



Planning Committee

Date:	Tuesday, 3 August 2010
Time:	6.00 pm
Venue:	Committee Room 1 - Wallasey Town Hall

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1. MEMBERS' CODE OF CONDUCT - DECLARATIONS OF INTEREST

Members of the committee are asked to consider whether they have any personal or prejudicial interests in connection with the application on the agenda and, if so, to declare them and state the nature of the interest.

2. OUT/2009/06509 - WIRRAL WATERS PLANNING APPLICATION - CLEARED SITE ADJACENT TO EAST FLOAT QUAY, DOCK ROAD, SEACOMBE (Pages 1 - 298)

3. ANY OTHER BUSINESS

To consider any urgent business accepted by the Chair.

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WIRRAL COUNCIL

PLANNING COMMITTEE: 3 AUGUST 2010

REPORT OF THE DIRECTOR OF TECHNICAL SERVICES

WIRRAL WATERS PLANNING APPLICATION OUT/2009/06509

1.0 EXECUTIVE SUMMARY

1.1 This executive summary outlines the main issues raised and conclusions reached in the main body of the report.

2.0 Background

2.1 .1This report considers the planning issues raised by an outline planning application submitted by Peel Land and Property (Ports) Ltd, proposing comprehensive development of the East Float site. This substantial site occupies a large area of approximately 50 hectares of partially derelict and fragmented dock land. The southern parts of the site contain warehouse/transit sheds and offices, which are located either side of Vittoria Dock. The area surrounding the buildings is mainly hard standing and used for storage of materials and off-loading of cargoes. The East Float water body dominates a large proportion of the site.

2.1.2 The application proposes a mixed-use development and seeks a planning permission that can be implemented over 25 years. The application is submitted in outline form with all matters reserved for subsequent approval. The application raises a number of complex planning issues related to topics including: the development's implications for existing commercial centres; transport; provision of social infrastructure; sustainability; energy; flood risk; heritage and urban design -- all of which are considered in detail within the body of the main report. The application is accompanied by an Environmental Impact Assessment (EIA), which has been the subject of extensive consultation. Given the long timescale for build-out of the site, the application seeks to establish a number of key principles and targets which would inform future reserve matters applications and ensure also that further assessments of key issues such as transport and environmental impact are submitted with these reserve matters applications. These strategies would be written into planning conditions and a series of Section 106 agreements, to ensure consistency and compliance over the lifetime of the development; which will assist in the creation of a sustainable community, providing a wider choice of housing and contributing to strengthening the economy of Wirral.

2.1.3 The East Float site forms one of the largest regeneration sites in North West England. At 50.4 hectares, it occupies a large site in a significant area in need of intensive regeneration. The impact of the site's development would affect the whole of the Borough, but the site is also important in strategic terms for Merseyside and the Mersey Gateway to the north west. Development proposals for the site have been subject to extensive consultation, both at the pre-application stage and since the planning application was formally lodged with the council for consideration. The proposal is for a 'market led' redevelopment of the site with up to 13,521 new homes and 422,757 sq m of (B1) office floorspace. A range of supporting infrastructure is also required to support what would be a new community and therefore, the proposal make provision for commercial development and offices, supporting retail facilities, healthcare, schools, community uses and both formal and informal open space. A fuller description of the development proposal is provided in the report.

2.1.4 Given the scale of the proposal, the build-out of the entire site would take, according to the applicant and their advisors, some 30–40 years. This long timescale forms one of a number of risks involved in the development of the site, alongside site remediation, provision of services, infrastructure and public realm. A degree of flexibility is therefore essential to the applicant in order to accommodate the way in which the site is developed. At the same time, any grant of planning permission must give sufficient certainty that the approved development is capable of implementation within an agreed policy framework.

2.1.5 Members will be aware that recent Government guidance on planning and development has stressed the importance of building sustainable communities. The overriding objective for the Council, in approaching this locally unprecedented development opportunity, has been to achieve a high quality sustainable community on a large and strategically important site; with a mix and range of housing opportunities, commercial, community and cultural facilities, within an exemplary public realm; and taking into account the need to minimise the impact on the environment. It has been important, right from initial discussions with the applicant about the proposal, that the development is not self contained, but integrates into the existing communities within the surrounding areas and contributes to community cohesion. If planning permission is forthcoming, the scheme would provide significant employment opportunities and the benefits of the regeneration should be spread to benefit the whole Borough.

2.1.6 Sustainability issues are also highly relevant to the proposal and the achievement of high specifications on buildings, reducing energy consumption, ensuring high levels of recycling and maximising access to non car travel modes are key objectives for the Council; and have been important principles which have shaped the applicant's outline proposals. The site is at the heart of the Council's regeneration priority area, within the Housing Market Renewal Initiative Area, close to existing public transport infrastructure, Birkenhead Park and Birkenhead Town Centre.

3.0 Parameters And Development Principles

3.1.1 The application is supported by **Parameter Plans** and **Written Principles**, outlining the spatial elements of the development, which are fixed or committed to. The parameter plans contain different levels of precision and commitment. Parameter lines are fixed in certain locations for a particular reason whilst others incorporate tolerances. The components that are fixed at the outset are those aspects that are not only required by legislation but have been informed by a detailed understanding of the strategic context of the site. Key areas of public realm, routes, open spaces and the building lines lining key routes/ areas have been fixed in order to secure a clear spatial framework/strategy for the site. Development proposals would be required to be in broad conformity with the parameters and principles. Detailed design matters would be the subject of subsequent Reserved Matters applications.

3.1.2 All the technical assessments within the application (including the EIA) have assessed the fixed elements and the defined maximum building envelopes in order to assess 'the worst case scenario' and the most significant effects.

3.1.3 The fixed parameters and development principles would form the basis of subsequent reserved matters applications and would be secured through the use of conditions attached at the end of this report; and through Legal agreements. The Heads of Terms of the legal agreements are outlined within the main body of the report. They include a commitment to design quality and the proposed use of a Design Panel to safeguard the quality and delivery of the masterplan.

3.1.4 Government guidance (Circular 01/06) sets out a very clear explanation of the expectations in terms of the commitments and 'fixes' to be established at an outline application stage. It states

"With an application for outline planning permission detailed consideration will always be required on the use and amount of development. In addition, even if layout, scale and access are reserved an application will still require a basic level of information on these issues. As a minimum, applications should always include information on –

- *Use – the use or uses proposed for the development and any distinct development zones within the site identified*
- *Amount of development – 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 – an area or areas in which the access point or points to the site will be situated."*

3.1.5 This application provides sufficient detail in respect to all of the above, for the scheme's benefits and impacts to be fully considered and understood.

4.0 Use and amount of development

4.1.1 The proposal entails the following uses and amounts of development:

- 13,521 residential units (Class C3 Use);
- A maximum of 422,757 sq m office and research and development floorspace (Class B1);
- A maximum of 60,000 sq m retail uses (Classes A1-A5);
- A maximum of 38,000 sq m hotel and conference facilities (Class C1);
- A maximum of 100,000 sq m of culture, education, leisure, community and amenity floorspace (Classes D1 and D2);
- Car and cycle parking to service the above development;
- Structural landscaping and the formation of public spaces and associated infrastructure and public realm works; and
- Retention and conversion works to, the Grade II Listed Hydraulic Tower.

4.1.2 Within this overall maximum, permission is sought for flexible use, under the GDPO Part 3 Class E, for 48,500 sq m of floorspace to be used for office and research and development floorspace (Class B1), retail uses (Class A1 retail, Class A2 Financial and Professional Services, Class A3 restaurants and cafes, Class A4 bars and Class A5 hot food takeaways), hotel and conference facilities (Class C1), culture, education, leisure, community and amenity floorspace (Classes D1 and D2). This would apply to all development within Vittoria Studios and the ground floor areas of new buildings developed within other quarters of East Float. The Class E provision allows buildings, once constructed, to change between different uses without requiring planning permission within the first 10 years of the consent.

5.0 Uses within Quarters

5.1.1 In order to support the a 'place making' approach and to ensure that some safeguards are in place beyond the qualitative descriptions given to each of the scheme's development quarters, the following elements are proposed -- in order to further safeguard the creation of mixed use sustainable high quality places:

- **Northbank West** – at least 60% of the completed floorspace of this quarter will be residential (excluding car parking);
- **Marina View** – At least 60% of the podium level development will be educational, civic, community uses, leisure or B1;
- **Four Bridges** will not contain any residential use unless it is minor and ancillary to other dominant uses; and
- **The Point** will be reserved for leisure/cultural use only.

60% is considered to represent a "predominant" level of use within those quarters.

5.1.2 With regards to delivery, these commitments will be part of the design testing process through reserved matters. So for example, if the applicant or any other developer was to construct around a third of the floorspace of Northbank West first as an office/hotel complex at the westernmost end, the presumption would be that the remainder would need to be predominantly residential to achieve the balance (with some retail at ground floor level).

6.0 Scale

6.1.1 The precise 'scale' of development is reserved for future consideration, although the application seeks permission for the erection of buildings within vertical and horizontal parameters defined for each quarter. The parameter plans provide maximum heights to allow flexibility in height of future buildings. Future reserved matters proposals will be required to conform with the 'Cityscape Principles' supporting the parameter plans and a mechanism for testing minimum heights against the cityscape strategy has been developed in order to establish how the detailed minimum heights will be determined at Reserved Matters stage.

7.0 Layout

7.1.1 The detailed layout of buildings and open spaces is reserved for future consideration. The planning application seeks to fix clear parameters with respect to each quarter and the structural elements of the masterplan. It contains key accesses, routes and areas of public realm, which in turn define development parcels. Section 6 of the Design and Access Statement 'Structuring Principles' are key to understanding the design principles and design rationale underpinning the parameters and will be approved as a fixed component of the submission.

7.1.2 The following terminology has been applied within the submitted details:

- **Parcel** – an area of fixed building envelope which may or may not be subdivided to create plots;
- **Plot** – an area within which a single building will be located;
- **Building** – a single construction of varying typologies, including blocks, Courtyards, podiums and towers;
- **Fixed** – a committed parameter provision, in a fixed location; and
- **Fixed with tolerance** – a committed parameter provision, but with some flexibility.

7.1.3 The 'Working Masterplan' comprises of a 2- dimensional layout and the qualitative design material described within section 7 of the Design and Access Statement, This material demonstrates how the principles and parameters can be translated into a layout that delivers a high quality design and place and provides more qualitative detail on function, form, character, scale, landscape and public realm. It will form a key part of the submission and will be approved as an agreed framework for a further masterplanning process. It should however not be understood to prescribe a final design or to pre- determine matters that are reserved but to provide a comprehensive

framework against which subsequent reserved matters can be assessed. At reserved matters stage the working masterplan will evolve into a reconciliation masterplan.

8.0 Policy and principles of development

8.1.1 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 Planning Policies, local evidence base documents and emerging policy, and evidence used to inform the preparation of the now revoked Regional Spatial Strategy

8.1.2, The proposals and policies of the 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.

8.1.3 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 falls to be considered against any other relevant national and local policy and guidance and against other material planning considerations.

8.1.4 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.

8.1.5 The Birkenhead and Wirral Waters Integrated Regeneration Study reported to the councils Cabinet on the 24th June, which considered this the background to the study, the preparation process, including stakeholder engagement, and the key findings and recommendations. The report also explained how the IRS 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 IRS as a Council document, to carry appropriate weight in the determination of planning applications

8.1.6 In assessing this application, officers have therefore taken into account the Birkenhead and Wirral Waters IRS; 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

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

8.1.8 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 and assist in alleviating pressure to release greenfield or green belt land for new housing and economic development.

8.1.9 The application has also been assessed against National Planning Policy, including within National Planning Policy Statements. It is concluded that the proposals are broadly in conformity with national planning policy, and that whilst significant in scale, the proposals are not in such conflict with the development plan and emerging development plan as to merit a refusal on the grounds of prematurity.

8.1.10 Because of the scale of the proposals, it is recommended that if Members are minded to approve the application, that it is referred to the Secretary of State for his views

8.1.11 The Council's emerging Core Strategy builds upon over 30 years of regeneration focus in east Wirral. There has been no fundamental challenge to this focus and the Wirral Waters East Float proposals sit firmly at the heart of the most deprived communities, offering the potential to achieve transformational change in conformity with the majority of local and national policy.

9 0 Housing

9.1.1 The planning application proposes a maximum of 13,521 new dwellings (equivalent to 774,000m² of residential floorspace), distributed across the development, but with a particular focus on Northbank West and Sky City.

9.1.2 The inner Wirral area, in which the application is made, has suffered significant population decline in recent years, a rare occurrence in urban areas of the UK over this period. This outline application provides for a range of different housing types and tenures, and would play an important role in growing a more balanced and sustainable community in inner Wirral by introducing more economically active people into the area and creating a better balance of housing types. The provision of different housing types and tenures, including family orientated housing, would balance the local housing stock, helping to avoid an over-supply of low tax band properties and social rented stock. The creation of new housing stock is also central to the creation of a 'critical mass' of investment necessary to trigger the wider regeneration of the adjacent 'partnership' neighbourhoods and beyond.

9.1.3 It is indicated that all residential development will be designed to a high standard, achieving a range of quality standards, notably: 'Lifetime Homes'; Code for Sustainable Homes, and; Secure by Design. A Section 106 legal framework is proposed, which would require the applicant to undertake detailed assessments of the need, viability and deliverability of affordable housing as phases of the overall development are built; ensuring affordable housing is built, other than where the viability of the scheme does not permit such investment.

10 Education/Community development.

10.1 The application is supported by a Guiding Principles 12: Social and Community Infrastructure document, which outlines the potential requirements from Social and Community Infrastructure (SCI) as part of the East Float planning application. This is as follows:

10.1.2 Nursery Education: Nursery education development will be required as the Wirral Waters development progresses. The capacity needed will expand as the development grows and more residents move in. The area will also see uplift in the number of workers who will want to send their children to nursery. Consideration will need to be given in due course for additional Children's Centre provision. This will need to be monitored and assessed at each reserved matters stage and discussed and shared with the community development-working group. This is proposed to be secured through a condition.

10.1.3 Primary Education: There is likely to be a requirement for an additional primary school, if the population forecasts for Wirral Waters are achieved at the higher level of development. Again, this will be dependant on population numbers as the scheme develops and a school's delivery is proposed to be secured through a planning condition.

10.1.4 Secondary Education: There is unlikely to be any additional need for a secondary school, given that there is likely to be sufficient capacity within existing schools. However, will be monitored and controlled by a condition requiring the submission of a Social and Community Infrastructure Assessment.

10.1.5 Further Education: The development itself is unlikely to generate enough demand to require an FE facility. A 'cluster' education facility may be developed within or around Wirral Waters due to changing location demands and the opportunity that Wirral Waters provides.

11.0 Health and Social Care

11.1.1 The submitted Guiding Principles 12: Social and Community Infrastructure document states that as the Wirral Waters proposal develops and the resident population increases, it is anticipated that the majority of demand will be placed on GP's, community health centres and dentistry by young and middle aged adults. However, there will also be increased demand for older and family doctor medical care.

11.1.2 Workers at Wirral Waters may also choose to register with a dentist or doctor close to work. Whilst it is difficult to assess the amount of people who may register, the scale and provision for walk-in services and clinics will need to be developed in line with services targeted at residents. Multi-service health centres will provide the most efficient service and ability to provide the functions required in Wirral Waters.

11.1.3 In the Guiding Principles 12- Social and Community Infrastructure document, it is indicated that the Housing and Communities Working Group (Wirral Council and Peel) may take future responsibility for delivering the SCI, and should work together to produce an SCI implementation plan. The development of an implementation plan also ensures that all partners have a shared understanding of the demands which will be placed on service providers and also presents a way forward for how these requirements will be addressed within the area (time frames, identifying sites within 'catalyst' neighbourhoods and prioritising delivery.

12.0 Community Recreation and Leisure

12.1.1 The proposal will provide additional demand for community recreation and leisure facilities. There will be a need for community and leisure facilities that provide modern, flexible uses and that are accessible by a range of user groups. There will need to be provision made for the wider Children's social care support for a new community of the size proposed at East Float. This may have requirements for area based activities and staff providing a range of statutory and non- statutory social care support.

13 .0 Regeneration and local employment

13.1.1 Wirral Waters provides an opportunity to secure private investment on a scale that will transform the local area into an economically and socially sustainable community. The scheme is considered to be one of the largest and most sustainable projects in the UK. The need to ensure certainty for the Council and its partners, whilst retaining flexibility for the applicant to ensure the development's success, is a key issue. The area around the application site contains some of the most deprived communities in England, with very high levels of worklessness. It is essential that the development provides for new employment at all skill levels and maximises the use of local labour and businesses.

13.1.2 The Wirral Waters East Float proposals accord well with national planning policy (set out in the main body of this report) and local physical regeneration priorities. Although this application is in outline, control mechanisms (conditions and s106 legal agreements) will be imposed to ensure that development is brought forward in a coherent manner, to benefit existing and future residents and occupiers, and to integrate the new development with the adjoining communities and their facilities.

14.0 Retail and Commercial

14.1.1 The applicant has responded to the recent publication of revised government planning guidance (PPS4) and the adoption by the Council of the Strategy for Town Centres, Retail and Commercial Leisure produced for the Council by Roger Tym and Partners in December 2009 (the RTP report) (both after submission of the application) by preparing and submitting additional information on the implications of these documents for the application proposal. In particular, they have re-worked their impact analysis to incorporate key baseline assumptions used in the RTP report and an analysis against the relevant policies in PPS4. Although the applicant states that as the retail and leisure uses will be ancillary to the residential and office uses, it could be argued that there is no requirement to undertake a full PPS4 assessment (referencing EC14.2) of these uses, they have nonetheless undertaken one; which in my view is the correct approach given the amount of floorspace proposed. Overall, I am satisfied that the applicant has responded to the policy requirements of PPS4.

14.1.2 In their submission, the applicant has noted the difficulty in applying some of the provisions of PPS4 to the nature and scale of the application proposals. Overall, the principle is accepted of including provision for retail and leisure floorspace to support the office and residential elements, to create a genuine mixed community and a proposal which will be attractive to investors and residents.

14.1.2 The representations made by others about the impact of the proposed new elements of retail development have been carefully considered. Having regard to all the material consideration including the UDP, Roger Tym Report and the applicant's submitted **Retail Leisure and Office Statement** and addendum, the non-residential elements of the proposals are considered acceptable.

15.0 Design

15.1.1 The overall aim of the parameters and principles and working masterplan is to establish a clear framework for future development proposals. The submission has been developed in partnership with the Council over many months and its aspirations reflect the outcome of these discussions. In design terms this can be summarised as delivering:

'a high quality waterside development that reinstates legibility and coherence to the urban structure, improves connectivity between key

locations and creates a dynamic cityscape and an urban form that takes full advantage of historic and cultural assets to create a new visual identity for Wirral'

15.1.2 The key principles in respect of urban form, cityscape, public realm and movement and connections are set out within the submission.

15.1.3 At East Float, the scale, complexity and implementation timeframe ensure that change is inevitable. Plans are written at a particular point in time and represent the concerns of the day. The overall aim of the parameters is to establish a clear framework for future development ensuring that essential components have been fixed within the parameters and less significant spatial components can be developed and assessed through future reserved matters submissions. The 'Working Masterplan' will therefore provide a framework for a further masterplanning process (reconciliation masterplan) enabling the detail to evolve and respond to the concerns of the time. Although the detailed design is not an issue for consideration at this stage, it is considered 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 sustainable development and design quality for the lifetime of the consent.

16.0 Heritage

16.1 The evolving development of this scheme has been subject to a number of meetings and discussions between Peel, English Heritage and the Council. In particular, the concerns of English Heritage relate to the visual impact of the tall buildings on Hamilton Square, the flexibility of the parameters for the siting and mass illustrated by "worst case scenario images" and the need to be assured of the beneficial effect of Wirral waters in terms of the economic viability of Hamilton Square. This has resulted in subsequent amendments to the parameters relating to the siting and mass of the tall buildings at SkyCity and Marina View. Following these amendments the revised proposals have resulted in a much more positive response from English Heritage in relation to the impact on Hamilton Square.

16.1.2 Furthermore, English Heritage is content that the series of proposals to ensure the future health and prosperity of Hamilton Square are consistent with discussions that have taken place since the first letter was submitted. Further advice requires that any planning permission is subject to a S106 to achieve the most appropriate mechanisms for securing the benefits and their phasing with respect to the square.

16.1.3 English Heritage in their summary, while not agreeing with the applicants analysis of the visual effect of the new development on the setting of Hamilton Square, acknowledge the constructive response to their concerns about the tall buildings and parameters and believe the harmful effect on the setting of Hamilton Square has been reduced. In

reaching a decision, the advice of English Heritage is that the Council should balance the harmful effects with the potentially positive contribution the scheme could make to the long term regeneration and sustainability of Hamilton Square.

16.1.4 The mechanisms for achieving the desired economic benefits will be addressed through the 106 agreement and will include –

- Partnership working through the Hamilton Square Business Forum to ensure that Hamilton Square benefits from these proposals through enhanced economic conditions, and through physical connections including sustainable transport and improved public realm between Hamilton Square, East Float, Woodside and Birkenhead Town Centre.
- Future Master plans and other and/or other initiatives will ensure that proposals for Wirral waters are properly integrated with proposals for Hamilton Square. Peel has made a commitment to ensure that the future marketing of Wirral Waters includes both Hamilton Square and other key Wirral assets; and
- On-going monitoring of economic conditions in Hamilton Square.

16.1.5 With regards to the policy advice, both in PPS5 and UDP Policies CH01, CH1 and CH2, the proposal will have a positive impact through the promotion and support in the long term on the listed buildings; both within and adjoining the site. This will be achieved through their reuse, long term sustainability, better public accessibility and improved setting -- with the potential for high quality built development and public realm.

16.1.6 In accordance with policy HE10 of PPS5 and Paragraph 79. of its accompanying practice guide, there are a number of potential heritage benefits that could weigh in favour of the proposed scheme, these include:

- It sustains or enhances the significance of a heritage asset and the contribution of its setting.
- It reduces or removes risks to a heritage asset.
- It secures the optimum viable use of a heritage asset in support of its long term conservation.
- It makes a positive contribution to economic vitality and sustainable communities.
- It is an appropriate design for its context and makes a positive contribution to the appearance, character, quality and local distinctiveness of the historic environment.
- It better reveals the significance of a heritage asset and therefore enhances our enjoyment of it and the sense of place.

16.1.7 The site is currently of poor environmental quality. The proposed development will allow for the creation of new buildings and open spaces of high architectural quality and interest that complement, rather than compete with, the historic identity of the area.

16.1.8 It is therefore concluded that the proposal accords with the provisions of both national and local planning policy, in so far as the minor adverse impact identified in the ES, when balanced against the economic regeneration advantages outlined in this proposal, will deliver substantial benefits to the historic environments; in particular Hamilton Square.

17.0 Transport

17.1.1 In order to ensure that future transport provision will be able to support development at this key dockland site, a Transport Steering Group (TSG), comprising representation from Wirral Council, Highways Agency, Merseytravel and Peel Holdings, including their transport consultant, was set up in November 2007. The purpose of the TSG was to facilitate the development of a transport strategy that would produce optimum solutions and outcomes in respect to sustainable transport objectives.

17.1.2 The TSG has enabled significant progress to be made in advancing a jointly agreed approach to strategic transport planning and the provision of sustainable transport solutions for East Float.

17.1.3 The group also recognises the need for flexibility as the lifetime of the project to ensure that the transport strategy and provision can be adaptive to change over the next 30 to 40 years. However, in order for the Council to assess the potential impacts of the development on the existing highway and transport networks, the developer's transport consultant has carried out assessments based on the current trajectories of potential development. This has been carried out through extensive modelling at both the strategic and local levels.

17.1.4 These modelling tools have tested future demands on the existing highway and public transport networks and enabled the applicant to develop an infrastructure plan, as part of the submission, showing the potential improvements required to the transport infrastructure to cater for future growth associated with East Float.

17.1.5 Phasing of the development will be market led which will influence the timing of required transport interventions and the location and extent of strategic and local transport infrastructure improvements. The flexible nature of the phasing means that transport infrastructure will be reactive, rather than proactive, to phasing requirements. It is important, therefore, to note that the design of the junction and link improvements, as well as sustainable transport measures, will need to be subject to more detailed appraisal in the future as part of the Reserved Matters applications.

17.1.6 A key element of future traffic management plans will be the provision of ITS (Intelligent Telematic Systems) and the connection of new traffic signals being installed at future highway improvements to the Council's UTC (Urban Traffic control) centre at Cheshire Lines Building. The UTC system

co-ordinates the operation of the signals and crossings in a network, and can reduce the delays through manual or automatic intervention when problems occur.

17.1.7 The approach to securing transport improvements and sustainable transport measures will include indirect infrastructure provision, a travel plan and a sustainable transport tariff.

18.0 Sustainability

18.1.1 The applicant aspires to use the scale of the development and the extended timescale, over which the scheme will be developed, to provide sustainable technologies and waste management to create a sustainable development exemplar project.

18.1.2 A Sustainable Statement is included as part of the application and sets out the approach to energy, waste, water, resources and other aspects of sustainability; which will be secured by means of planning conditions.

19.0 Environmental impacts and mitigation

19.1.1 An Environmental Statement (ES) was submitted with the application in accordance with the relevant regulations.

19.1.2 The ES assesses the development in relation to the existing baseline environment to ensure that all potential impacts are identified and considered. It examines the project and its potential impacts associated with construction and operation phases. Appropriate mitigation measures are also identified.

19.1.3 There are a number of both positive and negative environmental effects arising from the development. Where negative effects do occur (after mitigation), it is considered that the effects are not so substantial, in planning and health terms, to threaten the principle of the scheme.

20.0 Flood Risk

20.1.1 The proposal includes uses within Flood Zone 3 which are within the “more vulnerable” use category as defined by national planning guidance (PPS25). It is also accepted that there are no ‘reasonably available’ sequentially preferable sites within the defined geographical area which can meet the functional requirements of the application, other than the application site. Given these factors, it was necessary to consider whether the development met the ‘Exception Test’ in terms of allowing development in a location not considered the most desirable because of risk from flooding.

20.1.2 In terms of the Council’s consideration of whether the exception test is met in this case, the three criteria set in PPS25 need to be considered: taking these in turn:

a) the development provides wider sustainability benefits to the community that outweigh flood risk, informed by a SFRA where one has been prepared;

The considerable sustainability and regeneration benefits of the East Float application are outlined elsewhere in this report and summarized by the applicant in the context of the exception test. These are accepted by the Council.

The site specific FRA for the application was informed by the Council's SFRA. Owing to the strategic nature of the outline planning permission detailed design/engineering mitigation and future management requirements in respect of flood risk will be agreed on a phased basis through further Flood Risk Assessments and consultation with the Environment Agency via the Reserved Matters process. Given these mechanisms and safeguards, which are supported by the Environment Agency, the Council considers that this element of the exception test is met.

b) The development should be on developable previously-developed land or, if it is not on previously developed land, that there are no reasonable alternative sites on developable previously-developed land;

The East Float application is on developable previously-developable land; therefore the Council considers that this element of the exception test is met

c) an FRA must demonstrate that the development will be safe, without increasing flood risk elsewhere, and, where possible, will reduce flood risk overall

As indicated above, due to the strategic nature of current application detailed design/engineering mitigation and future management requirements in respect of flood risk will be agreed on a phased basis through further Flood Risk Assessments and consultation with the Environment Agency via the Reserved Matters process. This approach is supported by the Environment Agency. So far as it is possible to ascertain at this stage given this situation, the Council is satisfied that this criterion of the exception test can be met.

The Local Planning Authority therefore considers that the requirements of the exception test has been met in this case

21.0 CONCLUSION

21.1.1 The submitted scheme is in outline form, with all matters reserved. This is in part to reflect Wirral Waters as a private sector led investment that is

dependent on achieving 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.

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

21.1.3 The applicant submitted an Environmental scoping letter to the Council in October 2009, together with a request for a scoping opinion 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

21.1.4 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

21.1.5 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.

21.1.6 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. Wirral Waters is ideally placed to strengthen strategic connections between the northern neighbourhoods and Birkenhead Town Centre, Hamilton Square and Woodside. The existing crossing points and routes provide the appropriate framework to develop clearer, safer and more active connections through a more diverse range of uses and higher quality building and public realm. In local terms, the central gridiron of the Laird Town Plan is well placed to provide connections between Birkenhead Town Centre and the development

21.1.7 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

21.1.8 The proposed scheme when developed has the potential to transform the physical environment through place-making and a high 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.

22 .0 Recommendation - APPROVE

22.0.1 For the above reasons, and having regard to the individual merits of this application, all relevant material considerations including, National Policy, the relevant Policies in the Wirral Unitary Development Plan (Adopted February 2000), and the BIRS (The Birkenhead and Wirral Waters Integrated Regeneration Study Endorsed June 2010.) This is an important element of the evidence base for Wirral's Core Strategy Development Plan Document and outlines 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 Peel's proposals for Wirral Waters and is a material planning consideration in relation to development proposals in the vicinity of the study area

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WIRRAL COUNCIL

PLANNING COMMITTEE: 3 AUGUST 2010

REPORT OF THE DIRECTOR OF TECHNICAL SERVICES

WIRRAL WATERS PLANNING APPLICATION OUT/2009/06509

Location: Cleared site adjacent to East Float Quay, Dock Road, Seacombe.

Proposal: Outline planning application for demolition of existing buildings and the creation of a new city neighbourhood at East Float, including a series of new urban quarters (Northbank West, Marina View and Four Bridges, Vittoria Studios and SkyCity and The Point), consisting of a maximum of 13,521 residential units (Class C3 Use), a maximum of 422,757 sq m office and research and development floorspace (Class B1), a maximum of 60,000 sq m retail uses (Classes A1-A5), a maximum of 38,000 sq m hotel and conference facilities (Class C1), a maximum of 100,000 sq m of culture, education, leisure, community and amenity floorspace (Classes D1 and D2), together with the provision of car and cycle parking, structural landscaping, formation of public spaces and associated infrastructure and public realm works and including retention of and conversion works to Grade II Listed Hydraulic Tower. Within this overall maxima permission is sought for flexible use under the GDPO Part 3 Class E for 48,500 sq m of floorspace to be used for office and research and development floorspace (Class B1), retail uses (Class A1 retail, Class A2 Financial and Professional Services, Class A3 restaurants and cafes, Class A4 bars and Class A5 hot food takeaways), hotel and conference facilities (Class C1), culture, education, leisure, community and amenity floorspace (Classes D1 and D2). The application is submitted in outline with all detailed matters reserved for subsequent approval (amended description).

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1.0 RECOMMENDATION

- 1.1 That Planning Committee be minded to grant planning permission, subject to:
- No direction to the contrary from the Secretary of State;
 - The conditions listed; and
 - The completion of a Section 106 legal agreement. (Note: The legal agreement is to cover the Heads of Terms referred to in this report).
- 1.2 That the Director of Technical Services be authorised to negotiate such a legal agreement and, upon its completion, to grant planning permission on the basis of the Heads of Terms in this report and subject to the conditions listed.
- 1.3 That the Director of Technical Services be given delegated discretionary power to refuse the application in the event that the s106 agreement is not completed within 12 months of the date of the Secretary of State indicating that he is not intervening in calling in the application.

2.0 INTRODUCTION

2.1 Purpose of the report

- 2.1.1 The purpose of this report is to determine an outline application for the comprehensive development of the site. Any resolution to grant planning permission may necessitate referral to the Secretary of State given the scale of elements of the development. Such a resolution would also be subject to detailed conditions and a Section 106 agreement to ensure the delivery of other requirements.

2.2 Structure of the report

- 2.2.1 The report fully considers the application in relation to national and local planning policy. The report considers the likely impacts of the proposal and considers the views and representations of statutory bodies, and other organisations and individuals with an interest in the application. The report comprises of sections dealing with:

- Background to the Development Proposal
- The application site, including:
 - Description and form of the application and parameters
 - Environmental Impact Assessment
 - EIA Scoping
 - Environmental Statement
 - Procedure
 - Decision Making Process
 - Length of Permission
 - Minimum and maximum rates of delivery
 - Heads of terms
- Planning History
- Consultation Responses
- Development Plan Allocation and Policies
- Statement of Community Involvement

- Affordable Housing and Housing
- Education/Community development
- Health and Social Care
- Retail/office provision
- Regeneration and local employment
- Parameters and design
- Green Infrastructure
- Archaeology and Cultural Heritage and Visual Impact
- Transport/public transport
- Ports
- Energy, Waste and sustainability
- Drainage, Flooding and Water Courses
- Air Quality
- Noise and Vibration
- Ecology & Biodiversity
- Ground Contamination & Remediation
- Wind
- Daylight, Sunlight and overshadowing
- Port Issues

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

3.0 BACKGROUND

3.1 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, focusing 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.

3.2 This application is being considered as part of the Wirral Waters regeneration projects, and is the second of a number of strategic development projects focused along the river Mersey within the Ocean Gateway (Peel's proposals for its landholdings between Manchester and Liverpool, endorsed by the NWDA as the Atlantic Gateway). The proposal for Wirral Waters is being developed through the process of a Strategic Regeneration Framework (SRF), in accordance with "Creating successful Masterplans", a CABE compliant means of bringing forward major development and regeneration projects. The SRF has been put in place to guide and shape the proposal and to ensure integrated and sustainable development and comprises of: a baseline study; an vision and Development Framework; associated Guiding Principles for the wider area of Wirral Waters, and; a small number of more detailed Masterplans for key areas of change.

3.3 Wirral Waters SRF is processed through five key work stages comprising of:

- 1 Inception and initial vision;
- 2 Baseline Study;
- 3 Vision and Development Frameworks;
- 4 Masterplanning; and
- 5 Implementation

4.0 THE APPLICATION SITE

4.1 The Application Site

- 4.1.1 The application site is located within a city-regional and 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 former Regional Spatial Strategy.
- 4.1.2 The site boundary contains approximately 50.4 hectares of partially derelict and fragmented dock land. The Southern parts of the site contain warehouse/transit sheds and offices, which are located either side of Vittoria Dock. The area surrounding the buildings is mainly hard standing and used for storage of materials and off-loading of cargoes. The East Float water body dominates a large proportion of the site and remains in operational use as part of the dock estate.
- 4.1.3 The converted former grain warehouses (Grade II Listed Buildings) are located to the north of the site. The Northbank East site was the subject of two planning applications last year for mixed-use development. The proposals for the Northbank East site comprise of five towers ranging in height from 79m to 130m connected by interlinking urban blocks. This site is located to the east of the now converted warehouses.
- 4.1.4 The Hydraulic Tower, also a listed grade II building, lies within the eastern area of the site. Planning permission was granted in 2008 for its extension, refurbishment and conversion to a hotel and restaurant. Due to the low viability of the scheme under the current economic climate, the site has been incorporated into the East Float application to enable other land use options to be considered.
- 4.1.5 Four key roads, bound the application site: Dock Road to the north; Tower Road; Corporation Road, and; Duke Street. These roads are all within the red edge of the site and proposals for highway improvements within and outside the site will be the subject of conditions and/or legal agreements with the applicant.

4.2 Description and form of the application and parameters

- 4.2.1 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 defined uses and quanta along side a series of parameters, identified on parameter plans, accompanying written principles defining maximum building envelopes and key areas of public realm.

- 4.2.2 This information 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 as set out within section 8 of the Design and Access Statement. They provide elements of the scheme which are required to be established by legislation and EIA processes. For the purpose of technical assessment (including environmental testing ES) the maximum building envelope defined on the parameter plans has been tested as a worst case scenario in terms of potential environmental impact. In the case of micro climate it has however been necessary and appropriate to base testing on 'a likely scenario' given that the exact form of the buildings is unknown at outline stage. The working masterplan (explained below) has been tested as an appropriate model for this assessment. However detailed proposals will be subject to further testing at reserved matters stage.
- 4.2.3 It is important to note that the parameter plans contain different levels of precision and commitment. Parameter lines are fixed in certain locations for a particular reason whilst others incorporate tolerances. The components that are fixed at the outset are those aspects that are not only required by legislation but have been informed by a detailed understanding of the strategic context of the site and are clearly demonstrated within the level 1 baseline assessment work. For instance the key areas of public realm routes, open spaces and the building lines lining key routes or areas have been fixed in order to secure a clear spatial framework/strategy for the site. In other cases it is appropriate for parameters to commit to a certain number of routes, building parcels or open spaces within each defined maximum building envelope but not to define the precise siting of each component. In such instances written principles are provided to inform the siting of buildings, public realm and open spaces and the quarter based parameter plans define the level of deviation in building lines within individual quarters. The maximum building envelope as defined on the parameter plans should not therefore be misunderstood to be the total area that can be built out.
- 4.2.4 At East Float it is considered appropriate for a flexible approach to be applied due to the scale of opportunity and the scope of potential development proposals that could come forward. The level of flexibility requested for the siting of individual parcels within the broad parameters is not considered to undermine the key place making principles established for the site or to result in any unmitigated environmental impacts. The Council recognizes that ownership, the economy, market conditions 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. The requirement for a further masterplanning process will ensure that the detail within is able to evolve and respond to the concerns of the time. Although the detailed design is not an issue for consideration at this stage, it is considered 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 quality for the lifetime of the consent.
- 4.2.5 In achieving quality in urban design the design and access statement is also a key component of the submission supporting the fixed parameters plans and written principles. The 'Structuring Principles' set out within Section 6 of the Design and Access Statement are a key to understanding the design principles and design rationale underpinning the parameters and will be

approved as an integral part of the consent to guide the delivery of future development proposals for both buildings and public realm.

- 4.2.6 Further detailed work is set out within section 7 of the Design and Access Statement -'the working masterplan' which demonstrates how the parameters and principles can translate into a high quality design and place. This provides more qualitative detail on function, form, character, scale, landscape and public realm. It will form a key part of the submission in terms of guiding future development proposals and provides a bridge between the parameters and principles. The working masterplan has enabled the Council to consider how the proposals could deliver design quality prior to granting outline consent and is a starting point for a further masterplanning process and has set a benchmark for design quality. It should not be understood to prescribe a final design or to pre- determine matters that are reserved but to provide a comprehensive framework against which subsequent reserved matters can be assessed. At reserved matters stage the working masterplan will evolve into a reconciliation masterplan that will be accompanied by an urban design statement explaining/ justifying any deviation from the working masterplan and setting out design principles informing future proposals.
- 4.2.7 Section 9 of the Design and Access Statement sets out the process and protocol for masterplanning post outline and will be supported by appropriately worded planning conditions.
- 4.2.8 The key parameters are summarized below and described in detail within the Design and Parameters section of this report:
- 4.2.9 The planning application defines and establishes five quarters within East Float and a series of waterbodies. The role and function of the quarters is set out within the parameters in broad terms and with reference to the key components. All five quarters propose a mix of uses within them. It does however not define the amount of different uses that can be located in different quarters. In order to support a place making approach and in ensuring that the intended role/function of the quarter is safeguarded, the minimum quantity of a particular use has been specified or there is a restriction on inappropriate uses where appropriate.
- 4.2.10 Parameter plans (GA) 201 Rev P08 defines the boundaries of the Quarters.
- 4.2.11 Parameter plans (SK) 1020 Rev P02- Ground level and (SK) 1024 Rev P01 and Upper level illustrate the minimum and maximum length and width of buildings and key areas of public realm.
- 4.2.12 *Sky City* is proposed as the heart of the East Float as a prestigious cluster of tall buildings. A business led environment (with a central civic park). Mixed use active frontages with ground floor shopping and dining.
- 4.2.13 *The Point* is proposed as a cultural destination and will be a focal point for the East Float.
- 4.2.14 *Vittoria Studios* is proposed as a start up location with a focus upon the creative industries, media, design and technology and the arts, with links to existing maritime clusters and the education hub. A series of connected,

flexible buildings will be created with residential uses sensitively incorporated alongside employment.

- 4.2.15 *North Bank* is proposed as a residential led quarter with commercial, leisure, health and community uses offering a bespoke living environment, with local bars, shops and restaurants. To protect the intended residential use of this quarter at least 60% of the completed floorspace will be residential.
- 4.2.16 *Marina View and Four Bridges* is proposed as a civic and residential led hub incorporating the hydraulic tower as a focal point. To secure the intended use of Marina View at least 60% of the podium level development will be education, civic or community uses, leisure or B1 and will exclude car parking. Four Bridges will not include any residential uses.

4.3 Cityscape

- 4.3.1 The masterplan 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.
- 4.3.2 Sky city is proposed as the principal scale and massing component and the visual spine of the development with a cluster of tall buildings concluding in a landmark tower. The surrounding quarters act as the foothills with the scale and density of the buildings gradually decreasing in scale in order to provide the transition from Sky City and the established urban area surrounding the site. The scale and massing of the proposals have responded to the setting of listed buildings situated within the site namely the hydraulic tower and the grain warehouse. The impact on the listed structures is assessed within the heritage section of this report.
- 4.3.3 Parameter plan (*SK*) 1021 Rev P02- *Scale and Massing* defines the maximum heights across the site. The maximum heights have been set to ensure the appropriate environmental assessment could be undertaken most notably in respect of the landscape and visual analysis taking account of the impact on Hamilton Square. The buildings will range from 226m maximum at the landmark tower at Sky City to 18m at Four Bridges dependent on location, function and context. The application does not define minimum heights. Future reserved matters proposals will however be required to conform with the cityscape principles and a mechanism for testing minimum heights against the cityscape strategy has been developed in order to establish how the detailed minimum heights will be determined at reserved matters stage.

