) and in-combination

effects which are combined effects of the Proposed Development and other committed developments in the study area.

In reference to effect interactions there have been a number of mitigation measures identified as part of the EIA process and subsequently outlined throughout the ES. Therefore, many of the residual effects have already been considered negligible assuming the implementation of such mitigation measures.

The assessment of effect interactions during the site preparation, earthworks and construction phase has resulted in a minor negative to negligible cumulative effects to occur on the common sensitive receptors identified.

These effects will vary in duration and intensity throughout the site preparation, earthworks and construction phase, and will be dependent on the location of the sensitive receptor. The predicted effect interactions during the operational phase of the proposed development are assessed as producing a minor positive effect on the local general public during the operational phase whilst there is predicted to be a minor negative to negligible effect on local residential receptors over the site preparation, earthworks and construction phase.

The assessment of in-combination effects has taken into consideration three committed developments which were agreed upon at the Environmental Consultee Meeting 7th April 2011. This meeting was held between the applicant and its agents, the Environment Agency, Mersey Forest, Merseyside Environmental Advisory Service and officers from the Council. The committed developments included in the in-combination effects assessment are: Northbank East, East Float and Liverpool Waters. The assessment of in-combination effects has been undertaken quantitatively wherever possible and when quantitative information was unavailable a qualitative assessment was carried out based upon professional judgement. It has been assumed by the applicant that the committed developments specified would implement a similar set of mitigation measures to the proposed development to reduce any potential negative effects expected during their construction and operation.

There are few in-combination effects predicted to occur as a result of the proposed development and the three committed developments. Minor negative effects associated with construction noise, dust nuisance and pollutants from construction vehicle during the construction phase and a minor negative effect from increased NO₂ concentrations resulting from operational traffic movements have been predicted. Whilst it has also been predicted that positive in-combination effects from improved flood management and remediation of previously contaminated land areas will occur.

10 Archaeology

The ES assesses the impact of the proposed development on archaeology; in particular the potential impacts from the loss of buried archaeological remains.

The application site is located within an area that has historically been used as docklands. Early evidence shows prehistoric and post medieval history. The prehistoric data available suggests little structured settlement within the study area, and post medieval activity is largely associated with the features associated with the dock basin.

The construction of the dock complex itself will have had an effect on remains from earlier periods within the area of the dock basin construction which may significantly limit the potential for survival of archaeological deposits.

11 Archaeological and Historic Background

The Archaeological Assessment has reviewed the available data for the area surrounding the site with the aim of modelling the potential of the site. For each of the pre-historic and historic periods an assessment of the archaeological potential of the site is given as follows:

The baseline section of the Archaeology and Cultural Heritage has sought to present evidence in relation to known archaeological resources. The evidence has been derived from information sourced from the Merseyside Historic Environment Record and published literature for the area. In relation to information from the Prehistoric period, evidence (in terms of volume) is limited within 2km of the development area. Furthermore, the presented evidence cannot be indicated to date from a

precise timeframe from within the prehistoric period (Mesolithic, Neolithic, Bronze Age or Iron Age) and as such is not differentiated within the paragraphs relating to the Prehistoric period in the baseline section of the EIA, December 2009.

In response to this, the mitigation strategy, in line with best practice, would not seek to judge which archaeological resources had greatest value. In this way, the recovery of evidence in relation to known archaeological deposits would not preclude the investigation of material pertaining to archaeological periods which have not been indicated as being definitively present. Such remains include evidence from the prehistoric period, for which only general evidence has been identified thus far (rather than evidence from specific period subdivisions).

The consultants advise that:

“Due to the depth, at which material may survive, a programme of trial trenching would be impractical and therefore a programme of archaeological observations has been recommended which will focus on the piling works to determine if any archaeological deposits have survived.”

The Local Authority consider that it is prudent to apply a condition for a full archaeological research programme to establish the nature, extent and significance of buried remains within the compass of the development, from prehistoric to modern times. A schedule of site evaluations and trial excavations needs to be agreed with the local authority, and these should relate to the potential for palaeo environmental, maritime and industrial remains. The output should be the production of a document setting out the results of the excavations, showing in particular the nature and extent of the former hydraulic system. A mitigation strategy for the preservation of buried remains also needs to be established.

CONCLUSION

The submitted scheme is in outline form, with all matters reserved. This is in part to reflect that the ITC is a private sector led investment that is dependent on achieving a flexible planning framework for a major quantum of development. In view of this, the approach has been to achieve a maximum degree of flexibility within the remit of planning and environmental legislation.

The proposals therefore accord with CLG Circular 01/06 with particular reference to the information required for submission with outline applications.

The applicant submitted an Environmental Impact Assessment to accord with The Town and Country Planning (Environmental Impact Assessment)(England and Wales) Regulations 1999 (as amended) and the Department for Communities and Local Government (October 2002) Town and Country Planning (Environmental Impact Assessment (England) (Amendment) Regulations 2007.

An assessment of the effects of the proposal on the environment has been made and measures to reduce any negative effects recommended. In accordance with the details contained within the ES and the form and content of the mitigations proposed, the Council are satisfied that the proposed development will not have a detrimental impact on the surrounding environments.

With regard to planning policy and the development plan, it is considered that the principle of the proposal is considered to be fully supported by existing and emerging planning policy and the development plan strategy for the area.