4.4 Public Realm, Landscaping and Open Space

- 4.4.1 The application promotes a coherent and strategic approach to movement and public realm through-out the site. The baseline study and the Strategic Regeneration Framework work (summarised in chapter 5 of the Design and Access Statement) demonstrate a detailed understanding of the physical context of the site and the role of the 'connecting threads' establishing strategic links between East Float and key locations as well as partnership neighbourhoods.
- 4.4.2 Parameter Plan (*SK*)1017 Rev P08- *Ground Plane- Movement and connections* sets out the strategic access points for the development. The movement principles set out within Section 6 of the Design and Access

Statement underpin the public realm and open space strategy for the site. It aims to create a high quality, permeable, attractive, safe and well connected movement network. Creating a clear movement order of primary routes centred upon the key neighbourhood connections, bring public transport into the development and putting pedestrian movement at the heart of the strategy.

- 4.4.3 Parameter plan (*SK*) 1016 Rev P10- *Landscape and public realm* defines the key public realm and landscape components for the site including the approx locations of key routes, the network of open spaces and key areas of public realm/ open space.
- 4.4.4 The application defines key areas of public realm through out the site including Sky City Park as the principal public realm component and a network of squares, terraces and wetlands defined at district, quarter level. The application also defines three distinctive waterscape identities across the site. The function and character of the different water spaces have been shaped by the orientation and differing environmental conditions. South facing areas are to become a focus for events and activities, providing a more intimate and enclosed experience and the focus for leisure based activities.

4.5 Description of Development and Access

- 4.5.1 A series of fixed and indicative access points have been provided. Fixed points generally respond to the surrounding context or because there is no other option in terms of site design. A series of additional access points are proposed with tolerances or indicatively.
- 4.5.2 The design and access statement sets out the approach to access and provides commitment to achieving an inclusive environment across the masterplan 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.
- 4.5.3 The full description of the development appears above and can be summarised as follows:
- Up to 13,521 (774,000 m2) of residential units
 - Up to 1,394,757 amount of built floorspace of which –
 - no more than 422,757m2 office research and development (B1)
 - no more than 60,000 m2 retail uses A1 – A5
 - no more than 38,000 m2 hotel and conference facilities (C1)
 - no more than 100,000 m2 of culture, education, leisure, community and amenity floorspace (D1 and D2)
- 4.5.4 Within this overall maximum, permission is sought for a flexible use under GPDO Part 3 Class E for 48,500m2 of floorspace to be used for residential use, office and research, retail, hotel and conference culture, education and leisure, community and amenity floorspace. This will apply to all development within Vittoria Studios and ground floor development within the other quarters.

4.5.5 Extensive documentation has been submitted in support of the application, including a Transport Assessment and an Environment Impact Assessment, both of which have been amended during the last 6 months and appropriately re-advertised for public consultation. The full list of the documents submitted with the application (submitted in December 2009) is as follows:

- Design and Access Statement;
- Development specification;
- Environmental Statement;
- Guiding Principles documents:
 - 1 Planning and Implementation
 - 2 Consultation and engagement
 - 3 Sustainability and Physical Infrastructure
 - 4 Sustainable Transports
 - 5 Port
 - Markets and Futures
 - Public Funding
 - Retail and Leisure
 - Enterprise
 - Skills and employability
 - Housing
 - Community Infrastructures
 - Healthy Living
 - City Scape
 - Landscape, waterfront and Public Realm
 - Flood risk and drainage
- Health Impact Assessment
- Infrastructure Statement
- Planning Statement
- Quarter Handbooks
- Regeneration Statement
- Retail, Office and Leisure Statement
- Sustainability Statement
- Transport Assessment

4.6 **Neighbourhood parameter plans:**

4.6.1 These are:

- (GA) 201- Quarter Boundaries, Rev PO8- (Dec 09)
- (SK) 1017- East Float Parameter Plan Movement and Connections (Ground Plane), Rev PO7 (Dec 09)
- (SK) 1018- East Float Parameter Plan Movement and Connections (Underground Dock), Rev PO5 (Dec 09)
- (SK) 1016- East Float Parameter Plan Landscape and Public Realm, Rev PO8 (Dec 09)

4.7 **Quarter Parameter Plans:**

4.7.1 These are:

- ASK-001 East Float Masterplan Sky City- Ground Floor (up to 6.0m above established ground level)
- ASK-002 East Float Masterplan Sky City- Upper Floors (from 6.0m above established ground level and above)
- ASK-003 Parameter Plans- Sky City- Movements and Connections

- ASK-004 Parameter Plans- Sky City- Scale and Massing
- ASK-005 Parameter Plans- Sky City- Scale and Massing- illustrative massing heights spiral
- 1752-A-SK-001-A, Vittoria Studios, East Float Masterplan: Ground Level
- 1752-A-SK-002-A, Vittoria Studios, East Float Masterplan: Upper Levels
- 1752-A-SK-003-A, Vittoria Studios, East Float Masterplan: Movement and Connections
- 1752-A-SK-004-A, Vittoria Studios, East Float Masterplan: Scale and Massing
- Marina View and Four Bridges- Ground Floor Parameter Plan
- Marina View and Four Bridges- Upper Level Parameter Plan
- Marina View and Four Bridges- Movement and Connections
- Marina View and Four Bridges- Scale and Massing
- Northbank West- Parameter Plan No.1- Ground Level Layout, 00_201 Rev B (09.11.09)
- Northbank West- Parameter Plan No.2- Upper Level Layout, 00_202 Rev B (09.11.09)
- Northbank West- Parameter Plan No.3- Movement and Connections, 00_203 Rev B (09.11.09)
- Northbank West- Parameter Plan No.4- Scale and Massing, 00_204 Rev B (09.11.09)
- Topographical survey

4.7.2 Additional information submitted in **June 2010** was as follows:

- Wirral Waters Baseline Study (July 2008)
- Wirral Waters Vision Statement
- Planning and Regeneration Supplementary Statement
- Retail, Office and Leisure Statement Addendum
- Office Market Report
- Development Specification
- Ecological Impact Assessment
- Transport Assessment (including Travel Plan)
- Guiding Principles (Revised June 2010)
- Economic Impact Assessment
 - 10 Skills and Employability
 - 12 Social and Community Infrastructure
 - 15 Landscape, Waterfront and Public Realm
- Revised Flood Risk Assessment
- Environmental Statement Chapter 13 (Drainage, Flooding and Water Resource)
- Supplementary Townscape and Visual Information
- Sustainability Statement Addendum: Energy and Waste
- Appropriate Assessment Screening Report
- Heritage Statement
- Infrastructure Statement (S)

4.7.3 Additional information submitted in **July 2010** was in relation to East Float Neighbourhood Parameter Plans. The Drawing No's are:

- **Dwg No:** Quarter Boundaries (GA) 201 **Rev:** P08
- **Dwg No:** Landscape and Public Realm (SK)1016 **Rev:** P10
- **Dwg No:** Ground Level (SK)1020 **Rev:** P02
- **Dwg No:** Upper Level Minimum (SK) 1024 **Rev:** P01
- **Dwg No:** Scale and Massing (SK) 1021 **Rev:** P02
- **Dwg No:** Movement and Connections (Ground Plane) (SK) 1017 **Rev:** P08
- **Dwg No:** Movement and Connections (Underground/dock) (SK) 1018 **Rev:** P05

○

QUARTER PLAN REFS

Sky City

- Ground Floor – ASK-001 Rev B
- Upper Floors – ASK-002 Rev B
- Movement and Connections – ASK-003 Rev B
- Scale and Massing – ASK-004 Rev A

Vittoria Studios

- Ground Level – 1752-A-SK-001-B
- Upper Levels - 1752-A-SK-002-B
- Movement and Connections - 1752-A-SK-003-B
- Scale and Massing - 1752-A-SK-004-B

Four Bridges

- Ground Level – FBR–001-B
- Upper Level - FBR–002-B
- Movement and Connections - FBR–003-C
- Scale and Massing - FBR–004-B

Northbank West

- Ground Level – 00_201 Rev D
- Upper Level - 00_202 Rev D
- Movement and Connections - 00_203 Rev D
- Scale and Massing - 00_204 Rev D

4.8 Environmental Impact Assessment

4.8.1 The planning application is accompanied by an Environmental Statement as required by the Town & Country Planning (Environmental Impact Assessment) (England and Wales) Regulation 1999. Schedule 1 of the above Regulations lists a number of significant developments where an environmental impact assessment (EIA) is always required.

4.8.2 The proposals do not fall within any of the categories defined by Schedule 1. However, Schedule 2 of the Regulations lists further categories of development where EIA may be required depending upon the scale of development, likely significant effects and whether the site is located within a sensitive area. The proposals are categorised as an 'urban development project' within Schedule 2, Section 10(b) of the Regulations. Circular 2/99 (Environment Impact Assessment) 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 area 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 significant urbanising effects in a previously non-urbanised area (e.g. a new development of more than 1,000 dwellings).

4.8.3 Clearly the proposals exceed these thresholds and therefore an EIA accompanies the application.

4.9 EIA Scoping

4.9.1 In October 2009, the applicant submitted an EIA scoping report to the Council. Under Part 10 of the above Regulations an applicant who is minded to make an EIA application can ask the local planning authority to state their opinion as to the information to be provided in the Environmental Statement (a 'scoping opinion'). The scoping report identified the key EIA issues as:

- Transport
- Air Quality, Dust and Odour
- Noise and vibration
- Daylight, sunlight and overshadowing
- Wind
- Townscape and visual
- Archaeology and cultural Heritage
- Drainage, flooding and Water Resources
- Ground Conditions, Hydrology and Contamination

4.9.2 In accordance with the Regulations, the Council consulted with appropriate bodies on the content of the scoping report. In August 2009 the Council issued its draft scoping opinion, and the final in November 2009 broadly endorsing the content of the scoping report. However, the scoping opinion suggested that a further chapter should be included in the environmental statement covering the topics of ecology and Nature conservation.

4.9.3 Through responding to the post application comments, a number of minor changes to the parameter plans and principles were made. These were outlined as part of a package of supplementary information submitted to WMBC in June 2010. Part the information submitted to WMBC included a range of supplementary reports that have been completed since December 2009. From an environmental perspective these included the following:

- Ecology and Nature Conservation Assessment (EcIA) including further bat surveys;
- Supplementary Townscape and Visual Material;
- A revised (albeit minor) Flood Risk Assessment (FRA)
- Environmental Statement: Volume 3 – Technical Appendices);
- A revised (albeit minor) Chapter 13 – Drainage, Flooding and Water Resources (Environmental Statement: Volume 2 – Text and Figures);
- Extended Screening for Appropriate Assessment;
- Cumulative Impact Assessment (CIA) for Northbank East, East Float and Liverpool Waters; and
- Supplementary Geo-environmental Report.

4.9.4 However, following legal advice to the Council, the submitted cumulative impact assessment for Liverpool Waters should not be taken into account as

the Liverpool scheme has not yet been submitted as a formal planning application and is therefore based on an assumption.

- 4.9.5 The package of supplementary information submitted also included a covering letter that outlined the additional environmental assessment undertaken since December 2009 alongside clarification on whether the supplementary documents replaced existing documents or simply provided further supplementary information. The covering letter also confirmed that the amendments to the parameter plans and principles either do not change the information upon which technical and procedural assessment methodologies are based, or if they do, that the revised assessment does not change the significance of the residual effects assessed within the ES, December 2009.
- 4.9.6 In addition, following the submission of the package of supplementary information a number of clarification issues were raised by the council in relation to changes to parameter plan and principles that have been made and whether such changes have a material effect on the submitted ES. Clarification issues were also sought on the mechanisms for delivery of further supporting technical assessment.
- 4.9.7 In response, the applicants submitted A Statement of Conformity and Clarification (SoCC) in response to the requirement of the council, to explain the following-
- Provide an overview of any additional analysis and assessment undertaken since the submission of the planning application in December 2009;
 - Document the evaluation of the changes to parameter plans and principles (on a topic by topic basis). This included a description of the information upon which the assessments have been made (if necessary), any changes to the magnitude of change of sensitivity of the receptors (as a result of the changes) and reasoning as to why the assessment/s still remain robust and valid;
 - Confirmation of any changes in residual effects (on a topic by topic basis) and re-presenting each of the significant effects identified during the ES, December 2009 or supplementary information provided in June/July 2010 alongside their residual effect, both before and after the changes to parameter plans and principles; and
 - Outline of further analysis and evaluation required in the future.
- 4.9.8 The changes to the parameter plans and principles are documented in three key documents as outlined below:
- Schedule of Amendments to Principles and Parameters, June 2010, as submitted as part of the package of supplementary information, June 2010;
 - East Float, Parameters and principles matrix, audit trail matrix, July 2010; and
 - East Float, Parameters and principles matrix, refreshed matrix, July 2010.
- 4.9.9 The information presented in the SoCC considered the methodology upon which the conclusions have been determined, the process is transparent to all parties and the reasons why the ES, December 2009 remains valid and robust is clearly understood.

- 4.9.10 The SoCC has been considered as supplementary information to be read in conjunction with the submitted planning application documents and the supplementary package of information submitted in June 2010.
- 4.9.11 The Environmental statement (2009) was based on a series of development principles, some of which were used to inform the technical assessment/s. The parameter plans also outlined spatial elements that were fixed and other spatial elements, which may vary as the scheme design progresses through the design process and towards future detailed reserved matters submissions. All technical assessments within the EIA sought to assess the most significant effect i.e. the 'worst case'.
- 4.9.12 However, where the maximum scenario was likely to result in effects that are beyond worst case, to an extent that the effects presented are not considered likely, some specific assessments were based on a 'working masterplan', (as now renamed, previously the 'illustrative masterplan').
- 4.9.13 There have been no changes to the schedule of accommodation as detailed within the ES, December 2009. This outlined the maximum quantum of uses across the Site and the maximum total quantum across each of the Quarters. These schedules were used to inform the transport modelling and the associated traffic data. The traffic data was used to assess some of the effects relating to transport, air quality, dust, noise and vibration. The maximum scenario was modelled and the maximum scenario was tested.
- 4.9.14 It is considered therefore, that as both assessments are based upon residual effects and the changes to the parameter plans and principles do not change the residual effects for East Float, that both the Cumulative Impacts within the ES, December 2009 and the supplementary CIA remain valid.

4.10 Environmental Statement

- 4.10.1 The planning application, as originally submitted in December 2009, included an environmental statement main report and accompanying drawings referred to as Volume 1 Non Technical Summary, Volume 2 Text and Figures and Volume 3 Technical Appendices. The technical appendices support the environmental statement as follows:
- Appendix 2 Approach to EIA;
 - Appendix 2.1 Consultation Responses (November 2009)
 - Appendix 2.2 Environmental Scoping letter
 - Appendix 2.3 EA Response to Environmental scoping letter
 - Appendix 2.4 MEAS Response to Environmental scoping letter
 - Appendix 2.5 Extended Phase 1 Habitat Survey (East Float) (December 2009)
 - Appendix 2.6 Extended Phase 1 Habitat Survey (NorthBank East) (January 2008)
 - Appendix 2.7 Overwintering Bird Survey (Northbank East) (January 2008)
 - Appendix 3 N/A
 - Appendix 4 Consideration of Alternatives and description of the proposed development (January 2008)
 - Appendix 4.1 Quarter Boundaries (November 2009)

- Appendix 4.2 Key Template for Parameter plans (November 2009)
- Appendix 5 Planning policy and context
- Appendix 5.1 Policy and literature Review (Nov 2009)
- Appendix 6 Transport n/a
- Appendix 7 Air Quality Dust and odour
- Appendix 7.1 Glossary of terms (Nov 2009)
- Appendix 7.2 Air Quality Standards and objectives (Nov 2009)
- Appendix 7.3 Summary of traffic data used in the assessment (Nov 2009)
- Appendix 7.4 Meteorological Data (Nov 2009)
- Appendix 7.5 Verification (Nov 2009)
- Appendix 7.6 Results (Nov 2009)
- Appendix 8 Noise and vibration
- Appendix 8.1 Glossary and Terminology (November 2009)
- Appendix 9 Daylight, sunlight and overshadowing
- Appendix 9.1 Vertical Sky Component Calculation Results 9 December 2009)
- Appendix 9.2 Sunlight Calculations for the whole year (December 2009)
- Appendix 9.3 Sunlight Calculations for winter 21 Sept to 21 March (December 2009)
- Appendix 10 Wind
- Appendix 10.1 Results of Wind Modelling (December 2009)
- Appendix 11 Townscape and visual
- Appendix 11.1 Townscape and Visual Assessment Methodology and Glossary (December 2009)
- Appendix 12 Archaeology and Cultural Heritage
- Appendix 12.1 MSMR Data (November 2009)
- Appendix 12.2 Conservation Statement and Heritage Impact Assessment (December 2007)
- Appendix 13 Drainage, Flooding and Water Resources
- Appendix 13.1 Flood Risk Assessment (December 2009)
- Appendix 14 Ground Conditions, Hydrogeology and Contamination
- Appendix 14.1 Phase 1 Geo-environmental report
- Appendix 15 Cumulative Impacts N/A

4.10.2 Shortly after submission of the planning application and accompanying Environmental Statement (ES) the Merseyside Environmental Advisory Service (MEAS) on behalf of the Council, reviewed and assessed the content. The conclusion was that the ES and supporting appendices appeared to meet all of the requirements outlined in the EIA Regulations. However, there were a number of issues for which further information should be requested prior to the determination of the planning application. The Council's legal advice concluded that any request for additional information should be made through Regulation 19 of the 1999 Regulations in order to maintain the transparency and procedural correctness of the EIA process.

4.10.3 Accordingly a request for further information pursuant to Regulation 19 was sent to the applicant in February 2010. This request highlighted a number of topic areas where both general and specific further information was required. Supplementary information was requested as follows:

- Drainage, Flooding and Water Resources

- Revised Flood Risk Assessment
- Ecological Impact Assessment
- Energy and Waste
- Townscape and Visual Information
- Cumulative impact assessment of Liverpool and Wirral Waters

4.10.4 In response to the Regulation 19 request and consultation replies from stakeholders, the applicant produced and submitted a series of additional documents in June 2010, which have been advertised for 21 days and any representations received considered in this Planning Committee report.

4.10.5 The terms on which outline permission is sought are set out in the application, together with the plans and other materials which form part of the application. The development, which has been the subject of the impact assessment, is described in more detail in the environmental statement. In order to fulfil the requirements of the EIA Regulations it is necessary to ensure:

- (a) that the Council has taken into account the environmental information submitted, and
- (b) that any planning permission granted is consistent with the development which has been assessed.

4.10.6 To achieve this second objective the Council has the ability to impose conditions and secure mitigation measures by Section 106 obligations. Conditions will require that the details of the development, which will be the subject of applications for approval of reserved matters, must be in broad conformity with the parameters laid down by the outline planning permission. By this means the details of the development, albeit in some cases approved subsequently, will not conflict with the assessment of the effects of the proposed development set out in the environmental statement.

4.10.7 The ES assessed the development in relation to the existing (baseline) environment, to ensure that the potential impacts are identified and assessed. It examined the project and its potential impacts associated with the construction and operation phases. Appropriate mitigation measures were then identified. A combination of field surveys, desktop surveys and modelling techniques were used to assess the potential impacts of the development, as well as detailed consultations that have been undertaken with statutory and non-statutory consultees, and other interested parties.

4.10.8 Taking account of the mitigation requirements, there are a number of both positive and negative effects arising from the proposed development. Where negative effects do occur (after mitigation), it is concluded that the effects are not so substantial in planning terms to require any fundamental re-design of the scheme or threaten the principle of the scheme.

4.10.9 It is recommended that a further EIA screening and if necessary a scoping report should be issued at each Reserved matters stage to enable the local planning authority to state their opinion as to the information to be provided in the ES (a 'scoping opinion'). This approach is to be secured through appropriate conditions and/or legal agreement between the applicant and LPA.

4.11 Procedure

4.11.1 Following receipt of the planning application in December 2009 a consultation and notification exercise was undertaken as required by the Town & Country Planning (General Development Procedure) Order and the Town & Country Planning (Environmental Impact Assessment) Regulations. A total of 372 statutory and non-statutory consultees were invited to comment on the proposals, site notices were displayed on and adjacent to the site, the application was advertised in the local press and an article appeared in an edition of the Local Newspaper (Wirral Globe). The results of this consultation exercise are described more fully in the 'Consultations' section of this report.

4.11.2 The planning application under consideration was originally submitted to the Council for consideration in December 2009. Prior to the submission of the planning application the applicant produced an Environmental Impact Assessment Scoping Report.

4.12 Decision making process

4.12.1 Local Planning Authorities have discretion under section 91 of the Town and Country Planning Act 1990 to grant Planning Permission for longer than the default period of three years; or longer than the two year default period for the approval of reserved matters, if there is a good planning reason to do so.

4.12.2 The East Float planning application forms the heart of the Wirral Waters regeneration project. The applicant estimates that due to the scale and nature of the development, the project will take thirty plus years to deliver. The application therefore seeks outline planning permission, which will be delivered in a number of phases over a long period of time.

4.12.3 The length of the planning permission will give the required certainty to investors to ensure that this level of investment and the vast range of benefits to be derived from this scheme can be delivered.

4.12.4 With regard to phasing, the applicant has submitted a working trajectory to demonstrate how the scheme could be brought forward. It allows for an early delivery of certain types of development and anticipates that major office development is likely to follow on after a start on the housing component. The trajectory is provided for the purpose of modelling infrastructure requirements, but forms a useful framework for managing the delivery process.

4.12.5 The trajectory will be part of the planning permission and will be updated as the scheme evolves. This will require the submission and approval of phasing plans and trajectories with each detailed submission. Conditions will be attached to any planning approval to require the submission and approval of phasing plans and trajectories

4.13 Minimum and maximum rates of delivery.

4.13.1 To ensure that the development is commenced in a timely manner, there will be a requirement to submit the first reserved matters for a first phase of development within 5 years from the date of this permission. The applicant has advised that it is expected that a major phase will be submitted prior to this.

4.13.2 With regards to the retail controls, in order to ensure that the phasing of the retail element of the proposal is and remains ancillary to the housing and employment space, it is recommended that conditions be imposed on the outline planning permission to control the phasing of that element of the scheme by limiting the quantum of retail floorspace approved within each phase and by linking that quantum with the development of residential units and office floorspace.

4.13.3 With reference to decision-making procedures, if Members resolve to grant planning permission for the proposal, the application may need to be referred to Government Office, prior to the issue of any decision, because of the large scale of retail, leisure and office floorspace proposed (in accordance with CLG Circular 02/2009 because the development is for over 5,000 sq m of retail, leisure or office use outside a town centre).

4.13.4 It is recommended that the delivery of education and community facilities will be based on agreed triggers.

4.13.5 The first stage of this process involves the grant of outline planning permission by the Council. If approved, outline planning permission would give approval to the following aspects of the development:

- The use and amount of development across the East Float, as set out in the revised Development specification;
- The East Float quarters and their intended uses/activities, as per the Revised Development Specification;
- The Revised Development specification;
- The Design and Access statement and quarter handbooks
-

4.13.6 A grant of outline planning permission would involve the approval of the following submitted application documents:

- Planning and Regeneration Statements (Dec 2009)
- Planning and Regeneration Supplementary Statement (June 2010)
- Sustainability Statement (Dec 2009) and Addendum (June 2010)
- Heritage Statement (June 2010)
- Revised Infrastructure Statement (June 2010)
- Health Impact Assessment (Dec 2009)
- Development Specification
- Environmental Statement (Dec 2009), Revised Chapter 13 & Revised FRA (June 2010)
- Retail Office and Leisure Statement (Dec 2009) & Addendum (June 2010)
- Guiding Principles
- Wirral Waters Vision
- Revised Transport Assessment (June 2010)
- Planning and Delivery Mechanisms

14.13.7 East Float Neighbourhood Parameter Plans Drawing No's are:

- **Dwg No:** Quarter Boundaries (GA) 201 **Rev:** P08
- **Dwg No:** Landscape and Public Realm (SK)1016 **Rev:** P10
- **Dwg No:** Ground Level (SK)1020 **Rev:** P02
- **Dwg No:** Upper Level Minimum (SK) 1024 **Rev:** P01
- **Dwg No:** Scale and Massing (SK) 1021 **Rev:** P02

- **Dwg No:** Movement and Connections (Ground Plane) (SK) 1017 **Rev:** P08
- **Dwg No:** Movement and Connections (Underground/dock) (SK) 1018 **Rev:** P05

14.13.8 QUARTER PLAN REFS

Sky City

- Ground Floor – ASK-001 Rev B
- Upper Floors – ASK-002 Rev B
- Movement and Connections – ASK-003 Rev B
- Scale and Massing – ASK-004 Rev A

Vittoria Studios

- Ground Level – 1752-A-SK-001-B
- Upper Levels - 1752-A-SK-002-B
- Movement and Connections - 1752-A-SK-003-B
- Scale and Massing - 1752-A-SK-004-B

Four Bridges

- Ground Level – FBR-001-B
- Upper Level - FBR-002-B
- Movement and Connections - FBR-003-C
- Scale and Massing - FBR-004-B

Northbank West

- Ground Level – 00_201 Rev D
- Upper Level - 00_202 Rev D
- Movement and Connections - 00_203 Rev D
- Scale and Massing - 00_204 Rev D

4.14 Heads of Terms

4.14.1 The application is recommended for approval subject to a Section 106 Agreement. This legal agreement will ensure that the proposal complies with local and national policy, and will ensure that the applicant agrees to certain processes.

4.14.2 There is uncertainty over the introduction in Wirral of the Community Infrastructure Levy at present, although current regulations indicate that local authorities should have adopted it no later than 2014. In the light of this, it will be important to make sure that the application does not suffer from 'double charging' by being charged via CIL and the currently proposed Section 106 process.

4.14.3 It is recommended that due to the nature of the proposal, a bespoke approach is required as different elements of the obligations and conditional requirements will require different approaches, depending on the nature of the issues and themes at hand.

4.14.4 Many aspects of the proposed legal agreement are planning requirements to be delivered on-site by the developer, whilst some are off-site. Some

elements are required to mitigate a direct impact or provide sufficient infrastructure capacity, whereas others are concerned with improving the quality of infrastructure to help to 'create the place'.

- 4.14.5 The legal agreement will include the proviso that if viability proves to be a constraint for individual phases, then they could be exempted from some or all of the obligation requirements, provided that a viability assessment is provided and independently verified. The cost of this assessment will be borne by the applicant.
- 4.14.6 Each Reserved Matters application will be accompanied by a reconciliation masterplan demonstrating how the proposals fit with the working masterplan, how the infrastructure will be provided, specific phasing proposals for the subject of the reserved matters and the balance of the quarter, land use and scale. This will include a Design & Access Statement. Each Reserved Matters application will also need to demonstrate how it contributes to design quality.
- 4.14.7 Due to the strategic nature of the outline planning application, each significant reserved matters application will be similar to a new planning application in terms of the supporting information submitted. Each significant Reserved Matters planning application will be accompanied by a Design and Access Statement, which will assess how the proposed development will accord with the parameters and principles, established by the outline application. It will also be necessary for each reserved matters application to be supported by an assessment to demonstrate that the specific Reserved Matters proposals will not adversely impact upon the ability of adjacent phases to comply with the parameters and principles established by the outline application; and on the impact of the proposals on the phasing and sequence of adjacent plots.
- 4.14.8 Outline planning permission would be granted subject to conditions and the completion of a Section 106 legal agreement. The legal agreement, as well as formalising a number of obligations on the developer, would also establish a number of strategies to be agreed by the Council and applicant. The strategies would cover some of the following subject areas:
- The delivery of Affordable Housing
 - Transport Infrastructure
 - Energy & Sustainability provisions
 - Education and community provision
 - Community Development Trust
 - Employment
 - Waste
 - Access Statement
- 4.14.9 Step 2 of the approval process involves the establishment of a number of panels involving the input of the Council, applicant and relevant stakeholders. The panels would be as follows:
- Design Panel
 - Community Development Trust
 - Transport Steering Group
 - Energy / Sustainability Panel
 - Access Panel.
 - Hamilton Square Business Forum

5.0 PLANNING HISTORY:

5.1 The following applications have been considered within and adjoining the site:

5.1.1 **APP/2009/5109** – Plot 1 Northbank East, Dock Road, Seacombe - Full application for a mixed use development comprising: 141 residential units, 2,025m² (gross) convenience retail floorspace, 263 m² retail use, restaurants and Cafes, bars, 1,084 m² ancillary residential amenity floorspace, car and cycle parking, structured landscaping, formation of public spaces and associated infrastructure and public realm works. Planning Committee resolution to approve 9th August 2009, subject to S106 agreement.

5.1.2 **APP/2009/5110** – plots 2-5 Northbank East, Dock Road, Seacombe - Outline applications for mixed use development comprising of a maximum of 1,531 residential units, 6, 037 m² of office development, 4,601 m² retail development/restaurants/cafes/bars and 1,450m² of leisure use, car parking and cycle parking, structural landscaping, formation of public spaces and associated infrastructure. Planning Committee resolution to approve 9th August 2009, subject to S106 agreement.

5.1.3 **APP/2008/05 /E-** Part demolition, refurbishment and extension of the former hydraulic tower, Tower Road, Birkenhead into a restaurant with ancillary display space and managers accommodation and the erection of a four storey hotel building, parking, public realm and landscaping. Approved 18th June 2008.

5.1.4 **LBC/2008/05406/E** Conversion of former hydraulic tower. Tower Road, Birkenhead, into a restaurant including the demolition of modern extensions, rebuilding of damaged internal walls, glazed extension to quayside frontage and internal alterations. Listed Building Consent granted 26th August 2009.

5.1.5 **APP/2007/05744/E** Erection of single storey electrical substation, access, car parking and landscaping to Dock Road boundary, 2 East Float Quay, Dock Road. Approved 6th July 2007.

5.1.6 **APP/2006/06370/E** Erection of 124 self-contained flats, cleared site west of Grain Warehouses. Not determined.

5.1.7 **APP/2006/05686** Proposed housing of an electrical substation, construction of new access to a highway and additional car parking. Approved 21st June 2006.

5.1.8 **LBC/2005/06445, APP/2005/06446** Convert grain store into 112 flats, Grain Warehouses, Dock Road. Approved and Listed Building Consent granted 16th September 2005.

5.1.9 **LBC/2005/06447, APP/2005/06448** Convert grain store into 66 flats, Grain Warehouses, Dock Road. Approved and Listed Building Consent granted 16th September 2005.

6.0 CONSULTATION RESPONSES

6.1 **Commission for Architecture and the Built Environment (CABE).**

- 6.1.1 Summary of CABA Letter dated 12TH march 2010
- 6.1.2
- 6.1.2 CABA acknowledges the merit in the principles of much of the illustrative masterplan, but is concerned that the development parameters set out in the planning application do not give confidence that a high quality scheme will be delivered. It has particular concerns about the layout and massing of SkyCity, which have not yet, in CABA's view, been resolved in either the illustrative masterplan or parameters proposed. No phasing strategy is included in the application and CABA has reservations about the nature of a 25-year approval. The verified views suggest to CABA that the height strategy for buildings in SkyCity and Marina View needs to be reconsidered. For these reasons CABA do not support the outline application.
- 6.1.3 CABA has been impressed by the client and design teams' engagement with it during the pre-application design process and acknowledges significant progress in the development of the illustrative proposals over the last eighteen months. However, CABA is disappointed that the planning application has not translated the detail of the illustrative masterplan thinking into the fixed development parameters, or demonstrated a convincing approach to securing design quality. CABA's comments made on the illustrative masterplan principles pre-application, in particular in relation to SkyCity, have not, in its opinion, been resolved. CABA considers that far more detail is needed to demonstrate how this neighbourhood will work. CABA notes that it has been presented with verified views for the first time as part of this planning application and views of Hamilton Square suggest to CABA that a serious revision of the massing strategy may be necessary.
- 6.1.4 CABA acknowledge that circumstances will change over the next 25 years; but that this results in an obvious tension between the developer's desire for maximum flexibility within the application and the need for control over the form and quality of development. CABA realises that a principles and parameter-based outline planning application is the most appropriate mechanism for delivery of such a large and complex scheme, but feel that these are not yet in place to provide a sound framework for an on-going masterplan process which will achieve a positive outcome.
- 6.1.5 CABA does not support the outline application in its current form but welcomes the opportunity to continue a dialogue with the applicant and review any proposed revisions. CABA would also be pleased to have further discussions on how a robust on-going process can be set in place.
- 6.1.6 Summary of CABA letter dated 6th July 2010:
- 6.1.7 The illustrative masterplan, although not fully resolved, has the potential to be a rational and cogent framework for development. The connectivity, grain and level of permeability within the masterplan are generally promising. The strategic approach to massing with SkyCity as the principal focus for height in East Float, with surrounding blocks behaving as 'foothills' to this central focal element within the scheme works well in principle, although the height of any buildings also needs to be considered in relation to their visual impact on exiting sensitive viewpoints. We welcome the strategy of establishing how each quarter should respond to the dock edge, which will be crucial in strengthening the sense of place across the development. Although there is a good understanding of the role and character of different water spaces within

the dock, it is important to anticipate how the dockside environment will be experienced in the depths of winter as well as in summer. It is unclear how the infilling of Vittoria Dock with basement car parking will impact on the quality of this water space. Response to the waterfront is central to the quality of the outcome for this site and needs to be secured.

6.2 4NW comments

- 6.2.1 4NW's response was received prior to the new Government's revocation of RSS and their comments relate in large part to RSS policy considerations. They commented that the proposal needs to be considered against development principles in RSS DP1-DP7 and these include spatial principles, promoting sustainable communities, promote sustainable economic development, making best use of existing resources and infrastructure, managing travel demand, increasing accessibility, marrying opportunity and need and rural issues, promoting environmental quality and addressing climate change.
- 6.2.2 4NW also advised that the proposal should be in line with Spatial Development Framework policy RDF1 and thematic policies W1, W2, W3, W5, W6 ,L1, L2,L2, L3, L4, L5, RT2, RT3, RT6, RT9, EM1(c), EM3, EM4 and EM5 are the most pertinent. The proposals set out in the application are generally in-line with the listed RSS policies. However, 4NW has raised issues in relation to the mechanisms for delivery, given that this is a very large scaled mixed use development, which will deliver a large amount of housing, office space, retail space and other facilities. The key issue is to ensure that the proposal will not have a negative affect on the Regional Centre and neighbouring town centres such as Birkenhead. The impacts on other neighbouring authorities such as Sefton, St Helens and Cheshire West and Chester should also be considered.
- 6.2.3 4NW state that in relation to RSS Policy W1, the Council should be satisfied that the development will provide job opportunities for the local community in Birkenhead and the wider HMR area, as well jobs for the new community in East Float.
- 6.2.4 4NW comment that RSS Policy W2 also applies, as the site is designated as a Strategic Regional Site. The site does meet some of the requirements of W2 as it is close to sustainable transport nodes. 4NW welcome the discussions with the NWDA, in line with supporting text paragraph 6.6.
- 6.2.5 4NW has concerns as to whether the site will meet RSS policy for location of office developments, the Council needs to be satisfied that there is clear evidence and justification that the proposal will not have a negative impact on the Regional centre of Liverpool and nearby centres such as Birkenhead. There will also need to be mechanisms in place to ensure this is the case over the lifetime of the development. 4NW suggest that it is important that the Council are satisfied that Liverpool City Council are happy with the subsequent impact on the Regional Centre in line with Policy W3.
- 6.2.7 4NW acknowledges that the retailing element of the scheme may seem out of scale initially with RSS. However, when taken in perspective of the timescales and context of 13,000 new residential units and office development, the retail element may be more reasonable. 4NW's main

concern is the potential impact that the development would have on existing centres and they state that the Council will need to be satisfied that the investment made will not undermine the vitality and viability of any other centre or result in the creation of unsustainable shopping patterns -- in terms of RSS Policy W5. It is also noted that there are mechanisms which can be put in place to ensure this is the case.

- 6.2.8 4NW do not feel that the cultural, community and leisure floor space to primarily serve the resident population would be an issue in-line with Policy L1. 4NW would like to see this complementing Birkenhead and helping it to meet its own needs.
- 6.2.9 Any proposed hotel use must be in-line with RSS Policy W6 and the Council should be satisfied that hotel use would not be at the expense of existing/future hotel locations in the Regional Centre and Birkenhead as a tourism location.
- 6.2.10 The Council must be satisfied that the proposed development is deliverable. Notwithstanding 4NW concerns at the impact on the regional centre and nearby centres, they note that the development would create over 20,000 jobs: which is supported by RSS policy and Policy LCR1, stating that plans and strategies in the Liverpool City Region should support interventions necessary to achieve significant improvements in the sub-region's economic performance. Investment and sustainable development in Regional Centre and surrounding inner areas are as set out in RDF1 and other key locations; which accords with the spatial principles policies DP1-DP9 and W2 and W3 to contribute to the opportunities identified in W1. Also, Policy DP3 promotes sustainable economic growth development to improve productivity and close the gap in economic performance between the North West and the rest of the UK.
- 6.2.11 The site is within the inner area of Liverpool City Region which Policy LCR2 identifies as a focus for major economic development to secure a significant increase in population and to support major regeneration activity. LCR2 highlights the development of New Heartlands HMRI. The application acknowledges that the development will need to support housing market renewal. 4NW support this, as it will ensure that the proposal is in-line with LCR2 and L3.
- 6.2.12 Policy DP4 supports development on brownfield sites and the proposals will help contribute to Wirral's target of achieving at least 80% residential development on previously developed land, as set out in RSS. 4NW states that the Council will need to be satisfied that any proposed phasing will allow the necessary infrastructure to be put in place.
- 6.2.13 The scale of the residential development is acceptable to 4NW in terms of RSS and Growth Point. The phasing, in terms of impact on infrastructure provision will need to be carefully considered.
- 6.2.14 4NW note that the exact mix of housing type is not yet identified. The emphasis appears to be on super high-density living. 4NW agree with the comments made in the supporting documents for the need for a mix of housing tenures. 4NW note that the Council must be satisfied that it has in place the mechanisms to ensure development delivers the housing needed to

support Wirral's regeneration. Affordable Housing is important and the Council must also be satisfied that the proposals and agreements made, make the most appropriate contributions to meet the housing needs identified in the current and future reviews of SHMA and Policy L5.

6.2.15 4NW welcome the need for an 'offer' for different groups, including families and older people and this is in-line with RSS Policy L2 and L4 and also highlights the wide range of groups in policy L4.

6.2.16 4NW notes the commitment to achieve the 'Code for Sustainable Homes' and 'Building for Life' standards, in line with Policy L4 as design should be an important aspect of this development. 4NW welcome the involvement of CABE, in line with RSS Policy DP7, which promotes good quality design, and states development should respect its setting.

6.2.17 4NW raises the importance of RSS Policy RT6 as the change is from port operations to irreversible development at Wirral Waters. It appears that there is sufficient land available around West Float to cater for current and future port requirements. However, without the Port masterplan it is difficult to set this context. If the development on East Float goes ahead and land is available on West Float it could contribute for more effective maritime use; then Wirral Waters could contribute to RT6 by making best use of existing infrastructure, despite the development of housing at East Float -- which RT6 notes is difficult to reverse.

6.2.18 4NW notes that work is underway to explore improvements to railway stations by walking and the TaSTS and DaSTS process; which is a welcome recognition of ongoing work in the region. They also note the submission of travel plans to relevant organisations and encourage their completion.

6.2.19 In accordance with Policy RT2, the proposed parking standards do not exceed the regional standards. 4NW highlights that the RSS partial review and new methodology for calculating maximum parking standards will incorporate residential standards.

6.2.20 4NW note that due to the proposal's location and mixed use nature, walking and cycling should be very feasible, in-line with RT9 of RSS. Policy DP5 deals with managing travel demand, reducing the need to travel and increasing accessibility. The application is noted as seeming generally in line with this RSS policy.

6.2.21 Policy RT3 and RT9 are also relevant in dealing with public transport, walking and cycling. It will be important to ensure that there are no negative impacts on the Regional Highway Network in accordance with RT4.

6.2.22 4NW notes that the proposal should support the main objectives of RSS Policy EM1 (C) and Policy DP7 and also states that the environmental quality should be protected, as well as the protection and enhancement of the historic environment.

6.2.23 4NW notes that there is little mention of RSS Policy EM3. However, 4NW notes that discussions are taking place with Mersey Forest in relation to street trees and the creation of green networks in-line with EM3. Policy EM3 also details that green infrastructure should underpin any consideration of open

space and green space provision. The Planning Statement notes that the site sits within the Mersey Waterfront regional park, in-line with Policy EM4.