With regards to the siting and scale of the development, the Council considers that the location and continuity of the “Great floats” will provide a focus for the creation of a greater diversity of uses, development patterns and forms, new character areas, activities and identities that will address the current fragmentation of the urban area. The design and access statement sets out the approach to access and provides commitment to achieving an inclusive environment across the site area. The broad principles are set out within the design and access statement for the different components of the development albeit the more detailed issues for individual plots/ areas will be dealt with at reserved matters stage. A statement will be provided with each reserved matters demonstrating how the application will deal with inclusive access.

The ITC forms part of the Wirral Waters proposals and would be a catalyst for the wider development. Located within the Government’s recently announced Merseywaters Enterprise Zone, the ITC presents a unique opportunity for Wirral to maximise the benefits of the EZ status and take full advantage of the prospects of this regeneration opportunity.

The commercial success of the scheme will act as a catalyst for the regeneration of the wider inner Wirral. An improved physical environment and labour/skills infrastructure in the surrounding areas will increase the attractiveness of the area to inward investors and new employers.

The proposed scheme when developed has the potential to transform the physical environment through place-making and a higher quality built environment. This will enable local communities to have access to new economic opportunities and to safeguard the port sector and Maritime SMEs through relocation and investment in the port. The provision of the right physical infrastructure, including transport, energy, waste and water will ensure that the proposed development becomes an exemplar in sustainable development.

For the above reasons, and having regard to the individual merits of this application, all relevant material considerations including, National and Regional Policy, the relevant Policies in the Wirral Unitary Development Plan (Adopted February 2000), the emerging Local Development Framework Core Strategy Development Plan Document and Birkenhead and Wirral Waters Integrated Regeneration Study, which together inform a series of guiding principles for Wirral Waters. These guiding principles in turn would shape the consideration of Peel's proposals for Wirral Waters and are a material planning consideration in relation to development proposals in the vicinity of the study area.

RECOMMENDATION

That the Planning Committee

1. Grant outline planning permission for this application subject to:
 - the specific conditions listed in the report
 - the resolution of appropriate conditions governing the transport infrastructure improvements; and
 - the completion of a Section 106 Legal Agreement which is to cover all the various Heads of Terms referred to in the report.

2. Authorise the Interim Director of Corporate Services to negotiate and agree the detailed provisions of the Heads of Terms, to settle all outstanding conditions, to conclude the Section 106 Legal Agreement in consultation with the Director of Law, HR, and Asset Management and to issue the Notice of Grant of Planning Permission.

Summary of Decision:

Having regards to the individual merits of this application the decision to grant Planning Permission has been taken having regards to the relevant Policies and Proposals in the Wirral Unitary Development Plan (Adopted February 2000) and all relevant material considerations including national and regional policy advice. In reaching this decision the Local Planning Authority has considered the following:-

The proposed development is considered acceptable having regard to the individual merits of this application, all relevant material considerations including, National and Regional Policy, the relevant Policies in the Wirral Unitary Development Plan (Adopted February 2000), the emerging Local Development Framework Core Strategy Development Plan Document and Birkenhead and Wirral Waters Integrated Regeneration Study.

Recommended Approve
Decision:

Recommended Conditions and Reasons:

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission or two years from the date of the approval of the last of the reserved matters, whichever is the later.

Reason: To enable the Local Planning Authority to control the development in detail and

comply with Section 92(as amended) of The Town and Country Planning Act 1990

2. No later than 10 years following the date of this permission, all outstanding applications shall have been submitted to the Local Planning Authority for the approval of Reserved Matters.

Reason: To comply with Section 92(as amended) of The Town and Country Planning Act 1990

3. Each reserved matters application shall provide for approval , the details of the access, appearance, landscaping, layout and scale within the upper and lower limits for height, width and length of each building stated in the application hereby approved (hereinafter called “the reserved matters”) shall be obtained from the local planning authority in writing before any development is commenced

Reason: To enable the Local Planning Authority to control the development in detail and comply with Section 92(as amended) of The Town and Country Planning Act 1990

4. Application for approval of the first reserved matters shall be made to the local planning authority before the expiration of [three] years from the date of this permission

Reason: To enable the Local Planning Authority to control the development in detail and comply with Section 92(as amended) of The Town and Country Planning Act 1990

5. The landscaping details referred to in condition 3 shall include details of all earthworks [proposed finished levels or contours; means of enclosure; car parking layouts; other vehicle and pedestrian access and circulation areas; hard surfacing materials; minor artifacts and structures (e.g. design, materials position and type of boundary treatment to be erected, outdoor furniture, refuse or other storage units, signs, lighting, floodlighting etc.); proposed and existing functional services above and below ground (e.g. drainage power, communications cables, pipelines etc. indicating lines, manholes, supports etc.); retained historic landscape features and proposals for restoration, where relevant.)

Reason: In the interest of visual amenity and to secure sustainable development in accordance with National Policy PPS1 – Delivering Sustainable Development and UDP Policy GR5 – Landscaping & New Development

6. Soft landscape works for the relevant phase of shall include planting plans; written specifications (including cultivation and other operations associated with tree, plant and grass establishment); schedules of plants, noting species, plant sizes and proposed numbers/densities where appropriate; and implementation programme]

Reason: In the interest of visual amenity and to secure sustainable development in accordance with National Policy PPS1 – Delivering Sustainable Development and UDP Policy GR5 – Landscaping & New Development

7. All hard and soft landscape works for the relevant phase of development shall be carried out in accordance with the approved details. The works shall be carried out prior to the occupation of any part of the development or in accordance with the implementation programme to be submitted to and approved by in writing local planning authority

Reason: In the interest of visual amenity and to secure sustainable development in accordance with National Policy PPS1 – Delivering Sustainable Development and UDP Policy GR5 – Landscaping & New Development

8. A landscape management plan, including long term design objectives, management responsibilities and maintenance schedules for all landscape areas, shall be submitted to and approved by the local planning authority prior to the occupation of the development or any phase of the development, whichever is the sooner, for its permitted use. The landscape management plan shall be carried out as approved.

Reason: In the interest of visual amenity and to secure sustainable development in accordance with National Policy PPS1 – Delivering Sustainable Development and UDP Policy GR5 – Landscaping & New Development

9. No development shall take place until a schedule of landscape maintenance for a minimum period of 5 years for each relevant reserved matters application has been submitted to and approved in writing by the local planning authority. The schedule shall include details of the arrangements for its implementation. Maintenance shall be carried out in accordance with the approved schedule

Reason: In the interest of visual amenity and to secure sustainable development in accordance with National Policy PPS1 – Delivering Sustainable Development and UDP Policy GR5 – Landscaping & New Development

10. No storage, display or sale of goods or vehicles shall take place outside the building(s) unless otherwise agreed in writing with the Local Planning Authority.

Reason: In the interest of visual amenity

11. The permitted hours of construction work and/or Site Engineering and Preparation Works shall be 08.00 to 18.00 on Monday to Friday and 08.00 to 13.00 on Saturdays and no construction or Site Engineering and Preparation Works shall be carried out outside these specified permitted hours without the prior written consent of the Local Planning Authority. No construction or Site Engineering and Preparation Works shall be carried out on Sundays or Bank Holidays without the prior written consent of the Local Planning Authority.

Reason: To protect the amenities and environment of residents and other sensitive receptors in accordance with National Planning Policy Statement PPS1: Delivering Sustainable Development, PPG24: Planning & Noise and UDP Policy PO3 Noise in the Wirral Unitary Development Plan.

12. No development shall commence unless and until a Code of Construction Practice for each relevant reserved matters has been submitted to and approved in writing by the Local Planning Authority. For the avoidance of doubt, the final Code of Construction Practice & Management Plan “) should cover the following minimum requirements:

- I. Site supervision;
- II. Machinery (Noise & Vibration Levels and mitigation measures, location and storage of plant, materials and fuel, access routes, access to banks etc.);
- III. Protection of areas of ecological sensitivity and importance;
- IV. Methods used for all channel and dock edge water margin works; and
- V. Methods for the control of dust and air pollution;
- VI. Methods for the prevention of dust, dirt, debris and other deposits on the highway;
- VII. Details of security hoarding including maintenance, decorative displays and facilities for public viewing.

Reason: In the interests of amenity and to ensure that the construction of the development uses the best practicable means to avoid adverse environmental impacts in accordance with National Planning Policy Statement 1: Delivering Sustainable Development.

13. Construction shall be carried out strictly in accordance with the approved Code & Management Plan.

Reason: In the interests of amenity and to ensure that the construction of the development uses the best practicable means to avoid adverse environmental impacts in accordance with National Planning Policy Statement 1: Delivering Sustainable Development.

14. No Development shall be commenced for each phase of development unless and until a Demolition and Site Waste Management Plan including a scheme for recycling/disposing of waste resulting from demolition and construction works, has been submitted to and approved in writing by the Local Planning Authority. The approved Strategy and Management Plan shall be revised and be submitted for written approval from the Local Planning Authority every 3 years until construction is complete. The development, including any related demolition works, shall thereafter only be carried out in accordance with the approved Demolition and Site Waste Management Plan.

Reason: To ensure effective demolition and waste management in accordance with the mitigation measures described in the Environmental Statement in accordance with National Planning Policy Statement 10: Planning for Sustainable waste Management.

15. The first reserved matters application shall include the submission of a Schedule of Highway Work for the written approval of the local planning authority. For the avoidance of doubt, the Schedule of Highway Work shall include timetables, triggers and methods of implementation of infrastructure and facilities for pedestrians, cycling, parking, public transport and vehicular traffic and shall include the following works and any other works identified through reserved matters applications as necessary to mitigate the highway and transport impacts of the development:

- Improvements to the roundabout junction of Dock Road / Poulton Bridge Road and A5139 (known as "Wallasey Docks Link");
- Pedestrian and cyclist provision on Beaufort Road and Wallasey Bridge Road, including footways, cycleways, Toucan crossings and bus stop provision on both roads;
- Vehicle, pedestrian and cycle access into the development site from Beaufort Road and Wallasey Bridge Road, including servicing and delivery traffic;
- Vehicle, pedestrian and cycle routes within the development site, including servicing and delivery traffic;
- Cycle parking facilities within the development site.