6.2.24 4NW note that two flood risk assessment have been submitted in line with Policy EM5. Mitigation through good design is essential and should be incorporated into the proposal.

6.2.25 4NW - Letter dated 2nd July:

6.2.26 The list of draft conditions relating to control over the overall amount of class A1 and split between convenience and comparison uses as well as control over the amount of A1 convenience/comparison floorspace to be incorporated within the first phase of development. 4NW welcomes these draft conditions in line with its previous response where it raised issues on phasing and the amount of retail use.

6.2.27 4NW acknowledges that since submission of its earlier comments, the Secretary of State has announced the revocation of Regional Strategies (with effect from 6th July 2010). Therefore, its comments no longer carry the statutory weight that they did before revocation. However, 4NW states that Members should consider the regeneration principles within national and local planning policy that are material to their consideration of this planning application. (Note: these matters are considered within the sections on national and local policy within this report).

6.3 Northwest Regional Development Agency (NWDA)

6.3.1 The NWDA notes that the application relates to the 50.4 hectares East Float area of Birkenhead Docks, which forms part of the wider Wirral Waters concept, a large-scale and long-term proposal for the regeneration of approximately 200 hectares of brownfield land within the Birkenhead Dock Estate. The Agency has previously expressed its support for two applications granted planning permission at Northbank East in August 2009 (W/APP/2009/5109 and W/OUT/2009/5110). Conceptually, the proposals offer an unprecedented opportunity to regenerate a significant part of the inner area of the Liverpool City Region.

6.3.2 The Agency has reviewed its strategic regional sites and has designated Birkenhead Docks as a strategic regional site in July 2009. Whilst the Agency's Board has identified draft purposes for the strategic regional site, these have yet to be agreed with the Council along with a detailed boundary for the site. The Agency would nevertheless anticipate that much of the application site will fall within the boundary of the strategic regional site. Because the purposes and detailed boundaries have not yet been agreed, the Agency's observations on the strategic regional site are offered on a non-statutory basis.

6.3.3 The draft purpose identified by the Agency for the strategic regional site is as follows:

'Birkenhead Docks represents the opportunity to:

- a) promote a mix of uses including housing, knowledge-based and port-related development in a highly accessible and exceptional quality waterside environment;

- b) provide for significant inward investment opportunities;
- c) restructure areas adjacent to the Dock Estate;
- d) assist in facilitating the economic restructuring of parts of the inner area surrounding Merseyside's regional centre; and
- e) bring back into use derelict and under-used land.'

6.3.4 The Agency agrees that the types of development proposed at East Float would have broad alignment with these draft purposes. However, the Agency has not identified an appropriate quantum of development for the strategic regional site or accepts that the East Float is a strategic site of regional significance for office development.

6.3.5 The Agency notes that Part 1 of the draft integrated Regional Strategy (RS2010), which is being prepared by the Agency and 4NW (the Regional Leaders Board) identifies investment in Wirral Waters as a potential opportunity for transforming the Mersey Waterfront. The draft Part 1 of RS2010 also identifies Atlantic Gateway as an intra-regional opportunity, which includes the Wirral Waters project.

6.3.6 Delivery of the designated strategic regional sites as regional investment sites, knowledge nuclei or inter-modal freight terminals is a transformational action within the current Regional Economic Strategy. The Agency notes the potential for the East Float proposals to create a very significant number of jobs (up to 20,674 full-time equivalents). RES Action 84 looks to develop new uses for brownfield land, including housing and the creation of new strategic greenspace. The Agency recognises that the East Float proposals would regenerate a large area of vacant and under-utilised land.

6.3.7 The Agency notes that Transformational Action 85 of the current RES aims to ensure new housing provision in locations which support wider regeneration or knowledge-based economic growth. Transformational Action 87 aims to set Housing Market Renewal within a strong economic context and ensure key strategies and investment plans align with Housing Market Renewal priorities. Birkenhead is one of the areas within the Housing Market Renewal Pathfinder.

6.3.8 The Agency recognises that the proposed development would make a significant contribution towards Wirral's housing requirement of 500 dwellings per annum from 2003 to 2021 (in the approved but now revoked RSS) and contribute to the Mersey Heartlands Housing Growth Point programme which uplifts the RSS requirement by a further 20% from 2008/09 to 2016/17.

6.3.9 The Agency notes that RES Actions 3 and 53 aims to ensure that business start-up, survival and employment creation will be focused in and near to the most deprived areas. These areas are adjacent to the East Float site.

6.3.10 The Agency states that the local planning authority will have to be satisfied that the retail, office and leisure elements of the proposed development are appropriate having regard to relevant national and regional planning policies. These matters are addressed in the section on national and local policy within of this report.

6.3.11 Since submission of NWDA comments, the Government has announced its Localism agenda, which includes the dissolution of Regional Development

Agencies, following the projected passing of the Localism Bill in November 2011. Consultation on the termination of RDA functions for regional planning and housing is timetabled to commence in July 2010. In addition, the revocation of the Regional Strategy (announced by the Secretary of State with effect from 6th July 2010) significantly reduces the weight to be applied to NWDA's comments. However, until the dissolution of the Regional Development Agencies, NWDA remains a statutory consultee on major planning applications such as Wirral Waters East Float. The references to RS2010 were made by NWDA in their response to this application, received early in 2010, before the Secretary of State revoked the Regional Strategy.

6.4 Sefton MBC

6.4.1 The need for a series of mechanisms has been identified by the Council, to control the overall amount of A1 retail development, the split between convenience and comparison retailing, unit size, the maximum amount permitted within each quarter and tying its provision to the development of the office and residential uses. These conditions should be retained for the duration of the outline planning permission and any subsequent reserved matters applications to ensure that the retail element remains ancillary to the office and residential development and is brought forward only when these uses, which it is intended to serve are complete and ready for occupation.

6.4.2 Further letter notes conditions but expresses concerns that net sales floorspace would not be controlled. Additional comments are awaited.

6.5 Chester West and Chester Council (CWCC)

6.5.1 CWCC is generally supportive of the proposal, subject to it being taken forward in a co-ordinated fashion that takes account of other regeneration needs within the city region. The council's principal concerns relate to the capacity of the motorway and regional rail networks for the following reasons:

- Junctions 5 – 12 of M 53 (two lanes) is already close to capacity at peak times - there is concern that the combination of development pressures within CWCC and Wirral could cause capacity issues on the M53 and in turn impose constraints on CWCC's ability to realise important regeneration ambitions;
- there is a need to integrate spatial and transport planning effectively across boundaries so that a proper assessment of the cumulative effect of the growth proposals on the transport network can be undertaken and solutions identified that unlock opportunities in both areas;
- CWCC does not believe that the sub regional transport modelling is sufficiently advanced at this time to be able to determine this application and fully understand the impact of the individual sites on the network;
- The need to understand the cumulative impact collectively is supported in sub-regional policies and strategies;
- RSS Policy RT2 states that Local Authorities should develop a co-ordinated approach to managing travel demand. The M53 North from M53 at Junction 15 to Kingsway tunnel approach is one of the region's

main transport corridors and is identified in RSS as a route of regional importance and part of the trunk road network;

6.6 Liverpool City Council, Transport Services

6.6.1 No objection is raised to the proposal, but it is suggested that:

- further sensitivity testing is undertaken using the higher value trip rates from the TRICS interrogations;
- subsequently, that satisfactory levels of capacity are recorded through Draft RS2010 states that the strategy for the Atlantic Gateway concept should drive complementary growth across the region, rather than pursuing growth in one part of the region alone;
- Current concerns relate to the capacity of the motorway and regional rail networks, to cope with the additional demands placed on them through the cumulative impact of the new development along those corridors. CWCC suggest that, given the lack of co-ordinated sub regional transport modelling that has taken place to date, that the information provided in the Transport Assessment is insufficient to be able to determine this application; and
- the impact of the scheme should be assessed cumulatively with other regional proposals within the sub and city regions. As such, CWCC would be pleased to work collaboratively with WMBC and other partners to reach a mutually beneficial outcome.
- both the Mersey Tunnels;
- the proposed shuttle bus service with Liverpool City Centre has sufficient connectivity with the development (i.e. boarding/alighting stops within 400m); and
- Details of cycle provision are provided.

6.7 Knowsley Council

6.7.1 No objections subject to Wirral Council being satisfied that the proposal meets its own policy requirements and the following issues are considered:

- Potential impacts on the viability of the sub-regional centre at Birkenhead;
- Potential interaction of the Wirral Waters scheme with HMRI pathfinder at New Heartlands;
- The role of employment land provision as delivered through the Wirral Waters scheme in relation to the wider sub-regional target as set out in the RSS; and
- The deliverability of the scheme in the current economic climate and the role of the Wirral Waters development in tackling housing affordability problems across the Wirral area.

6.8 Highways Agency

6.8.1 The Highways Agency has not imposed a Direction limiting the determination of this application, following extensive discussion with the Council and applicant through the Transport Steering Group (comprising planning and transportation officers of the LPA, Peel and their transport consultants Savell, Bird and Axon and their planning consultants Turley Associates, Merseytravel officers and officers and consultants from the Highways Agency).

- 6.8.2 The Highways Agency is satisfied that the process of reviewing Transport Assessments with each Reserved Matters application and/or at key stages of the Local Transport Plan process and monitoring of the development, will provide sufficient safeguard to enable mitigation against adverse impacts on the Trunk Road and Motorway network (particularly the M53 through Ellesmere Port), in the wider sub-region over the lifetime of the development.
- 6.8.3 The HA would like to pursue the development of a Memorandum of Understanding (MoU) that has the consent of all parties, outside the planning process, which would agree the protocols set up via the planning conditions. The MoU will define how the Parties have agreed to collaborate on the identification of process and mechanisms for delivery of the sustainable transport strategy to support the major regeneration initiative. It will also provide a strategic platform for engaging a wide range of local, regional and national bodies in the delivery of sustainable transport principles at East Float.
- 6.8.4 Further letters dated 21st July 2010 in response to Wirral's request for advice regarding this application and the effects on other major development proposals within the Liverpool City Region:
- 6.8.5 The Agency acknowledges that the East Float application is the only active application at the moment of a series of major development proposals under consideration by Peel Land and Property (Ports Ltd). Whilst Peels transport consultant has done some work on the cumulative impacts of Liverpool Waters based on the best information available, there is not yet sufficient information to make an informed view. In addition there are other major proposals that may come to fruition on the periphery of Liverpool City Region that may have an impact on transport networks.
- 6.8.6 Coupled with this, planning applications for Liverpool waters and other major development proposals have not yet come forward. Therefore the East Float application has been considered as a stand-alone application.
- 6.8.7 The Highway Agency believes further work is needed to understand further the cumulative impacts identified above. It was anticipated the Liverpool City Region Model may be able to address some of these issues.
- 6.8.8 The Highway Agency has also suggested amendment to an original suggested condition.

6.9 English Heritage (EH)

- 6.9.1 Letter received 25th February, summary of comments:
- 6.9.2 Impact of the proposal on The Liverpool Maritime Mercantile World Heritage site:

Whilst the proposed tall buildings would appear alien to the low lying topography and predominantly horizontal townscape of Wirral, there is a very significant degree of separation afforded by the Mersey between Liverpool and Wirral, the Mersey being approximately 1km across at its narrowest point. The masterplan would be located in-land from the river edge, due to the alignment of the east and west float dock system and will not therefore, despite the tall buildings, incorporate a prominent river edge frontage that might challenge the primacy of Liverpool Pier Head and docks. EH does not

believe that the 'outstanding universal value, authenticity and integrity' of the WHS will be compromised.

6.9.3 Birkenhead Park:

The submitted photomontages confirm that the SkyCity element of the masterplan will dominate the views from a significant portion of the park. However, the context of the park is derived from the contrasting open and enclosed spaces within it and the gently sloping topography, which reaches its highest point along the southern edge of the park. This allows expansive views from the park, including views to the tall buildings in the commercial district of Liverpool. In contrast with Central Park, New York, partly inspired by Birkenhead Park, the enclosure and definition of the edge of the park, afforded by the tall buildings is quite weak. For these reasons, the ability to view structures outside the boundary of the park is not considered to be significantly detrimental to the enjoyment or understanding of the park itself. Nevertheless, we believe that a reduction in the height of the very tall structures that we argue for in relation to Hamilton Square could only have a beneficial effect in relation to the park. Therefore, the advice provided in relation to Hamilton Square should also be beneficial to the historic environment of the Park.

6.9.4 Archaeology:

The landform which predates the construction of the docks - a natural water catchment feeding into the Mersey - is likely to have attracted prehistoric and Roman settlement, for which we understand there is some evidence in the archaeological record. While the construction of East Float may have removed some of this evidence, important archaeological evidence may survive in places where it would be damaged or destroyed by new development. In line with the provisions of PPG 16, we suggest that the further advice of the Merseyside Archaeological Service should be taken, with a view to carrying out desk based assessment and if necessary, archaeological field evaluation before a planning decision is taken. Finally, we also advise that the LPA give detailed consideration to the phasing of the development and the scope of the parameters in relation to the length of the implementation period. During its English Heritage Advisory Committee site visit to Wirral, on 6th January, it appeared that the delivery strategy for the phasing of development across the site and the location of the early phases of development would be entirely investor driven. EH believes that a sequential approach should be taken to delivery, ensuring that sites closest to Birkenhead Town Centre and Hamilton Square are developed first and that the Wirral Council should develop a strategy with the applicant to ensure that appropriate infrastructure is provided to link those significant changes in circumstances that can be predicted over a 30 plus year period. EH advises that any parameters based planning approval should be limited to a maximum 10 years from the date of approval.

6.9.5 Hamilton Square:

If the regenerative benefits of Wirral Waters are to be felt beyond the confines of East Float, it will be important to ensure that the scheme is successfully integrated with surrounding areas. While we welcome the links that the scheme establishes to the Laird Grid, we believe that more could and should be done through a section 106 agreement to ensure that benefits to places such as the economically challenged Hamilton Square are secured. We therefore advise that the height of the proposed tall buildings should be

significantly lowered in order to minimize the harmful effect on the setting of Hamilton Square and to a lesser extent Birkenhead Park. We are happy to work with both the Council and the developer in seeking this modification to the scheme, but if the application is not amended then English Heritage will advise that the application be refused.

6.9.6 EH Recommendation:

EH is content that the proposal will not adversely affect the Outstanding Universal Value, authenticity and integrity of the Liverpool WHS, but it has noted serious concerns about the harmful impact of the proposed tall buildings on the setting of Hamilton Square and to a lesser extent their impact on Birkenhead Park. EH is very keen to see the delivery of the economic, environmental and social benefits that the regeneration of East Float offers, and is happy to work with the LPA and Peel's development team -- if there is a willingness to reduce significantly in height the tall buildings cluster to produce a scheme for which EH could offer unequivocal support. If the current masterplan is not altered then EH recommend that the application is refused planning permission.

6.9.7 Further letter received 8th June, summary:

With reference to the amendments made to the application and subsequent meetings with the applicant and English Heritage, further correspondence was received. English Heritage now state that they recognise that the 'worst case scenario' parameters relating to the siting and mass of the tall buildings at Skycity and Marina View have been amended and the development would have a less harmful impact on views from the Square compared with that indicated by the original application.

6.9.9 EH acknowledge the constructive response to their concerns about the tall building parameters and believe that the harmful effect on the setting of Hamilton Square has been reduced. In view of this, they advise that in reaching a decision the LA should balance any harmful effects on the historic environment with the potentially positive contribution the Wirral Waters scheme could make to the long term regeneration and sustainability of Hamilton Square. In those circumstances EH now recommend that the application should be determined in accordance with national and local policy guidance, and on the basis of the Council's specialist conservation advice.

6.9.10 The Department for Communities and Local Government issued Planning Policy Statement 5: 'Planning for the Historic Environment' (PPS5) in March 2010, replacing PPG15 and PPG16.

6.10 Environment Agency (EA)

6.10.1 The EA understand that the application seeks to secure outline-planning consent and establish flexible uses of development for a period of 30 years. Due to the size and scope of the proposal, the development will be phased over a 30-year consent period. The application seeks to establish the principle of planning; with parameters and guiding principles being established to guide future phases submitted as reserved matters applications, as they come forward.

6.10.2 Due to the length of consent being sort, the parameters and guiding principles established as a result of this application will need to be robust, yet flexible, in

order to incorporate future changes in planning policy, government guidance and best available information and data.

- 6.10.3 The proposal seeks to bring back into use previously developed land. Furthermore, the application would seem to incorporate the principles of sustainable development; by seeking to achieve zero carbon buildings, zero net waste and zero net water use. These are principles, which they support.
- 6.10.4 The Environment Agency understand that as future phases come forward as reserved matters they will be subject to further robust assessment. The Environment Agency therefore has no objection to the principle of development subject to appropriate conditions. Both these and their main comments are contained within the main Part of the report.

6.11 Natural England

6.11.1 Natural England **lifts their objection** to the proposed outline planning consent. We are now content that provided mitigation is secured through suitable planning conditions that reflect the proposed mitigation set out within the Habitats Screening Report dated July 2010, the Extended Screening for Appropriate Assessment dated 25 February 2010 and the Cumulative Impact Assessment dated 3 June 2010 there will be no likely significant effect on the features of the Mersey Narrows and North Wirral Foreshore pSPA / pRamsar and the Mersey Estuary SPA / Ramsar. The rationale for this is set out in more detail in the paragraphs below

6.11.2 **In-combination Impacts:** Natural England has considered the in-combination impacts contained within the cumulative impact assessment provided. We are content that the in-combination impacts of this proposed outline planning consent have been adequately addressed for this stage of the process but would expect this to be revisited as part of the Habitats Regulation Assessment which would be required with the more detailed reserved matters applications. Whilst we note that Liverpool Waters has been considered in-combination with this proposal we are aware that this proposal is at a very early stage of development so any in-combination impacts between Wirral and Liverpool waters will be on a broad high level scale. Natural England's agreement that the in-combination impacts from Wirral Waters are unlikely to have a significant effect on the features of the designated sites within the Mersey is related to the outline planning permission for Wirral waters alone. Determination of in-combination impacts for Liverpool Waters will need to be done as part of the Habitats Regulation Assessment which will be carried out when an application is made for this outline consent.

6.11.3 **Recreation pressure and green infrastructure:** Natural England note that mitigation measures to reduce recreational pressures include the provision of alternative green space within the proposed developments and the implementation of an appropriate tariff to fund the development of new off-site green infrastructure development and / or the management of existing sites including Natura2000 sites. Natural England would like to see this commitment to the implementation of suitable green infrastructure to be secured through suitable planning conditions. No development under this outline consent should take place until green infrastructure mitigation has been secured through discussions with the relevant authorities.

- 6.11.4 **Land-take & Reduction of Habitat Area:** The proposed development does not directly take land within the Natura 2000 sites with the nearest sites being the Mersey Narrows and North Wirral Foreshore potential SPA / Ramsar and the Mersey Estuary SPA /Ramsar with the nearest of these sites being approximately 525m north of the application site at the closest point.
- 6.11.5 Whilst there will be no reduction of habitat area within the European sites as a result of the proposed project areas within the application site used by birds for which the site is designated including cormorant and great crested grebe will be affected by the proposals.
- 6.11.6 It is likely that both cormorant roost sites will be lost to the scheme so Natural England would like to see provision of a suitable replacement cormorant roosts being secured by a suitable planning condition. Also, the overall area of open water habitat (used by great crested grebe) will be reduced as a result of the scheme but this may be offset by the shallowing of some water bodies within the development which could potentially create habitat suitable to mitigate for this loss. Natural England is content that any potential loss of habitat supporting SPA birds will not be significant.
- 6.11.7 **Disturbance to key species & habitat:** The proposed marina is in an area currently used by wintering great crested grebe but Natural England is content that as the marina will predominately operate outside of the overwintering bird period there is likely to be minimal insignificant impact from this activity. Appropriate mitigation measures including sensitive timing of works and the implementation of supplementary pre construction surveys and the programming of works to commence before the overwintering bird period when direct stress or displacement may reduce winter bird survival should ensure that disturbance impacts are insignificant.
- 6.11.8 **Impacts on Flight Lines from Tall Buildings, Lighting and Reduction in Species Density:** Natural England note that no important flight lines or pathways observed within the area of the site and also note the suggestion that a phased construction will habituate birds to be aware of the buildings. Whilst Natural England agree with the conclusions of the reports that the impacts on European protected sites are not significant we would like to see a condition to include best practice to be employed in the final design of the scheme to reduce the potential for bird strikes and barrier effects. This should include employment of visual screen systems to reduce the likelihood of bird strike, careful site layout to minimise the mirroring effect of soft landscaping, either by providing pronounced visual obstacles, such as physical screens or by planting vegetation in close proximity to glass walls to reduce reflection and also minimising potential strike distances.
- 6.11.9 Provided that a comprehensive lighting strategy which includes initiatives to reduce light levels in tall building is provided as part of any reserved matters applications Natural England will be content that lighting will not have a significantly adverse impact on the features of the European designated sites near to the development site. Consequently, the project is not predicted to result in significant disturbance, fragmentation or other effects which could lead to a reduction in species density.

6.11.10 **Noise Impacts:** The noise and vibration assessment within the Environmental Statement concluded that receptors within 50m of construction activity are predicted to experience short-term temporary noise and vibration impacts of moderate to major negative significance. Natural England would like to see a condition to ensure a Construction Environmental Management Plan is produced to strictly control noise during construction phase. The Ecological Impact Assessment concluded that birds present on site would be temporarily displaced from the site by such impacts, but would be likely to habituate to ongoing noise such as more distant construction activity or during the operational phase. The Indications are that birds using the application site would experience multiple short-term temporary noise and vibration impacts of moderate to major negative significance throughout the construction phase of the project, up to approximately 2050 but because the numbers involved amount to a fraction of 1% of the total water bird assemblage of the European sites, this would not be considered to be a significant impact.

6.11.11 **Air Quality Impacts:** Natural England are also content that impacts from dust during construction will be minimal due to sites being over 200m from the proposed development and are encouraged that measures will be put in place to minimise impacts from construction traffic. We also agree that it is likely that there will be negligible impacts on air quality during operation.

6.11.12 **Groundwater and Surface Water impacts:** Natural England are content that the dilution and settling regime within the dock system will ensure that there will be little contamination of groundwater and Surface water and will not have an adverse impact on the designated features of the Mersey Estuary.

6.11.13 **Habitats Regulation Assessment:** Natural England are content that the developers have provided sufficient information to allow for you to conclude no likely significant effect on the features of the designated sites within the Mersey Estuary within the Habitats Regulation Assessment required for the site. Natural England would like to have sight of the final draft of your habitats regulations screening report for the Wirral Waters major mixed use development prior to this application being determined by the planning authority

6.12 **British Waterways - No objection**

6.13 **United Utilities (UU) consultation response received July 2010**

6.13.1 UU objects to the proposed development on the following grounds:

- The wastewater treatment works (Birkenhead) serving the area does not have sufficient capacity to receive an increase in the dry weather flow expected without failing the Consent currently imposed by the Environment Agency;
- United Utilities need to prepare five-year investment plans for its Regulator (OFWAT) in which it is required to produce very detailed evidence that a development is definitely taking place and will require increasing the capacity of its utility infrastructure;
- United Utilities has not applied for any significant investment with regard to Supply and Demand for this drainage area for the period up to 2015 and therefore, in 2014, it will assess the requirements for the next investment period (2015-2020).

6.13.2 UU further states that if these grounds were resolved then it would have no objections to the development provided the following conditions are met:

- The provision of a mains water supply could, in UU's view, be expensive and it would need to model the requirements for a water supply if the development goes ahead and re-enforcement of the infrastructure would be required.
- Water pressures in the area are known to be generally low and UU recommend that the applicant provides water storage of 24 hours capacity to guarantee an adequate and constant supply.
- 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.
- There are several water mains within the site and UU will not permit building over them and will require 24 hour access for maintenance and repair. 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, UU has the right to inspect, maintain, adjust, repair or alter its 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.

6.13.3 Further correspondence was received from UU on 23rd July confirming that that the UU objection can be withdrawn on the understanding that the agreed condition is attached to the outline planning permission.

6.13.4 UU state that its original objection was based on drainage and wastewater treatment grounds and that although the agreed condition serves to allay its concerns on drainage and wastewater treatment, its comments with regard to mains water are still relevant. These comments are:

'No development shall be commenced until details (including a specification and programme) of a private foul and surface water network and treatment system have been submitted to and approved by the LPA, unless agreement has been reached over a public foul and surface water network and treatment system with the LPA, in consultation with the statutory undertaker. The details shall be implemented as approved.

The details shall demonstrate that the phased development will be served by a foul and surface water network and treatment system that will perform satisfactorily when subjected to the foul and surface water discharge generated by the development.'

6.14 **Scottish Power - No objection**

6.15 **Liverpool John Lennon Airport**

6.15.1 The parameter plans accompanying the application indicate that the maximum height of the tallest element of the proposed development would penetrate the Airport's obstacle limitation surface, thereby posing a potential safety issue for the aircraft using Liverpool John Lennon Airport. However, the Airport confirms that it does not object to the application provided the following conditions are applied:

- Construction or erection shall not commence of any building structure or crane pursuant to this permission if the same when completed (including any roof structures or plant) would infringe any obstacle limitation surface relating to Liverpool John Lennon Airport;
- The Materials to be used on the exterior surfaces of any building or structure or erection to be constructed pursuant to this permission shall not be applied without the written approval of details of the same by the Local Planning Authority in consultation with the operator of Liverpool John Lennon Airport; and
- Installation shall not commence of any lighting pursuant to this permission without written approval of details of the same by the LPA in consultation with the operator of Liverpool John Lennon Airport

6.16 Merseytravel

6.16.1 Merseytravel notes that following extensive pre-application discussions with regard to the Wirral Waters Development involving it and Wirral Council over a period of at least eighteen months; it is now in a position to offer its initial comments.

6.16.2 Broadly speaking Merseytravel is supportive of this significant regeneration initiative on the understanding that the LPA would require the developer to provide appropriate support and provision for transportation initiatives and interventions which would allow the development to be brought forward in a sustainable manner, as a formal and integral part of any planning approval for the application.

6.16.3 Given the scale of the proposed development, its location and its intended development time period -- all of which are exceptional within a Merseyside context -- Merseytravel welcomes and appreciates the facility that has been extended to the Passenger Transport Executive to become part of the planning authority's process of developing a response to the proposals associated with this development. As a result of this involvement, Merseytravel has requested that the following measures are required of the developer as part of an overall development package:

1. With regard to the rail network:-
 - (a) An appropriate level of financial support towards the upgrade of Birkenhead North Station to bring this facility up to full DDA compliance;
 - (b) Suitable funding for the completion of phase two of the park and ride facilities at Birkenhead North Station.
 - (c) Funding for the construction of bus interchange facilities at Birkenhead Park Station.
 - (d) Financial support for measures to bring Birkenhead Park Station up to full DDA compliance.
 - (e) Funding for the construction of bus interchange facilities at Conway Park Station.
 - (f) Suitable financial support for strengthening of rail units upon the Wirral Line rail alignments, in line with the increased demand for rail travel likely to be generated by the proposed development.
2. With regard to infrastructure to be provided within and adjacent to, the development:-

- (a) The provision of a high quality two way bus route for full-sized buses to operate across the East Float development within a highway network that would ensure all properties within the development would be located in close proximity to an appropriate bus service.
 - (b) Funding for the construction of all bus infrastructure required to serve all appropriate destinations within the East Float area.
 - (c) Protection and provision of a green transport boulevard as shown within the development plans with a view to the boulevard's use as either a bus operating corridor or for use as a light rapid transit route.
3. With regard to Birkenhead Bus Station:
Financial support for suitable improvements to be developed at this facility, in order to deal with the increased levels of movement likely to be generated by the development. Initially it is envisaged that this would be via a contribution towards the introduction of new ticket office facilities as part of a bus station enhancement.
4. With regard to bus network provision and in view of the lack of any bus services presently serving the proposed development site:-
- (a) Funding provision for a circular bus service offering direct links between East Float, Birkenhead Park, Conway Park, Central Birkenhead and Hamilton Square on a half hourly basis between the hours of 0700 and 1900, seven days per week for a period of up to eight years.
 - (b) Financial provisions for a service operating between East Float and Seacombe Ferry via the Dock Road element of Wirral Waters development on a half hourly basis, seven days per week between the hours of 0700 and 1900 for a period of up to eight years.
5. With regard to the Mersey Tunnels operation:-
- (a) Provision of or funding for suitable highway and junction improvements as defined by the estimated likely vehicle traffic that will be generated by the development.
 - (b) The creation of appropriate bus lane and bus priority facilities into and out of the Kingsway Tunnel in order to enhance the cross river public transport capacity, in line with the development's potential requirements.
6. With regard to the promotion of sustainable travel and travel plans:-
- (a) The formulation and delivery of a dynamic travel plan framework to cover the entire East Float development with suitable sub-plans for each significant element of the development, as these various phases are brought forward. The travel plan framework and individual plans for specific buildings/areas should be to a standard that satisfies the requirements of both Wirral Metropolitan Borough Council and the Merseyside TravelWise office and all plans should be subject to regular audit by both the above bodies once the plans are implemented. The audit process should be funded by the developer.
 - (b) The formulation and implementation of a travel plan for the construction sites upon the development as and when these are brought forward. These construction travel plans should be to a standard that satisfies the requirements of both Wirral Metropolitan

Borough Council and the Merseyside TravelWise office. All travel plans associated with the development should ensure that the more sustainable modes of travel, including public transport, would be effectively promoted to all persons seeking to travel to and from the development.

6.16.4 As part of the continuing discussions presently ongoing with regard to the application's consideration, Merseytravel notes that it is fully prepared to enter into any further discussions with the LPA and developer with regard to finalising commitments that would be required of the developer in respect of the above requirements. Merseytravel notes its aspiration that suitable agreement can be achieved on all the above issues, prior to the presentation of the application to the Wirral Planning Committee.

6.17 Regeneration Department - Pollution Control

6.17.1 No objections subject to the following conditions/controls:

- Condition requirement for monitoring air quality parameters (PM10 and Nitrogen Dioxide) before, during and after the development.
- The noise mitigation measures outlined in Section 8 of the Environmental Statement should be included in any approvals as conditions
- Any scheme of floodlighting should be submitted for approval
- A ground contamination survey shall be undertaken, taking into account any potential contaminants from all known previous 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 LPA for approval prior to such works being undertaken. 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 LPA 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.
- A scheme of noise control measures to be agreed in writing for buildings with external air conditioning plant
- A scheme of fume extraction to be agreed in writing for buildings where food is cooked on the premises.

6.18 NATS (Air Traffic Control Services) - No Objection

6.19 Wirral Wildlife

6.19.1 Wirral Wildlife considers that to avoid harm to the environment the following points need to be addressed:

- That drainage, construction methods, waste disposal methods are carried out such that no pollution enters the dock water, River Mersey where pollution could contaminate the nearby Mersey Narrows SSSI and Mersey Estuary RAMSAR site;
- Long term scheme – will need to cope with rising sea levels, increased storminess and rising global temperatures. To accord with the Wirral Strategic Flood Risk Assessment, please ensure that

the detailed studies of flood risk are carried out, for both the development itself and possible effects on land further up the River Birket;

- All design construction should be done to allow carbon- neutral operation of the building and reduce to a minimum the carbon footprint of the building;
- Maximise biodiversity wherever possible by the provision of green roofs and new greenspace at ground level;
- To reduce carbon emissions, important to ensure that jobs created on site at earliest stage to ensure that housing does not become a dormitory to distance places like Chester;
- Proposal could include dedicated pedestrian link and cycleway link to the ferry and rail stations, improvement to cycle storage at those stations, bus facilities and light rail link to existing facilities;
- Retail facilities should serve the new development and not affect the existing centres of Liscard and Birkenhead, which are well served by public transport links; and
- The development should include local facilities such as medical centre, library school etc so people do not have to travel for such needs.

6.20 Wirral Partnership Homes on behalf of the Wirral Strategic Housing Partnership

6.20.1 Wirral Partnership Homes chair the Wirral Strategic Housing Partnership, whose members include local Registered Social Landlords, Primary Care Trust, Wirral Council, the Homes and Communities Agency and Tenants and Residents groups. The SHP are broadly supportive of the aspiration of Peel Holdings to create a mixed use development in this area, which will help regenerate underused docklands and create a large number of jobs in the area. The SHP understand that such a development has the potential to assist greatly in tackling deep seated deprivation in one of the Borough's most deprived areas.

6.20.2 The SHP wish to see the development having due regard to the following:

- Ensure that the residential element of the development includes affordable housing to make a balanced community;
- That the scheme should complement the Housing Market Renewal Initiative which sits around the Wirral Waters development with a mix of high level Council Tax and affordable housing and have due regard for the proposals in the redevelopment of the HMRI area to ensure a complementary offer;
- The development must have due regard to the existing communities living in the Birkenhead and Seacombe areas to ensure that they are integrated;
- To maximise the benefit of the jobs to be created, affordable housing must be provided in close proximity and public transport links provided and maintained;
- The scheme should not draw further services out from the traditional town centre but should allow opportunities to link the town centre into the new development, with complementary facilities and services;
- There will be a modernisation of the existing infrastructure and this would present an opportunity to assist in 'greening' the current environment and in developing a more 'eco' friendly environment;

- Because of the scale of the development it should be phased to ensure that the above considerations can be taken into account.

6.21 **USS on behalf of Croft Retail and Leisure Park**

6.21.1 USS acknowledges the applicant's suggestions in relation to the delivery of the proposed retail component of the scheme; specifically that the large scale retail floorspace would not be occupied prior to proportional corresponding amounts of expenditure generating development (i.e. office and residential) being completed and occupied. USS also notes that Wirral Waters as a whole will involve a 30 – 40 year delivery strategy and there would be a trigger system for bringing forward retail development over this time period.

6.21.2 USS states that the process for considering and agreeing this trigger system should be open and transparent.

6.21.3 USS believe that it is vital that the LPA request the submission of a detailed delivery strategy prior to the determination of the application and that this essential document is tied to the planning permission (preferably by the way of a legal agreement). This document should, in USS's view, ensure that the implementation of retail floorspace is tightly aligned with generated need and will require careful consideration by the LPA: with a specific focus on whether the retail elements of the scheme can be supported in planning policy terms at the time they are supposed to be delivered.

6.21.4 In light of this and in view of USS's significant investment in the Borough over the past 12 years, USS welcomes the opportunity to provide comment on such mechanisms -- with a view to ensuring that the proposal is, as suggested, an ancillary function to the wider proposal, its primary purpose being to support the resident and working populations derived as part of the wider scheme for redevelopment.

6.21.5 Without the necessary restrictions imposed, USS notes a concern that the proposal has the potential to become a retailing destination in its own right and exert considerable influence over the retailing patterns in the wider area. This could in its opinion, result in a notable, negative impact upon existing facilities within the region and undermine the efforts of those such as USS who have invested heavily in the Borough in the past and are committed to doing so in the future.

6.22 **Properties Canon House Limited on Behalf of USS**

6.22.1 Suggest the following Conditions:

- require a condition to revoke PD rights which would allow the applicant to create additional mezzanine floorspace;
- essential for the LPA to control the rate that the development comes forward, should be controlled by the plan led system rather than the market to determine;
- would welcome controls to ensure that the A2 –A5 elements of the scheme remain ancillary to the housing and commercial development; and
- more appropriate to specify the number of residential units coming forward rather than the reference in floorspace.

6.23 Liverpool Commercial District Partnership (LCDP) – Summary

- 6.23.1 CDP fully support the regeneration of the sub-region, including Wirral, but wishes that account be taken of the investment that has already taken place in the regional centre of Liverpool, which could be undermined by the Wirral Waters proposal, due to its scale and potential impact on the regional centre.
- 6.23.2 The proposal appears, in LCDP's view, to conflict with the policies and proposals of the development plan and insufficient evidence has been submitted to indicate the potential conflicts that will be outweighed by the benefits of the development. No evidence, in LCDP's view, to support the assertion that all of the 200,000 new jobs (*ipsissima verba*) will be net additional and not transferred from Liverpool or elsewhere.
- 6.23.3 The scheme will create a new centre within the region and therefore raises – in the view of LCDP issues of strategic importance that should be determined through the development plan process rather than through the consideration of a planning application, particularly in relation to the location and scale of the proposed retail and office development.
- 6.23.4 The proposed development is likely to compete with Liverpool city centre and other sub regional centres in relation to the office and retail provision. There is potential, according to LCDP, for the scale of the development to undermine future development proposals in other centres over the life of the project and undermine the regeneration efforts within the city region by displacing flows away from established locations. The development could also, according to LCDP, attract headquarters and main town centre office uses away from more substantially located locations in the city region -- potentially damaging the spatial priorities established by the statutory development plan.
- 6.23.5 LCDP states that the retail and office components of the development should be the subject of a robust sequential assessment of alternative sites within the catchment area in accordance with the guidance in PPS4. No assessment has, in LCDP's view, been given to the extent to which elements of the proposal could be sited in or on the edge of existing centres either in Wirral or the regional centre of Liverpool.
- 6.23.6 LCDP concludes by stating that if the retail elements are developed in a phased way, this may limit the scale of impact experienced at a particular time. The grant of permission now for such a high level of floorspace has the potential to undermine future investment proposals in other centres over the life of the project.

6.24 Wirral Society – Summary of comments letter dated 29th January 2010

6.24.1 Summary:

- Wirral Council has made no effort to assist organisations during the limited time this application has been with the Authority.
- Local Authority should have organised public meetings/ provided impartial assistance to help understand the likely implications this major proposal would have on the peninsular.

- Only reference to the application from the council (apart from the statutory reference) is its inclusion as a key element within the Councils Draft Spatial Options report for the Core Strategy -- a small folded leaflet available at the Cheshire Lines building foyer and a small exhibition mounted at WTH for two weeks.
- Find it strange that the largest planning application ever submitted to the LA appears to have been treated no differently from any routine planning application.
- Unaware of any analysis of major social and economic implications for the borough arising from such a major development.
- Any decision the council makes is based on an obsolete UDP.
- Given the potential economic gains of the proposal, Wirral Council is not capable of making an impartial decision and should refer directly to GoNW for consideration at Inquiry.
- Public consultation by the applicant – inadequate, by the council - virtually non-existent.
- Create planning blight in the area due to the timescales for development.
- Timescales allowed for consideration of the application does not allow for an informed assessment.
- Insufficient regard has been taken to respect the integrity of the historic buildings.
- No reference to the council's recent landscape character assessment.
- Cannot make an assessment of the impact of the proposal on Moreton, Hoylake, Greasby and NW Coastal Park as no appropriate photomontages.

6.24.2 With regard to East Float sustainability statement:

- Nothing to support the statement in Para 3.6 that East Float will create sustainable economic growth.
- Would want to see a commitment to transparency in the process and the publication of sustainability updates as the project proceeds.
- unclear how places for community interaction and socialising will be delivered.
- the matter of local engagement in the design process is not addressed.
- there is no comment on the impact of the proposal on the existing infrastructure.
- there is nothing to indicate how this site will become a preferred site for companies to invest and create jobs.

6.24.3 Wirral Society (WS) – Summary of comments, letter dated 9th March 2010

- Following a meeting between Wirral Society and officers of Wirral Council, the Society acknowledges that Officers had listened and taken note of WS concerns. In particular:
- Conditions can be imposed to manage the rate of development to ensure the scheme remains sustainable and that the appropriate infrastructure is in place, not putting a strain on the rest of the Borough.
- LPA welcomed the involvement of the Voluntary sector in future working groups, WS would welcome confirmation that it could be involved in appropriate discussions on future large scale development proposals of this nature and be involved in design discussions on this project.

- WS still require evidence that that the proposed uses of the properties to be constructed will redress the continuing loss of population and geographical disparities in opportunities and well being.
- RSS is not a substitute for local plans duly scrutinised at a local level.
- WS do not feel assured that adequate consultation has been carried out.
- WS consider that there is an oversupply of apartments in the city region

6.24.4 Summary of comments, letter dated 22nd April 2010. Require further clarification on the following areas:

- Welcome conformation that WS could be involved in discussions of future large scale proposals and the design discussions on this project;
- What is the evidence that has led the Council to conclude that the proposed uses of the properties to be constructed will address the problems of population loss?
- RSS itself is not a substitute for local plans scrutinised at a local level.
- Concerned that there is a perceived acceptance of much high rise accommodation.

6.24.5 Summary of letter dated 13th July 2010 require further clarification on:
“what basis the application can be determined given that as far as the society are aware, there is no longer an agreed current development plan in Wirral that has been subjected to public examination.”

6.25 Grosvenor Liverpool Fund (GLF)

6.25.1 GLF does not object to WMBC and its partners, seeking to regenerate the Wirral as a whole. However, in these specific circumstances, Grosvenor considers that the scale of the development proposed and its location is not appropriate or acceptable. In addition, Grosvenor considers that the current application for the East Float element of Wirral Waters should be considered in the context of Peel Holdings aspirations for the whole development set out in its overall Strategic Regeneration Framework. Specifically, the proposed overall total comparison retail provision -- which is again not appropriate or acceptable in this location.