Reason: To ensure that a sustainable, co-ordinated and high quality form of development is required by National Policy PPS1

16. Each reserved matters application following the first reserved matters application shall include the submission of an updated Schedule of Highway Work for the written approval of the local planning authority. For the avoidance of doubt the updated Schedule of Highway Work shall include timetables, triggers and methods of implementation of all implemented and proposed highway mitigation measures and shall include the following works and any other works identified through reserved matters applications as necessary to mitigate the highway and transport impacts of the development:

- Improvements to the roundabout junction of Dock Road / Poulton Bridge Road and A5139 (known as "Wallasey Docks Link");
- Pedestrian and cyclist provision on Beaufort Road and Wallasey Bridge Road, including footways, cycleways, Toucan crossings and bus stop provision on both roads;
- Vehicle, pedestrian and cycle access into the development site from Beaufort Road and Wallasey Bridge Road, including servicing and delivery traffic;
- Vehicle, pedestrian and cycle routes within the development site, including servicing and delivery traffic;
- Cycle parking facilities within the development site.

Reason: To ensure that a sustainable, co-ordinated and high quality form of development is required by National Policy PPS1

17. The construction of any part of the development approved under each reserved matters applications shall not begin until the Local Planning Authority has approved in writing detailed plans of those works identified in the approved Schedule of Highway Work for completion prior to the first occupation of the relevant reserved matters application.

Reason: To ensure that a sustainable, co-ordinated and high quality form of development is required by National Policy PPS1

18. The occupation of any part of the development approved under each reserved matters applications shall not begin until those works identified in the approved Schedule of Highway Work for completion prior to the first occupation of that part of the development have been completed in accordance with the Local Planning Authority's approval and have been certified in writing as complete by or on behalf of the Local Planning Authority.

Reason: To ensure that a sustainable, co-ordinated and high quality form of development is required by National Policy PPS1

19. The first reserved matters application shall include the submission of a **Monitoring Strategy** for the written approval of the local planning authority. For the avoidance of doubt, the Monitoring Strategy shall include:
- Vehicle, cycle and pedestrian surveys of the development site and surrounding public highway;
 - Public transport provision and usage;
 - Parking provision and usage;
 - Impact of committed development;
 - Details of how the system of monitoring shall be implemented and maintained;
 - Details of the monitoring equipment and how the data shall be collected;
 - Details of how the data obtained through implementation of the Monitoring Strategy shall be used to inform and update the Schedule of Highway Work and the Travel Plan;
 - Details of how the Monitoring Strategy shall be regularly reviewed and updated.

Reason: To ensure that a sustainable, co-ordinated and high quality form of development is required by National Policy PPS1

20. The Monitoring Strategy shall be implemented in accordance with the written approval, unless otherwise agreed in writing by the local planning authority.

Reason: To ensure that a sustainable, co-ordinated and high quality form of development is required by National Policy PPS1

21. The developer commitments contained within the submitted Framework Travel Plan shall be implemented prior to first occupation.

Reason: To ensure that a sustainable, co-ordinated and high quality form of development is required by National Policy PPS1

22. A Full Travel Plan for the site shall be submitted to and approved in writing by the local planning authority within 6 months of first occupation. The provisions of the Full Travel Plan shall be implemented and operated in accordance with the programme and shall not be varied other than through agreement with the local planning authority. For the

avoidance of doubt, such a plan shall include:

- Access to the site by staff;
- Car park management plan;
- Information on existing transport services to the site and staff travel patterns;
- Travel Plan principles including measures to promote and facilitate more sustainable transport;
- Realistic targets for modal shift or split;
- Identification of a Travel Plan co-ordinator and the establishment of a travel plan steering group;
- Measures and resource allocation to promote the Travel Plan, including a budget allocation and timetable for the implementation of a shuttle bus to connect the site with key transport hubs;
- Details of how the approved Travel Plan shall be updated for each subsequent Reserved Matters approval;
- Mechanisms for monitoring and reviewing the Travel Plan, including the submission of an annual review and action plan to the local planning authority.

Reason: To ensure that a sustainable, co-ordinated and high quality form of development is required by National Policy PPS1

23. No development shall commence until a Construction Transport Management Plan, for each phase of the development, including details of vehicle parking for site operatives and visitors, has been submitted to and approved in writing by the Local Planning Authority.

The approved Management Plan shall be revised and be submitted for written approval within three months of approval of each reserved matters following the first reserved matters approval.

Construction shall be carried out strictly in accordance with the approved Management Plan

Reason: In the interests of amenity and to ensure that the construction of the development uses the best practicable means to avoid adverse environmental impacts in accordance with National Planning Policy Guidance 13: Transport

24. Noise levels at any occupied residential property due to construction or demolition or Site Engineering and Preparation Works shall not exceed 75dB LA eq (10 hour) measured at 1m from the façade of the nearest occupied property, during the hours from 08.00 to 18.00 Monday to Friday, and 75dB LA eq (5 hour) during the hours from 08.00 to 13.00 on Saturday unless such works have the prior approval of the Local Authority, under s61 of the Control of Pollution Act 1974.

Reason: To ensure that best practicable means are used to reduce noise generated by construction in accordance with National Planning Policy Statement PPS1: Delivering Sustainable Development, PPG24: Planning & Noise and UDP Policy PO3 Noise in the Wirral Unitary Development Plan.