6.25.2 Summary of GLF concerns:

- Lack of context within wider Wirral Waters Scheme
- Conflict with national, regional and local planning policy, in respect to the provision of comparison retail floor space.
- Retail methodology and impact on Liverpool City Centre’
- Impact on developer investment decisions’

6.26 CEREP Grosvenor Sarl, the owners of the Grosvenor Shopping Centre (in Chester City)

6.26.1 Summary of comments:

- Lack of context within wider Wirral Waters Scheme;
- Conflict with national, regional and local planning policy, in respect to the provision of comparison retail floor space;

- The Applicants assessment of retail uses (particularly in relation to impact) ADD; and
- Impact on developer investment decisions.

6.26.2 Further letter dated 30th June 2010. In addition to the above objection, the additional areas of concern relate to:

- Conflict with National and Regional Planning Policy in respect of the location and provision of large scale development;
- Retail Assessment Methodology and Impact on Surrounding Centres – with specific regards to 1) approach to Nature of the retailing provided within the scheme, 2) sequential test 3) Retail Impact, 4) Scale issues;
- Overall Retail Methodology Conclusions; and
- Impact on developer investment decisions

6.26.3 CEREP Grosvenor Sarl continues to object to the East Float application. CEREP Grosvenor states that it is not against the principle of regeneration in the Wirral, but that it is important to recognise that this regeneration should be of an appropriate scale in terms of commercial and comparison retail floorspace. Regeneration should not be at the expense of the plan led system or of achieving long term investment and success for existing town and city centres.

6.26.4 CEREP Grosvenor and its occupiers consider that the current East Float application is not acceptable in terms of the amount of retail development proposed and that it alone would compromise the success of recent and on going investments in town and city centres.

6.26.5 CEREP Grosvenor maintains its objection in considering that the application should be considered in the context of the wider aspirations of the Wirral Waters SRF, a document that is publicly available but sits outside of adopted planning policies.

6.27 Jones Land LaSalle on behalf of Warner Estates

6.27.1 Points raised:

- The scale of the East Float proposal raises implications in terms of PPS4, the RSS and the LDF and must be taken forward through the policy process
- It is likely that there would be a significant degree of overlap between the retail profile of East Float and Birkenhead Town Centres and thus competition, retailer relocation and impact
- The Council should not be misled into thinking that the mechanisms suggested by Peel for the control of phasing and delivery of retail use will either be effective, or won't come under early pressure for change
- Consider that the applicant has not adequately defined and explained the catchment area of the proposal
- Consider that the provision of car parking within concentrated multi-storey format would facilitate the provision of a 'destination' type retail facility
- Consider the retail element of the proposal should be considered as a potential new centre. Therefore it must be pursued via an amendment to the RSS in the first instance (rather than via the LDF, or development control process). Any failure to do so would represent a

significant breach of RSS policy W5's established network and hierarchy (as well as PPS4 Policy EC3). If however the proposal is treated as an out of centre development, then we consider that the nature and scope of the proposal has not been adequately defined by the applicant for assessment. We consider the proposal would breach PPS4 policies EC15-17, RSS Policy W5 and UDP Policies SHO1, SH1, SH9 and SH10.

- Consider some of the assumptions and strategy put forward by Roger Tym are highly dubious and must be tested and confirmed at both the Regional Policy Level and via LDF examination prior to the East Float application being determined.
- Consider that Wirral Borough Council should not be misled into thinking that this form of development (described in the RLOS) will actually emerge as envisaged by Peel
- The implications of a new centre at Wirral Waters must be assessed and confirmed via amendment of the RSS
- The East Float proposal does not accord with the sequential approach
- Consider it highly likely that if the East Float proposal (and potentially Bidston Dock) are to deliver viable and competitive retail-led components then some or all the characteristics listed (critical mass, anchor stores, limited phasing, complimentary uses and accessibility) are likely to be required
- The East Float application submission cannot be utilised to assess and therefore judge the likely form of retail development that would emerge – retail development would be provided in a limited number of significant elements and delivered at a limited number of points in time.
- Because of the nature and scale of proposals, consideration through the relevant planning policy process is essential. Peel's attempt to suggest otherwise and threaten that what is an unviable project would somehow be jeopardised by following well established and legitimate policy preparation routes is nothing less than a breathtaking and cynical attempt to circumvent the planning system at regional and local level.
- We consider that very similar considerations (to those identified by the Inspector in the Everton/Kirby public inquiry) apply in respect of the East Float application, and the Wirral Waters "vision" in general. Therefore, we consider that the proposals are clearly contrary to RSS policy W5 and that regeneration cannot be afforded the weight suggested by Peel.

6.27.2 Further letter from Jones Lang LaSalle dated 23rd July 2010, highlights additional concerns and reiterates previous objections. The concerns are addressed in the main body of the report. In summary these new objections relate to:

- Need for a complete Masterplan submission;
- Need for a viability assessment;
- Need for consideration through an adopted Core Strategy; and
- Designation of a new town centre.

6.28 Land Securities (Northgate Partnership)

6.28.1 Points raised:

- While understanding the need for ancillary provision to support the residential and working populations the suggested tenant mix referred to in the supporting documentation infers the site would become a retail destination in its own right needing to be supported by affluent catchments that currently look to Liverpool and Chester. Measures are required to ensure the retail element remains as an ancillary function
- Welcome proposal to link retail provision with office and residential: imposing a phasing condition (linked to assessed impacts) would ensure implementation is aligned with generated need.
- More restrictions needed than no more than the initial suggestion that could enable 30,000 sqm to be developed in one quarter
- The proposed restriction is now no more than 9,000 sq m each of comparison and convenience retail floorspace in any one quarter
- Concern that a proposal which has the potential to change the retail hierarchy should be permitted outside of the development plan process
- The Scale and location of the proposal conflicts with PPS4 RSS and UDP
- Conditions should be imposed to prevent the scheme serving catchments beyond that of the forthcoming on-site residential and working populations
- While acknowledging and supporting the ambition to regenerate this location concerned that the scale and form of retail proposal could serve to undermine investment in town centre and city centres – our suggested control mechanisms would provide comfort in this regard.

6.29 **Bride Hall (on behalf of Grosvenor Shopping Centre, Chester)**

6.29.1 Points raised:

- Lack of context to overall Wirral Waters scheme, which is being promoted through the Strategic Regeneration Framework (SRF) which is being developed outside of the emerging planning policy framework. Wirral Waters should be considered through the regional and local planning policy framework. Approving the application now would conflict with the plan-led system. Development of this scale should be subject to formal examination and consultation as guided by PPS12.
- The proposal conflicts with national, regional and local planning policy in respect of the provision of large scale development – due to scale and proximity, it would compromise the success of the regional centre (Liverpool) and complimentary centres such as Chester. As the UDP didn't anticipate a development of this scale.
- The applicant's assessment of retail uses needs to take account of PPS4 (issued post submission of the application), this proposal is inappropriate in this location and contrary to the objectives of PPS4. The scale of the proposal means it should be classed as a new out of centre shopping centre and so should be considered as part of the RSS. Housing should not be used as here to justify additional out of centre floorspace for town centre uses.
- Concern about the manner in which the retail effects have been assessed by the applicant – approach to nature of retailing provided in the scheme, sequential assessment, retail impact assessment and scale. Need to assess against PPS4
- Impact on developer investment decisions – it is contrary to the advice in the adopted RSS and PPS4 to seek a fundamental shift in the

priorities for investment through the scale of development envisaged in this planning application – significant proposals should be plan-led and subject to the necessary consultation.

- While no objection to regeneration in principle, Grosvenor considers that the scale of the comparison retail development proposed and its location is neither appropriate nor acceptable.

6.29.2 Further letter dated 30 June 2010:

- maintaining its objection the planning application and identifying further areas of concern:
- Lack of context to overall Wirral Waters approach and the need to consider the proposal through the plan led approach
- Conflict with National and Regional Planning Policy in respect of the location and provision of large scale development
- Retail assessment methodology and impact on surrounding centres, specifically restating concerns over the approach to the nature of the retailing provided within the scheme which potentially goes beyond what could be considered ancillary, the sequential assessment (which still only considers centres within Wirral), retail impact (too reliant on new residential and working population, no cumulative assessment) and scale
- Restate concern over Impact on developer investment decisions

6.30 Drivers Jonas (on behalf of Grosvenor Liverpool fund)

6.30.1 Concerns relate to:

- The flexibility sought under Class E could result in more retail development taking place than is currently set out and assessed in the application documents;
- Lack of context to overall Wirral Waters scheme, which is being promoted through the Strategic Regeneration Framework (SRF) which is being developed outside of the emerging planning policy framework. Wirral Waters should be considered through the regional and local planning policy framework first;
- The proposal conflicts with national, regional (RSS) and local planning policy (UDP+LDF) in respect of the location and provision of large-scale development. Neither envisages development of the scale proposed. The Peel SRF should not be used as part of the LDF evidence base as it does not form part of the adopted development plan and is being developed outside of the emerging planning policy framework;
- The applicants assessment of retail uses needs to take account of PPS4 (issued post submission of the application), considering the trade draw from a wider area, the need for the sequential assessment to cover locations outside the Borough, assessing impact against the six tests in PPS4. The scale of the proposal means it should be classed as a new out of centre shopping centre and so should be considered as part of the RSS;
- Impact on developer investment decisions – it is contrary to the advice in the adopted RSS and PPS4 to seek a fundamental shift in the priorities for investment through the scale of development envisaged in this planning application – significant proposals should be plan-led and subject to the necessary consultation;

- While no objection to regeneration in principle, Grosvenor considers that the scale of the comparison retail development proposed and its location is neither appropriate nor acceptable;

6.30.2 Further letter dated 9th July 2010 in light of amended application restates four main areas of concern:

- Lack of context to overall Wirral Waters proposals as set out above;
- Conflict with adopted planning policy in respect of the location and provision of large scale development – although RSS has been revoked, regional hierarchy soundly based and still a material planning consideration. Core Strategy should be given no weight in determining this application. Remains contrary to PPS4 – impact on all centres must be considered. Housing should not be used as here to justify additional out of centre floorspace for town centre uses;
- Retail methodology – nature of retailing, extend scope of sequential test and need to consider impact of whole of 60,000sq m.; and
- Impact on developer investment decisions in Liverpool

6.31 **USS (Croft Retail Park, Bromborough)**

6.31.1 Express concerns about the level of comparison floorspace being promoted as part of this application. Acknowledge the applicants proposal that retail floorspace would not be occupied prior to proportional corresponding expenditure-generating development (i.e. office and residential) being completed and occupied. The process for agreeing the Trigger mechanisms should be open and transparent. A detailed delivery strategy should be requested from the applicant which ties implementation of floorspace to identified need and ensures that retail elements can be supported in policy terms at the time they are proposed to be delivered. Wish to be able to comment on these mechanisms. Without such restrictions, proposal has potential to become a retailing destination in its own right with a notable negative impact on existing facilities.

6.31.2 Further letter dated June 30 provides further comment on the conditions and control mechanisms specifically:

- Need to revoke mezzanine Permitted Development rights
- Need to identify timescales for each phase of development
- Controls to ensure Class A2-A5 uses remain ancillary to housing/commercial uses
- Specify number of residential units not floorspace
- Clarity over wording of condition relating to control over amount of A1 floorspace.

6.32 **Wirral Change (Black and Racial minorities outreach service) – summary of comments:**

6.32.1 Wirral Change (WC) feels that future plans are exciting and will only bring Wirral to the forefront of national economic development which will bring international interest to the area. WC feel that the project is a comprehensive, intelligent way to start to build for the future of Wirral's younger generations.

6.33 **Aspire Trust**

6.33.1 Support stated for proposal following attendance at the Business Forum Annual Conference held at Thornton Hall Hotel where a presentation was made by Lindsey Ashworth of Peel (Land and Property) Ltd. The Aspire Trust believes that this project will have a great impact on Wirral's economic prosperity and its business community over the next 30 years.

6.34.2 The Aspire Trust, was recently nominated for the Liverpool John Moores University "Knowledge Business of the Year" award as an entrepreneurial knowledge-based Social Enterprise which has been working across the North West region since 2002. Based in Wallasey the Trust delivers a range of highly creative and innovative support programmes for schools and their communities within some of the most socially deprived and challenging parts of the region.

6.35 Chester Medical Solutions (CMS), based in Bromborough.

6.35.1 Noted that CMS employs approx 70 staff and that as a native of Birkenhead and a current Wirral resident and employer, he is totally supportive of Peel's proposal for Wirral Waters.

6.35.2 Notes that often when proposals of this nature are put forward the objectors can have a very loud voice, but the supporters (often through inertia) don't make the effort to be heard.

6.35.3 Writer wants to redress the balance by making his views known. Notes that he has watched the derelict docklands slowly decay further over the last thirty years and this proposal seems to him to be too good an opportunity to pass up. There will undoubtedly be opportunities for economic spin offs, but most of all he would be delighted to be able to regain some of the pride in his 'home town'.

6.35.4 Finally the writer notes that he has absolutely no connection with Peel Holdings or the Wirral Waters development –his views are those of a resident.

6.36 Feedwater Ltd

6.36.1 Support for application given. Notes that this is an exciting project that has the potential to regenerate the derelict dockland areas and bring significant wealth and employment to the area.

6.37 E&P Painting Contractors Limited

6.37.1 Support for the application given. Writer notes that his company is based in Ellesmere Port and employs over 120 people, predominantly from Wirral. Accordingly, in these austere times the writer sees this application as a future income stream for local businesses and the actual development scheme is, in his view, magnificent.

6.38 Robert Hyatt Consulting

6.38.1 Writer notes that he has been following the development of the Wirral Waters scheme over the last few years and understands that a planning application is now with Wirral Council for consideration.

6.38.2 Writer has no doubt that the developers, Peel Holdings, have the track record to deliver this forward thinking scheme and that it will have a major impact on the economic well being of Wirral. Writer's belief is that it is an outstanding opportunity which is unlikely to be re-offered if delays or rejection in gaining planning consent result in the developer being unable or unwilling to press forward with the scheme.

6.38.3 Writer requests that his email is recorded as in favour of the scheme and that 'every reasonable assistance' is given to Peel to enable them to commence development as soon as possible.

6.39 Business Link Northwest

6.39.1 Writer supports the proposal as per a presentation given by Lindsey Ashworth of Peel Holdings at Invest Wirral's AGM.

6.39.2 As a resident of Wirral and having worked in businesses based in Merseyside for the past 20 years, the writer believes that a project of this kind will be beneficial for the area by attracting inward investment, creating jobs and prosperity for the area -- in which Wirral is in great need, being the third worst performing economic area in the UK.

6.40 Steven J Harvey

6.40.1 Notes that he attended the WIN AGM and was hugely impressed with the Peel Holdings presentation. Writer would like to add his whole hearted support for the project which he sees as a once in a lifetime opportunity for the Wirral to enhance its identity and that it will undoubtedly affect our thinking as regards the development of an increased presence on the Wirral.

6.41 Lees Solicitors LLP

6.41.1 Writer notes that he recently attended the Wirral Business Forum Annual Conference held at Thornton Hall Hotel and was extremely impressed by the presentation given by Lindsey Ashworth of Peel (Land and Property) Ltd in relation to the Wirral Waters project. Writer thinks that this is a project that needs the whole hearted support of the business and private community of Wirral to ensure the prosperity and success of the borough for many years to come.

6.42 Webpoint

6.42.1 Writer notes that 'You can count me in!!!!' and indicates that he fully supports the proposal and will encourage everyone that he knows to do likewise.

6.43 Penkeths Ltd

6.43.1 Writer requests that his support for the Wirral Waters scheme by Peel is registered. Further notes that whether or not he lives to see it, he believes this is the best thing that could happen for Wirral in his lifetime. In modern parlance, it's, in his opinion, a "no brainer".

6.44 ATLAS Fire & Security Ltd, Wallasey Village

6.44.1 Writer has attended two Peel Holdings presentations on their plans for the Birkenhead Dock redevelopment. Considers that the redevelopment will fundamentally improve the whole of the Birkenhead area, and have a massive benefit to the Wirral area. Writer notes that he is about to build a new office on land recently purchased in Cross lane Wallasey. The new build is part of his long term plans for his company and his children who are involved in the running of the business. His company provides intruder, fire, CCTV and Access control installation and maintenance and the new development would have an enormous effect on his ability to grow and employ more Wirral based people. Wishes for his support for Peel Holdings planning proposal to be registered.

6.45 Gill Cregeen 157 Milner Road, Heswall

6.45.1 Writer has recently been fortunate to see a presentation of the proposals and has been truly impressed and inspired. Notes that Peel Holdings have a tremendous record of success in this field. Salford Docks regeneration stands, in the writer's opinion, as a first class testament to their vision and drive to see a project of great magnitude through. Writer would like local and central government to give them all the possible support they can.

6.45.2 Writer notes that English Heritage have voiced concern that high rise buildings will be seen above the roofs of Hamilton Square buildings. She adores our rich architectural heritage and seeks to preserve as much as possible, but notes that 'we cannot live in the past.' Writer states that we should preserve our past whilst embracing the new and that she is sure that there's room for both in Birkenhead.

6.46 Mortgage and Insurance Needs

6.46.1 Note that, as a local business, they are fully supportive of the plans to develop the Wirral Waters Scheme and that the presentation at Thornton Hall was very impressive. They would like to think that they will see some of the plans implemented during their lifetimes. Note that the area is in dire need of regeneration.

6.47 Smith and Sons

6.47.1 Note that Smith and Sons has been a major player in introducing many businesses to the Wirral having been actively involved in the majority of office, industrial and leisure schemes throughout the Borough. Smith and Sons are excited about the Peel Holdings proposals and are fully behind the scheme which is considered to be a once in a lifetime opportunity for extraordinary high levels of expenditure and regeneration in an area which has been under utilised for many years.

6.47.2 Writer guarantees Smith and Sons' wholehearted support to the proposals and that the possibilities of major employment during the construction period and thereafter, are certainly an opportunity not to be missed. Furthermore, the inward investment that would be generated with this scheme as a catalyst would certainly make the Wirral a major tourist and business destination.

6.47.3 Writer notes that whilst writing, he is looking over the roof tops of Hamilton Square; and would be delighted and excited to see from his office, towers

being constructed, knowing that this would secure the long term future of the Borough. Any objections from English Heritage regarding these views must in his view be allayed. As Chairman of the Hamilton Quarter Business Forum, the writer notes that he will endeavour to obtain the support of its cluster group who represent businesses working in the area; confirming their delight in seeing regeneration-taking place. The sight of residential and commercial schemes being constructed on the skyline will be exciting rather than detrimental and would signal an upturn in the local economy.

6.48 Chair of the Wirral Business Forum Executive Board

6.48.1 Following on from the Business Forum Annual Conference held at Thornton Hall Hotel, writer highlights the presentation made by Lindsey Ashworth of Peel (Land and Property) Ltd. Notes this will be one of the UK's most far-reaching and significant regeneration plans, which will have great impact on Wirral's economic prosperity and its business community over the next 30 years.

6.48.2 Writer further notes that at the conference a question was raised about how businesses can offer support to Peel's proposals for its Wirral Waters scheme around the Birkenhead/Wallasey docklands area. Writer notes that he believes that large numbers of letters received in support of an application is significant, as people who are in favour of plans are not generally as inclined to write in support as those who raise objections to an application. To ensure that Peel can promote Wirral as one of its key projects could writer ask that if others are in favour of the Wirral Waters scheme that they forward either an email or letter of support to the council.

6.49 Park High School

6.49.1 Key Points from Peel Enterprise Day made by Park High School – Pupils wrote to Peel to share their ideas for the redevelopment of the Birkenhead Waterfront. In summary these are:

- water clean enough to dive/fish/use sailing boats
- Water Taxis
- Use renewable energy/eco friendly buildings
- Bridges
- Open Space
- New Housing
- Museum
- University
- Hotels
- Theme Park
- Shopping Centre
- Multicultural dimensions – flags/restaurants
- Zoo
- Ice rink
- Arena (Echo Arena)
- Water Features
- Cable Cars
- Recycling Facilities
- Lighting
- Fountain
- Toilets

- Stadium
- Water park
- Theatre
- Wirral Eye
- Trams

7.0 Development Plan Allocation and Policies

7.0.1 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 ceased to form part of the development plan on 6th July 2010 following the Secretary of State's announcement that Regional Strategies were to be revoked with immediate effect. Material considerations relevant to this application include National Planning Policies, local evidence base documents and emerging policy, and evidence used to inform the preparation of the now revoked Regional Strategy, as set out below.

7.1 Local Policy Context

7.1.1 Wirral Unitary Development Plan

7.1.2 There are no UDP policy designations covering the 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, including retail and housing. 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 (for example in regard to retail policy).

7.1.3 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 HSG2 Affordable Housing	Compliant (appropriate reference – subject to conditions – compliant)
Policy HS4 Criteria for New Housing Development	Neutral (policy applies to Primarily Residential Area or allocation but principles can be

	applied)
Policy HS6 Principles for Affordable Housing	Compliant (appropriate reference – subject to conditions – compliant)
Policy HS9 Mobility Housing	Compliant (appropriate reference – subject to conditions – compliant)
Policy GR5 Landscaping and New Development	Compliant
Policy GR6 Greenspace within New Family Housing Development	Neutral (subject to family housing provision and off-site greenspace improvements)
Policy GR7 Trees and New Development	Compliant (subject to conditions for landscaping proposals)
Policy REC1 Principles for Sport and Recreation	Compliant
Policy RE1 Criteria for Urban Recreation Facilities	Compliant
Policy RE11 Criteria for Children's Play Facilities	Compliant (subject to conditions for children's play facilities)
Policy TLR1 Principles for Tourism Development	Compliant
Policy CHO1 The Protection of Heritage	Compliant
Policy CH1 Development Affecting Listed Buildings and Structures	Compliant
Policy CH2 Development Affecting Conservation Areas	Compliant
Policy CH4 Bidston Village Conservation Area	Compliant
Policy CH5 Hamilton Square Conservation Area	Compliant (subject to conditions/legal agreement on parameters)
Policy CH6 Birkenhead Park Conservation Area	Compliant (subject to conditions/legal agreement on parameters)
Policy CH23 Flaybrick Cemetery Conservation Area	Compliant (subject to conditions/legal agreement on parameters)
Policy CH25 Development Affecting Non – Scheduled Remains	Compliant
Policy CH26 The Preservation of Historic Parks and Gardens	Compliant (subject to conditions/legal agreement on parameters)
Policy NCO1 Principles for Nature Conservation	Compliant
Policy NC1 The Protection of Sites of International Importance for Nature Conservation	Compliant
Proposal NC2 Sites of International	Compliant

Importance for Nature Conservation	
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)
Policy LAN1 Principles for Landscape	Compliant (promote enhancement of ALR areas)
Policy LA1 Protection of Areas of Special Landscape Value	Compliant (no adverse impact on ASLV areas)
Proposal LA2 Areas of Special Landscape Value	Compliant (link to LA1)
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 Highway and Development Schemes	Compliant
Policy TR12 Requirements for Cycle Parking	Compliant
Policy TR13 Requirements for Disabled Access	Compliant
Policy SHO1 Principles for New Retail Development	Compliant
Policy SH9 Criteria for Out-of-Centre and Edge of Centre Retail Development	Compliant
Policy SH10 Design and Location of Out-of-Centre and Edge of Centre Retail Development	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 CO5 Development Requiring Additional Coastal Defence Works	Neutral (outside Coastal Zone but issue of flood risk to be

	addressed by conditions)
Policy POL1 Restrictions for Polluting and Hazardous Uses	Compliant
Policy PO3 Noise	Compliant (subject to conditions to limit noise impact)
Policy PO4 Noise-Sensitive Development	Compliant (subject to conditions)
Policy PO5 Criteria for the Development of Contaminated Land	Compliant (subject to conditions)
Policy PO7 Development on Unstable Land	Compliant (subject to conditions)
Policy PO9 Criteria for Development Near Notifiable Hazards	Compliant (former AVC warehouse now demolished, British Gas pipeline to north of Northbank West quarter)
Policy REN1 Principles for Renewable Energy	Compliant

7.1.4 Policy URN1 Development and Urban Regeneration

7.1.5 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.

7.1.6 The application site is not within the Green Belt, or within an urban greenspace or of ecological or nature conservation importance in itself. Development of the application site has potential impacts on areas of nature conservation or heritage importance and these impacts are considered elsewhere in this report.

7.1.7 However, overall the Wirral Waters East Float 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.

7.1.8. It is through the dual approach of establishing priority areas for investment and operating restraint outside the urban areas that the Urban Regeneration Strategy can be successful. Although the RSS has been revoked, the Council still has the opportunity to continue to promote urban regeneration through its emerging Local Development Framework.

7.1.9 *Other UDP Policies*

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

7.2 Supplementary Planning Documents

7.2.1 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). Two Supplementary Planning Documents are material to the Wirral Waters East Float planning application:

Supplementary Document	Planning	UDP Policy
Supplementary Planning Document 2 – Designing for Self-Contained Flat Development and Conversions		HS4
Supplementary Planning Document 4 – Parking Standards		TRT3, TR9

7.3 Emerging Local Development Framework Core Strategy

7.3.1 The Council is about to consult on its Preferred Options for the Local Development Plan Core Strategy (Cabinet 22nd July 2010), following consultation on Spatial Options in January 2010. The Preferred Options consultation will be carried out in the context of the revocation of the Regional Spatial Strategy, which will impact particularly on the housing requirement for Wirral.

7.3.2 Other elements of RSS would have been determinative of this planning application but the Planning Committee will now have to determine the application in accordance with the UDP and other material considerations.

7.3.3 The emerging LDF Core Strategy is a material planning consideration but in accordance with national advice in PPS1, 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.

- 7.3.4 Some consultees believe that consideration of this planning application should be deferred until the LDF Core Strategy has advanced further. National advice in 'The Planning System: General Principles' is that:

'In some circumstances, it may be justifiable to refuse planning permission on grounds of prematurity where a DPD is being prepared or is under review, but it has not yet been adopted. This may be appropriate where a proposed development is so substantial, or where the cumulative effect would be so significant, that granting planning permission could prejudice the DPD by determining decisions about the scale, location or phasing of new development which are being addressed in the policy in the DPD. A proposal for development which has an impact on only a small area would rarely come into this category. Where there is a phasing policy, it may be necessary to refuse planning permission on grounds of prematurity if the policy is to have effect.' (para 17)

'Otherwise, refusal of planning permission on grounds of prematurity will not usually be justified. Planning applications should continue to be considered in the light of current policies. However, account can also be taken of policies in emerging DPDs. The weight to be attached to such policies depends upon the stage of preparation or review, increasing as successive stages are reached. For example:

Where a DPD is at the consultation stage, with no early prospect of submission for examination, then refusal on prematurity grounds would seldom be justified because of the delay which this would impose in determining the future use of the land in question.' (para 18).

'Where planning permission is refused on grounds of prematurity, the planning authority will need to demonstrate clearly how the grant of planning permission for the development concerned would prejudice the outcome of the DPD process.' (para 19)

- 7.3.5 Before the revocation of RSS, the Wirral Waters East Float application was to be considered against the hierarchical policies of the RSS. The application site was within the second priority area in RSS, in the inner area surrounding the regional centre (Liverpool City Centre), where it was intended that (Policy LCR1):

- plans and strategies should 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, surrounding inner areas;
- there should be a focus on 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 (the New Heartlands Housing Market Renewal Area);
- there should be a focus on sufficient proportion of new housing development and renewal (and related social and environmental infrastructure) within the inner areas to meet the objectives of the Housing Market Renewal Initiative and, consistent with this, make provision for an increase in the supply of

affordable and market housing required to address demographic needs and to support economic growth and regeneration.

- 7.3.6 The Wirral Waters East Float application is supportive of these principles, being within the Housing Market Renewal Initiative area, proposing economic improvements to the benefit of the sub-region and focusing new housing development and renewal in the surrounding inner area of the former RSS. The proposals would therefore have been in general conformity with many of the policies of the former RSS (September 2008).
- 7.3.7 The direction for continuing urban regeneration in the east of the Borough has also been set by previous development plans. Urban regeneration has been followed in Wirral since the late 1970's, including through the Merseyside Structure Plan of 1980, the Merseyside Green Belt Local Plan of 1983, Strategic Guidance for Merseyside (PPG11, July 1988), the Wirral UDP (February 2000), Regional Planning Guidance for the North West RPG13 (March 2003) as well as the latest RSS (last reviewed in September 2008).
- 7.3.8. In the sense of the agreed direction of spatial strategy towards urban regeneration, and in response to the consultation representations received on earlier stages of the LDF Core Strategy, the Wirral Waters East Float proposals, whilst clearly substantial, do not have such significant cumulative impacts as to warrant a refusal on the grounds of prematurity.
- 7.3.9 However, because of the scale (over a long time period) of the Wirral Waters East Float proposals and the stages reached by the Local Development Framework Core Strategy, the Council commissioned independent planning consultants to carry out a study into the integration of the Wirral Waters East Float proposals into the wider inner Wirral area (the Birkenhead and Wirral Waters Integrated Regeneration Study).

7.4 Birkenhead and Wirral Waters Integrated Regeneration Study

- 7.4.1 The Birkenhead and Wirral Waters Integrated Regeneration Study (IRS) is an important element of the evidence base for Wirral's Core Strategy Development Plan Document. GVA Grimley, the planning consultants who prepared the study, note that, with the uncertain future for Regional Strategies, a specific study for a key area of the Borough, such as the IRS area would become more valuable. This point has been echoed by Government Office North West in their response on the Council's Core Strategy Spatial Options.
- 7.4.2 Whilst the IRS cannot carry the weight to be accorded to a development plan document such as an Area Action Plan or Supplementary Planning Document, the IRS has been subject to stakeholder consultation and has been adopted by the Council as a material consideration (albeit not with the weight that could be accorded if it had been subject to full public consultation).
- 7.4.3 The Birkenhead and Wirral Waters Integrated Regeneration Study Cabinet report set out the background to the study, the preparation process, including stakeholder engagement and the key findings and recommendations. The report also explained how the IRS 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 Peel's proposals for Wirral Waters.

7.4.4 Cabinet resolved on the 24 June 2010 (minute 43 refers) that:

(1) the Integrated Regeneration Study for Birkenhead and Wirral Waters be adopted by the Council as a material planning consideration in relation to development proposals in the vicinity of the study area;

(2) the findings of the Integrated Regeneration Study for Birkenhead and Wirral Waters be used to inform the content of the emerging Core Strategy Development Plan Document;

(3) the thematic relationships table linking the Integrated Regeneration Strategy for Birkenhead and Wirral Waters and the East Float component of Wirral Waters be used to inform the consideration of the current planning application by Peel holdings and be taken forward alongside the Core Strategy;

(4) a further report be brought back to Cabinet on delivery options In due course;

(5) Cabinet welcomes the Integrated Regeneration Study as providing a context for Wirral Waters, and its integration with Birkenhead, Wallasey and the surrounding areas. Cabinet further notes that if the RSS is abolished there would be a policy vacuum and considers that this study will help inform the Spatial Priorities to be taken. It is noted that RSS has now been formally abolished.

7.4.5 In assessing the East Float application, Cabinet has resolved that the Birkenhead and Wirral Waters IRS should be used as a material consideration; along with the appended table which sets out the Vision and Objectives for East Float. The Wirral Council meeting of 12th July approved the IRS as a Council document, to carry appropriate weight in the determination of planning applications.

7.4.6 The table appended to the report showed the relationship between the thematic headings and themes developed in the IRS and the Council's proposed vision and objectives for Wirral Waters. This provides a structure and framework for the Wirral Waters development to ensure the benefits from the development are fully realised and integrated in future phases. This provides a response to Government Office North West and ATLAS (the Government funded Advisory Team for Large Applications Service) advice that the IRS can provide a context for determining Wirral Waters planning applications.

7.4.7 The Vision for East Float which has been approved by Council is:

'To create a truly mixed use waterside neighbourhood where new homes, a range of employment, education, leisure, community and cultural uses enliven the docks to create an attractive and exciting mixed use development that is physically and visually integrated with surrounding neighbourhoods, provides new opportunities for the community and complements the regeneration of the town centre'.

7.4.8 Using the thematic headings from the IRS, eight thematic Visions have been created for East Float and approved by Council; which resolved to use them to assess the application against. These are assessed below.

Economy

'To significantly contribute to the strengthening and diversification of the economy by establishing a new transformational business location at East Float that provides a range of employment opportunities and business requirements, attracts inward investment and accelerates business growth in the local economy.'

The application is assessed against this Vision in subsequent sections of the report and the economic benefits are discussed and the potential outcomes from the development are highlighted and where appropriate are conditioned or will be finalised through the S106 agreement.

Retail/Commercial

'To support the high quality living and working environment at East Float by providing complementary retail, food/drink and leisure uses which provide for the needs of the new residential and office communities and contribute to the vibrancy and vitality of the development through a mix of uses, particularly at ground floor level in key locations.'

The application is assessed against the relevant planning policies in this section of the report and also the conditions which support the application have been developed to ensure that the aspirations of the development are maximised and that the development is brought forward to create a genuine mixed use development, which provides for the needs of the occupiers of East Float, as well as supporting the surrounding neighbourhoods.

Water Spaces

'A high quality mixed use development that exploits the full potential of the waterfront and transforms the east float docklands to create an attractive and exciting publicly accessible waterfront neighbourhood that is physically and visually integrated with its surroundings.'

The development of the design parameters, has ensured that the waterfront is maximised and used to create a integrated neighbourhood, which links-in with the surroundings and is publicly accessible. It is recognised in the European and world precedents that waterfront development provides the opportunity for transformational and innovative urban regeneration. Wirral Waters East Float is a key location in the North West of England with the potential to transform inner Wirral.

Education

'To improve the education opportunities to local people, whilst working with further and higher education establishments to link skills, education and job creation throughout the development'

The development will provide the relevant education facilities required by the East Float working and residential population, including (subject to funding and further consideration with education providers) provision of tertiary and higher education facilities. The planning permission will, through relevant mechanisms, ensure that the proposal provides links to education, skills and training.

Services

'East Float will be well served by public, private, community and voluntary services that are appropriate to the needs of the new neighbourhoods and accessible to all. To improve physical health and mental well being by supporting existing and creating new communities, linking economic activity, skills attainment and community support, raising quality and access to recreational facilities, encouraging healthy lifestyles and a sense of pride in community'

The principles for the Vision are echoed in various sections of the report, through the community infrastructure, economy and the design of the scheme, to ensure that the development creates a sense of community; including all the physical services that are required to create a truly inclusive neighbourhood.

Governance

'The East Float development will be 'well run', with integrated management strategies that can engage and inspire local communities, and stakeholders in delivering and sustaining a well balanced sustainable community.'

As part of the development and progression of the scheme, a series of partnership working groups have been established and will be formalised through the reserved matters applications; and will also support the conditions and S106 which are associated with this application, providing advice to the LPA in its determination of subsequent reserved matters applications.

Equity

'Create a development that is welcoming, easy to use and, accessible for all'

The East Float development is designed to be a sustainable, inclusive and accessible neighbourhood which integrates well with the surrounding partnership neighbourhoods.

Housing

'To create a high quality, high density living environment that makes best use of its waterside setting, the historical and cultural assets within and beyond the site, and promotes innovative design, to promote a new housing offer capable of attracting and sustaining a new residential community that establishes clear relationships with existing communities'

The East Float development is designed to integrate with the surrounding neighbourhoods, taking account of the unique dockside setting and the historic context of the surroundings. The development creates a sense of place and integrates with the surrounding area to provide a sustainable new residential development.

Built Environment and Urban Form

'A high quality waterside development that reinstates legibility and coherence to the urban structure, improves connectivity between key locations and creates a dynamic cityscape and an urban form that takes full advantage of historic and cultural assets to create a new visual identity for Wirral.'

The East Float development has been designed to ensure a mixed use development with innovative and distinctive waterside quarters, a distinctive skyline that creates

an internationally recognizable waterfront, a legible permeable city structure that promotes a secure, inclusive and attractive public realm linking East Float with the wider neighbourhoods and a form of development that preserves and enhances existing maritime assets (docks, grain warehouses and tower) and celebrates the past and inspiring the future by shaping the form, function, design and character of the contrasting areas across the site.

Transport

'To create an inclusive and accessible low carbon transport system which has a safe, well maintained and efficient integrated network that meets wider community needs, and facilitates a sustainable mobility culture which promotes social cohesion and positively contributes to a high quality of life, a thriving economy and pleasant environment through the provision of opportunity, choice and the minimisation of unnecessary travel.'

The development has been progressed through the Transport Steering group and will have good links to the surrounding public transport hubs and will encourage social integration between the new residents and the surrounding neighbourhoods. The development will minimise the need for unsustainable travel and encourage the use of the most sustainable, low carbon modes of transport. As a major mixed use development, Wirral Waters East Float has the potential to radically reduce transport movements by providing housing, jobs, services and leisure in close proximity.

Environment

'To promote a sustainable and 'future proof' development, encouraging modern and innovative sustainable design and the promotion of sustainable lifestyles, enhancing the quality and legibility of the environment'

The masterplan has been designed to adapt to the changing policy and aspirations for sustainable development, whilst promoting high quality design and an innovative development.

7.5 Regional Policy Context

7.5.1 As set out in the letter from the Secretary of State in relation to the revocation of Regional Strategies, evidence that informed the preparation of the revoked Regional Strategies may also be a material consideration in determining planning applications, depending on the facts of the case. Where local planning authorities have not yet issued decisions on planning applications in the pipeline, they may wish to review those decisions in light of the new freedoms following the revocation of Regional Strategies.

7.5.2 Advice was sought from Government Office North West on the assessment of planning applications during this period of uncertainty and transition. GONW confirmed that once RSS is formally revoked, the evidence base that informed the policies within RSS as well as the evidence base for the draft emerging Regional Strategy 2010 would remain a material consideration.

7.5.3 Despite the revocation of RSS, regeneration remains a local and national priority. Wirral's emerging LDF Core Strategy sets out the continued need to deliver physical and economic regeneration in and around the Birkenhead Dock Estate to help narrow the gap in economic performance at the local and regional level and improve the prospects of local residents. The Council's Investment Strategy, a key policy document informing the Core Strategy, sets

out economic regeneration priorities for Wirral, which include the delivery of high value employment as part of a high quality mixed use development in the Birkenhead Dock Estate. The evidential justification for such an approach is set out in more detail in the section on Regeneration Issues (Section 12 of this report).

7.5.4 Although the Regional Strategy has been revoked, the North West Development Agency will remain in place until April 2012 (Draft Communities and Local Government Structural Reform Plan, July 2010) and remains a statutory consultee. The NWDA's comments on the planning application are at section 6 of this report. A principal function of the NWDA is the promotion of regionally-significant investment. Wirral Waters East Float is within the Wirral Strategic Investment Area (SIA), which was within the regeneration priority area of the former RPG13 and served as a focus for investment (including Objective 1 European funding) in the former Regional Economic Strategy.

7.5.5 At a more detailed level, RPG13 included the RES Strategic Regional Sites (in Wirral at the Wirral International Business Park in Bromborough). The Regional Economic Strategy 2006 also included land at Twelve Quays Birkenhead, which overlaps the eastern boundary of the application site. The concept of Regional Investment Sites was carried forward at Policy W2 of the revoked RSS. As part of this process, the NWDA had identified Birkenhead Docks as a Regionally Significant Employment Site, with the following functions:

- Promote a mix of uses including housing, knowledge based and port-related development 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.

7.5.6 The Regionally Significant Employment Site functions mirror those proposed by Peel for the East Float and would have formed part of the evidence base for the Regional Strategy. As such they are now also material to the consideration of the planning application.

7.6 National Policy Context

7.6.1 Following the change of government all national planning policies are under review, and will be replaced by a National Planning Framework. National Policies will continue to apply until they are replaced; however, any references to Regional Strategies within these policies are no longer valid.

7.6.2 The decision to immediately revoke RSS reflects the Government's wider strategy for localism, whereby communities at the local level, and the local authorities who directly represent them, will have a much greater say over the planning of their area. These principles are set out in the Manifesto 'Open Source Planning' (Policy Green Paper No 14) and in 'The Coalition: our

programme for government' (HM Government, May 2010), which are material considerations.

7.6.3 The purpose of revoking RSS is to allow local authorities the freedom to decide what is best for their own areas, without 'top-down' targets and policy requirements. In Wirral, the localism agenda is being expressed through consultation on the Local Development Framework Core Strategy, which has reiterated residents' support for a strategy of urban regeneration focused on east Wirral, within the recognised regeneration priority areas. The exact balance between local discretion and the evidence base used to develop RSS has not yet been established by Government but it is clear that much of the evidence behind the RSS is also favourable towards the East Float proposals.