25. No development shall commence within any given Phase Sub-Phase or Plot unless and until an detailed scheme for Noise and Vibration monitoring and assessment for all proposed construction plant and processes associated with development in that Phase Sub-Phase or Plot has been submitted to and approved by the Local Planning Authority. The scheme shall include:

- a) the identification of noise and vibration sensitive premises, including the Bascule Bridges at Four Bridges, to be used as the location for noise monitoring, including any arrangements proposed for amending the selected locations if new Noise and vibration sensitive premises are introduced during the construction period;
- b) an assessment of any cumulative noise and vibration impacts from other planned construction works nearby that are expected to arise concurrently;

- c) the noise and vibration parameters to be measured, the frequency and duration of monitoring;
- d) the arrangements for reporting the results of noise and vibration monitoring (measured noise data shall be retained and made available upon request);
- e) the implementation of mitigation measures, including those set out in the CoCP;
- f) Construction work shall not commence on any building until a statement has been submitted to and approved by the Local Planning Authority, which conforms, or if necessary modifies, the arrangements set out in the approved scheme for noise and vibration monitoring and assessment.

Reason: To protect the amenities of local residents and other sensitive receptors in accordance with National Planning Policy Statement PPS1: Delivering Sustainable Development, PPG24: Planning & Noise and UDP Policy PO3 Noise in the Wirral Unitary Development Plan.

26. No Plot Development shall begin until a assessment has been undertaken identifying the requirement for a scheme for protecting the proposed Plot from vibration, has been submitted for the written approval of the Local Planning Authority. The Vibration Protection Scheme shall include such combinations of land separation, vibration control techniques and other measures, as maybe be approved by the Local Planning Authority, in the light of current guidance on vibration levels. The approved mitigation scheme shall be implemented in its entirety before any of the units are occupied.

Reason: To ensure that the amenities of occupiers are not prejudiced by road traffic vibration in the immediate surroundings in accordance with National Planning Policy Statement PPS1: Delivering Sustainable Development, PPG24: Planning & Noise and UDP Policy PO3 Noise in the Wirral Unitary Development Plan.

27. The noise mitigation measures outlined in Section 8 of the Environmental Statement submitted with the application shall be implemented in full concurrently with the development.

Reason: In the interests of aural amenity in accordance with National Planning Policy Statement PPS1: Delivering Sustainable Development, PPG24: Planning & Noise and UDP Policy PO3 Noise in the Wirral Unitary Development Plan.

28. No development shall commence within each reserved matters phase until a scheme including a programme for monitoring air quality and dust and its assessment and control arising from the development has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include:

- a) the identification of sensitive premises to be used as the location for air quality and dust monitoring, including any arrangements proposed for amending the selected locations if new air pollutant and dust sensitive premises are introduced;
- b) the frequency and arrangements for monitoring dust and air pollutants including PM10 and Nitrogen Dioxide before, during and after the development
- c) the arrangements for reporting the results of the monitoring of dust and air pollutants and the implementation of any necessary mitigation measures. The approved scheme shall be reviewed every five years following commencement of the development and shall be re-submitted to and approved in writing by the Local Planning Authority The scheme shall be implemented in accordance with the approved details and programme timetable.

Reason: In the interest of the amenity of the occupiers of the future development and surrounding properties in accordance with National Planning Policy Statement PPS1: Delivering Sustainable Development, PPS23: Planning & Pollution Control and Policy POL1 in the Wirral Unitary Development Plan.

29. No development shall commence within each reserved matters phase until full details of all extraction and ventilation equipment has been submitted to and approved in writing the by Local Planning Authority. The approved equipment shall be installed before the related use

is commenced and shall be maintained as such thereafter.

Reason: To ensure that the proposed development does not prejudice the amenities of occupiers of adjoining residential properties with National Planning Policy Statement PPS1: Delivering Sustainable Development, PPS23: Planning & Pollution Control and Policy POL1 in the Wirral Unitary Development Plan.

30. No development shall commence until a scheme of odour control for any proposed kitchen extraction equipment in commercial premises has been submitted to and approved in writing by the Local Planning Authority. The approved odour control scheme shall be implemented before the related use is commenced and shall be maintained as such thereafter.

Reason: To prevent the emission of fumes that would be detrimental to the amenity of the area National Planning Policy Statement PPS1: Delivering Sustainable Development, PPS23: Planning & Pollution Control and Policy POL1 in the Wirral Unitary Development Plan

31. A scheme of noise control for any external air conditioning plant to be installed on site shall be submitted to and approved in writing by the Local Planning Authority prior to commencement of development. The approved scheme shall be implemented before the plant is brought into operation and the approved noise protection measures shall thereafter be retained.

Reason: To prevent the emission of noise above a level that would be detrimental to the aural amenity of the area National Planning Policy Statement PPS1: Delivering Sustainable Development, PPG24: Planning & Noise and UDP Policy PO3 Noise in the Wirral Unitary Development Plan.

32. Prior to the commencement of development approved by this planning permission (or such other date or stage in development as may be agreed in writing with the Local Planning Authority), the following components of a scheme to deal with the risks associated with contamination of the site shall each be submitted to and approved, in writing, by the Local Planning Authority:

1. A preliminary risk assessment which has identified:
 - all previous uses
 - potential contaminants associated with those uses
 - a conceptual model of the site indicating sources, pathways and receptors
 - potentially unacceptable risks arising from contamination at the site.
2. A site investigation scheme, based on (1) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site.
3. The site investigation results and the detailed risk assessment (2) and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.
4. A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in (3) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.

Any changes to these components require the express consent of the Local Planning Authority. The scheme shall be implemented as approved.

Reason: To ensure a safe form of development that poses no unacceptable risk of pollution to the water environment in compliance with PO5 Criteria for the Development of Contaminated Land Policy of the Wirral UDP.

33. Piling or any other foundation designs using penetrative methods shall not be permitted other than with the express written consent of the Local Planning Authority, which may be given for those parts of the site where it has been demonstrated that there is no resultant unacceptable risk to groundwater.

Reason: To ensure a safe form of development that poses no unacceptable risk of pollution to ground waters through inappropriate foundation techniques pursuant to Policy PO5: 'Criteria for the Development of Contaminated Land' & Policy WAT2: 'Protection Of The Water

34. No soils or infill materials shall be imported on to or reused within the site, unless they comply with approved chemical and physical acceptance criteria defined in a SSRS or otherwise previously approved in writing by the Local Planning Authority.

Reason: To protect human health and the environment, prevent contamination of controlled waters and to ensure satisfactory growing media in accordance with Policy PO5: 'Criteria for the Development of Contaminated Land' & Policy WAT2: 'Protection of the Water Environment' of the Wirral Unitary Development Plan and National Planning Policy Statement 23: 'Planning and Pollution Control

35. Prior to the commencement of development in any remediation zone, or otherwise set out in the approved SSRS, a **Remediation Validation Report** demonstrating completion of the Remediation Works in accordance with the GRS and the relevant SSRS and the effectiveness of the Remediation Works shall be submitted to and approved in writing by the Local Planning Authority. The Remediation Validation Report shall include results of sampling and monitoring carried out in accordance with the approved verification plan, to demonstrate that the site remediation criteria have been met. It shall also include any plan (a 'longterm monitoring and maintenance plan') for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action, as identified in the verification plan, and for the reporting of this to the Local Planning Authority.

Reason: To protect human health and ensure that the necessary remediation at the site has been undertaken in accordance with Policy PO5: 'Criteria for the Development of Contaminated Land' & Policy WAT2: 'Protection of the Water Environment' of the Wirral Unitary Development Plan and National Planning Policy Statement 23: 'Planning and Pollution Control

36. In the event that significant ground contamination, not anticipated by the relevant SSRS, is encountered during construction, the Local Planning Authority shall be notified immediately and an assessment of proposed remediation measures shall be submitted for the written approval of the Local Planning Authority. If the Local Planning Authority decides it necessary to protect human health and the environment and prevent contamination of controlled waters, all works shall be suspended on the relevant part of the Site and any temporary contingency works needed to minimise any risks associated with such ground contamination shall be implemented in accordance with a specification to be submitted for the written approval (as soon as possible after its discovery) of the Local Planning Authority. The approved remediation measures shall then be implemented accordingly.

Reason: To protect human health and the environment and prevent contamination of controlled waters in accordance with Policy PO5: 'Criteria for the Development of Contaminated Land' & Policy WAT2: 'Protection of the Water Environment' of the Wirral Unitary Development Plan and National Planning Policy Statement 23: 'Planning and Pollution Control

37. No hazardous substances, included in the schedule of Planning (Hazardous Substances) Regulation 1992, shall be used, handled or stored on site until details of such use, handling or storage of any hazardous substance have been submitted for the written approval of the Local Planning Authority and such approval in writing received by the

applicant. Such use, handling or storage shall thereafter only take place in accordance with the approved details.

Reason: To protect human health and the environment and prevent pollution of controlled waters in accordance with Policy PO5: 'Criteria for the Development of Contaminated Land' & Policy WAT2: 'Protection of the Water Environment' of the Wirral Unitary Development Plan and National Planning Policy Statement 23: 'Planning and Pollution Control'

38. The docks freight line shall be retained in accordance with details to be submitted as part of the reserved matters application for the layout and access of any part of the development that would affect the freight line.

Reason: For the avoidance of doubt and to ensure other port related uses are not adversely affected in accordance with RSS Policy RT6

39. The development permitted by this planning permission shall only be carried out in accordance with the approved Flood Risk Assessment, (Ref: 11171477-IFA, WSP Development and Transportation, May 2011) and the following mitigation measures detailed within the FRA:

- a) Gradients of hardstanding areas around buildings designed to shed overland flow routes away.
- b) Minimum finished floor level for all buildings on the site to be constructed at 6.87m AOD.
- c) Suitable flood resilience measures to be included in the design of the buildings.
- d) The management of the development will ensure inclusion on the Environment Agency's Flood Warning service.
- e) A flood warning and evacuation plan shall be developed to enable occupiers of the site to be safeguarded from the risk of flooding.
- f) During construction and operational phases a temporary drainage system will be in place and provisions will be made for extra flood storage capacity within the dock system

Reason: To reduce the risk of flooding to the proposed development and future occupants pursuant to the requirements of Planning Policy Statement 25: Development and Flood Risk.

40. The development hereby permitted shall not be commenced until such time as a scheme to dispose of surface water has been submitted to, and approved in writing by, the Local Planning Authority. The scheme shall be implemented as approved.

Reason: To ensure a safe form of development that poses no unacceptable risk of pollution to the water environment in compliance with WA5 Protecting Surface Waters of the Wirral UDP.