7.7 National Planning Policy

7.7.1 The following National policies are relevant to this application:

- PPS1 Delivering Sustainable Development
- PPS Planning and Climate Change Supplement to Planning Policy Statement 1
- PPS3 Housing
- PPS4 Planning for Sustainable Economic Growth
- PPS5 Planning for the Historic Environment
- PPS9 Biodiversity and Geological Conservation
- PPS10 Planning for Sustainable Waste Management
- PPG13 Transport
- PPS22 Renewable Energy
- PPS23 Planning and Pollution Control
- PPG24 Planning and Noise
- PPS25 Development and Flood Risk

7.7.2 Planning Policy Statement 1: Delivering Sustainable Development (2005)

7.7.3 This document identifies sustainable development as the core principle underlying planning and sets out the Government's four aims for sustainable development: social cohesion and inclusion; protection and enhancement of the environment; prudent use of natural resources and sustainable economic development. Planning should facilitate these aims by promoting urban regeneration; good design; inclusive communities; access to jobs; reduction in the need to travel; efficient use of land through higher densities and bring vacant and underused previously developed land and buildings back into beneficial use.

7.7.4 This PPS ensures that infrastructure and services are provided to support new and existing economic development and housing. It also emphasises that high quality and inclusive design should be the aim of all those involved in the development process, ensuring the creation of well-mixed and integrated developments which avoid segregation and have well-planned public spaces.

7.7.5 Planning Policy Statement: Planning and Climate Change Supplement to Planning Policy Statement 1 (2007)

7.7.6 This PPS places tackling climate change at the heart of planning. It supplements PPS1 by setting out how planning should contribute to reducing

carbon emissions and stabilise climate change and take into account the unavoidable consequences of climate change. It sets out how planning for the new homes, jobs and infrastructure needed by communities, should help shape places with lower carbon emissions and resilience to the climate change now accepted as inevitable. This PPS ensures development and regeneration secures the highest viable resource and energy efficiency and reduction in emissions, and the fullest possible use of sustainable transport for moving freight, public transport, cycling and walking; and, which overall, reduces the need to travel, especially by car.

7.7.7 This PPS is planned to be replaced by Planning Policy Statement: Planning for a Low Carbon Future in a Changing Climate, which will consolidate and update the existing PPS supplement and PPS22 into a single supplement to PPS1. An overview of the consultation draft of this PPS is set out below.

7.7.8 Planning Policy Statement 3: Housing (2010)

7.7.9 Sets out the national planning policy framework for delivering the Government's housing objectives, with the goal of ensuring that everyone has the opportunity of living in a decent home, which they can afford, in a community where they want to live. This PPS reflects the Government's commitment to improving the affordability and supply of housing in all communities, including rural areas, and seeks to ensure a wide choice of homes, with greater opportunities for home ownership, and the creation of sustainable, inclusive, mixed communities in all areas. In order to achieve these housing objectives, the PPS sets out that the planning system should deliver well-designed, high quality housing; a mix of housing, both market and affordable, particularly in terms of tenure and price, to support a wide variety of households in all areas; a sufficient quantity of housing taking into account need and demand and seeking to improve choice. It identifies that housing developments should be located in suitable, sustainable locations, which offer a good range of community facilities and with good access to jobs, key services and infrastructure, and that the approach to housing land supply should be flexible and responsive, managed in a way that makes efficient and effective use of land, including re-use of previously-developed land, where appropriate.

7.7.10 Planning Policy Statement 4: Planning for Sustainable Economic Growth (2009)

7.7.11 The Government's overarching objective set out in this PPS is to achieve sustainable economic growth by: building prosperous communities and improving their economic performance; reducing the gap in economic growth rates between regions; promoting regeneration and tackling deprivation; delivering more sustainable patterns of development, reduce the need to travel, especially by car and respond to climate change, promoting the vitality and viability of town and other centres as important places for communities.

7.7.12 To do this, the Government wants new economic growth and development of main town centre uses to be focused in existing centres; competition between retailers and enhanced consumer choice through the provision of innovative and efficient shopping, leisure, tourism and local services in town centres, which allow genuine choice to meet the needs of the entire community (particularly socially excluded groups).

7.7.13 Policy EC10 within this PPS states that local planning authorities should adopt a positive and constructive approach towards planning applications for economic development. Planning applications that secure sustainable economic growth should be treated favourably. EC10.2 states that all planning applications for economic development should be assessed against the following impact considerations:

- whether the proposal has been planned over the lifetime of the development to limit carbon dioxide emissions, and minimise vulnerability and provide resilience to, climate change;
- the accessibility of the proposal by a choice of means of transport including walking, cycling, public transport and the car, the effect on local traffic levels and congestion (especially to the trunk road network) after public transport and traffic management measures have been secured;
- whether the proposal secures a high quality and inclusive design which takes the opportunities available for improving the character and quality of the area and the way it functions;
- the impact on economic and physical regeneration in the area including the impact on deprived areas and social inclusion objectives; and
- the impact on local employment.

7.7.14 The letter from the Secretary of State in relation to the revocation of Regional Strategies states that local authorities must continue to take into account PPS4 in determining planning applications for retail, leisure and other main town centre uses.

7.7.15 In assessing any planning applications proposing unplanned growth in out of town shopping centres, particularly those over 50,000 sqm gross retail floor area, local authorities should take account of the potential impacts of the development on centres in the catchment area of the proposal.

7.7.16 Planning Policy Statement 5: Planning for the Historic Environment (2010)

7.7.17 This document sets out planning policies on the conservation of the historic environment. The Government's overarching aim is that the historic environment and its heritage assets should be conserved and enjoyed for the quality of life they bring to this and future generations.

7.7.18 In decision-making, local planning authorities should seek to identify and assess the particular significance of any element of the historic environment that may be affected by the relevant proposal (including by development affecting the setting of a heritage asset). In considering the impact of a proposal on any heritage asset, local planning authorities should take into account the particular nature of the significance of the heritage asset and the value that it holds for this and future generations.

7.7.19 Planning Policy Statement 9: Biodiversity and Geological Conservation (2005)

7.7.20 This document sets out the Government's objectives to ensure that planning, construction, development and regeneration have minimal impacts on biodiversity and enhance it wherever possible. The PPS seeks to promote sustainable development by ensuring that biological and geological diversity are conserved and enhanced as an integral part of development. It also seeks to conserve, enhance and restore the diversity of wildlife and geology by sustaining or improving the quality and extent of habitat. Another objective of the PPS is to contribute to urban renaissance by enhancing biodiversity in green spaces and in developments and ensuring that developments take account of the role and value of biodiversity. The PPS sets out that the aim of planning decisions should be to prevent harm to biodiversity and geological conservation interests, and that when considering proposals, local planning authorities should maximise opportunities in and around developments, for building-in beneficial biodiversity or geological features as part of good design, using planning obligations where appropriate.

7.7.20 Planning Policy Statement 10: Planning for Sustainable Waste Management (2005)

7.7.21 The Government's overall policy on waste management is to produce less waste and use it as a resource wherever possible, by moving the management of waste up the 'waste hierarchy' of reduction, reuse, recycling and composting, using waste as a source of energy, and only disposing as a last resort. This PPS aims to break the link between economic growth and the environmental impact of waste and recognises that the planning system is pivotal to the adequate and timely provision of new waste management facilities that will be needed. The PPS sets out that, in determining planning applications, all planning authorities should, where relevant, consider the likely impact of proposed, non-waste related, development on existing waste management facilities, and on sites and areas allocated for waste management. The PPS also requires proposed new development to be supported by site waste management plans, and requires planning authorities to ensure that new development makes sufficient provision for waste management and promotes designs and layouts that secure the integration of waste management facilities without adverse impact on the street scene.

7.7.22 Planning Policy Guidance 13: Transport (2001)

7.7.23 The broad objectives of this guidance are to promote sustainable transport choices, promote accessibility to jobs, shopping, leisure facilities and services by public transport, walking and cycling and reduce the need to travel, especially by car. In considering planning applications local authorities should, inter-alia, manage the pattern of growth to make full use of public transport, locate facilities in local centres, accommodate housing within existing urban areas with increased density of development at highly accessible locations, use parking policies to reduce reliance on the car for journeys, give priority to people over cars, ensure that the needs of disabled people, pedestrians and public transport users are catered for in the design of schemes, secure community and road safety through design and protect routes critical in developing transport infrastructure.

7.7.24 Planning Policy Guidance 17: Planning for Open Space, Sport and Recreation (2002)

7.7.25 This guidance recognises that open spaces, sport and recreation underpin people's quality of life, support an urban renaissance, promote more sustainable development, and promote social cohesion and health and wellbeing. The guidance states that local authorities should ensure provision for local sports and recreational facilities where planning permission is granted for new developments and in assessing planning applications local authorities should seek to improve the local open space network. The guidance sets out that, in order to improve existing open space and facilities, local authorities should:

- i. promote the compatibility of the uses made of open spaces and sport and recreational facilities with adjoining land uses;
- ii. encourage better accessibility of existing open spaces and sports and recreational facilities, taking account of the mobility needs in the local population; and
- iii. promote better use of open spaces and sports and recreational facilities, by the use of good design to reduce crime.

7.7.26 The guidance identifies that planning obligations should be used as a means to remedy local deficiencies in the quantity or quality of open space, sports and recreational provision. Local authorities will be justified in seeking planning obligations where the quantity or quality of provision is inadequate or under threat, or where new development increases local needs.

7.7.27 Planning Policy Statement 22: Renewable Energy (2004)

7.7.28 This PPS sets out that increased development of renewable energy resources is vital to the delivery of the Government's commitments on climate change and renewable energy. In their approach to planning for renewable energy local planning authorities should adhere to a number of key principles including accommodating renewable energy where viable, economic and where impacts can be addressed. The wider environmental and economic benefits of renewable energy projects, whatever their scale, are material considerations that should be given significant weight in determining planning applications. Development proposals should also demonstrate environmental, economic and social benefits and how environmental and social impacts have been minimised through consideration of location, scale, design and other measures.

7.7.29 This PPS is planned to be replaced by Planning Policy Statement: Planning for a Low Carbon Future in a Changing Climate, which will consolidate and update PPS22 and the Planning and Climate Change Supplement to PPS1, in the light of changes to energy and climate change policy and legislation. An overview of the consultation draft of this PPS is set out below.

7.7.30 Planning Policy Statement 23: Planning and Pollution Control (2004)

7.7.31 This statement advises that the consideration of land, air or water quality and impacts arising from development are capable of being a material planning consideration. In exercising development control functions local planning authorities must be satisfied that planning permission can be granted on land use grounds taking full account of environmental impacts. The local planning authority should also satisfy itself that the potential for contamination and any risks arising are properly assessed and that the development incorporates any necessary remediation and subsequent management measures.

7.7.32 Planning Policy Guidance 24: Planning and Noise (1994)

7.7.33 States that the impact of noise can be a material consideration in the consideration of planning applications. This guidance introduces the concept of noise exposure categories (NEC's) for new residential properties near existing noise sources.

7.7.34 Planning Policy Statement 25: Development and Flood Risk (2010)

7.7.35 Sets out Government policy on development and flood risk. Its aims are to ensure that flood risk is taken into account at all stages in the planning process to avoid inappropriate development in areas at risk of flooding, and to direct development away from areas of highest risk. Where new development is, exceptionally, necessary in such areas, policy aims to make it safe, without increasing flood risk elsewhere, and, where possible, reducing flood risk overall.

7.8 Draft National Policy

7.8.1 Consultation paper on a new Planning Policy Statement: Planning for a Natural and Healthy Environment

7.8.2 The aim of this draft PPS is to produce a single, streamlined, comprehensive national planning policy statement covering policies related to the natural environment, green infrastructure, open space, sport and recreation. This new planning policy statement would provide clearer references to planning for green infrastructure whilst streamlining and consolidating the following:

- PPS9 Biodiversity and Geological Conservation
- PPG17 Planning for Open Space, Sport and Recreation
- the landscape protection, soil and agricultural land quality, and forestry policies of PPS7 (Sustainable Development in Rural Areas); and
- the coastal access, heritage coast and undeveloped coast policies of PPG20 (Coastal planning).

7.8.3 Consultation on a Planning Policy Statement: Planning for a Low Carbon Future in a Changing Climate (2010)

7.8.4 This consultation document brings together the Planning and Climate Change supplement to PPS1 with the 2004 PPS 22 on Renewable Energy into a new draft PPS. This new PPS will replace the 2007 and 2004 PPS and it is proposed that it will become a consolidated supplement to PPS 1. This will support and provide an overarching framework for PPS 25 on Development and Flood Risk and emerging planning policies on green infrastructures. Consultation on this document closed 1 June 2010.

7.8.5 The conformity of the Wirral Waters East Float proposals with national policy as set out in National Planning Policy Statements is assessed elsewhere in the report as appropriate.

7.9 Other Material Considerations:

7.9.1 Atlantic Gateway Strategy

7.9.2 Following Peel Holdings' Ocean Gateway concept (linking together the company's landholdings along the Manchester Ship Canal between Manchester and Liverpool), the NWDA promoted the Atlantic Gateway to integrate development between the two north west cities and provide a counterbalance to the south east of England.

7.9.3 The Atlantic Gateway was to be included in RS2010 (the update of the RSS), which has now been revoked by the Government. However, the evidence base for the Atlantic Gateway is strong, with its inclusion of regional regeneration priorities in the Manchester and Liverpool city regions. Atlantic Gateway consolidates on previous concepts and programmes such as the Mersey Basin Campaign, the Southern Crescent and the Mersey Belt. All of these concepts reviewed the extensive linkages between Manchester and Liverpool, including the areas around Warrington, St Helens and Chester.

7.9.4 There is still a strong economic potential in the Atlantic Gateway area and the practicalities of the market will still focus on this area. The new Government has continued to show commitment to schemes which underpin the Atlantic Gateway, including the renewal of Bidston Moss Viaduct (which safeguards the M53 in Wirral for access to the Irish Sea Ro-Ro at Twelve Quays and Wirral Waters East Float), the repair of the Runcorn Jubilee Bridge and the electrification of the Liverpool-Manchester railway line.

7.9.5 Wirral Waters East Float is a key project within the Ocean Gateway and the Atlantic Gateway. It is also supported in the Liverpool City Region's list of capital projects within the Liverpool City Region Development Plan.

7.9.6 Liverpool City Region Development Plan

7.9.7 Sets out the vision for the City Region to regain its status as a premier European city by 2025 and identifies actions in the following five strategic priority areas to achieve this vision:

- A Creative and Competitive City Region;
- A Premier Destination;
- A Well Connected City Region;
- A Talented and Able Population; and
- Sustainable Communities

7.9.8 Wirral is included as part of the urban core of the City Region. Wirral's waterfront location is driving investment, growth and an outstanding quality of life. Unique Selling Propositions - dramatic Mersey frontage on both sides of the river is becoming a major accelerator for regeneration as private sector developers announce sizeable and long term plans for new offices and amenities.

7.9.9 Physical Business Infrastructure - In order to meet the demanding needs of modern businesses the Liverpool City Region needs a ready stock of the highest class commercial sites. The lack of such a resource has been a major inhibitor for parts of the City Region for decades.

7.9.10 The Wirral Waters East Float proposals are a key element of the City Region Development Plan and all Merseyside Local Authorities support the principle of a major mixed use development at Wirral Waters.

7.9.11 Liverpool City Region Housing Strategy

7.9.12 The Liverpool City Region Housing Strategy currently provides a framework for housing investment to support regeneration and economic growth in the City Region and could provide part of the additional context for emerging Local Development Frameworks. It illustrates the planned scale of economic intervention and the need to factor in the potential impacts of these projects on the surrounding housing market areas.

7.9.13 The City Region Housing Strategy was prepared to address the need in PPS3 – Housing for local authorities, to look beyond their boundaries into adjoining districts within the sub-region. Wirral is part of the Northern Housing Sub-Market Area along with Sefton and Liverpool. In practice, there are limitations to the extent to which districts in these Sub-markets interact and Wirral (being a peninsula) has fewer short-distance interactions. Traditionally, while a number of Liverpool residents moved out into Wirral, the interactions with Sefton have been more limited.

7.9.14 Wirral has however worked collaboratively with other City Region local authorities and is a partner with Liverpool City Council in the New Growth Point and with Liverpool and Sefton in the NewHeartlands Housing Market Renewal Initiative. These partnerships have offered economies of scale in managing these initiatives and have recognised common problems of housing market failure.

7.9.15 The New Growth Point partnership also includes Peel Holdings because of their interests in Wirral Waters and Liverpool Waters, which are seen as complementary projects on either side of the River Mersey.

7.9.16 The concept of integrated housing growth is material to the Wirral Waters proposals but largely in how the scheme is consistent with national and local planning policy. The Growth Point focus (including Housing Market Renewal) is included as a regeneration priority in the emerging Local Development Framework Core Strategy.

7.9.17 Multi Area Agreement

7.9.18 Joint working across the City Region has also culminated in a Multi-Area Agreement signed with the previous Government in September 2009. Both Wirral Waters and the Mersey Heartlands Growth Point figure within the MAA, which was formally signed up to by all the districts of the sub-region.

7.9.19 Northern Way Markets and Futures

7.9.20 The northern Development Agencies promoted the Northern Way concept as a means of addressing the £29 billion output gap with the south east of England. A great deal of evidence has been amassed to show the disparities between the northern regions and the rest of England. At a local level, the Regeneration section of this report outlines some of that evidence that is pertinent to the Wirral Waters East Float proposals.

7.9.21 With the revocation of RSS and the localism agenda, it is to be seen how the concept of the Northern Way will be carried forward. However, the evidence is clear and the potential for schemes like Wirral Waters East Float to operate on an international level raises the importance of supporting major transformational projects.

7.10 Conclusions on Policy Context

7.10.1 Whilst the Government is likely to review the wide range of national Planning Policy Statements produced in the past, they currently carry considerable weight and still focus on sustainable development, following a sequential approach, both spatially (within particularly deprived urban areas) and in terms of the use of brownfield land before greenfield land.

7.10.2 Therefore, whilst RSS has been revoked, it is likely that Wirral Council will be able to develop a planning strategy, informed by the IRS, which could focus regeneration in an area of the Borough, long-recognised as a regeneration priority. The Birkenhead and Wirral Waters Integrated Regeneration Study provides an important independent verification of the continuing need for such priority, noting that economic and social circumstances in the IRS area are continuing to decline. Wirral Waters can help to uplift this area but a planning response must be integrated across the wider hinterland.

7.10.3 The Council's emerging Core Strategy builds upon over 30 years of regeneration focus in east Wirral. There has been no fundamental challenge to this focus and the Wirral Waters East Float proposals sit firmly at the heart of the most deprived communities, offering the potential to achieve transformational change in conformity with the majority of local and national policy.

8.0 Statement of community involvement

8.1 Community Involvement

8.1.1 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.

8.1.2 In response to the Council's SCI, consultation and engagement have been accepted as one of the Guiding Principles of the proposed development. The approach taken to engagement, and proposed as the development progresses, is outlined in detail in the submitted *Guiding Principles: 2. Consultation and Engagement* document (December 2009). A goal of 'Engage and Inspire' is also adopted by the applicant within its Vision – 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.

- 8.1.3 The submitted document outlines the 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.
- 8.1.4 The East Float application has been the subject of a considerable pre-application consultation in this regard. The Guiding Principles document outlines key local and regional partners and agencies that have been consulted and involved to date, including Mersey Heartlands Growth Point; North West Regional Development Agency (NWDA); 4NW; Homes and Communities Agency (HCA); Government Office for the North West (GONW); English Heritage; Commission for Architecture & the Built Environment (CABE); Merseytravel; Highways Agency, and Environment Agency.
- 8.1.5 Consultation has been via a range of formats and media, including face-to-face meetings, site visits and walking tours, workshops, presentations, the establishment of a website, and exhibitions. Broadly, the programme of consultation adopted has been to consult at key milestones: Initial Vision (2007), Baseline Study (2007-2008), Vision/Framework (late 2008-2009), and Masterplanning (2009 onwards).
- 8.1.6 Community engagement has been progressed at each milestone stage. At the Initial Vision stage the proposals were launched at the Open Golf Championship (held in Wirral in 2006) and through a major media event, involving local, regional and national press (TV, radio, journals, and newspapers) in September 2006. A public meeting was also held in late 2006, attended by several hundred people. Similarly, at the Vision/Framework stage, a series of workshop sessions and meetings were held with key stakeholders, including meetings held to review the 'Guiding Principles' documents. A public exhibition was held at Birkenhead market in September 2008, with feedback sought through questionnaires, and a presentation was given to the Seacombe Local Area Partnership in June 2008.
- 8.1.7 The Masterplanning stage was accompanied by considerable consultation with stakeholders to establish a robust Masterplan (through a number of iterations) prior to submission of the planning application. The focus of this consultation was with the working groups established, and in relation to design a further Design Review of the proposals with CABE was undertaken. A further public exhibition event was undertaken in Birkenhead Market in December 2009, prior to the submission of the application.
- 8.1.8 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 submitted Consultation and Engagement Document provides an accurate record and report of the stages of consultation and publicity undertaken.
- 8.1.9 Given the length of the implementation period envisaged (potentially 30-40 years) and the scale of the project, it is important that public involvement and other consultation is ongoing as development progresses, and reserved matters applications are made. The applicant outlines that as each phase is brought forward, consultation will be undertaken with key stakeholders, the

local community and Wirral Council, to ensure that the detailed phases of the scheme are agreed to reflect the shared ambitions and vision at the outset. The appropriate type and extent of consultation required, using the principles and approaches established in the Guiding Principles document, would be agreed on a rolling basis with Wirral Council. Broadly, it is proposed to use a wide range of media and forums can be used as the project evolves – regular updates, newsletters or other formats become a tool for two-way communication. Due to the scale of the project, it is recognised that a range of different consultation needs will emerge as the project is delivered. This would include, for example, contact points for the delivery of the regeneration agenda, such as access to employment/training/skills and local business support, and information/contacts relating to the environmental and physical impacts of the project.

9. Housing and affordable Housing

9.1 Housing

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- 9.1.1 The planning application proposes a maximum of 13,521 residential units (equivalent to 774,000m² of residential floorspace). As this is an outline application, exact housing numbers and unit sizes to be delivered in each of the Neighbourhood Quarters cannot be determined at this stage and will be determined at the detailed reserved matters stages. It is envisaged that residential development would be distributed across the development, though the intended focus on residential use varies between the quarters. Whilst the application submitted proposes a limitation on the maximum floorspace of development per quarter, and a cap on the amount of floorspace in each individual use class across all quarters, flexibility is sought in terms of the amount of each use which can be located in different quarters.
- 9.1.2 UDP Policy HS4 requires new housing development to be considered against a number of criteria, including: scale in relation to surrounding property, the impact to character of the area; access to services; provision of landscaping and boundary treatment; the incorporation of design features which contribute to a secure environment and reduce the likelihood of crime, and; the provision of adequate amenity space. Whilst Policy HS4 relates to housing proposals coming forward in Primarily Residential Areas and on allocated sites, its principles have been used for residential development elsewhere in the Borough.
- 9.1.3 In relation to these criteria, it must be acknowledged that the residential property markets have broadly collapsed in this part of Inner East Wirral. The application seeks to gain an outline approval in order to begin to restore market confidence in the area. Given this circumstance, it is not possible or appropriate to design aspects of the development in full detail at this outline stage given that neither the occupiers nor their specific needs are known. Whilst the principle and scale of development in this location is considered elsewhere within this report, detailed assessment against UDP Policy HS4, or successor Local Development Framework Policies will largely be a matter for reserved matters applications.

- 9.1.4 That said the broad principles and standards of residential development are, however, established by the applicant within the application, and these are summarised here:
- 9.1.5 The 'Layout and the Quarters: Written Principles' part of the Development Specification indicates the following character of residential development:
- 9.1.6 Within SkyCity the proposal is to create a new residential and business led environment capable of attracting new employers and residents to Inner Wirral.
- 9.1.7 Marina View & Four Bridges are proposed as the civic and educational led residential hubs. It is outlined that Four Bridges itself would include minor, ancillary residential use only.
- 9.1.8 Vittoria Studios are proposed as a start up location for the growth of indigenous businesses. There is a focus upon the creative industries, media, design and technology and the arts, with residential uses sensitively incorporated alongside this employment development.
- 9.1.9 Northbank West would be the main focus of residential development - a residential-led quarter with commercial, leisure and health uses. The applicant indicates that the quarter would include a wider variety of homes, including family housing, to complement the Warehouses, SkyCity and the wider proposals in the surrounding housing market. The applicant proposes that at least 60% of the completed floorspace within this quarter will be residential (excluding car parking).
- 9.1.10 The working masterplan provides more qualitative information on the different residential environments to be created within each quarter and how the different housing models on offer can contribute to the creation of a sustainable mixed community. The parameter plans define key areas of public realm, including Sky City Park, squares, terraces and wetlands that will all be of significant amenity value to occupants. The overall movement strategy for the site establishes neighbourhood connections with surrounding residential communities beyond the site boundary and defines a network of community streets and squares within the East Float site itself. The form of the quarters will reflect its intended function and in the case of North Bank and Vittoria Studios the courtyard typology provides the potential for high quality residential amenity areas for future occupants.
- 9.1.11 Standards of Residential Accommodation
- 9.1.12 The applicant has committed within the application submitted to a number of quality standards. It is indicated that all residential development will be designed to achieve 'Lifetime Homes' standards - housing that is accessible and adaptable, designed to standards to encourage accessibility for most occupants, including some (but not all) wheelchair users and disabled visitors, without the necessity for substantial alterations. It is considered that the achievement of this standard would be consistent with UDP Policy HS9: Mobility Housing.

- 9.1.13 Secondly, it is proposed that as part of an aim of achieving the 'BREEAM Communities' standard for the development as a whole, it is proposed that all residential development within Wirral Waters will be assessed against the Building Research Establishment's (BRE) Code for Sustainable Homes and achieve an initial target of Level 4. As the development of the project progresses this requirement will move to Code Level 6 (Zero Carbon) by 2016.
- 9.1.14 The Code measures the sustainability of a home against design categories, rating the 'whole home' as a complete package. The design categories included within the Code include assessment of energy/CO2 use, pollution, water efficiency, health and well-being, materials, management, surface water run-off, ecology, and waste.
- 9.1.15 In terms of security and crime prevention, the applicant sets out an overall approach to security and crime prevention in Section 8 of the submitted Infrastructure Statement (Revised June 2010), which would apply to residential development within the scheme. Ongoing consultation with Merseyside Police (including the Police Architectural Liaison Officer) and more detailed security and crime prevention measures, (informed by further design out crime assessments) are proposed for detailed designs to come forward at Reserved Matters stages. A condition is proposed to ensure achievement of the 'Secure By Design' standard for the residential elements of the development.
- 9.1.16 Whilst car parking provision and traffic management is considered in more detail elsewhere within this report, provision in relation to residential dwellings is outlined at 0.53 per dwelling. This level of provision has been arrived at based on current policy as set out in the Strategic Planning Document "Ensuring a Choice of Travel" prepared for the Merseyside Authorities. This level of provision would enable the establishment of a maximum cap (over all use classes) of car parking provision, in compliance with the Council's adopted parking standards, set out in SPD4.
- 9.1.17 Lastly, a tariff/levy approach is proposed to provide for public amenity space and green links beyond the application site. A figure of £1,000 per residential unit is proposed, which would be directed to a range of mitigation requirements, including public realm and green links from East Float to the partnership areas, enhancement of playing pitches and other recreational sources in the Wirral Waters area. The contribution would be secured as part of the s106 legal agreement.

9.2 Affordable Housing

- 9.2.1 PPS3 requires that local authorities set overall targets for the provision of affordable housing through the planning system. This is given expression through Wirral's UDP Policy HSG2: Affordable Housing. HSG2 states that the Local Planning Authority will negotiate with developers to encourage the provision of affordable housing, secured through the use of Legal Agreements. The Council's current affordable housing target is 40% across the Borough. This means that based on the maximum 13,521 residential units proposed, 5,408 would need to be developed for affordable housing, (subject to viability testing). This target has been established as a result of the Council's 2007 Strategic Housing Market Assessment (SHMA). The

SHMA is currently being reviewed through evidence and policies of the Core Strategy, taking account of viability in accordance with recent case law (e.g. Blyth Valley).

- 9.2.2 The Wirral Waters application site is wholly contained within the New Heartlands Housing Market Renewal Initiative (HMRI) Pathfinder area. Key priorities of the HMRI include the need to: improve the economic performance of the area and increase local incomes; widen housing choice, and; encourage different tenure models and housing types.
- 9.2.3 ONS Mid-Year population estimates show that Wirral has experienced a declining population since the early 1980s and since 1995 Wirral has experienced a drop in population of over 13,000 people. This population loss contributes to the problems of lower demand (e.g. in housing markets) that affect inner Wirral so significantly.
- 9.2.4 The development of East Float would lead to a substantial increase in population, accommodating circa 23,000 new residents by 2050. More specifically, it has the scope (in conjunction with HMR) to reverse the decline in the population in Inner Wirral. The provision of an improved housing quality and mix together with employment opportunities within Wirral Waters that are not currently available in the inner area of Wirral will help to attract both new residents and to retain local residents who might otherwise seek to leave the area for employment reasons.
- 9.2.5 This application is being considered against the backdrop of the current recession, which has depressed the market for residential development. In Inner Wirral the challenge of delivering affordable housing provision on the back of private sector development is magnified because, even before the global economic downturn, the values achievable in the local private housing market were relatively low. The applicant states that as a consequence the provision of new affordable housing over the short to medium term needs to have regard to these major national and local challenges with regard to viability. Following the achievement of a 'critical mass' of economic investment, housing delivery and physical change in the area, it is likely that the market values of the project will sustain contributions to affordable housing. Thus conditions and a legal framework will need to be established to facilitate and trigger this requirement.
- 9.2.6 The applicant will need to undertake a detailed assessment of the viability of any affordable housing in line with the Council's most up to date target (currently 40%) at each Reserved Matters stage. This should take into account the findings of the most recent SHMA in terms of need and demand.
- 9.2.7 Broadly, the mechanism comprised in the legal agreement would consist of:
- Partnership Working: A commitment to working with the Council, HCA and local RSLs to explore and review the need and potential for affordable housing, in the context of evolving policy, needs, changing market conditions and the evolving economic viability and dynamics of the project itself. This will include the need for a Wirral Waters Housing and Communities Working Group (HCWG) to be established, comprising of individuals from Wirral Council and Peel Holdings, responsible for the operation of an affordable housing mechanism and

associated viability testing. The legal framework will require the Housing and Communities Working Group to meet prior to the submission of each Reserved Matters application for housing, and agree the requirements in terms of the 'Detailed Assessment' needed for that particular submission (see below). The Housing and Communities Working Group would be the primary vehicle for the establishment of housing requirements within the development, in response to new information that is published; for example a revised SHMA or other housing market evidence, or in response to changing economic circumstances.

- Affordable Housing Target – The Council's affordable housing target is currently 40% (based on the findings of the 2007 SHMA), although this target may be subject to change as a result of reviews of the SHMA. For each Reserved Matters application this target or any subsequently set out in the Core Strategy and an updated SHMA would be subject to viability testing at that time.

9.2.8 At each Reserved Matters stage the Council will consider the most appropriate option for the delivery of affordable housing which has been agreed subject to viability. If this is through any off site provision, then the majority of s106 funding for affordable housing would be used for the provision of residential units within the adjoining neighbourhoods of Birkenhead and Seacombe to support the Birkenhead and Wirral Waters Integrated Regeneration Strategy and the Council's Housing Market Renewal Initiative.

9.3 Rate of delivery

9.3.1 Wirral Council alongside Liverpool City Council has entered into a partnership with Government to deliver additional levels of housing growth from 2008/09 to 2016/17. The Mersey Heartlands New Growth Point initiative includes a further increase in Wirral's strategic housing requirement by 20% above previously planned levels (under RSS an increase of 100 dwellings per annum over the RSS figure of 500 net new dwellings per year). It is envisaged that East Float would make a significant contribution to the Borough's housing trajectory to meet this target. The applicant has provided an indicative housing trajectory, which is included below. It is outlined, however, that they do not wish to be restricted in absolute terms to the rate and type of delivery set out within the trajectory, either year on year or over a longer time period. A planning condition would, however, limit the numbers of residential dwellings developed overall.

9.3.2 There is, however, a need for a degree of control to prevent major departures from the trajectory that could result in significant adverse impacts. It is not considered necessary to limit the rate of housing delivery, given the identified need to deliver proposed housing to reverse population decline. Conditions are proposed to require the submission and approval of phasing plans and trajectories with each reserved matters submission. In terms of ensuring that the development is commenced, it is intended that there will be a requirement to submit reserved matters for a first phase within 5 years. It is also proposed that minimum amounts of residential development actually commenced on site in consecutive five-year periods. There will be a minimum delivery mechanism that will be reported to the planning committee required by planning condition to keep the outline permission alive.

East Float Indicative Housing Trajectory 2010-2050:
Vittoria Studios Sky City, Marina View, Northbank West
(excluding Northbank East)

Year (20..)	Housing units per annum	Cumulative units	Additional take-up each year - assumes 50% occupancy for first year, and 95% thereafter	Cumulative Take-up/ Occupancy - assumes 50% occupancy for first year, and 95% thereafter	Additional Wirral Waters resident population added per annum	Cumulative Gross Wirral Waters resident population
10	0	0	0	0	0	0
11	200	200	100	100	205	205
12	300	500	240	340	492	697
13	400	900	335	675	687	1384
14	400	1300	380	1055	779	2163
15	400	1700	380	1435	779	2942
16	400	2100	380	1815	779	3721
17	500	2600	430	2245	882	4602
18	500	3100	475	2720	974	5576
19	500	3600	475	3195	974	6550
20	500	4100	475	3670	974	7524
21	500	4600	475	4145	974	8497
22	500	5100	475	4620	974	9471
23	400	5500	425	5045	871	10342
24	400	5900	380	5425	779	11121
25	400	6300	380	5805	779	11900
26	400	6700	380	6185	779	12679
27	400	7100	380	6565	779	13458
28	400	7500	380	6945	779	14237
29	400	7900	380	7325	779	15016
30	400	8300	380	7705	779	15795
31	350	8650	355	8060	728	16523
32	350	9000	333	8393	682	17205
33	350	9350	333	8725	682	17886
34	350	9700	333	9058	682	18568
35	350	10050	333	9390	682	19250
36	350	10400	333	9723	682	19931
37	350	10750	333	10055	682	20613
38	300	11050	308	10363	630	21243
39	300	11350	285	10648	584	21827
40	300	11650	285	10933	584	22412
41	250	11900	260	11193	533	22945
42	250	12150	238	11430	487	23432
43	250	12400	238	11668	487	23918
44	221	12621	223	11891	457	24376
45	200	12821	199	12090	409	24784
46	200	13021	190	12280	390	25174
47	200	13221	190	12470	390	25563
48	100	13321	140	12610	287	25850
49	100	13421	95	12705	195	26045
50	100	13521	95	12800	195	26240

9.4.1 Whilst the format, and density of housing will largely be a matter for consideration at the reserved matters stage, the applicant has provided baseline information in this regard

Wirral Waters Housing insert

Replace Section 9.4 as follows:

9.4.1 Stet

9.4.2 The applicant's submitted Economic Impact Assessment indicates that the residential mix would be as follows (The applicant assumes that this mix would remain constant over the development period):

1-bedroom units – 25% of the total (3,380 units over the development period)

2-bedroom units – 50% of the total (6,760 units over the development period)

3-bedroom units – 20% of the total (2,740 units over the development period)

4-bedroom units – 5% of the total (676 units over the development period)

9.4.3 Based on these assumptions, East Float would therefore account for 5,250 residents by 2017, 12,100 by 2025, and 23,650 by 2050. In terms of housing density and type options, it is outlined that there will be a range of densities and typologies of housing, including lower-medium and high-density neighbourhoods. This range, which would include family orientated accommodation, would provide for a multi-faceted repopulation of the area.

9.4.4 However, it must be recognised that housing requirements change over time and Government advice is that local authorities should keep under review the need and demand for new housing and its type, tenure and size.

9.4.5 The Council's current adopted Strategic Housing Market Assessment outlines that current market demand is for a split of 10% 4+ bedrooms, 44% 3-bedroom, 27% 2-bedroom and 19% 1-bedroom across the Borough. For affordable housing, the Strategic Housing Market Assessment identifies that there is a greater need for 2, 3 and 4 bed accommodation, which is supported by Wirralhomes evidence of a higher than average expression of interest registered for these formats. There is also a significant demand for larger disabled person's accommodation for families or those with extended families who are carers.

9.4.6 Future reserved matters applications should therefore be subject to assessment against the Council's then current SHMA and should be supported by evidence from the applicant of conformity with the Council's housing policies and SHMA at the time of submission. This evidence should include an assessment of the viability of housing delivery within the phase of development being applied for.

10. EDUCATION/COMMUNITY DEVELOPMENT.

10.0.1 The Guiding Principles 12: Social and Community Infrastructure document outlines the potential requirements from Social and Community Infrastructure (SCI) as part of the East Float planning application.

10.1 Nursery Education

10.1.1 Nursery education development will be required as the Wirral Waters development progresses. The capacity needed will expand as the development grows and more residents move in. The area will also see an uplift in the number of workers who want to send their children to nursery. Consideration will need to be given in due course for additional Children's Centre provision. This will need to be monitored and assessed at each reserved matters stage and discussed and shared with the community development-working group. This will be secured through a condition.

10.2 Primary Education

10.2.1 There is likely to be a requirement for an additional primary school to be developed, if the population forecasts for Wirral Waters are achieved at the higher level of development. Again, this will be dependant on population forecasts as the scheme develops and can be achieved through a condition.

10.3 Secondary Education

10.3.1 There is unlikely to be any additional demand for a secondary school, given that there is likely to be sufficient capacity within existing secondary schools. However, this can again be monitored and assessed by a condition which requires the submission of a Social and Community Infrastructure assessment.

10.4 Further Education

10.4.1 The development itself is unlikely to generate enough demand to require a Further Education facility. A cluster education facility maybe developed within or around Wirral Waters due to changing location demands and the opportunity that Wirral Waters provides.

10.5 Health and Social Care

10.5.1 The Guiding Principles 12: Social and Community Infrastructure states that as the Wirral Waters proposal develops and the resident population increases, it is anticipated that the majority of demand will be placed on GP's, community health centres and dentistry by young and middle aged adults. However, there will be increased demand for older and family doctor medical care.

10.5.2 Also workers at Wirral Waters may choose to register with a dentist or doctor close to work. Whilst it is difficult to assess the number of people who may register, the scale and provision for walk in services and clinics will need to be developed in line with services targeted at residents. Multi-service health

centres will provide the most efficient service and ability to provide the functions required in Wirral Waters

10.5.3 In the Guiding Principles 12- Social and Community Infrastructure June 2010- the Housing and Communities Working group (Wirral Council and Peel) may take future responsibility for delivering the SCI and should work together to produce an SCI implementation plan. The development of an implementation plan also ensures that all partners have a shared understanding of the demands which will be placed on service providers and also presents a way forward for how these requirements will be addressed within the area (time frames, identifying sites within catalyst neighbourhoods and prioritising delivery.

10.6 Community Recreation and Leisure

10.6.1 The proposal will provide additional demand for community recreation and leisure facilities. There will be a need for community and leisure facilities that provide modern, flexible uses which can be utilised by a range of user groups. There will need to be provision made for the wider Children's social care support for a new community of the size proposed at East Float. This may have requirements for area based activities and staff providing a range of statutory and non- statutory social care support.

10.7 Summary

10.7.1 The Council's Children and Young Person's Department states that integration within the new community is important with the need for new facilities, particularly for early years and primary within the new development. Such a development would also contribute to the aspiration for a sustainable community.

11.0 The Retail, Office and Leisure elements

11.1 Policy background

11.1.1 The application proposals have been assessed against the policy background established by the Wirral Unitary Development Plan, the Strategy for Town Centres, Retail and Commercial Leisure produced by Roger Tym & Partners on behalf of the Council ("the RTP Report") and PPS4. Although the RLOS includes a review of the relevant policy context in the North West of England Plan: Regional Spatial Strategy to 2021, the revocation of Regional Spatial Strategies was announced by the Secretary of State on the 6th July 2010. The policies in the RSS are therefore no longer material to the determination of this application, although evidence which informed its preparation may be a material consideration according to guidance issued with the Secretary of State's written notification of revocation.

11.1.2 A Retail Leisure and office Statement ("RLOS") has been submitted with the application, along with an addendum report ("RLOS Addendum") in June 2010. The RLOS plus addendum are to be read alongside separate reports on the Socio-Economic Impact of East Float prepared by Regeneris Consulting and a report on the office market produced by CBRE (both updated in June 2010) have also been submitted. Officers have examined carefully the applicants RLOS and addendum documents and have concluded that the methodology and conclusions are robust and essentially sound and

have largely based the following appraisal on it. In doing so officers have considered carefully the representations made by some objectors as to perceived shortcomings in the RLOS and addendum documents and have concluded nevertheless that the approach and conclusions in the applicants' RLOS and addendum are essentially sound.