41. The development hereby permitted shall not be commenced until such time as a scheme to install oil and petrol separators has been submitted to, and approved in writing by, the Local Planning Authority. The scheme shall be implemented as approved.

Reason: To ensure a safe form of development that poses no unacceptable risk of pollution to the water environment in compliance with WA5 Protecting Surface Waters of the Wirral UDP.

42. The development hereby permitted shall not be commenced until such time as a scheme to treat and remove suspended solids from surface water run-off during construction works has been submitted to, and approved in writing by, the Local Planning Authority. The scheme shall be implemented as approved.

Reason: To ensure a safe form of development that poses no unacceptable risk of

pollution to the water environment in compliance with WA5 Protecting Surface Waters of the Wirral UDP.

43. Prior to access being provided to within 50m of the dockside, full details of **life saving equipment** and its location shall be submitted to and approved in writing by the Local Planning Authority. The approved life saving equipment shall be installed in accordance with approved details along the dock edges and shall be maintained thereafter.

Reason: In the interests of public safety in accordance with National Planning Policy Statement PPS1: Delivering Sustainable Development.

44. Prior to the submission of an application for any reserved matters: a detailed Port Relocation Strategy, including a timetable for implementation, detailing proposals for the methodology and arrangements to facilitate or support the relocation of existing businesses/tenants within the site to be satisfactorily relocated either within the regeneration area or to suitable alternative premises; shall be submitted to and approved in writing by the Local Planning Authority

Reason: For the avoidance of doubt and to comply with RSS Policy RT6.

45. No development shall take place until full details of the finished floor levels for the development and the surrounding ground levels in comparison with existing ground levels within and adjoining the site, have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the agreed levels.

Reason: To ensure satisfactory appearance, in the interests of public safety and to ensure that the development responds appropriately to any increased risk of flooding in accordance with National Planning Policy Statement PPS1: Delivering Sustainable Development and PPS23: 'Planning and Pollution Control and PPS25 Development & Flood Risk

46. The Development shall not commence (including Temporary Works and Preparatory Works save and except the works required in accordance with this condition) in any given Phase unless and until a pre-construction survey has been carried out in respect of that Phase or Sub Phase to identify any areas that are affected by buried or surface invasive non-native plants including but not limited to Japanese Knotweed, Giant Hogweed and Himalayan Balsam. The survey shall be accompanied by a method statement containing measures to ensure that any soils brought to the site are free of the seeds / root / stem of any invasive plant covered under the Wildlife and Countryside Act 1981. In the event that the survey identifies the presence of such plants, or any other proscribed noxious weeds, details of the locations and methods for their removal or long-term management/eradication with methods of working and measures that will prevent its spread during any works operations, (such as gaining access, erection of security fencing, clearance and demolition, site investigation, earthworks, mowing, trimming and other vegetation management, or soil movement,) shall be submitted to and approved in writing by the Local Planning Authority and implemented before development commences within that Phase or Sub Phase. Development shall only proceed in full accordance with the approved method statements.

Reason: To ensure a sustainable form of development takes place in accordance with in accordance with National Planning Policy Statement PPS1: Delivering Sustainable Development.

47. Notwithstanding the provisions of the Schedule 2, Part 3, Class B of the Town & Country Planning (General Permitted Development) Order 1995, development within classes B2/B8 within parcels three and four of the scheme as shown on the plans hereby approved shall only be used for industrial and (or) storage and (or) distribution purposes within Use Classes B2 and (or) B8 (and for no other purpose whatsoever) of the Town and Country

Planning (Use Classes) Order 1987(or any legislation revoking, re-enacting or modifying those Orders)

Reason: To ensure development takes place within the assessed amount under the tests to serve a sustainable development in accordance with National [Planning Policy Statement PPS4: Planning for Sustainable Economic Growth](#)

48. All drainage, construction methods and waste disposal methods shall be carried out such that no pollution enters the dock water or River Mersey where pollution could contaminate the nearby Mersey Narrows SSSI and Mersey Estuary RAMSAR site

Reason: To protect the Mersey Narrows SSSI and Mersey Estuary RAMSAR site in accordance with National Policy PPS9: Biodiversity and Geological Conservation and PPS23: Planning & Pollution Control and Policy NCO1 in the Wirral Unitary Development Plan.

49. No development shall take place until a scheme of archaeological investigation with a programme of a work has been submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented in accordance with the agreed timetable in the programme of work.

Reason: To safeguard any archaeological interest of the site in accordance with National Policy PPS5: Planning for the Historic Environment.

50. No development shall take place until full details of a scheme to assess the site for unexploded ordnance with remedial measures have been submitted to and approved in writing by the Local Planning Authority. Development shall only take place in accordance with the approved scheme.

Reason: In the interests of public safety in accordance with National Planning Policy PPS1: Delivering Sustainable Development

51. Notwithstanding the details of the bat and bird survey carried out as part of the Habitat Survey dated May 2010, prior to the commencement of any development; demolition of any building or felling of any tree within the site, a further full detailed survey of all bat roosts and active bird nests within the site shall be carried out by a suitably qualified ecologist and the survey report shall be submitted to and approved in writing by the Local Planning Authority. The survey report shall include appropriate mitigation measures, which shall be implemented prior to the commencement of development unless otherwise agreed in writing by the Local Planning Authority.

Reason: To prevent harm to wildlife species protected under the Wildlife and Countryside Act 1981 in accordance with PPS9: Biodiversity and Geological Conservation.

52. Prior to the commencement of each phase of development, details of emergency arrangements to ensure safe evacuation of the area to be developed within that phase shall be submitted to and agreed by the Local Planning Authority in writing. The approved procedures should include the evacuation of vulnerable people and visitors who are not used to their surroundings and should include for language barriers.

Reason: In the interest of personal safety in accordance with National Planning Policies PPS1: Delivering Sustainable Development

53. Each Reserved matters shall include for the provision of a Construction Environmental Management Plan - (mitigation measure as part of ITC proposal and secured through condition)

– to include:

- construction related pollutants.
- Identification of working areas and methods to prevent disturbance to any Natura 2000 qualifying bird species during construction.

Reason: To ensure no likely significant effects on Natura 2000 sites as set out within the HRA screening report.

54. Prior to the commencement of development, wintering bird surveys and spring and autumn passage surveys will be undertaken and submitted to the Local Planning Authority for approval in the appropriate season from Autumn/Winter 2011 to spring 2013, to ensure two years of bird data is available to inform current and future studies. The detailed scope of the surveys to be agreed with MEAS and Natural England in writing prior to undertaking the survey

Reason: To ensure no significant disturbance impacts to Natura 2000 site qualifying bird species, to ensure no likely significant effects on Natura2000 sites as set out within the HRA screening report

55. Each Reserved matters shall include for the provision of a Construction Environmental Management Plan -
– to include:
- construction related pollutants.
 - Identification of working areas and methods to prevent disturbance to any Natura 2000 qualifying bird species during construction.
 -

Reason: To ensure no likely significant effects on Natura 2000 sites as set out within the HRA screening report.

56. Each reserved matters application will include information regarding bird use of the site, to inform the design of Cormorant roost / minimal disturbance area.

Reason: To provide a robust evidence base for agreeing any necessary mitigation requirements in the future phases of development and to ensure no likely significant effects on Natura 2000 sites as set out within the HRA screening report

57. Full details of an operational access through the site to Graving Dock No.3 from Beaufort Road shall be submitted as part of the reserved matters application for the layout and access of any part of the development that would affect the existing access to Graving Dock No.3. The approved access through the site shall be installed concurrently with the remainder of the development in accordance with the approved plans and shall be retained as such thereafter. No part of the development and its associated functions shall prevent the ability to continue ship repair/building operations and other port related uses at Graving Dock No.3.

Reason: For the avoidance of doubt and to ensure other port related facilities are not adversely affected in accordance with RSS Policy RT6.

58. The second and subsequent Reserved Matters applications should include a supplementary screening exercise that has monitored and shipping movements to the site. The location and extent of the survey will be agreed in writing with the Local Planning Authority prior to undertaking the assessment.

Reason: To ensure that should vessel movements change in the long term that the HRA

screening is revised at reserved matters or should variation to consent be needed, to ensure no likely significant effects on Natura 2000 sites and compliance with the requirements of the Habitats Regulations

59. The applicant should submit with each reserved matters a drainage strategy clearly showing details of how the requirement of Planning Policy Statement 25 (PPS25) have been met including provision for incorporating sustainable drainage systems (SUDS) in line with PPS25 the drainage strategy should demonstrate that the rate and volumes of surface water run-off from the proposed development is no greater than the existing rate and also set out how the recommendation and proposed mitigation measures within the flood risk assessment has been taken into account in the design of the scheme.

Reason: Drainage strategy to be prepared for the whole development for agreement at reserved matters stage. Confirmation that existing peak flows have been taken into account in the drainage strategy and development design

60. Development of a detailed sustainability and infrastructure plan for the ITC development to be prepared and agreed at reserved matters stage. This should include but not be limited to the following matters:

- The commitment to provide an unspecified proportion of the carbon emissions from a low or zero carbon source of heat and power.
- Linkages to the wider Wirral Waters proposals for Combined Heat and Power and 2 off-site wind turbines.
- Proposals for on site low carbon / renewable energy generation e.g. green roofs, solar photovoltaic technology.
- The use of appropriate design tools to govern the energy and carbon profile of the site according to the energy hierarchy.
- Land within the Wirral Waters scheme for the above purposes.
- Plan to implement the waste hierarchy.

Reason: To provide a mechanism to update the sustainability analysis at reserved matters stage to enable firm proposals to come forward and be assessed for the ICT and its wider integration into the Wirral Waters scheme.

61. A ground contamination survey shall be undertaken, taking into account any potential contaminants from all known previous land uses. Should this survey identify any such contaminants, then a scheme of remediation to render the site suitable for use shall be submitted to the Local Planning Authority for approval prior to such works being undertaken.

Reason: To ensure that the risks from Land contamination to the future users of the land and neighbouring land are minimised, together with those controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risk to workers, neighbours and other off site receptors.

62. A statement giving precise details of the nature and extent of any such remediation, together with certification that the site has been made suitable for its intended use, shall be submitted to and approved by the Local Planning Authority before commencing any development of the site. All operatives on site should be made aware of the health and safety implications from any contaminants present on the site prior to commencing work

Reason: To ensure that the risks from Land contamination to the future users of the land

and neighbouring land are minimised, together with those controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risk to workers, neighbours and other off site receptors.

Further Notes for Committee:

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