11.2 The Retail, Office and Leisure elements of the proposal

11.2.1 The non-residential elements of the East Float application may be summarised as follows:

- 422,757 sq m gross office (B1),
- 60,000 sq m gross retail (A1-A5),
- 38,000 sq m gross hotel and conference facilities; and
- 100,000 sq m gross of culture, education, leisure and community uses. (D1-D2)

The combined total of these "town centre" uses is 620,757 sq m gross (45% of the total floorspace, with the balance comprised of residential uses). The A1-A5 element comprises 4.3% of the total floorspace of the development

11.2.2 The applicant has indicated that of the 60,000 sq m, A1-A5 floorspace 30,000 sq m gross would be restricted to A1, with the balance comprising A2-A5 uses and this breakdown is proposed to be controlled by condition.

11.2.3 The applicants RLOS assessed two alternative scenarios for the composition of the A1 element, scenario 1 assuming a 20% of the total A1-A5 floorspace would be comparison floorspace and 30% convenience and scenario 2 assuming a 30% comparison 20% convenience split. In light of their retail assessment the applicant has adopted the scenario 2 floorspace split. This gives rise to the following A1 floorspace breakdown (adopting an 80% gross to net ratio for comparison and 70% gross to net ratio for convenience):

- 18,000sq m gross, (14,400 sq m net) comparison
- 12,000 sq m gross (8,400 sqm net) convenience floorspace.

11.2.4 It is proposed that the net (sales) floorspace will be limited to the above totals by condition.

11.3 Phasing of non-residential uses

11.3.1 In terms of phasing of the non-residential uses, the applicant's Regeneris Report sets out an indicative trajectory for the non-residential uses – which is reproduced below.

Table 3-2: East Float Development Phasing				
	Office	Retail	Leisure	Hotel & Conference
Development Volume (000m²)				
2013-15	19.76	7.00	11.00	6.00
2016-20	44.00	10.00	13.00	6.00
2021-25	50.00	9.00	12.00	8.00
2026-30	60.00	7.50	15.00	2.00
2031-35	60.00	7.50	13.00	4.00
2036-40	64.00	7.50	11.00	6.00
2041-45	65.00	7.50	15.00	6.00
2046-50	60.00	4.00	10.00	0.00
Total	422.76	60.00	100.00	38.00
Annual Development Rates (000s,m²)				
2013-15	6.59	2.33	3.67	2.00
2016-20	8.80	2.00	2.60	1.20
2021-25	10.00	1.80	2.40	1.60
2026-30	12.00	1.50	3.00	0.40
2031-35	12.00	1.50	2.60	0.80
2036-40	12.80	1.50	2.20	1.20
2041-45	13.00	1.50	3.00	1.20
2046-50	12.00	0.80	2.00	0.00
Source: East Float Planning Application (analysis by Regeneris Consulting)				

11.3.2 In relation to phasing mechanisms, the applicant has indicated that they would undertake to submit the first reserved matters application within 5 years of the grant of outline planning permission, with no more than 3,000 sq m of A1 convenience and 1,500 sqm of comparison floorspace being brought forward for occupation within the first plot to be developed. If the convenience retail provision approved as part of the Northbank East Plot one has already been developed or is under construction at the time that a reserved matters application is lodged in respect to the first phase of development under the planning permission, no more that 1,000 sq m of convenience retail provision shall be included in that reserved matters application. A series of controls are proposed which tie the provision of convenience and comparison floorspace to the completion of residential and B1 floorspace to ensure that the retail element remains ancillary to the housing and commercial element.

11.4 Control mechanisms proposed by the applicant across the site.

11.4.1 In relation to the distribution of retailing across the application site, the applicant proposes that no more than 6,000 sq m of convenience and 9,000 sq m of comparison retail floorspace shall be developed in any single quarter as defined by the planning permission

11.4.2 The applicant proposes that the gross internal area of any unit proposed to be occupied by any A1- A5 use class be restricted by condition to 500 sq m except that a maximum of two units of up to 2,500 sqm gross internal area shall also be permitted subject to phasing. Prior to occupation of any units, full

particulars relating to matters such as use, shop front and operating hours would be submitted for prior approval by the local planning authority.

11.4.3 In relation to the leisure elements the maximum amount of hotel/conference floorspace is proposed by the applicant to be capped by condition to 38,000 sq m. The remaining leisure uses are proposed to be grouped together with education, community and culture under D1/D2 use classes with a floorspace cap of 100,000 sq m. Potential delivery of an educational hub could account for a substantial proportion of this figure but this is not specified in the application. No further controls over leisure uses are proposed.

11.4.4 In relation to the office element, the applicant has put forward a series of mechanisms which are intended to create a framework in which the net economic and regeneration impacts of the East Float proposals can be maximised across the Liverpool City Region and beyond. They focus on controlling the rate of development of (B1) commercial office accommodation and the applicant contends that they will help to ensure that displacement risks (for example, between East Float and Liverpool City Centre) can be managed effectively and that office development markets across the Liverpool City Region will not be sterilised or disrupted by an oversupply of new B1 office floorspace (or by floorspace in the development pipeline).

11.5 Policy Assessment of the non-residential uses.

11.5.1 RSS

11.5.2 The RLOS includes a review of the relevant policy context in the former North West of England Plan: Regional Spatial Strategy to 2021. The revocation of Regional Spatial Strategies was announced by the Secretary of State on the 6th July 2010. The policies in the RSS are therefore no longer material to the determination of this application, although evidence which informed its preparation may be a material consideration according to guidance issued with the Secretary of State's written notification of revocation. In terms of retailing, the Town Centre Assessment Study prepared on behalf of 4NW by White Young Green in 2005 was a key piece of evidence underpinning the RSS.

11.5.3 The Wirral UDP

11.5.4 **UDP Policy SHO1 – Principles for New Retail Development** states the objective to sustain and enhance the vitality and viability of existing centres and to ensure easy access to shopping facilities by a choice of means of transport. A network of key town and traditional suburban centres are identified in Policies SH1 and SH2.

11.5.5 The applicant's retail assessment indicates that the proposal is intended to be ancillary to the residential and office elements and given the intended phasing and duration of the project (combined with their proposed control measures as detailed above) is not anticipated to have a significant adverse effect on the vitality and viability of any of the Borough's existing shopping centres. The new resident and working population generated by this development will have easy access to a range of local shopping facilities.

11.5.6 **UDP Policy SH9 – Criteria for Out-of-Centre and Edge-of-Centre Retail Development** indicates that applications for out-of-centre and edge-of-centre development will only be permitted where the benefits of the proposal outweigh the disadvantages when assessed against a list of criteria and where the proposal satisfies the additional criteria in Policy SH10.

11.5.7 In relation to criterion (i) as indicated above, the applicant's retail assessment indicates that the proposal is intended to be ancillary to the residential and office elements and given the intended phasing and duration of the project (combined with the proposed control measures detailed in section X below) it is not anticipated to have a significant adverse effect on the vitality and viability of any of the Borough's existing shopping centres.

11.5.8 In relation to criterion (ii) the proposal will deliver significant regeneration benefits on what is an underused brownfield site. The current residual port activities are proposed to be relocated to the West Float. There are no alternative proposals for the site which have the potential to deliver the quantum of employment, residential and other ancillary uses in this location. The site is unallocated or "white land" in the UDP and is not required for any other purpose. The applicant's sequential assessment discussed below has shown that there are no sites elsewhere capable of accommodating the development as a whole.

11.5.9 In relation to criteria (iii) and (iv), the assessment of transport and accessibility issues in section xx of this report has demonstrated that the site is accessible by a choice of transport mode and management measures including provision of enhanced public transport are proposed to limit the impacts on overall travel and car use.

11.5.10 **UDP Policy SH10 – Design and Location of Out-of-Centre and Edge-of-Centre Retail Development** The policy seeks to ensure that the Green Belt and the housing and employment land supply are protected and includes criteria for traffic generation, scale, design, and amenity considerations. Policy SH10 also provides for planning conditions to be applied to prevent future changes in out-of-centre or edge-of-centre developments to continue to safeguard existing centres.

11.5.11 In relation to criterion (i) the proposal is not located in the Green Belt

11.5.12 In relation to criterion (ii) as unallocated land the proposal will not prejudice the Borough's requirement for housing or industrial land and premises

11.5.13 In relation to criteria (iii) and (iv) the assessment of transport and accessibility indicates that a range of measures are proposed to ensure that the proposal will not generate levels of traffic in excess of that which can be accommodated by the existing or proposed highway network and adequate provision will be made for highway access and servicing and off-street car and cycle parking.

11.5.14 In relation to criterion (iv), siting, scale, design, choice of material and landscaping are considered in Section xx of this report. Various control measures throughout are recommended to ensure that these issues are appropriate to the character of the surrounding area

11.5.15 In relation to criterion (v) section xx of this report indicates that the Council is satisfied that the proposal will not cause nuisance to neighbouring uses, especially in respect of noise and disturbance.

11.5.16 As such it is considered that the proposal satisfies all the relevant criteria in UDP Policy SH10. In relation to SH9, it is considered that the benefits of the proposal outweigh the disadvantages when assessed against the criteria in the policy. The requirements of Policies SH9 and SH10 are therefore met by the proposals

11.5.17 Although many of the requirements of UDP Policy are still relevant, in view of the period of time which has elapsed since the UDP was adopted in 2000, the fact that it pre-dates the publication of PPS4 and its predecessor PPS6, and also give the revocation of the RSS, limited weight should be given to the UDP in this respect. As such the following analysis focuses on the extent to which the application conforms with the conclusions of the RTP report and the policy requirements of PPS4.

11.5.18 The Core Strategy for Wirral

11.5.19 The Core Strategy for Wirral is currently at Regulation 25 stage (consultation on Spatial Options concluded in early March with an outline of the Preferred Options Report considered by Cabinet on 22nd July) and as indicated elsewhere in this report carries little weight in determination of this application.

11.5.20 The RTP Report, completed in December 2009, which forms part of the Core Strategy evidence base was, however, approved as a material consideration for use by Planning Committee in the determination of planning applications by Cabinet on the 14th January 2010 (Minute 261 refers) confirmed by full Council on 15th February (Minute 97 refers).

11.5.21 The RTP Report included an assessment of the quantitative and qualitative needs likely to arise in the retail and leisure sectors in the period to 2026, following the guidance in PPS6 and consistent with the approach in the then draft PPS4. In relation to the future need for comparison retail floorspace, RTP considered 16 different scenarios to test a range of data inputs and assumptions, particularly in relation to securing an increase in the amount of expenditure retained in the Borough and factoring in the impact of the forecast population growth created by the Wirral Waters proposals. Account was also taken of existing unimplemented planning permissions, the likely future impact of internet shopping and the needs of existing retailers to grow their businesses. Expenditure growth forecasts were utilized from early 2009 which took into account the effects of the economic downturn. Their recommended scenario 4D is the one the Council proposes to take forward as its preferred option in the Core Strategy. The comparison goods floorspace capacity under this option over time is set out below.

Time Period	Gross Floorspace (sq m)	Net Floorspace (sq m)
2014-2016	3,558	2,491
2016-2021	58,664	41,064
2021-2026	59,592	41,715
Total	121,814	85,270

- 11.5.22 In relation to convenience goods, RTP indicated that the residual need is negative up to 2026, even allowing for the population growth generated by Wirral Waters. This is due to the low forecast rate of expenditure growth in the convenience sector relative to the comparison sector and the substantial turnover requirements of the existing planning permissions such as the planned superstores in Birkenhead and New Brighton.
- 11.5.23 In relation to Leisure services, RTP indicated that this sector is anticipated to grow by £64.1m in the period to 2021. On the basis of current spending levels, around 60% of this spending growth will go to eating and drinking establishments: there is therefore scope to accommodate additional food and drink outlets in the Borough's existing centres and Wirral Waters. The remainder of growth in expenditure on leisure services, it was anticipated by RTP, is likely to go to a range of activities with no single activity capturing any single market share.
- 11.5.24 In terms of the current planning application at East Float, although need is not the principal consideration under the PPS4 impact test the suggested phasing of comparison provision in this application is broadly consistent with RTPs assessment of comparison floorspace capacity. In relation to convenience floorspace while the position identified by RTP is one of Borough-wide negative capacity, in of their assessment of shopping patterns (para 4.81 of their report refers) they acknowledge that a qualitative need for additional convenience retailing may arise in the future in areas of substantial population growth such as Wirral Waters. In this case the convenience element at East Float reflects this situation as it would be serving the new residential and office community at East Float and the following assessment shows strong compliance with the impact criteria in PPS4.
- 11.5.25 In relation to the future strategy for accommodating retail and leisure growth in the Borough, RTP developed six alternative strategic growth options and carried out a broad assessment of each growth option against a number of policy objectives/assessment criteria which are influenced by the requirements of national, regional and local policy and by the Council's Sustainability Objectives. Each option was rated on the extent to which it complied with the policy objective and an overall assessment rating was given. The options as below:
- Option 1:- Dispersal of Growth across Birkenhead, Liscard, Heswall, West Kirby and Moreton;
 - Option 2:- Focus of Growth on Birkenhead Town Centre;
 - Option 3:- Focus on Birkenhead and Liscard Town Centres;
 - Option 4:- Birkenhead/Liscard Town Centres and Wirral Waters;
 - Option 5:- Birkenhead Town Centre and Wirral Waters Focus; and
 - Option 6:- Wirral Waters Focus.
- 11.5.26 Options 5 and 6 were RTP's two clear preferred options: in both cases it was noted that Wirral Waters was likely to yield wider benefits for the Wirral and the regeneration of the underused previously developed land in the docks. Option 6 was seen as potentially the most deliverable and could contribute positively to the wider spatial vision for Wirral. The Council proposes to take forward a combination of options 5 and 6 as its preferred option in the Core Strategy. The current application would be therefore consistent with both

options 5 and 6 in the RTP report in terms of their identification of Wirral Waters as a key location for meeting future retail growth.

11.5.27 However as the RTP report predates the finalised PPS4 (although it was prepared on the basis of the draft version) the Local Planning Authority does not rely exclusively on it in coming to a view on the retail elements of the proposal, but has also considered the requirements of PPS4 and carried out its own appraisal of the applicants RLOS and supplementary documents.

11.5.28 **Planning Policy Statement 4**

11.5.29 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. The office and research and development (B1) retail (A1-A5), hotel and conference (C1), culture, education, leisure community and amenity uses (D1 & D2) all fall within the scope of "town centre uses" as defined in paragraph 7 of PPS 4.

11.5.30 Policies EC1-EC8 are concerned with plan-making and EC9 with monitoring

11.5.31 Although **Policy EC3** is a plan-making policy, criterion EC3.1 (f) is relevant to this proposal. This indicates that at local level local planning authorities should encourage residential or office development above ground floor retail, leisure or other facilities within centres, ensuring that housing in out-of-centre mixed-use developments is not, in itself, used as a reason to justify additional floorspace for main town centre uses in such locations. It could be argued however that the intent of this policy is not to prevent supporting retail and leisure uses in mixed use regeneration schemes where the retail is considered to be of an appropriate scale and nature and subject of appropriate controls to tie it to the development of office and residential uses. In this case, the Council is satisfied that the housing element is proposed not simply to justify the provision of retail floorspace but support the creation of a mixed community and support housing led regeneration in the Growth Point and Housing Market Renewal Pathfinder, alongside the provision of complementary local facilities and services (which are of an appropriate scale to the rest of the development with no forecast adverse impacts) which will attract and support the new residential and business community.

11.5.32 Policies EC10 to 19 of PPS 4 are concerned with development management and the policies relevant to this proposal are EC10, EC11, EC14, EC15, EC16, EC17 and EC19.

11.5.33 A key change from PPS6 is that there is no longer a requirement for applicants for retail and certain other forms of development to undertake a separate assessment of quantitative and qualitative need for their proposal. Assessment of impact is now split between policies EC10 and EC16 and failure against any one of the criteria within the policies could result in refusal of planning permission, notwithstanding performance against all of the other criteria.

11.5.34 **Policy EC10** applies to all applications relating to economic development proposals. 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 applicant's aspiration for East Float is that it should be an exemplar project in terms of the sustainability agenda: the general approach and targets to be adopted to ensure that this aspiration is met is set out in a sustainability statement submitted with the application. The applicant notes that the site itself has a number of sustainable attributes, including its brownfield status, the bringing of new employment opportunities into a location where there is significant levels of unemployment and worklessness together with the potential to reduce out-commuting. The residential element provides the opportunity for large numbers of people to live within walking and cycling distance of their place of work. The proposals are also accompanied by a sustainable energy and waste strategy to ensure the development minimises its contribution to carbon emissions. Flood risk impacts are addressed through the flood risk assessment. These assessments have been reviewed by Council officers and 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 includes the provision of local services and facilities on site to reduce the need to travel. The assessment notes that the site is in a highly accessible location being within an existing urban area with substantial residential communities in close proximity and with a range of uses proposed in a single location. The applicant notes that that PPS4 Appendix B states that in relation to office development, sites within the urban area that are outside town centres within 500m of a public transport interchange (including bus/railway station) should be regarded as edge of centre locations for the purposes of the sequential approach. This is of relevance given that Birkenhead Park Station is approximately 500m from the edge of the application site. The applicant concludes that the East Float Development would enjoy a very high level of accessibility by a choice of transport mode in line with PPS4 objectives. 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;

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), a Regeneration Statement and a number of supplementary reports have

been submitted by the applicant as detailed elsewhere in this report. These include, as part of the Regeneration and Planning Supplementary Statement a report on the economic impact of East Float (produced by Regeneris Consulting) and an Office Market assessment by CBRE. The Regeneris report assesses the socio-economic impacts of the East Float application, the potential for the scheme to deliver economic and regeneration impacts, meeting and stimulating future demand from occupiers and cumulative considerations in relation to Liverpool Waters. Overall it is concluded that the application will deliver significant and compelling regeneration benefits.

In relation to social inclusion, the applicant notes that 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. Significant economic and physical regeneration benefits from this application and the wider Wirral Waters project are anticipated given the project's location in a deprived area and within the housing market renewal pathfinder.

e: The impact on local employment

In relation to employment, in addition to construction phase employment (full time equivalent), the applicant's Regeneration Statement Table two suggests that in the long term the proposal (along with the already consented East Float application) when developed out (by 2050) could create up to 1,250 jobs in the retail sector, 17,122 in the office sector, 605 in the hotel and conference sectors and 1,697 in the culture, education, community and leisure sector. The Regeneration Statement emphasises the importance of maximising local economic benefits in an area of high unemployment and worklessness. Further consideration is given in the Regeneris report which states 'Clearly the job opportunities created at East Float, combined with appropriate employability and work related training, has the potential to make a major contribution to the efforts to reduce worklessness and to enhance long term employment prospects in these deprived communities'.

11.5.35 Overall and having regard to the conclusions elsewhere in this report relating to the matters discussed above, it is considered that there are no significant adverse impacts resulting from the application proposals on the impact considerations set out in Policy EC10, taking into account of the likely cumulative effect of recent permissions, development under construction and completed developments.

11.5.36 **Policy EC11** sets out the considerations for planning applications for economic development (other than main town centre uses) not in accordance with the development plan. As indicated above, the main headline uses proposed in this application fall within the definition of "main town centre uses" in PPS4, so are assessed under the other relevant PPS4 policies in this report.

11.5.37 **Policy EC14** identifies the supporting evidence required for planning applications for main town centre uses and the floorspace thresholds that

apply. A sequential assessment under EC15 is required for planning applications for main town centre uses that are not in an existing centre and are not in accordance with the development plan (EC14.3). An assessment addressing the impacts in EC16.1 is needed for planning applications for retail and leisure development greater than 2,500 sqm gross floorspace which are not in an existing centre and not in accordance with an up to date development (unless an alternative threshold has been set in the development plan). The focus is on impacts during the first five years after scheme construction and the type of evidence and assessment should be proportionate to the scale and nature and its likely impact. This application falls within the scope of these requirements (the 2,500 sq m threshold applies in this instance as no local threshold has been set through the development plan). The applicant's Retail, Leisure and Office Statement and supplementary documents cover both retail impact and sequential test issues.

11.5.38 **Policy EC15** sets out the issues which local planning authorities should consider in reviewing sequential assessments produced under EC14.3:

- i) Ensure that sites are assessed for their availability suitability and viability*
- ii) Ensure that all in-centre options have been thoroughly assessed beforeless central sites are considered*
- iii) Ensure that where it has been demonstrated that there are no town centre sites to accommodate a proposed development, preference is given to edge of centre locations which are well connected to the centre by means of easy pedestrian access*
- iv) Ensure that in considering sites in or on the edge of existing centres, developers and operators have demonstrated flexibility in terms of scale, format, car parking provision and the scope for disaggregation. Account to be taken of any difficulties in operating the applicant's business model from the site*

11.5.39 The following section assesses separately the retail (A1-A5) and Office (B1) uses in particular against the relevant provisions of PPS4.

11.5.40 **Retail (A1-A5) and Leisure D1-D2) Uses – sequential assessment**

11.5.41 In relation to the retail and leisure elements, Section 5 of the original RLOS submitted with the planning application noted that the retail uses are required as part of an integrated mixed-use proposal to which the retail floorspace is ancillary and to meet the needs of the new population and those working in the area. In that respect, alternative sites and locations will be "unsuitable" and unable to meet the need for the commercial elements of the scheme in a way that contributes to the overall regeneration project

11.5.42 The RLOS set out the parameters for the retail elements of sequential assessment which are that:-

- Alternative sites should be capable of accommodating the level of floorspace proposed at East Float - 60,000 sqm gross;
- Alternative sites should deliver major mixed-use development, given the ancillary nature of the retail component at East Float;
- Alternative sites should be capable of delivering large scale, viable, phased development over the short, medium and long term;

- Alternative sites should be suitable in respect of scale, linkages and configuration in relation to the overall mixed-use development proposal; and
- Alternative sites should be capable of accommodating large-scale convenience comparison and retail service floorspace

11.5.43 The assessment focused on centres within the Wirral on the basis that the primary purpose of the retail floorspace is to serve the overall East Float development; the catchment area the retail development is intended to serve is therefore geographically constrained and limited to the immediate Wirral area. The following centres were included in the exercise:

Birkenhead Town Centre (including Grange Road West and Oxtun Road), Liscard, Claughton Village, Laird Street and Seacombe (Poulton Road).

No suitable, viable or available sites are identified.

11.5.44 The applicant notes that if the Wirral Waters proposals were – in time – to be seen as part of an expanded and enhanced Regional Centre focus, it would become a more appropriate location for the more significant amounts of retail and commercial development being brought forward at that point in the trajectory.

11.5.45 **Office (B1 Uses) – sequential assessment**

11.5.46 In relation to the B1 office element, the original RLOS assessment pre-dates PPS4: In relation to the office element Section 7 discusses the office provision of 422,757 sq m. The applicant notes that Wirral has a low business start up rate compared to the North West average and that Wirral Investment Strategy suggests that an additional 130,000 sqm of new office floorspace is required to help achieve this ‘catch up’ objective. The assessment looks at the potential to locate the office element of the scheme in other local centres. The applicant states that in respect of Wirral’s localised need or shortfall in office provision, there are no opportunities in Birkenhead Town Centre which could accommodate the scale of the development required and any such major office development would be out of scale in any other designated centres in the Borough. It also states that there remain some elements of Wirral International Business Park to be completed, and that there is an emerging strategic site at Woodside also being promoted by Peel. The applicant states this can be accommodated alongside East Float. A discussion of potential conditions to ensure suitable phasing of offices and the mechanisms to control the rate of development is included in a further section of this report.

11.5.47 An additional issue which has been raised by the applicant is the sequential priority in terms of Liverpool Regional Centre. The development of Wirral Waters and Liverpool Waters offers, they argue, the opportunity to think about the Regional Centre in an extended way, providing a greater range of opportunities to the City Region, in accessible locations within the inner core, directly connected to the traditional city centre.

11.5.48 The PPS4 assessment requirements under EC15 are addressed by the applicant in their June 2010 addendum to the RLOS. The applicant re-states that an essential element of their assessment is that the office development needs to have a very substantial critical mass if it is going to

be successful in making Wirral Waters a new business location capable of attracting regional, national and international occupiers. The applicant contends that it is not possible to disaggregate the office components onto a number of smaller sites in existing centres due to the development being location and site specific. The impact can not be met in a location which is remote from the site. This is reinforced in their view by additional work undertaken by CBRE in the Office Market Assessment which states that no other sites are available, suitable or viable to accommodate the East Float proposal within the catchment area.

11.5.49 The applicant has through the further addendum to the RLOS (June 2010) considered the supporting guidance for PPS 4: Planning for Town Centres - Practice guidance on need, impact and the sequential test. The applicant refers to Paragraph 6.9 of the guidance which states that:

'whilst the sequential approach applies to all main town centre uses, local planning authorities should consider the relative priorities and needs of different main town centre uses, particularly recognising their differing operational market requirements.'

11.5.50 The applicant restates that the local needs and priorities in the case of Wirral Waters are unique and this is a major scale investment by the private sector in knowledge based activity and new housing, which can only be achieved at a significant scale at East Float. The operational and market requirement is for large scale, flexible, deliverable land: such an opportunity exists at East Float but not in any sequentially preferable opportunity in inner Wirral. Even within the wider City Region and Region, it is considered by the applicant that East Float is sequentially preferable to most out of centre business parks and major investment locations that are not located in the city centre or existing centres.

11.5.51 In relation to the office element it is noted that the only sequentially preferable locations are Birkenhead Town Centre (which is too constrained and can not deliver the scale of change required) and also Liverpool City Centre (which will not deliver change or regeneration for inner Wirral) and as such East Float is the only location to meet the needs of inner Wirral and is one of the most sequentially preferable locations within the City Region. The approach adopted by the applicant is in their view supported by paragraph 6.9 of the Practice Guide. It is further noted in 4.62 of the RLOS addendum that in the context of PPS 4, the office element can now be regarded as being edge of centre as the application is within 500 metres of a transport interchange (Birkenhead Park Railway Station).

11.5.52 The RLOS addendum further reviews the proposal as a whole against the sequential approach "checklist" criteria set out in paragraph 6.52 of the PPS 4 Practice guidance:

- **What is the scale and form of development needed?** The scale and form of development needed cannot be located in an existing centre.
- **Is the need 'location specific' or even site-specific, or is it more generalised?** The need is both location and site specific. This applies to the ancillary retail/leisure uses and also for the office uses given that no site in Wirral (and very few in the wider region) are capable of accommodating the scale of private investment and regeneration benefits.

- **Are the PSA and wider town centre properly defined in the development plan?** The PSA and wider town centre were properly defined in the Wirral UDP, but this predated Wirral Waters and the replacement of these policies has not yet occurred via the LDF.
- **How should the site/proposal in question be defined? Is it 'in centre' 'edge of centre' or 'out of centre'?** The East Float site is 'edge of centre' for office and 'out of centre' for the ancillary retail and leisure uses. In broad City Region terms it is located within an accessible part of the inner urban area adjoining the Regional Centre.
- **Have all more central opportunities been considered/identified?** All more central opportunities have been considered and identified. Wirral Council has been seeking major investment of this scale and nature for many years and it is evident that no other site can accommodate anything akin to East Float, the only comparables being Woodside and Wirral International Business Park which both have more limited amounts of available land than Wirral Waters.
- **Have they been thoroughly tested, having regard to their sustainability, viability and availability having regard to the identified need/demand and the timescales over which it arises?** Alternative have been tested at a broad level in the RLOS in respect of the main town centre uses. The alternatives have been well tested by time and the public resources which have been available but failed to deliver the scale of change needed. They have also been reviewed again through 3 years of discussion with Wirral Council on Wirral Waters, together with a thorough review of retail centres through the RTP study, In that context, there is no need for any further detailed analysis of suitability/viability/availability/need/demand/timescales etc given that the overall position is clear and evident.
- **Has this assessment adopted a sufficiently flexible approach?** This approach is predicated on the need for major private investment in inner Wirral in order to deliver major regeneration benefits. The certainty and critical mass needed to allow the private sector to successfully commit to investing in this location means that office element (and residential) need to be substantial. The physical challenge and scale of the dock system alone requires the scale of development proposed in order to create a new place. If this ambition is substantially reduced, the critical mass and required viability (both financial and place making) will undermine the ability to deliver. The assessment itself is flexible in that it could equally have been argued that East Float is a unique proposition on a unique site, and that as such no consideration of sequential issues is appropriate.
- **Has the potential to overcome any obstacles to the availability of more central sites been discussed with the LPA?** This has been discussed extensively, and assessed through the Council's Employment Land Study and Retail/Leisure Study. It is evident through consultation and through these studies that there is no comparable location for major investment in Wirral. With regard to Birkenhead town centre it is also evident that despite the desire of the Council, a favourable policy position, major public funding availability and good market conditions for most of the past 10-15years, the town centre has not been able to secure major investment and has declined as a result. The fundamental challenges for Birkenhead are perceptions and market expenditure, both of which will be assisted by Wirral Waters, which should allow the town centre to rationalise and refocus its future in a sustainable manner.

11.5.53 Overall, given that the sequential test in PPS4 is not materially different from that in PPS 6, the applicant considers that their original conclusions in relation to the sequential approach are still valid. As such the applicant considers that the office element can only be at East Float due to it being location and site specific.

11.5.54 ***Comment on the Sequential Assessment***

11.5.55 The Council considers that the applicant has undertaken a comprehensive review of the proposal against the policy requirements relating to the sequential approach. The Council accepts the contention that the scheme proposals have to be considered as a whole and that the retail and leisure elements are integral supporting elements to the rest of the development. The Council agrees that the proximity of the main development site at Vittoria Dock within 500 metres of Birkenhead Park railway station means that the office element can be considered as edge of centre for the purposes of PPS4.

11.5.56 The proposed conditions relating to distribution of the retail uses across the site, controlling the amount of “A” uses within the overall quantum of 60,000 sq m by condition and phasing retail and leisure development in line with the office and residential uses will tie in the phasing of retail and leisure uses to the provision of residential and office floorspace and will ensure that it could not be developed independently. On this basis it is accepted that the scheme has to be considered as a whole in sequential terms. The Council is of the firm view that the regeneration needs of inner Wirral require a location-specific solution and that the East Float application site represents a unique site-specific opportunity to attract the large scale investment needed. Securing a critical mass of development to attract investors supports the contention that disaggregation of elements of the scheme would not be a viable proposition. The Council accepts in any event that there are no sites within the centres assessed which are capable of accommodating the proposed development. The requirements of EC15 have been met.

11.5.57 **Retail Impact Assessment (A1-A5 uses)**

11.5.58 **PPS4 Policy EC16** sets out the impact considerations applying to unplanned, edge and out-of-centre developments (in addition to those criteria identified under Policy EC10). EC16.1 sets out a series of criteria for the assessment of impact on centres

11.5.59 The RLOS addendum reviews and revises the economic analysis set out in the RLOS submitted with the application in the light of PPS4 advice and the completion of the Strategy for Town Centres, Retail and Commercial Leisure prepared for the Council by Roger Tym & Partners. Both the RLOS and addendum documents have to be considered together – some elements of the methodology and baseline review of existing retail provision is detailed only in the original RLOS.

11.5.60 The RLOS Addendum includes more detail on the operation of Canary Wharf, which it is suggested is the closest comparable development (albeit that there is no residential element). Reference is made to available

research on the trading profile of Canary Wharf commissioned by the Mayor of London, Tower Hamlets Council, plus population data newly commissioned by the applicant. Evidence from a comparable scheme elsewhere helps inform the judgements and assumption made in the retail assessment. Based on the experience at Canary Wharf, the applicant concludes that the retail element at East Float would trade as follows:

- The retail component at East Float would function as an ancillary element of a much larger development;
- The catchment area is likely to be confined to the development itself and immediate adjoining areas;
- Impacts on competing centres (such as Birkenhead) will be low;
- Impacts on “regional destinations” (Liverpool and Chester) will also be low and these centres will continue to achieve high levels of market penetration in the Wirral, particularly in high value comparison goods sectors. Their continuing dominance as regional destinations would not be threatened;
- The convenience function would primarily serve the scheme itself and those working in the development, with limited implications for local centres and freestanding foodstores

11.5.61 These have fed into the parameters (paragraph 6.9 of the RLOS) underpinning the analysis as follows:

- The 60,000 sqm would be implemented over a 38 year timeframe, programmed to emerge over the time periods (detailed in the table from the Regeneris report reproduced above);
- The retail floorspace proposed for East Float is ancillary to the development as a whole;
- retail/leisure uses will be sustained in part by the new residential population (on site) and worker in-migration;
- the socio-economic profile of the new population is likely to be reflected in higher per capita spending levels than existing residents in the local area;
- Retailing is likely to include a substantial proportion of retail, service and convenience floorspace, with the comparison retailing including quality and specialist retailers;
- The applicant has also assumed that 20% of comparison and 75% of convenience expenditure generated by the resident population is assumed to be retained in the development, with the remainder benefiting surrounding centres such as Birkenhead. In relation to the working population the assumption is that 5% of their comparison expenditure, and 50% of their convenience spending is retained in the development; and
- Two alternative scenarios were initially assessed - Scenario 1 assuming a 20% comparison/30% convenience split and Scenario 2 a 30% comparison/20% convenience split: both assume that 50% of the overall floorspace would be A2 – A5..

11.5.62 The main numerical assumptions underpinning the retail assessment set out in table 6.1 of the original RLOS have been superseded following the adoption of the key inputs and assumptions from the council’s Roger Tym Study. An amended set of impact tables was provided by the applicant alongside a briefing note date 14th July 2010. The RLOS notes that there while are potential multiplier effects arising from the scheme (identified in the

separate Regeneration Statement) in terms of additional economic activity, but these have not been taken into account – as such a conservative approach has been adopted.

11.5.63 Paragraph 6.14 of the RLOS sets out the step-by-step methodology adopted; in addition, the methodology adopted for the more detailed assessment of convenience impacts is explained in paragraph 4.28 of the RLOS addendum.

11.5.64 For simplicity, the applicant's conclusions in relation to retail impact are presented under the relevant criteria in PPS4 Policy EC16. Taking these in turn, the applicant's conclusions are as follows:

11.5.65 *EC16.1a - Impact on existing, committed and planned public and private investment in a centre or centres in the catchments area of the proposal*

11.5.66 In relation to the retail element, it is contended by the applicant that the self-sustaining nature of the development (due to on-site population increase and new economic activity) means it will not impact on existing, committed and planned public/private investment in a centre in the catchment area. Other centres including Liverpool and Birkenhead would benefit from the forecast expenditure outflow. The applicant's analysis concludes therefore in retail terms that the proposal will not have a significantly adverse impact on existing, committed and planned public and private sector investment in a centre in the catchment area and would result in an enhanced catchment expenditure which would offset impacts on existing centres and other future retail developments.

11.5.67 In relation to the D1/D2 elements, the impact on existing committed and planned investment is considered to be minimal. The emerging proposals elsewhere in Birkenhead at Woodside are in part being promoted by Peel. The overall impact of the proposal would increase the economic function and spending power within inner Wirral. Not all leisure needs can or should be met within the East Float site and the proposal could support investment in the town centre or elsewhere.

11.5.68 *EC16.1b Impact on Town centre viability and vitality/consumer choice and the range and quality of the comparison and convenience retail offer*

11.5.69 The applicant contends that the main impact of the development in retail terms will arise from that proportion of expenditure required to sustain turnover which must be captured from non-residents and non-workers, which will be drawn from existing town centres and retail facilities outside of the Wirral Waters site. The assessment suggests that expenditure from non-workers and non-residents will be required to sustain the forecast turnover of East Float throughout the period to 2050 but in relation to comparison spend the trade draw at no point exceeds 2% of the total catchment expenditure and in terms of convenience the trade draw remains below 2% of the total catchment expenditure up until 2020 but then increases to 6.48% by 2050. Appropriate deductions have been made for special forms of trading (such as the internet).

11.5.70 The convenience assessment (in the RLOS addendum) considers impacts on existing centres and foodstores in the catchment, making an allowance

for commitments and applying judgements as to the likely attractiveness and use of East Float as “competition” to these centres. The judgements (expressed as percentage trade draws) are based on the location, accessibility, scale and quality of those centres relative to East Float. A similar approach is adopted for the comparison analysis – in the RLOS addendum, the scope of the assessment has been broadened to include Key Town Centres in the Borough and out of centre retail parks, in addition to Birkenhead, Liscard, Liverpool and Chester included in the original RLOS.

11.5.71 The assessment considers impacts in 2015 (five years from submission); in 2017 (five years from initial implementation based on the development trajectory) and - given the likely phasing of the development - impacts in 2022 (10 years after proposed initial implementation and beyond. The applicant concludes that comparison goods impacts are low in all cases (below the levels which would normally give cause for concern) and taking account of outflows, impacts on the comparison sector are largely positive by 2022. In the convenience assessment impacts are similarly low (again below levels which would normally give cause for concern) and are offset and reduced by outflows, although most impacts remain marginally negative at 2022.

11.5.72 Overall therefore on the basis of their preferred scenario 2, the applicant’s assessment is that the negative impact of the proposal (diversion associated with inflows of expenditure from centres outside the application boundary only) is limited and the proposal would not result in harm to the viability or vitality of any other centre and therefore would not threaten local consumer choice and the range and quality of the existing comparison and convenience retail offer – consumer choice would be enhanced. The applicant therefore considers there to be no significant adverse impact. The outflow of expenditure which is generated on site by residents and workers would it is argued, benefit surrounding centres such as Birkenhead, offsetting assessed negative impacts, with outflows increasing as the development emerges.

11.5.73 Unlike A1 retail, there is no standard methodology for assessing either the need for, or potential impact of A2 uses. The size of individual A2 uses varies considerably: however unlike other “A” use classes this factor has no implications for unit turnover or impacts. However section 7 of the RLOS does set out a justification for the office component based on the identified “shortfall” of office floorspace in the Borough. This shortfall has been taken to include unmet occupier demand and potential for the development of office accommodation which would strictly fall within the A2 definition. The applicant has sought to disaggregate the A2 uses from the A3-A5 uses to enable an assessment of impact of the latter to be undertaken. Based on Goad Centre Reports the applicant assumes that 9,000 sq m could be used for A2 uses and with the remaining 21,000 sqm used for A3-A5 uses.

11.5.74 The applicant concludes that there is ample capacity to absorb that proportion of the A2 floorspace that would be completed over the usual 5 year period of any assessment without harmful effects elsewhere. They note that the presence or otherwise of A2 uses is less critical to the vitality and viability of a retail centre: they add diversity but do not underpin economic performance. The applicant notes that none of the existing centres reviewed in their RLOS have a disproportionately high

representation of service uses (including A2) and none appear to be dependent on such uses in terms of their attraction to visitors and overall trading performance. In larger centres such as Birkenhead, A2 uses are generally located in secondary frontages and are less critical to the vitality and viability of these centres. As such the applicant is of the firm view that the inclusion of A2 uses will have no realistic potential to impact adversely on the vitality and viability of existing centres.

- 11.5.75 With regard to the A3-A5 uses, the applicant's assessment (provided in a separate briefing note) has been undertaken on the basis of the conclusion in the RTP report that there is expenditure growth of £38m to 2021 for food and drink expenditure. Unlike A1 retail, there is an absence of published advice on what proportion of expenditure should be ring-fenced for existing operators and RTP therefore apportioned half the expenditure growth to support existing businesses, leaving £19m capacity to support up to 20 new food and drink outlets to 2021.
- 11.5.76 The applicant suggests this approach of apportioning 50% to existing businesses is unduly cautious, given the limited existing provision in some areas of the Borough, the lack of detail about the 20 additional units could be supported and the fact that no allowance is made for Wirral Waters. The applicant suggests an allowance of 30% to support existing businesses is a more realistic figure.
- 11.5.77 Projecting the RTP overall figure forward to 2022 (to ensure consistency with the A1 retail assessment) and taking account of population growth generated by Wirral Waters gives overall expenditure growth between 2009 and 2022 of £48.6m.
- 11.5.78 Based on the ratios of food and drink provision at Salford Quays (media city), the applicant suggests the 21,000 sq m could be apportioned as follows:
- High Profile restaurants – 3,780 sqm – 10 units, turnover £10m
 - Good Quality restaurants – 3,780 sq m – 10 units turnover £9.25m
 - Branded pubs/bars – 2,520 sq m – 7 units turnover £7.25m
 - Small casual dining pubs - 5,880 sq m – 16 units turnover £4m
 - Take away restaurants – 5,040 sq m – 14 units turnover £2.18m
 - Total turnover: £32.68m
- 11.5.79 Based on the applicant's assessment of capacity (£34m) leisure expenditure growth is capable of supporting slightly more than the possible provision at East Float. However the applicant notes that the on-site food and drink provision will not be dependent solely on expenditure by residents as it may also be supported by workers not resident within Wirral. Given also the allowance for growth of existing businesses, and that it is likely that based on their trajectory only a proportion of the overall quantum of A2 – A5 uses is likely to be completed by 2022 the applicant considers that there is little potential for harmful impacts.
- 11.5.80 Overall the applicant considered that the overall impact of the leisure element will be positive. The leisure component may attract residents and businesses to the wider area. The availability of a range of leisure

activities across the inner urban area of Wirral will assist the town centre and the wider regeneration of the area, it is contended.

- 11.5.81 *EC16.1c Impact of the proposal on allocated sites outside town centres being developed in accordance with the development plan*
- 11.5.82 The applicant notes that this is not applicable to Wirral as there are no allocated out of centre sites in the UDP, for retail or leisure uses.
- 11.5.83 *EC16.1d In the context of a retail or leisure proposal, impact on in-centre trade/turnover and on trade in the wider area, taking into account of current and future consumer expenditure capacity in the catchment area up to five years from the time the application is made.*
- 11.5.84 The proposal has been assessed having regard to spending growth, existing in-centre turnover and incremental development in accordance with the indicative trajectory. The applicant concludes that the comparison goods impacts of the development five years from the time the application is made and after initial implementation (2015 and 2017) are negligible in relation to all defined centres. The applicant notes that the RTP report identifies significant expenditure capacity post 2021 on the basis of preferred retention scenarios for comparison floorspace (as discussed earlier in this report). There are no implications for the rural economy. In relation to convenience goods, although the applicant notes that RTP identifies “negative capacity” for convenience goods, the assessed lack of need is not the principal consideration under the PPS4 impact test, it is contended. The diversion from convenience floorspace is not considered to be sufficient to result in adverse impacts on existing centres. The applicant’s conclusion is drawn allowing for the cumulative effects of commitments: overall impacts in relation to this criterion are considered by the applicant to be “not significant”.
- 11.5.85 In relation to the leisure element, the A2-A5 assessment of impact set out above has focused on the impact on expenditure capacity, given that other data is limited. More generally, the applicant considers that while the priority for future leisure development should be the town centre, the approach being taken towards the leisure element will represent a complementary approach to the town centre. It is also argued that there is a qualitative difference between the type of leisure facilities which currently exist in inner Wirral and the type of leisure facilities sought through the current application: the applicant contends that the quality of leisure facilities proposed at East Float can only be achieved at East Float.
- 11.5.86 *EC16.1e If located in or on the edge of a town centre, whether the proposal is appropriate in scale in terms of gross floorspace in relation to the size of the centre and its role in the hierarchy of centres*
- 11.5.87 The proposal is out of centre in retail/leisure terms and this criterion therefore does not directly apply. Nonetheless, the applicant contends that there is a clear requirement to provide facilities of a significant scale and critical mass to regenerate the docklands environment and the proposal is of an appropriate scale: the projected incremental growth limits impacts under other criteria in the policy. Paragraph’s 2.6-2.8 of the

original RLOS identify comparable schemes where the ratio of retail to other uses ranges from 4.8% in the case of Canary Wharf to 11.4% in the case of Brindley Place, Birmingham. The retail element (all “A” use classes) of the East Float proposals is 4.3% of the total floorspace. It is noted by the applicant that while the other examples are predominantly office-led schemes and East Float has a substantial residential element, the underlying principles are the same – retail and other floorspace supporting a development with a primary focus as a location for living and working. More detailed information on the trading profile of Canary Wharf is provided.

11.5.88 *EC16.1f - Whether there are any locally important impacts on centres under EC3.1e*

11.5.89 The applicant’s retail office and leisure assessment includes a detailed assessment of the impact of the proposed retail floorspace on stores and centres and as indicated under EC15 this concludes that there are no significant adverse effects on the vitality and viability of existing centres.

11.5.90 In relation to the leisure element, the RLOS addendum indicates that there are clear and pressing locally important regeneration issues. The delivery of the leisure element of East Float is, the applicant contends, as a key plank of the place-making approach, a vital part of securing the wider regeneration of the area. The general impact considerations set out in relation to PPS4 Policy EC10 are all relevant to the leisure component.

11.5.91 Overall, the applicant concludes that there are no ‘significant adverse impacts’ in terms of Policy EC16

11.5.92 ***Comment on the Retail Impact Assessment***

11.5.93 At the outset although the applicant refers to the term “ancillary” to describe the retail and leisure elements and suggest exemption from the requirements of PPS4, the Council considers that this is not a helpful way in which to approach the assessment of these elements of the scheme, given the amount of floorspace proposed. A full assessment against the requirements of PPS4 is justified and it is appropriate that one has been undertaken. That said it is reasonable to assess the impact of the retail and leisure element on the basis of the conditions the Local Planning Authority propose to impose which will ensure that the provision of the retail and leisure elements cannot be decoupled from the development of the business and residential uses.

11.5.94 Reference is made to Canary Wharf as a comparable scheme: the Web Site for the development provides a historic timeline which charts the evaluation of the scheme, including the retail provision. This indicates that the full complement of retail and restaurants was not achieved until 14 years after the start of construction and that over half of the units were provided in a 3 year timeframe at the end of this period; once the working population was well established:

- October 1993, 5 years from the start of construction (May 1988) there were 15 shops and restaurants on sites with a working population of 7,000,

- June 1994 there were 27 shops and restaurants on site with a working population of 8,000;
- October 1994 - 32 shops and restaurants on site with a working population of 10,200
- July 1995 - 42 shops and restaurants
- September 1998 – 70 shops and restaurants with a working population of 23,000
- August 1999 – 90 shops and restaurants
- October 2002 – 200 shops and restaurants – total of 58,062 sq m (this appears to be when the bulk of the retail was completed)
- December 2002 - working population 55,000
- December 2007 – working population 93,000

11.5.95 The Tower Hamlets study quoted by the applicant (produced by Roger Tym & Partners on behalf of Tower Hamlets Council) also notes that the average unit size at Canary Wharf is 788 net sq metres (although actual sizes vary greatly and that the dominant uses are A1 comparison retailing (44% of total units) and A3 restaurants and cafes (26% of total units).

11.5.96 Although Canary Wharf does not have a residential element, it does lend support to the assumptions adopted in the applicant's trajectory and retail assessment that retail development at East Float would be incremental, provided in response to the establishment of the working and business population on site and would not be wholly dependent at the outset on expenditure from existing Wirral residents. As noted by the applicant the 2009 Tower Hamlets Retail and Leisure Study does suggest that despite its size, Canary Wharf is the dominant comparison goods centre only for survey zones in it's immediate vicinity. As with East Float there are a network of other centres within the Borough plus a major comparison destination close by in a neighbouring district (the West End in the Case of Canary Wharf, Liverpool in the case of East Float). This also supports the assumptions adopted by the applicant in their assessment including the contention that the primary focus for the assessment of comparison impact should be the Wirral Council area plus Liverpool and Chester. In relation to convenience spend, the Wirral RTP report demonstrates that the Wirral is largely self-contained in terms of convenience shopping, and within many parts the Borough convenience spend is even more localised with people shopping at their nearest superstore. This supports the focus for the convenience assessment on stores and centres only within the Wirral Borough boundary only.

11.5.97 Officers have carefully considered the applicants submission and assessed it against the requirements of PPS4 Policy EC16. Officers have also had regard to representations by objectors in relation to the RLOS and addendum. Impacts have been assessed both at five years from the likely date of approval (2015) and also five years from commencement (2017) together with 2022. This addresses the requirements of EC14.7 of PPS4.

11.5.98 The applicant has amended their original retail assessment to ensure that the assumptions and inputs relating to matters such as expenditure growth forecasts are consistent with those used in the Council's adopted RTP report. Arguably the key assumption in the assessment is, however not one which originates from the RTP report. It relates to the amounts of

expenditure which will be “retained” (i.e. spent) by residents and workers in the convenience and comparison retailing in the new development as opposed to the amount which will be spent in surrounding stores and centres. The ratios are fixed at all three assessment points and assume that 80% of residents and 95% of workers comparison expenditure will take place outside the development. In relation to convenience expenditure, the assumptions are that 25% of residents and 50% of workers expenditure would be made outside the site. Given the indicative trajectory and experience at Canary Wharf where the number of retail units was more limited early on the early stages of the development, these assumptions are reasonable for the assessed period which covers the early stages of the development. While spending outflows from the development to an existing centre are unlikely in reality to be exactly matched by the same level of inflow of spend in the opposite direction - as the applicant has assumed in their assessment – this is a reasonable approach to avoid over-complicating the analysis. More importantly, the judgements made by the applicant about how much trade will be drawn from each centre are, in general, considered to be robust. The assessed levels of trade diversion from existing centres in the Borough for both convenience and comparison goods, excluding the effect of the anticipated outflows are below the levels which would normally give cause for concern. The town centre turnover figures on which impact is assessed have been drawn from the RTP report, which in turn are based on household survey data and therefore provide a robust basis for the assessment. Proposed controls relating to the split of convenience/comparison floorspace, unit size and linking retail provision to residential and business uses will tie implementation to the assessment of impacts

11.5.99 Although the outline permission will establish the principle of retail development and the overall quantum of development, there is scope to ensure that the amount and composition of floorspace included in future reserved matters particularly those submitted in later phases of the project, beyond 2022 is of an appropriate quantum and composition at the time having regard to economic conditions. As such permission will be subject to a condition requiring submission of an additional retail assessment with reserved matters applications which include retail floorspace.

11.5.100 In relation to A2 uses, it is accepted that there is no accepted reliable methodology which would enable a quantitative assessment of the impact of the A2 uses to be undertaken and that the applicants qualitative assessment – related to A2 provision in existing centres - supports their contention that inclusion of A2 uses in the mix of retail uses will not result in significant adverse impacts on the vitality and viability of existing centres.

11.5.101 In relation to the A3-A5 element, data to support quantitative assessments is more readily available but the approach to the assessment of need and impact is still less well developed than with A1 retail, an issue acknowledged in the PPS4 practice guide Appendix D. The approach adopted by the applicant which focuses on the findings of the RTP study appears to be consistent with C5 of the PPS4 practice guide. The applicant has amended one of the assumptions in the RTP report relating to the amount of expenditure growth to be held back to support existing food and drink businesses from 50% to 30% partly on the grounds that the Birkenhead area has a low food and drink market share. RTP acknowledge

that their 50% assumption in this regard was not based on any firm guidance, so the issue is one of professional judgement. The applicant's assessment takes into account likely population growth at Wirral Waters which they note will increase the overall expenditure pot. Their assessment which draws on experience at Media City Salford Quays provides a broad indication of how the A3-A5 uses might be developed at East Float, and provides a degree of comfort that there are unlikely to be adverse impacts on existing centres as a result.

11.5.102 Overall the applicant's conclusions in relation to retail impact are therefore accepted by the Local Planning Authority.

11.5.103 **B1(a) Office Impact Assessment**

11.5.104 *EC16.1a - Impact on existing, committed and planned public and private investment in a centre or centres in the catchments area of the proposal*

11.5.105 The CBRE Office Market Report defines the market positioning of the office element of East Float in relation to other locations in the Merseyside Office Market, Experience in other cities in the development of new office locations and commercial considerations affecting the development and marketing of offices at East Float. It concludes that East Float will be complementary to the office offer in Liverpool City Centre, will have a similar target market to the profile of occupiers within major non-city centre locations in Merseyside, Chester and Warrington. It will however, also compete for national and international investment, whilst at the local level providing opportunities for local demand to be met. East Float will not be targeted towards occupiers for which a CBD location is important. Parallels are drawn with Salford Quays/Manchester City Centre to support the contention that East Float can develop in a way which is complementary to Liverpool City Centre.

11.5.106 The Regeneris Socio-economic assessment draws on consideration of a range of impacts. These include potential changes in the Borough's population, an estimate of the gross direct, indirect and induced economic impacts, the estimation of net additional impacts allowing for deadweight (what would happen on site if the East Float proposal did not go ahead), displacement (percentage of the East Float occupiers who would have located or relocated elsewhere) and leakage effects, construction related benefits, labour requirements and sourcing of workers, wider economic benefits and regeneration benefits. Although not a planning consideration (because it is not yet a planning application/permission) cumulative effects with Liverpool Waters have also been considered.

11.5.107 Overall the Regeneris assessment establishes that the office market in Liverpool is unlikely to be significantly impacted by the office element at East Float. Regeneris also find that the office market of Birkenhead, being small and weak, is in need of wider transformation of the type only achievable through a project of the critical mass of East Float. The key aspect for Birkenhead is ensuring that physical transport and public realm links are improved and that regeneration benefits are delivered for the wider area through co-ordinated partnership working.

11.5.108 The findings of the Regeneris and CBRE assessments have informed the development of the planning conditions which are intended to limit the quantum of office floorspace which can be brought forward in the short term and ensure that the risks of displacement can be managed effectively and that office development markets in Liverpool will not be sterilised or disrupted by an oversupply of new B1 office floorspace at East Float.

11.5.109 *EC16.1b Impact on Town centre viability and vitality/consumer choice and the range and quality of the comparison and convenience retail offer*

11.5.110 In relation to the office element, it is contended that the overall effects will be positive. Repopulation and regeneration of the area will have an overall beneficial effect on Birkenhead and other centres. The office component is noted by the applicant as the most important component of East Float, in attracting new employment markets to the area and thus delivering the regeneration benefits of the project. The Regeneris assessment considers shows the potential “multiplier” effects of direct, indirect and induced impacts for centres. As noted above it also considers the “displacement” issue and concludes that this is unlikely to result in any significant impact.

11.5.111 *EC16.1c Impact of the proposal on allocated sites outside town centres being developed in accordance with the development plan*

11.5.112 In relation to the office assessment, the RLOS addendum indicates that the impact on employment allocations outside the town centre will be minimal and the Regeneris assessment (informed by the Wirral Employment land study) indicates that there is a need in the Borough for the type of additional high quality office location which East Float will provide.

11.5.113 *EC16.1d In the context of a retail or leisure proposal, impact on in-centre trade/turnover and on trade in the wider area, taking into account of current and future consumer expenditure capacity in the catchment area up to five years from the time the application is made.*

This criterion is not applicable to office development.

11.5.114 *EC16.1e If located in or on the edge of a town centre, whether the proposal is appropriate in scale in terms of gross floorspace in relation to the size of the centre and its role in the hierarchy of centres*

11.5.115 In relation to the office element, the applicant notes that East Float is edge of centre because of the proximity of Birkenhead Park Railway Station. The Regeneris report shows, it is argued, that East Float will in essence will deliver the established growth requirements of both the City Region (Liverpool City Region Development Programme and The Mersey Partnership (TMP) Forecasts) and the Wirral Investment Strategy. It is suggested that the East Float makes up a relatively modest share of the City Region’s future growth of office accommodation, complementing the city centre and major out of centre business parks. For Wirral, East Float is the single most important project in helping the Borough deliver the scale and quality of office accommodation needed to address the economic challenges and the deficit of B1 floorspace, regenerate its inner area and ensure it can move from a position of dependence in Liverpool and West Cheshire to one

of 'inter-dependence'. Assessed in accordance with C30 of the practice guidance, it is therefore the case that office accommodation needs have been established at City Region and local level and the scheme has been found to be delivering an appropriate and proportional element of the need of both the locality and City Region.

11.5.116 *EC16.1f - Whether there are any locally important impacts on centres under EC3.1e*

11.5.117 In relation to the office element, the applicant states that through the Regeneris assessment and various supporting documents to the application, a number of clear and pressing locally important regeneration issues are identified. The delivery of the retail, office and leisure elements are fundamental to securing the regeneration and sustainable development of the area. The general impact considerations set out under EC10 are all relevant to the leisure element.

11.5.118 Overall, the applicant concludes that there are no 'significant adverse impacts' in terms of Policy EC16

11.5.119 **Comment on the office impact assessment**

11.5.120 Officers have carefully considered the findings of the Regeneris and CBRE studies in particular and concur with their conclusions. Of particular acknowledged importance is the need to ensure that the risks of displacement can be managed effectively and that office development markets in Liverpool will not be sterilised or disrupted by an oversupply of new B1 office floorspace at East Float. Particular effort has been devoted to developing a mechanism which achieves these objectives whilst preserving a scheme which will achieve Wirral's own regeneration priorities. The proposed condition will have the effect of ensuring that no more than 75,000 sq m of office floorspace will be occupied before 31st December 2017 unless three tests are met:

1. That at least 90% of the completed floorspace has been occupied since the date of first use where occupiers are new start businesses, or expanding businesses including those relocating to Wirral Waters directly from premises outside Liverpool City Centre, as defined by Picture 20 in the Liverpool City Council Preferred Options report January 2010) or businesses who have taken occupation of the floorspace in addition to their existing office floorspace within Liverpool City Centre;
2. Any office development exceeding 75,000 sq m will not be commenced if more than 15% of the total B1 (a) floorspace granted permission under the outline permission is vacant; and
3. Within the overall figure of 75,000 sq m (a) no works will commence on any building which comprises of more than 5,000 sq m (net) of B1 (a) office floorspace unless and until a scheme has been submitted to and approved by the Council showing that at least 40% of that floorspace has been pre-let. The agreed scheme shall be implemented in full.

11.5.121 **Policy EC17** also applies to unplanned, edge and out-of-centre main town centre uses, setting out the basis on which applications should be considered with emphasis on sequential compliance and impact. The

policy directs refusal of planning permission where there is conflict with either the requirements of the sequential approach or impact assessment in terms of the criteria in EC10 and EC16; however where there are no significant adverse impact, positive and negative impacts of the proposal and cumulative impacts are then considered as part of a balancing process. EC17.3 indicates that judgements about the extent and significance of any impacts should be informed by the development plan and recent local assessments of the health of local centres, (such as the RTP report)

11.5.122 In this regard, on the basis of the combined analysis in the RLOS and RLOS addendum, the applicant concludes that there is demonstrable compliance with the requirements of the sequential approach, albeit that this is not strictly required for the ancillary retail and leisure uses.

11.5.123 In relation to the relevant criteria in EC10 and EC16, there is clear evidence that the proposal will not lead to significant adverse impacts and it therefore complies with the “gateway” element of Policy EC17 at paragraph 17.1 – the applicant contends that there is no basis on which to refuse the application due to policy conflicts. Impacts on centres would be offset by the outflow of expenditure generated by the emerging residential population at East Float. The RLOS addendum extends the scope of the retail assessment to include an analysis of net economic effects – impacts on the turnover of centres and other facilities allowing for both trade diversion and turnover uplift through spin-off. The applicant contends that in relation to the balancing of positive and negative impacts the application material confirms the substantial positive benefits associated with the development.

11.5.124 **Local Cumulative Impacts**

11.5.125 The applicant has assessed local cumulative impacts of the East Float proposals in combination with existing foodstore commitments within the Borough Boundary – Morrison’s New Brighton (part of the Neptune Development), Asda Birkenhead and Northbank East (operator unknown at this stage). The impact assessment has been undertaken on the same basis as the impact analysis. The applicant contends that their assessment confirms that cumulative impacts are not significantly adverse and represent no threat to the trading function of existing defined centres. Where impacts are high, this it is argued has resulted from the other committed developments and not the East Float proposals. The assessment has been on the basis that the development is assumed to divert trade from existing centres, having regard to factors such as distance function trading overlap etc. In practice the convenience floorspace at East Float is, the applicant argues, likely to comprise a combination of high quality foodstores and smaller specialist outlets catering for the day-to-day needs of worker and resident populations and visitors. As such it is argued that the convenience offer is unlikely to replicate the existing offer in the surrounding area particularly the bulk/weekly food shop of existing large foodstores and it will not draw main or secondary food trips into the development to any significant extent.

11.5.126 In relation to the applicant’s intentions for Bidston Dock, they indicate that this project is not yet at a stage where there is sufficient certainty over the

scale and type of retail uses to allow a meaningful piece of assessment work to be done. As it remains a project at concept stage there is, they point out, no obligation to consider cumulative impacts.

11.5.127 The applicant has included a cumulative assessment of the Liverpool Waters proposals in the RLOS addendum - the applicant similarly notes that as an emerging proposal which does not benefit from planning permission,

11.5.128 **Comment on cumulative assessment**

11.5.129 In relation to cumulative impact assessments, while the submission of the cumulative impact assessment with Liverpool Waters is noted, this proposal, along with the potential development of Bidston dock falls outside the scope of EC17.2 (b) of PPS4 which requires only cumulative impact assessment of recent permissions, developments under construction and completed developments. In relation to local cumulative impacts relating to foodstore permissions, the applicants conclusions are again accepted.

11.6 **Retail Control Mechanisms**

11.6.1 **Policy EC19** of PPS4 identifies the use of conditions to proactively manage the impacts of development and implement policies. In this case, the need for a series of planning conditions has been identified, to control the overall amount of A1 retail development, the split between convenience and comparison retailing, unit size, the maximum amount permitted within each quarter and tying its provision to the development of the office and residential uses. These conditions should be retained for the duration of the outline planning permission and any subsequent reserved matters applications to ensure that the retail element remains ancillary to the office and residential development and is brought forward only when these uses, which it is intended to serve are complete and ready for occupation.

11.6.2 The control mechanisms can be summarised as follows:

1. Overall floorspace caps as follows

- i) Not more than 60,000 sq m gross internal area within Use Classes A1 to A5,
- ii) Not more than 422,757 sq m within Use Class B1 (Business).
- iii) Not more than 38,000 sq m within Use Class C1 (Hotel and conference facilities).
- iv) Not more than 100,000 sq m within Use Classes D1 and D2 (culture, education, leisure, community and amenity uses).
- v) Within the total maximum floorspace, and subject to the limits set out in clauses (i) to (iv) above a maximum of 48,500 sq m shall be subject to Class E of Part 3 of the GDPO, for the following uses: Class B1 (office, research and development), Class A1 (retail), Class A2 (financial and professional services), Class A3 (restaurants and cafes), Class A4 (bars), Class A5 (hot food takeaways), Class C1 (hotel and conference facilities), Classes D1 and D2 (culture, education, leisure, community and amenity floorspace);

2. Removing permitted development rights which would otherwise enable changes of use to A1 from the A2-A5 use classes without the need for planning permission;

3. Capping overall A1 retail floorspace to no more than 30,000 sq m gross internal area (22,800 sq m net internal area including mezzanine floorspace);

4. Capping the maximum floorspace for convenience retailing to 12,000 sqm gross internal area (8,400 sq m net internal area including mezzanine floorspace);

5. Capping the maximum floorspace for non-food comparison retailing to 18,000 sq m gross (14,400 sq m net internal area including mezzanine floorspace);

6. Capping the maximum floorspace for A3-A5 food and drink uses to 21,000 sq m gross internal area;

7. Control over the amount of A1 convenience/comparison floorspace to be incorporated within the first phase of development to 3,000 sq m gross convenience and 1,500 sq m comparison, with the convenience element to be reduced to 1,000 sq m if the supermarket permitted as part of Northbank East is under construction or completed;

8. Capping the maximum amount of convenience floorspace which can be developed in any one quarter to 6,000 sq m gross internal area (4,200 sq m net including mezzanine floorspace);

9. Capping the maximum amount of comparison floorspace which can be developed in any one quarter to 9,000 sq m gross internal area (7,200 sq m net including mezzanine floorspace);

10. Approval of trading hours prior to occupation;

11. Controls which prevent retail development being decoupled from office/residential uses:

- No more than 6,000 sq m gross internal area (4,200 sq m net including mezzanine floorspace) of A1 convenience shall be completed and occupied unless and until the total amount of floorspace completed for residential (C3) and business (B1) uses exceeds 250,000 sq m.
- No more than 9,000 sq m gross internal area (6,300 sq m net including mezzanine floorspace) of A1 convenience shall be completed and occupied unless and until the total amount of floorspace completed for residential (C3) and business (B1) uses exceeds 500,000 sq m.
- No more than 6,000 sq m gross internal area (4,800 sq m net including mezzanine floorspace) of A1 comparison shall be completed and occupied unless and until the total amount of floorspace completed for residential (C3) and business (B1) uses exceeds 250,000 sq m.
- No more than 12,000 sq m gross internal area (9,600 sq m net including mezzanine floorspace) of A1 comparison shall be completed and occupied unless and until the total amount of floorspace completed for residential (C3) and business (B1) uses exceeds 500,000 sq m.
- No more than 15,000 sq m gross internal area (12,000 sq m net including mezzanine floorspace) of A1 comparison shall be completed and occupied unless and until the total amount of floorspace completed for residential (C3) and business (B1) uses exceeds 750,000 sq m.

12. Control over unit size - gross internal area (including mezzanine floorspace for A1-A5 uses to not exceed 500 sqm with the exception that a maximum of 2 units up to 2,500 sq m gross may be permitted subject to phasing

11.7 Control over offices

11.7.1 No more than 75,000 sq m of office floorspace on the site within Use Class B1 (a) [or subsequent reclassification by any ensuing Order] shall be occupied before 31st December 2017 unless the following tests are met:

- (a)
- i. That at least 90% of the completed floorspace has been occupied since the date of first use where occupiers are new start businesses, or expanding businesses including those relocating to Wirral Waters directly from premises outside Liverpool City Centre, as defined by Picture 20 in the Liverpool City Council Preferred Options report January 2010) or businesses who have taken occupation of the floorspace in addition to their existing office floorspace within Liverpool City Centre
 - ii. Any office development exceeding 75,000 sq m shall not be commenced if more than 15% of the total B1 (a) floorspace granted permission under this outline permission is vacant.
- (b) Within the overall figure of 75,000 sq m referred to in condition (a) no works shall commence on any building which comprises of more than 5,000 sq m (net) of B1 (a) office floorspace unless and until a scheme has been submitted to and approved in writing by Local Planning Authority showing that at least 40% of that floorspace has been pre-let.. The agreed scheme shall be implemented in full.

11.8 Response to objections received

11.8.1 Jones Lang LaSalle on behalf of Warner Estates

11.8.2 Points raised:

The scale of the East Float proposal raises implications in terms of PPS4, the RSS and the LDF and must be taken forward through the policy process

It is likely that there would be a significant degree of overlap between the retail profile of East Float and Birkenhead Town Centres and thus competition, retailer relocation and impact

The Council should not be mis-led into thinking that the mechanisms suggested by Peel for the control of phasing and delivery of retail use will either be effective, or won't come under early pressure for change

We consider that the applicant has not adequately defined and explained the catchment area of the proposal

We consider that the provision of car parking within concentrated multi-storey format would facilitate the provision of a 'destination' type retail facility

In our view, the retail element of the proposal should be considered as a potential new centre. Therefore it must be pursued via an amendment to the RSS in the first instance (rather than via the LDF, or development control

process). Any failure to do so would represent a significant breach of RSS policy W5's established network and hierarchy (as well as PPS4 Policy EC3). If however the proposal is treated as an out of centre development, then we consider that the nature and scope of the proposal has not been adequately defined by the applicant for assessment. We consider the proposal would breach PPS4 policies EC15-17, RSS Policy W5 and UDP Policies SHO1, SH1, SH9 and SH10.

In our view, some of the assumptions and strategy put forward by Roger Tym are highly dubious and must be tested and confirmed at both the Regional Policy Level and via LDF examination prior to the East Float application being determined.

Wirral Borough Council should not be mis-led into thinking that this form of development (described in the RLOS) will actually emerge as envisaged by Peel

The implications of a new centre at Wirral Waters must be assessed and confirmed via amendment of the RSS

The East Float proposal does not accord with the sequential approach

We consider it highly likely that if the East Float proposal (and potentially Bidston Dock) are to deliver viable and competitive retail-led components then some or all the characteristics listed (critical mass, anchor stores, limited phasing, complimentary uses and accessibility) are likely to be required

The East Float application submission cannot be utilised to assess and therefore judge the likely form of retail development that would emerge – retail development would be provided in a limited number of significant elements and delivered at a limited number of points in time.

Because of the nature and scale of proposals, consideration through the relevant planning policy process is essential. Peel's attempt to suggest otherwise and threaten that what is an unviable project would somehow be jeopardised by following well established and legitimate policy preparation routes is nothing less than a breathtaking and cynical attempt to circumvent the planning system at regional and local level.

We consider that very similar considerations (to those identified by the Inspector in the Everton/Kirby public inquiry) apply in respect of the East Float application, and the Wirral Waters "vision" in general. Therefore, we consider that the proposals are clearly contrary to RSS policy W5 and that regeneration cannot be afforded the weight suggested by Peel.

Further letter dated 23rd July 2010 adds the following points:

The overall masterplan for the whole of Wirral Waters (including Bidston Moss) should have been submitted as a completed document with the application to be assessed and examined alongside the current application

Submission of a complete and robust viability appraisal showing how East Float can stand independently without the need for cross funding from retail-led development at Bidston Moss

Given the loss of RSS, the proposal should be considered through the Core Strategy process.

Loss of RSS has removed mechanism for considering the designation of new centre at Wirral Waters. Should the current scheme be approved, this could trigger and underpin the case for major retail-led development at Bidston dock, manipulating the outcome of the Core Strategy

Also re-state concerns in previous objection.

11.8.3 **Comment:** A number of comments relate to the relationship of this proposal with RSS, which has now been revoked. The issue of whether the application is premature in the context of the emerging Core Strategy for Wirral is addressed elsewhere in this report – the Council has concluded that given the early stage in the preparation of the Core Strategy, that it would not be justified to refuse the application on prematurity grounds. The proposal is not for the creation of a new shopping centre but a phased mixed use development and the provisions of PPS4 policy EC3 (notwithstanding the fact that RSS has been revoked) do not prevent the Local Planning Authority coming to a view on this proposal.

11.8.4 The application has to be taken at face value and on its own merits and no weight can be given to unsubstantiated claims about the future intentions of the applicant post – approval. In any event, the permission will be subject to a series of mechanisms (discussed above) to control the overall amount of A1 retail development, the split between convenience and comparison retailing (specifying net floorspace), unit size, the maximum amount permitted within each quarter and preventing the retail element from being decoupled from the office and residential uses. Any application to vary conditions will have to be justified and subject to assessment under EC14 and other policies of PPS4. It is reasonable to consider the application and assess its impact on the basis of the conditions which will be imposed.

11.8.5 The likely catchment is set out in the applicants' assessment; comparison assessment impact has been undertaken on Birkenhead, Liverpool, Chester and Liscard. The Council does not accept the criticisms levelled at the Roger Tym Report.

11.8.6 In relation to access, significant enhancements to public transport and sustainable modes is proposed. Significant levels of trade likely to be drawn from people who are on site for other purposes, as residents, or office workers.

11.8.7 **Land Securities (Northgate Partnership)**, points raised:

While understanding the need for ancillary provision to support the residential and working populations the suggested tenant mix referred to in the supporting documentation infers the site would become a retail destination in its own right needing to be supported by affluent catchments who currently look to Liverpool and Chester. Measures are required to ensure the retail element remains as an ancillary function

Welcome proposal to link retail provision with office and residential: imposing a phasing condition (linked to assessed impacts) would ensure implementation is aligned with generated need.

More restrictions needed than no more than the initial suggestion that could enable 30,000 sqm to be developed in one quarter

Concern that a proposal which has the potential to change the retail hierarchy should be permitted outside of the development plan process

The Scale and location of the proposal conflicts with PPS4 RSS and UDP

Conditions should be imposed to prevent the scheme serving catchments beyond that of the forthcoming on-site residential and working populations

While acknowledging and supporting the ambition to regenerate this location concerned that the scale and form of retail proposal could serve to undermine investment in town centre and city centres – our suggested control mechanisms would provide comfort in this regard.

11.8.8 Comment: A number of comments relate to the relationship of this proposal with RSS, which has now been revoked. The proposal is not for the creation of a new shopping centre but a phased mixed use development and the provisions of PPS4 policy EC3 (notwithstanding the fact that RSS has been revoked) do not prevent the Local Planning Authority coming to a view on this proposal. The permission will be subject to a series of mechanisms (discussed above) to control the overall amount of A1 retail development, the split between convenience and comparison retailing (specifying net floorspace), unit size, the maximum amount permitted within each quarter (6,000sqm gross, 4,200 sqm net convenience/9,000 sq m gross, 7,200 sq m net comparison) and preventing the retail element from being decoupled from the office and residential uses. A3-A5 floorspace is will be restricted to 21,000 sq m gross and subject to unit size restrictions. Any application to vary conditions will have to be justified and subject to assessment under EC14 and other policies of PPS4. It is reasonable to consider the application and assess its impact on the basis of the conditions which will be imposed.

11.8.9 Overall it is considered the control mechanisms will address the objectors concerns.

11.8.10 **Bride Hall (on behalf of Grosvenor Shopping Centre, Chester),** points raised

Lack of context to overall Wirral Waters scheme, which is being promoted through the Strategic Regeneration Framework (SRF) which is being developed outside of the emerging planning policy framework. Wirral Waters should be considered through the regional and local planning policy framework. Approving the application now would conflict with the plan-led system. Development of this scale should be subject to formal examination and consultation as guided by PPS12.

The proposal conflicts with national, regional and local planning policy in respect of the provision of large scale development – due to scale and proximity, it would compromise the success of the regional centre (Liverpool)

and complimentary centres such as Chester. As the UDP didn't anticipate a development of this scale.

The applicants' assessment of retail uses needs to take account of PPS4 (issued post submission of the application), this proposal is inappropriate in this location and contrary to the objectives of PPS4. The scale of the proposal means it should be classed as a new out of centre shopping centre and so should be considered as part of the RSS. Housing should not be used as here to justify additional out of centre floorspace for town centre uses.

Concern about the manner in which the retail effects have been assessed by the applicant – approach to nature of retailing provided in the scheme, sequential assessment, retail impact assessment and scale. Need to assess against PPS4

Impact on developer investment decisions – it is contrary to the advice in the adopted RSS and PPS4 to seek a fundamental shift in the priorities for investment through the scale of development envisaged in this planning application – significant proposals should be plan-led and subject to the necessary consultation.

While no objection to regeneration in principle, Grosvenor considers that the scale of the comparison retail development proposed and its location is neither appropriate or acceptable.

Further letter dated 30 June 2010, maintaining its objection the planning application and identifying further areas of concern:

Lack of context to overall Wirral Waters approach and the need to consider the proposal through the plan led approach

Conflict with National and Regional Planning Policy in respect of the location and provision of large scale development

Retail assessment methodology and impact on surrounding centres, specifically restating concerns over the approach to the nature of the retailing provided within the scheme which potentially goes beyond what could be considered ancillary, the sequential assessment (which still only considers centres within Wirral), retail impact (too reliant on new residential and working population, no cumulative assessment) and scale

Restate concern over Impact on developer investment decisions

11.8.11 Comment: A number of comments relate to the relationship of this proposal with RSS, which has now been revoked. The proposal is not for the creation of a new shopping centre but a phased mixed use development and the provisions of PPS4 policy EC3 (notwithstanding the fact that RSS has been revoked) do not prevent the Local Planning Authority coming to a view on this proposal.

11.8.12 The RLOS has been amended to reflect the requirements of PPS4 and the Council's assessment in this report presents the application against the requirements of PPS4. The Council is satisfied with the conclusions of the retail assessment

11.8.13 The permission will be subject to a series of mechanisms (discussed above) to control the overall amount of A1 retail development, the split between convenience and comparison retailing (specifying net floorspace), unit size, the maximum amount permitted within each quarter (6,000sqm gross, 4,200 sqm net convenience/9,000 sq m gross, 7,200 sq m net comparison) and preventing the retail element from being decoupled from the office and residential uses. A3-A5 floorspace is will be restricted to 21,000 sq m gross and subject to unit size restrictions. Any application to vary conditions will have to be justified and subject to assessment under EC14 and other policies of PPS4. It is reasonable to consider the application and assess its impact on the basis of the conditions which will be imposed.

11.8.14 Drivers Jonas (on behalf of Grosvenor Liverpool fund)

11.8.15 Concerns relate to:

The flexibility sought under Class E could result in more retail development taking place than is currently set out and assessed in the application documents

Lack of context to overall Wirral Waters scheme, which is being promoted through the Strategic Regeneration Framework (SRF) which is being developed outside of the emerging planning policy framework. Wirral Waters should be considered through the regional and local planning policy framework first.

The proposal conflicts with national, regional (RSS) and local planning policy (UDP+LDF) in respect of the location and provision of large-scale development. Neither envisages development of the scale proposed. The Peel SRF should not be used as part of the LDF evidence base as it does not form part of the adopted development plan and is being developed outside of the emerging planning policy framework.

The applicants assessment of retail uses needs to take account of PPS4 (issued post submission of the application), considering the trade draw from a wider area, the need for the sequential assessment to cover locations outside the Borough, assessing impact against the six tests in PPS4. The scale of the proposal means it should be classed as a new out of centre shopping centre and so should be considered as part of the RSS.

Impact on developer investment decisions – it is contrary to the advice in the adopted RSS and PPS4 to seek a fundamental shift in the priorities for investment through the scale of development envisaged in this planning application – significant proposals should be plan-led and subject to the necessary consultation.

While no objection to regeneration in principle, Grosvenor considers that the scale of the comparison retail development proposed and its location is neither appropriate or acceptable.

Further letter dated 9th July 2010 in light of amended application restates four main areas of concern:

1. Lack of context to overall Wirral Waters proposals as set out above

2. Conflict with adopted planning policy in respect of the location and provision of large scale development – although RSS has been revoked, regional hierarchy soundly based and still a material planning consideration. Core Strategy should be given no weight in determining this application. Remains contrary to PPS4 – impact on all centres must be considered. Housing should not be used as here to justify additional out of centre floorspace for town centre uses.

3. Retail methodology – nature of retailing, extend scope of sequential test and need to consider impact of whole of 60,000sq m

4. Impact on developer investment decisions in Liverpool

11.8.16 Comment: The proposal is not for the creation of a new shopping centre but a phased mixed use development and the provisions of PPS4 policy EC3 (notwithstanding the fact that RSS has been revoked) do not prevent the Local Planning Authority coming to a view on this proposal.

11.8.17 The RLOS has been amended to reflect the requirements of PPS4 and the Council's assessment in this report presents the application against the requirements of PPS4. The Council is satisfied with the scope and conclusions of the retail assessment

11.8.18 The permission will be subject to a series of mechanisms (discussed above) to control the overall amount of A1 retail development, the split between convenience and comparison retailing (specifying net floorspace), unit size, the maximum amount permitted within each quarter (6,000sqm gross, 4,200 sqm net convenience/9,000 sq m gross, 7,200 sq m net comparison) and preventing the retail element from being decoupled from the office and residential uses. A3-A5 floorspace is will be restricted to 21,000 sq m gross and subject to unit size restrictions. Any application to vary conditions will have to be justified and subject to assessment under EC14 and other policies of PPS4. It is reasonable to consider the application and assess its impact on the basis of the conditions which will be imposed.

11.8.19 **USS (Croft Retail Park)**

Express concerns about the level of comparison floorspace being promoted as part of this application. Acknowledge the applicants proposal that retail floorspace would not be occupied prior to proportional corresponding expenditure-generating development (ie office and residential) being completed and occupied. The process for agreeing the Trigger mechanisms should be open and transparent. A detailed delivery strategy should be requested from the applicant which ties implementation of floorspace to identified need and ensures that retail elements can be supported in policy terms at the time they are proposed to be delivered. Wish to be able to comment on these mechanisms. Without such restrictions, proposal has potential to become a retailing destination in its own right with a notable negative impact on existing facilities.

Further letter dated June 30 provides further comment on the conditions and control mechanisms specifically:

Need to revoke mezzanine Permitted Development rights

Need to identify timescales for each phase of development

Controls to ensure Class A2-A5 uses remain ancillary to housing/commercial uses

Specify number of residential units not floorspace

Clarity over wording of condition relating to control over amount of A1 floorspace.

11.8.20 Comment: The permission will be subject to a series of mechanisms (discussed above) to control the overall amount of A1 retail development, the split between convenience and comparison retailing (specifying net floorspace), unit size, the maximum amount permitted within each quarter (6,000sqm gross, 4,200 sqm net convenience/9,000 sq m gross, 7,200 sq m net comparison) and preventing the retail element from being decoupled from the office and residential uses. A3-A5 floorspace is will be restricted to 21,000 sq m and subject to unit size restrictions.

11.8.21 Any application to vary conditions will have to be justified and subject to assessment under EC14 and other policies of PPS4.

11.8.22 Sefton MBC

The need for a series of mechanisms has been identified by the Council, to control the overall amount of A1 retail development, the split between convenience and comparison retailing, unit size, the maximum amount permitted within each quarter and tying its provision to the development of the office and residential uses. These conditions should be retained for the duration of the outline planning permission and any subsequent reserved matters applications to ensure that the retail element remains ancillary to the office and residential development and is brought forward only when these uses, which it is intended to serve are complete and ready for occupation.

Further letter notes conditions but expresses concerns that net sales floorspace would not be controlled

11.8.23 Comment: The Conditions have been amended to include net floorspace figures (including mezzanine floorspace) permission will be subject to a series of mechanisms (discussed above) to control the overall amount of A1 retail development, the split between convenience and comparison retailing, unit size, the maximum amount permitted within each quarter (6,000sqm gross, 4,200 sqm net convenience/9,000 sq m gross, 7,200 sq m net comparison) and a phasing condition preventing the retail element from being decoupled from the office and residential uses. A3-A5 floorspace is will be restricted to 21,000 sq m and subject to unit size restrictions

11.8.24 NWRA

In their consultation response, the Regional Planning Body (4NW) acknowledges that the retailing element of the scheme may seem out of scale initially with RSS however when taken in perspective of the timescales and context of 13,000 new residential units and office development, the retail element maybe more reasonable. The main concern is more the impact that the development would have on existing centres. The Council will need to be satisfied that the investment made will not undermine the vitality and viability of any other centre or result in the creation of unsustainable shopping patterns in terms of RSS Policy W5.

11.8.25 Comment: Officers have carefully assessed the RLOS and are satisfied that the proposal (subject to the control mechanisms identified above) will not

undermine the vitality of any centre or result in the creation of unsustainable shopping patterns

11.8.26 **Knowsley MBC**

No objections subject to Wirral Council being satisfied that the proposal meets its own policy requirements and the following issues are considered including Potential impacts on the viability of the sub-regional centre at Birkenhead;

11.8.27 Comment: Officers have carefully assessed the RLOS and are satisfied that the proposal (subject to the control mechanisms identified above) will not undermine the vitality of any centre

11.9 Overall Conclusions in relation to the non-residential elements of the proposals

11.9.1 The applicant has responded to the publication of PPS4 and the adoption by the Council of the RTP report (both after submission of the application) by preparing and submitting additional information on the implications of these documents for the application proposal. In particular, they have re-worked their impact analysis to incorporate key baseline assumptions used in the RTP report and an analysis against the relevant policies in PPS4. Although the applicant states that as the retail and leisure uses will be ancillary to the residential and office uses, it could be argued that there is no requirement to undertake a full PPS4 assessment (referencing EC14.2) of these uses they have nonetheless undertaken one which in my view is the correct approach given the amount of floorspace proposed. Overall, I am satisfied that the applicant has responded to the policy requirements of PPS4.

11.9.2 In their submission, the applicant has noted the difficulty in applying some of the provisions of PPS4 to the nature and scale of the application proposals. Overall the principle is accepted of including provision for retail and leisure floorspace to support the office and residential elements, to create a genuine mixed community and a proposal which will be attractive to investors and residents.

11.9.3 The retail representations made have been carefully considered. Having regard to all the material considerations including the UDP, Roger Tym Report, the applicant's submitted Retail Leisure and Office Statement and addendum in light of the requirements of PPS4, the non-residential elements of the proposals are considered acceptable.

12.0 Regeneration Issues

Background

12.0.1 The national policy and development plan context for this application is set out at Section 7 of this report. The Local Development Framework Core Strategy is the spatial expression of the Council's Sustainable Community Strategy, which was adopted by the Council in 2009 (Cabinet 23rd April 2009, minute 477 refers). The Community Strategy incorporates the goals of the Council's Investment Strategy, whose vision is to encourage focused and dynamic development while maintaining and enhancing Wirral's unique character and high quality of life.

12.0.2 Wirral Waters is seen in the Investment Strategy as an opportunity to create a world class mixed use iconic waterfront development significantly adding to Wirral's retail, commercial and residential offer. The Investment Strategy's evidence base notes that Wirral does not create enough jobs that require the high skill levels of many of its residents, with more than a third of residents travelling outside Wirral to access higher paid employment in Liverpool, Chester and beyond. Wirral's GVA per head is the lowest in England. The Investment Strategy also includes targets to increase employment opportunities whilst also addressing inequalities in employment and improving skills for those residents in the most deprived areas (the majority of which are within Birkenhead and the east of the Borough).

12.0.3 The Investment Strategy also notes that the stock of commercial premises that is available in Wirral is further impeding the process of enterprise and growth. A high proportion of sites and premises in the borough date back to the 1970's and do not fit well with modern business requirements. Wirral needs a larger stock of high quality sites and premises fit for modern businesses. If Wirral is to close the business start-up and density gap, the current provision of industrial, office and retail space needs to be expanded. Furthermore, there is a significant shortfall of accommodation for start-ups and micro-businesses. Wirral can be successful and has made notable progress with the number of new business start-ups and number of businesses supported through the Council's Business Start Programme, which continues to exceed targets (by 20%) despite recent economic conditions. Latest data from WirralBiz indicates that 300 new businesses have been created in 2009/10.

12.1 Population

12.1.1 Wirral has experienced a decline in population of nearly 50,000 people over the last 40 years (14%), from a population of 357,580 in 1971 to 308,500 in 2008 (Office for National Statistics, Mid Year Estimates). The aspiration of the Wirral Waters East Float planning application to provide 13,521 new dwellings over a 40 year period is therefore a modest rebalancing of that population loss, as the applicant estimates that a population of 26,500 gross will occupy those units by 2050. A number of those residents will move from elsewhere in Wirral, as well as from outside the Borough but even if all the residents were in-migrants, the population of Wirral would only return to the population at 1991 (334,300).

12.1.2 Population loss in Wirral has been predominantly due to out-migration, which reached an average rate of 800 per year between 2001 and 2006, rising to 900 persons between 2006 and 2007 (Office for National Statistics). A significant factor in this loss due to out-migration has been the lack of economic opportunity available to Wirral residents. The main destinations for out-migration have been to North Wales and Cheshire, although a number of out-migrants have left the country altogether. Out-migration, particularly of younger, more mobile residents has led to an imbalance in the population, with a lower proportion of people aged 15-39 than nationally. Conversely, there is a higher proportion of residents aged 60+ than in England as a whole. Wirral Waters offers the opportunity to retain young people, by offering economic opportunities through the number of jobs to be created.

12.1.3 Although the Wirral population has been decreasing (at one point, the rate of population loss in the Borough was the highest in the country), the number of households has been increasing and the latest Government projections are that the overall number of households will increase by 14,000 from 136,000 at 2006 to 150,000 at 2031 (CLG 2006-based household projections). One person households within that increased figure will rise by 22,300 from 47,400 at 2006 to 69,700 at 2032, whilst couple households (both married and co-habiting) will reduce by 1,200 over the same period.

12.1.4 Whilst it is clear that not all single person households will occupy one bed flats, the large increase in small households is expected to be accommodated in non-family housing. Wirral is constrained by its geography and high environmental quality, particularly in the rural parts of the Borough. To retain population and accommodate household growth, higher density development will be required. The Wirral Waters proposals provide for a high quality, high density sustainable development, with new jobs being provided in close proximity to new high quality housing. The design assessment of this application shows how international exemplars have been used to demonstrate the achievement of the very high standards required to enable this development to be successful.

12.1.5 The housing element of the proposal supports the Council's regeneration strategy of focusing a significant proportion of new housing in the regeneration priority area defined by the Housing Market Renewal Initiative area. This area is also the focus of the New Growth Point programme, which was approved by Government in 2008 as a partnership between Wirral Council, Liverpool City Council and Peel Holdings. The Wirral Waters (and Liverpool Waters) proposals are central to the Growth Point submission in providing a new, mixed use community at the heart of Wirral.

12.1.6 In quantitative terms, the Wirral Waters housing proposals are large but taken over the delivery period to 2050, the indicative trajectory submitted by the applicant shows that annual delivery rates reach a peak of 500 units per year. This rate represents a high proportion of the housing requirement for Wirral, which in terms of the Growth Point was proposed as 600 net units per year. Recent performance has been well below that figure (as reported to Cabinet 22nd July in the context of the Local Development Framework Core Strategy Preferred Options) but the Council's spatial priority remains the Growth Point area.

12.1.7 The housing provision at Wirral Waters is focused on high density development but the adjoining Housing Market Renewal Initiative areas offer potential for market restructuring at lower density. By providing a mixed use focus at the waterfront, Wirral Waters East Float will enhance the attractiveness of the wider area to the market and therefore aid the delivery of housing growth in the HMRI. Development of housing within Wirral Waters satisfies national policy for the re-use of brownfield land, in an area with good access to public transport, whilst jobs and amenities are to be provided within the development site.

12.2 Socio-Economic issues

12.2.1 Wirral Waters lies at the centre of some of the most deprived communities in the country. The applicant's baseline assessment and Socio-

economic impact assessment submitted with the planning application highlight the polarity within Wirral, between the predominantly affluent communities in the west of the Borough and the high level of deprivation in the area surrounding Wirral Waters. Wirral Council is ranked as the 60th most deprived local authority area in the country overall but 8th most deprived on the employment index (the CLG 2007 Index of Multiple Deprivation) and the 2nd worst concentration of worklessness in the worst performing neighbourhoods in England. Inner Wirral has 32 Super Output Areas (SOA the basic ONS statistical unit) of its total of 209 SOAs in the worst 5% for overall deprivation predominantly in the neighbourhoods around Wirral Waters. Birkenhead includes the 5th most deprived SOA for employment in England.

12.2.2 The starkest representation of the polarity within the Borough is average life expectancy, which is 10 years less for men in the east of the Borough when compared to communities in the west. Health deprivation is strongly correlated to income and poverty.

12.2.3 The Wirral Waters East Float proposals have the potential to radically transform economic expectations for residents and regenerate the communities around inner Wirral, which are among the most deprived in England, with high levels of worklessness and economic inactivity.

12.3 Economic issues

12.3.1 The applicant's proposals for sustainable economic and housing development are clearly critical to alleviating the population loss and socio-economic deprivation in the surrounding areas and across the Borough. Table 1 below shows the levels of worklessness and benefit dependency in the adjoining neighbourhoods:

Table 1 – Socio-economic data – Inner Wirral

Area (former Ward)	JSA claimants	JSA %	Employment Allowance/Incapacity claimants	Support Benefit	ESA/IB %
Birkenhead	1,005	12.6	1,890		23.8
Bidston	625	10.6	1,170		19.9
Seacombe	800	8.7	1,465		15.9
Tranmere	755	10.0	1,340		17.8
Sub-area total	3,185		5,865		
Wirral	9,460	5.2	19,020		10.4
North West		4.5			9.3%

Source: DWP Benefit counts, NOMIS November 2009

12.3.2 Clearly, the adjoining areas exhibit rates of benefit dependency above twice the average for Wirral and the North West.

12.3.4 The applicant's Economic Impact Assessment submitted with the application, shows that the most deprived Super Output Areas, which adjoin the site have lost almost 4,900 jobs in the last two years for which data is available (2003-2005), representing 84% of all employment lost in the Borough in this time. In addition, the relatively low-value added nature of

Wirral's economy is shown by the under representation of the number of nationally important higher value added service sectors.

12.3.5 Wirral's economy is still over-represented in terms of manufacturing, which accounts for 15% of total employment, compared to a national rate of 13%. Manufacturing has been replaced to some extent by the service sector but this is often in low-paid retail, which employs over 13,000 full and part-time workers (13% of total jobs), a higher proportion than the national average.

12.3.6 The potential to provide up to 20,700 gross jobs (The Socio-economic impact of East Float, Regeneris Consulting, May 2010, submitted in support of the planning application) will address the imbalance and paucity of jobs currently experienced in East Wirral. The applicant's assessment submitted by Regeneris shows that by 2050, the following employment profile could be achieved:

Table 2: East Float Gross Employment Accommodation by Sector

Sector	2012-2015	2016-2030	2031-2050	Total	Proportion of Total
Business Services	500	4,300	6,500	11,300	54.8%
Financial Services	200	1,600	2,500	4,300	20.8%
Public Sector	100	600	900	1,500	7.2%
Wholesale and retail	100	600	500	1,300	6.0%
Other services	100	300	400	700	3.6%
Hotels and restaurants	200	500	500	1,200	5.7%
Education	<100	200	200	400	1.8%
Total	1,300	7,900	11,500	20,700	100.0%

Source: Regeneris Consulting

12.3.7 Members will of course be concerned that the East Float proposals will offer a range of jobs, not just in higher order but for those with lower skill levels. The applicant's consultants, Regeneris have also projected the occupational group and NVQ Qualification levels to be generated by the Gross Employment projections:

Table 3: East Float Gross Employment Accommodation by Occupational Group

Occupational Group	2012-2015	2016-2030	2031-2050	Total	Proportion of Total
Higher Managerial & Professional	400	2,400	3,500	6,300	30.5%
Associate Professional &	200	1,300	2,000	3,500	17.1%

Technical					
Administrative & Secretarial	200	1,800	2,700	4,800	23.0%
Skilled Trades	100	400	500	900	4.4%
Personal Service	<100	200	300	500	2.6%
Sales & Customer Service	100	600	700	1,400	6.8%
Process, Plant & Machinery Operatives	<100	200	300	600	3.0%
Elementary	200	1,000	1,400	2,600	12.5%
Total	1,300	7,900	11,500	20,700	100.0%
Source: Regeneris Consulting					

Table 4: Employment Generation, by NVQ Qualification Level

National Vocational Qualification Level	2012-2015	2016-2030	2031-2050	Total	Proportion of Total
NVQ Level 4+	400	2,700	4,000	7,100	34.3%
NVQ Level 3	200	1,500	2,100	3,800	18.2%
NVQ Level 2	300	1,700	2,400	4,400	21.2%
NVQ Level 1 and below	300	2,100	3,000	5,400	26.3%
Total	1,300	7,900	11,500	20,700	100.0%
Source: Regeneris Consulting, based on 'Working Futures Qualifications Report, 2004-14', Warwick Institute for Employment Research					

12.3.8 It is clear from this information submitted by the applicant that the East Float proposals will only generate large numbers of jobs towards the later stages of the scheme. However, these jobs are across the skill range, with around 4,500 of the jobs available to 2030 at or below NVQ Level 2. At present there are over 3,000 Jobseekers Allowance claimants in Inner Wirral adjoining the Wirral Waters site and a further 5,865 claimants of Incapacity Benefit and Employment Support Allowance. These figures represent a third of claimants of these benefits within Wirral as a whole.

12.3.9 An essential element of the development is the opportunity to upskill the workless from Wirral's most deprived communities so that they can take advantage of the increased economic activity within and around Wirral Waters. As the scheme progresses over the next 30-40 years, it is critical that the development adapts to the changing policy and targeted recruitment required to address the Council's Investment Strategy aspirations. This can be ensured through a S106 agreement to invest in local skills development.

12.3.10 The Council is satisfied with the overall employment outputs proposed for the development but it is essential that the maximum benefit can be achieved in the local economy, through local labour and procurement whenever possible and support for skills improvements and training.

- 12.3.11 The Enterprise Guiding Principles document states that the development of Wirral Waters can contribute towards the development of a strong and competitive Small and Medium Enterprise (SME) base in Wirral in two key ways: creating opportunities for new and existing businesses and entrepreneurs in Wirral to win and retain business; and also providing opportunities for new SME workspace to be created in and around the Wirral Waters Strategic Regeneration Framework area. Through the detail of the reserved matters applications, the inclusion of appropriate workspace requirements can be brought forward.
- 12.3.12 Ensuring that businesses engage with each other is a critical step to understanding the skills and employment requirements in the short, medium and long term. Wherever possible, the scheme should promote the local business base and providing potential employees with pre-employment training and in work skills development initiatives. This supports the Council's Investment Strategy commitment to encourage innovation and enterprise and raise productivity.
- 12.3.13 As part of the marketing and promotion of Wirral Waters East Float, it is important to ensure that Peel works in partnership to promote the scheme with the Council and that details of end users are shared with the Council on a continuous basis. This can be secured by monitoring conditions and mechanisms.
- 12.3.14 Another key issue is the opportunity through implementation of the development to reduce commuting distances for existing residents in work, thus creating an economically and environmentally more sustainable Borough. At present 41,000 individuals (31% of the resident working age population) travel outside the Borough, a trend concentrated amongst higher professional and managerial workers, particularly those travelling by car. Providing new jobs and high quality housing at East Float would provide a sustainable alternative for these groups. There will also be retention of spending within the Borough, both at East Float and in the surrounding neighbourhoods, including Birkenhead Town Centre.
- 12.3.15 The applicant's development trajectory in the Regeneration and Planning Supplementary Statement shows that office floorspace should start development by 2012 (3,257 sq m), with a cumulative total of 35,757 sq m by 2017 (5 years after potential start on site), 63,757 sq m by 2020, 173,757 sq m by 2030. Development of office floorspace to 2050 is projected to increase at between 12,000 and 13,000 sq m per year until 422,757 sq m has been completed in 2050.
- 12.3.16 In terms of gross full time equivalent jobs created, the submitted trajectory shows that only 136 permanent office jobs will have been created by 2012, 1,495 by 2017, 2,666 by 2020 and 7,256 by 2030. Over the lifetime of the development, the trajectory shows that 17,122 jobs will have been created in the office development, alongside 1,250 in retail, 605 in hotel and conference and 1,697 in culture, education, leisure and other business sectors (a total for the development period of 20,074 permanent full-time equivalent jobs).
- 12.3.17 Section 11 of this report sets out the policy implications of developing a large quantum of office and retail development at Wirral Waters. However,

the implications must be set in the context of the regeneration need for the development. Conditions are proposed to mitigate the impact of the entire quantum of office and retail floorspace, linking the rate of development to the trajectory submitted by the applicant and reflecting the Council's aspirations for a transformational development at Wirral Waters.

12.3.18 The annual rate of office floorspace to be developed compares favourably with recent trends in office floorspace completions in Wirral (set out in the Council's Local Development Framework Annual Monitoring Reports). Table 5 below shows recent completions of such floorspace and shows that focussing on Wirral Waters for that rate of delivery is reasonable. The table also shows the existing stock of B1 floorspace in Wirral.

12.3.19 Whilst in 2004/05 only 961 sq m of new B1 floorspace was completed, in two of the last five years (data is not yet available for 2009/10) over 8,500 sq m of new B1 floorspace has been completed. This has been achieved with a limited range of sites, including only one strategic site (Wirral International Business Park in Bromborough) in the south of the Borough and not with the benefit of a high quality waterfront location in the heart of the urban area. The historic rate therefore shows a need and underlying demand, which Wirral Waters can help deliver, with the 'transformational' element of scale and integrated design in a waterfront setting.

12.3.20 The submitted trajectory for Wirral Waters East Float shows a modest level up to 8,000 sq m per year up to 2018 and then 10,000 sq m from 2019 to 2025. It is clear from this table that development rates (were it not for the recession) could increase and that on the current trajectory over 10,000 sq m could be completed in each year in the future. Whilst new office floorspace has been completed across the Borough in recent years, concentration of a significant amount of floorspace at Wirral Waters would support the Council's regeneration priorities.

Table 5: Wirral Office Floorspace Development 2004/05 – 2008/09

Wirral financial year	B1 floorspace completed	Year	B1 stock
2004/05	961	Apr-05	275,000
2005/06	4,857	Apr-06	281,000
2006/07	8,542	Apr-07	283,000
2007/08	3,801	Apr-08	283,000
2008/09	8,803	Apr-09	
Total	26,964		
Annual Average	5,393		
Source: Wirral MBC Annual Monitoring Reports Valuation Office Annual Statistics			

12.3.21 Table 5 also shows Valuation Office Annual Statistics for the level of B1 floorspace in the Borough, which has only increased by 8,000 sq m between April 2005 and April 2008, although nearly 27,000 sq m of new floorspace has been completed. The discrepancy between the two figures

can be represented by losses to other uses or to older office premises lying vacant.

12.3.22 The need for a stock of modern office premises was set out in research carried out for the Council in the preparation of the Investment Strategy. That research (and research for the Liverpool City Region) shows that there is an immediate need for 130,000 sq m of office floorspace to close the gap between Wirral and the average for the North West as a whole.

12.3.23 Recent national research ('Private sector cities: a new geography of opportunity, Centre for Cities, 7th June 2010) shows Birkenhead as the fourth worst city area for private sector job creation in England between 1998 and 2008. Whilst London created 321,400 private sector jobs in that period (in the North West the best-performing city was Manchester, which created 33,700 private sector jobs in that period), Birkenhead lost 11,100 private sector jobs (an 11.2% decrease in the number of private sector jobs). Although there has been more stability in the number of public sector jobs in Wirral, which will have compensated for some of the private sector losses, Members will be aware of the Coalition Government's intentions to increase the number of private sector jobs and the potential impact of public sector funding restrictions in the near future.

12.3.24 The Centre for Cities research also shows that Birkenhead is the 5th worst city area for the number of claimants per vacancy at 4.48, marginally worse than Liverpool at 4.34 claimants per vacancy. In the North West, Warrington was the best performing city area, with only 0.88 claimants per vacancy. On a combined score, shown in Table 6 below, Wirral is the third worst performing city area in England, whilst Preston is the best performing city overall in the North West. The North West and Liverpool outperform Wirral in key areas of GVA growth, private sector jobs growth and average wages. It should be noted that the definition of Birkenhead used in the Centre for Cities research is wider than the former ward area definition used in Table 1 above and the rate of JSA claimants much lower.

12.3.25 One of the key issues in considering deprivation within Wirral is the extent of concentration of deprivation, principally in the neighbourhoods around Wirral Waters, in the Housing Market Renewal Initiative area.

Table 6: Centre for Cities Indicators

City	Annual Average Population Change (1998-2008)	Real GVA Growth (1998-2007)	Private sector jobs growth (1998-2008)	Average wages (£) (2008)	Total Score
Preston	0.3%	4.3%	16.2%	429.1	109.3
Liverpool	-0.3%	3.5%	6.6%	456.5	84.3
Birkenhead	-0.2%	1.7%	-11.2%	401.0	72.5
Burnley	-0.1%	1.6%	-14.3%	399.5	68.8
Stoke on Trent	-0.1%	1.3%	-16.4%	389.3	65.6

England average	0.5%		5%		90
Source: Private sector cities: a new geography of opportunity, Centre for Cities, June 2010					

12.3.26 Wirral Waters East Float is a private sector-led development, with the potential to deliver over 20,000 new direct jobs (and a number of indirectly delivered jobs in services elsewhere in the Borough as a result of multiplier effects). The Centre for Cities research postulates that worklessness has not been eliminated because many of the underperforming areas were not generating enough jobs for their workforces even when economic growth was strong, public spending was high and public sector jobs were plentiful. This hypothesis is consistent with the position in Wirral, where worklessness has remained high for many years and increasingly, more mobile residents have been travelling outside the Borough to work.

12.3.27 The Centre for Cities research concludes that the quality of life should be improved in struggling cities; that whilst education and skills should be developed, it should be recognised that more mobile residents will often move if they see greater opportunities elsewhere; but most importantly that there should continue to be investment in business growth assets and private sector development and jobs growth should still be encouraged in a city even if it is relative decline.

12.3.28 These conclusions all fit well with the Wirral Waters East Float proposals, which propose a mixed use, sustainable new community, with high quality design, private sector development and jobs growth, with attendant education and skills improvement. It is intended that Wirral Waters East Float will provide the opportunity to reduce out-commuting and out-migration from Wirral, thus increasing GVA and private sector jobs growth in the city area.

12.3.29 The applicant's Office Market report, prepared by CB Richard Ellis (CBRE) submitted with the outline application, sets out precedent regeneration schemes elsewhere, including Canary Wharf, Salford Quays and Hafen City, Hamburg. Many of these long-term schemes have regenerated former dockland areas, with a mix of uses similar to that proposed at Wirral Waters East Float.

12.3.30 A key consideration is the source of office users, which the applicants intend should be complementary to the provision in Liverpool City Centre. Conditions are proposed to mitigate impact on Liverpool City Centre, which was identified as the regional centre in the now revoked RSS. In functional terms however, Liverpool City Centre still performs an important role as a higher order centre, although its exact status in national policy terms is uncertain, as PPS4 still refers to the hierarchy of centres being set in RSS.

12.3.31 The applicant proposes that Wirral Waters will be a transformational offer, with target marketing to national and international inward investors. Whilst the applicant has marketed the project to international investors (including through the Shanghai Expo, which is underway throughout 2010), the role of Wirral for public sector relocation from the South East of England has been identified by the Lyons Review, carried out for HM Treasury in 2004. Background research for the Lyons Review, carried out by King Sturge in

2003 identified Wirral in the top quartile (equal to Liverpool City) as a potential area for small and large Information Support and Interactive contact centre business and in the top quartile for large back office scenario (above Liverpool City). Wirral was in the second quartile for higher value back office small operations but in the top quartile for higher value back office large operations. There was a similar pattern for scientific functions.

12.3.32 The King Sturge research assessed the potential of local authority areas on a series of indicators, which included skill levels, Indices of Deprivation, labour markets, property prices and rents, quality of life and transport links. Wirral scored relatively well on these indicators but must show an adequate supply of high quality office space to be able to compete with other potential locations.

12.3.33 Wirral currently has a shortfall of high quality office floorspace for a District of its size and the Wirral Waters East Float proposals offer the opportunity to compete in international markets for public sector relocations and also private inward investment.

12.3.34 In December 2009, The Mersey Partnership (representing all Merseyside local authorities and key private sector stakeholders), commissioned Pion Economics and Cambridge Econometrics to develop long-term economic projections for the Liverpool City Region (the document Recession and Recovery). This report set out a series of scenarios for the City Region based on five components:

- The underlying baseline trend for the City Region economy;
- Views on the impacts of one-off potential events in specific sectors;
- Perspectives on future public sector expenditure profiles;
- Consideration of trends in key City Region sectors over and above baseline (2007) projections;
- Impacts arising from a major projects portfolio.

12.3.35 The five projections can be summarised as:

- Baseline projections prepared by Cambridge Econometrics reflecting recent national projections;
- Scenario 1 – Extended Recession;
- Scenario 2 – Moderate recovery above Scenario 1;
- Scenario 3 – Aspirational to propose a 'best case' scenario;
- Scenario 4 – Development pipeline (not including major projects, which prevents self-fulfilling projections).

12.3.36 All the scenarios project employment growth in the categories of other services, business services and public services. All forecast a decline in manufacturing employment across the City Region. Overall, the figures suggest that the Liverpool City Region is not expected to 'make up ground' against the North West or UK economies. Without intervention to drive employment up the value chain, the prospects for closing the GVA gap with the wider region and UK are likely to be limited.

12.3.37 The scenarios project a range of employment change at 2030 of between +32,000 and +71,600 compared to the original baseline of +45,000. GVA change at 2030 is projected to range between +£9.7 bn and +£11.6 bn, compared to the original baseline of +£10.3 bn.

12.3.38 Cambridge Econometrics and Pion Economics conclude that the delivery of major projects (such as Wirral Waters East Float) will, even in the short-term, have demonstrable impacts on employment growth. Indeed, the projections imply that the projects should effectively operate to reduce the length of the current recession.

12.3.39 At the most beneficial scenario, the Cambridge Econometrics study projects that Wirral Borough will increase its employment level by almost 20,000 jobs and total GVA by £2 bn between 2008 and 2030. The Wirral Waters East Float employment proposals sit well with the economic projections agreed across the City Region, with the focus on B1 employment, albeit at a range of skill levels, from NVQ level 1 to NVQ level 4 and above.

12.3.40 Cambridge Econometrics and Pion Economics note that Wirral complements the role of Liverpool as the maritime centre of the North West by providing a waterfront location of primary quality, driving investment and growth, and an interface between the core of the city region and the economic infrastructure of the wider city region southern belt.

12.4 Physical Regeneration

12.4.1 The East Float proposals incorporate 620,757 sq m of floorspace over a total site area of 50.38 hectares. The existing land areas in East Float total 27.11 hectares and parts of East Float and Vittoria Dock will be infilled to provide new land for the development. The land area is considered as previously developed land and although the former RSS requirement for at least 80% of new housing to be on previously developed land is now revoked, clearly the development will maximise the use of such land.

12.4.2 As outlined in the section on Ports, much of the existing land within the application site is in port use, although this is sometimes in less intensive use dependent upon the type of cargo being handled and the use of existing quayside. It is recommended that a Port Masterplan be prepared to guide the relocation of existing port uses elsewhere in the dock estate as the East Float scheme develops.

12.4.3 There are areas of underused and derelict land within the application site (principally along the former railway line along the north of Corporation Road) and a number of vacant and underused buildings. Redevelopment of the application site in accordance with the applicant's proposals will remove areas of vacant land and allow the refurbishment of other features (principally the listed Hydraulic Tower) to secure the heritage value of the dock system.

12.4.4 National policy (PPS1) is for sustainable development; making suitable land available for development in line with economic, social and environmental objectives to improve people's quality of life; contributing to sustainable economic development; protecting and enhancing the natural and historic environment; ensuring high quality development through good and inclusive design and the efficient use of resources; and ensuring that development supports existing communities and contributes to the creation of safe, sustainable, liveable and mixed communities with good access to jobs and key services for all members of the community.

12.4.5 The Wirral Waters East Float proposals accord well with national planning policy (set out in section 7 to this report) and local physical regeneration priorities. Although this application is in outline, control mechanisms (conditions and s106 legal agreements) will be imposed to ensure that development is brought forward in a coherent manner, to benefit existing and future residents and occupiers and to integrate the new development with the adjoining communities and their facilities. Wirral Waters East Float will impact positively on the adjoining HMRI areas through improving economic opportunities and also through the delivery of affordable housing and infrastructure improvements.

12.4.6 As Members will be aware, Birkenhead Park has benefited from significant National Lottery Heritage Funding in recent years and is nationally important as an outstanding example of a historic park. The Wirral Waters East Float proposals are 650 metres from Birkenhead Park. Wirral Waters is also within 2 kilometres of Bidston Moss, which has also benefited from significant funding through the Newlands project, which is a joint £2.7 million project between the Forestry Commission, Mersey Forest and Groundwork. This 68 hectare scheme was developed using a 5 year capital grant, with a 15 year revenue fund for maintenance. Re-using Bidston Moss supports the Forestry Commission priority for securing new uses for Derelict, Underused and Neglected land (DUN).

12.4.7 Discussions have already commenced with Peel Holdings, Forestry Commission and Mersey Forest on developing physical linkages between Wirral Waters, Birkenhead Park and Bidston Moss, including the potential for greening areas of the adjoining Housing Market Renewal Initiative area. These arrangements can be formalised in controls and mechanisms within this outline planning application and subsequent reserved matters applications, if justified following assessment of the need for such off-site works and the appropriate level of contribution.

13.0 **Parameters and Design**

13.1 **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*’

13.1.1 **PPS3 (Housing)** places great emphasis on the on the importance of good design in delivering quality housing which in turn, contributes to the creation of sustainable mixed communities. Design should be appropriate in its context and take opportunities to for improving the quality and character of an area and the way it functions.

13.1.2 Both PPS1 and PPS3 make 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.

13.1.3 **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’

13.1.4 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.

13.2 **Circular 01/2006 (DCLG)**

13.2.1 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.

13.2.2 A separate table has been produced to demonstrate circular compliance - see *appended table*

13.3 Parameter approach and application material

13.1.1 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 quality for the lifetime of the consent.

13.3.2 Within the December 2009 submission the development specification defined the fixed parameters for the outline consent. The key parameters and design rationale were presented through a series of stand alone documents relating to key components of the scheme. Due to the packaging and presentation parts of the submission material was open to interpretation and the relationships between the documents were unclear. The application was also accompanied by an illustrative masterplan and a 2D layout that demonstrated how the development could be built out in accordance with the parameters and principles. The supporting 'quarter handbooks' provided more detail on function, form, character, scale, landscape and public realm within the quarters. This information provided a bridge between the parameters and principles and enabled the Council to consider how the proposals could deliver design quality prior to granting outline consent.

13.3.3 Since the submission of the application in December 2009 the Local Authority has worked with the applicant to develop and refine the parameters and principles albeit taking account of there being no additional or unassessed environmental impacts. The material now captures this information in a clear and consistent manner with no potential for misinterpretation. The design and access statement has been subject to a restructure and has been updated to include the principles for the development and specific design guidelines that will act as the basis for informing and assessing the acceptability of detailed proposals for individual parts of the site at reserved matters stage. Additionally although accepted as being an important component of the submission the illustrative term to describe the 2d masterplan (Dec 09) was considered to be misleading and inappropriate. To provide sufficient 'status' the term 'working masterplan' was adopted. The working masterplan is an accepted baseline position for assessing future development proposals. It should not be understood to prescribe a final design or to pre-determine matters that are reserved. It will be approved as an integral part of the outline permission. At reserved matters stage the working masterplan will evolve into a reconciliation masterplan that will be accompanied by an urban design statement describing the detailed design approach, accordance with outline parameters and explaining/ justifying any deviation from the working masterplan. The overall strategy is to create a masterplan that has sufficient definition to maintain its character and design intent yet is flexible and forward looking.

13.3.4 The parameter plans and written principles set out with section 8 of the design and access statement forms the core basis of the outline application. This information 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 as set out within section 8 of the Design and Access Statement. They provide elements of the scheme which are required to be established by legislation and EIA processes. For the purpose of technical assessment (including environmental testing ES) the maximum building envelope defined on the parameter plans has been tested as a worst case scenario in terms of potential environmental impact. In the case of micro climate it has however been necessary and appropriate to base testing on 'a likely scenario' given that the exact form of the buildings is unknown at outline stage. The working masterplan (explained within) has been tested as an appropriate model for this assessment. However detailed proposals will be subject to further testing at reserved matters stage.

13.3.5 It is important to note that the parameter plans contain different levels of precision and commitment. Parameter lines are fixed in certain locations for a particular reason whilst others incorporate tolerances. The components that are fixed at the outset are those aspects that are not only required by legislation but have been informed by a detailed understanding of the strategic context of the site and are clearly demonstrated within the level 1 baseline assessment work. For instance the key areas of public realm routes, open spaces and the building lines lining key routes or areas have been fixed in order to secure a clear spatial framework/strategy for the site. In other cases it is appropriate for parameters to commit to a certain number of routes, building parcels or openspaces within each defined maximum building envelope but not to define the precise siting of each component. In such instances written principles are provided to inform the siting of buildings, public realm and openspaces and the quarter based parameter plans define the level of deviation in building lines within individual quarters. The maximum building envelope as defined on the parameter plans should not therefore be misunderstood to be the total area that can be built out.

13.3.6 At East Float it is considered appropriate for a flexible approach to be applied due to the scale of opportunity and the scope of potential development proposals that could come forward. The level of flexibility requested for the siting of individual parcels within the broad parameters is not considered to undermine the key place making principles established for the site or to result in any unmitigated environmental impacts. 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. The requirement for a further masterplanning process will ensure that the detail within is able to evolve and respond to the concerns of the time. Although the detailed design is not an issue for consideration at this stage, it is considered 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 quality for the lifetime of the consent.

13.3.7 In achieving quality in urban design the design and access statement is also a key component of the submission supporting the fixed parameters plans and written principles. The 'Structuring Principles' set out within Section 6 of the Design and Access Statement are a key to understanding the design principles and design rationale underpinning the parameters and will be

approved as an integral part of the consent to guide the delivery of future development proposals for both buildings and public realm.

13.3.8 Further detailed work is set out within section 7 of the Design and Access Statement - '*Working Masterplan*' which demonstrates how the parameters and principles can translate into a high quality design and place. This provides more qualitative detail on function, form, character, scale, landscape and public realm. It will form a key part of the submission in terms of guiding future development proposals and provides a bridge between the parameters and principles. The working masterplan has enabled the Council to consider how the proposals could deliver design quality prior to granting outline consent and is a starting point for a further masterplanning process and has set a benchmark for design quality. It should not be understood to prescribe a final design or to pre-determine matters that are reserved but to provide a comprehensive framework against which subsequent reserved matters can be assessed. At reserved matters stage the working masterplan will evolve into a reconciliation masterplan that will be accompanied by an urban design statement explaining and justifying any deviation from the working masterplan and setting out design principles informing future proposals.

13.3.9 Section 9 of the Design and Access Statement sets out the process and protocol for masterplanning post outline and will be supported by appropriately worded planning conditions. The significant amount of work undertaken following the CABE design review is considered to address concerns in respect of parameters and the form of the submission. The concerns of CABE are described more fully later on in this report.

13.3.10 The overall aim of the consent is to establish a clear framework for future development. The parameters and principles and working masterplan proposals have been developed in partnership with the Council over a significant period of time and reflect the Council's aspirations for the site. In design terms this can be summarised as delivering 'a high quality waterside development that reinstates legibility and coherence to the urban structure, improves connectivity between key locations and creates a dynamic cityscape and an urban form that takes full advantage of historic and cultural assets to create a new visual identity for Wirral'.

13.3.11 The Council's objectives for East Float have developed during the course of the submission in parallel with the Birkenhead Integrated Regeneration Study. The development of clear objectives and principles based on the thematic headings contained within the BIRS (Detailed elsewhere in this report) demonstrate how the development parameters at East Float are able to deliver an integrated high quality development. It is intended that the objectives and principles contained within the appended table will be used as a way in which the Council can assess detailed proposals against which will be expected to accord. The shared vision referenced in respect of the key components detailed below therefore reflects the work contained within the BIRS.

13.4 Design approach/ outline components

13.4.1 The planning application defines and establishes five quarters within East Float and a series of waterbodies. The role and function of the quarters is set out within the parameters in broad terms and with reference to the key

components. All five quarters propose a mix of uses within them. It does however not define the amount of different uses that can be located in different quarters. In order to support a place making approach and in ensuring that the quarters intended roles/function of the quarter is safeguarded, the minimum quantity of a particular use has been specified or the restriction of inappropriate uses where appropriate.

13.4.2 Parameter plans (GA) 201 Rev P08 defines the boundaries of the Quarters. The written principles set out the broad land use strategy and mixed use principles for the East Float.

13.4.3 Parameter plans (SK) 1020 Rev P02- Ground level and (SK) 1024 Rev P01 and Upper level illustrate minimum and maximum length and width buildings and key areas of public realm.

13.4.4 *Sky City* is proposed as the heart of the East Float as a prestigious cluster of tall buildings. A business led environment (with a central civic park). Mixed use active ground floors shopping and dining.

13.4.5 *The Point* is proposed as a cultural destination and will be a focal point for the East Float.

13.4.6 *Vittoria Studios* is proposed as a start up location with a focus upon the creative industries, media, design and technology and the arts, with links to existing maritime clusters and the education hub. A series of connected, flexible buildings will be created with residential uses sensitively incorporated alongside employment.

13.4.7 *North Bank* is proposed as a residential led quarter with commercial, leisure, health and community uses offering a bespoke living environment, with local bars, shops and restaurants. To protect the intended residential use of this quarter at least 60% of the completed floorspace will be residential.

13.4.8 *Marina View and Four Bridges* is proposed as civic and residential led hubs incorporating the hydraulic tower as a focal point. To secure the intended use of Marina View at least 60% of the podium level development will be education, civic or community uses, leisure or B1 and will exclude car parking. Four Bridges will not include any residential uses.

13.4.9 Each quarter proposes a mix of complimentary uses, different treatment to the water space, and open spaces that define a distinctive character and identity derived from differences in form, function, scale, massing, materiality and proximity to different neighbourhoods. The framework of proposed city quarters is the starting point for creating new diverse, mixed and connected communities and places. Structuring Principles (Section 6 of the Design and Access Statement) and the 'working masterplan' describes the key principles in this respect.

13.5 Cityscape and Tall Buildings

13.5.1 The shared vision for the site in respect of scale and massing is the creation of a distinctive skyline that creates an internationally recognisable waterfront and a new visual identity for Wirral, establishes a clear visual relationship with

the river Mersey, Liverpool city waterfront and increases Wirral's visual prominence as a destination within the regional park.

13.5.2 Sky city is proposed as the principal scale and massing component and the visual spine of the development with a cluster of tall buildings concluding in a landmark tower. The surrounding quarters act as the foothills with the scale and density of the buildings gradually decreasing in scale in order to provide the transition from Sky City and the established urban area surrounding the site. The scale and massing of the proposals have responded to the setting of listed buildings situated within the site namely the hydraulic tower and the grain warehouse. The impact on the listed structures is assessed within the heritage section of this report.

13.5.3 Parameter plan (*SK*) 1021 Rev P02- *Scale and Massing* defines the maximum heights across the site. The maximum heights have been set to ensure the appropriate environmental assessment could be undertaken most notably in respect of the landscape and visual analysis and the impact on Hamilton Square. The buildings will range from 226m maximum at the landmark tower at Sky City to 18m at Four Bridges dependent on location, function and context. The application does not define minimum heights. Future reserved matters proposals will be required to conform to the cityscape principles and a mechanism for testing minimum heights against the cityscape strategy has been developed in order to establish how the detailed minimum heights will be determined at reserved matters stage.

13.5.4 The cityscape written principles supporting the parameter plan and set out within Section 6 of the Design and Access Statement 'Cityscape- Scale and Massing and Cityscape – Visual Structure' explain the rationale behind the scale and massing strategy. The visual structure plan and principles are key to understanding the urban structure identified at East Float and sets out key views/ vistas, landmark and cityscape buildings and gateways. The working masterplan demonstrates how the quantum of development may be provided within the overall parameters and principles.

13.5.5 Further detailed development proposals will be assessed against the clear principles. The potential for undesired outcomes through interpretation of the parameters will be safeguarded by the processes for approval of details including the setting up a design panel, the reconciliation masterplan and requirement for an urban design statement explaining any deviation from the working masterplan and demonstrating how proposals accord with parameters and principles.

13.6 Tall Buildings

13.6.1 The issue of tall buildings is considered in more detail within the heritage and visual impact section of this report with particular regard to impact on Hamilton Square.

13.6.2 In urban design terms the Council considers tall buildings within this location to be acceptable. It is accepted that the development will produce a form and density of urban development that is unique to the area currently surrounding the site, the creation of a distinctive skyline that creates an internationally recognizable waterfront and a new visual identity for Wirral, is however a key objective for the Council and has been outlined as such within the recent work

undertaken as part of the BIRS. The tall buildings are considered a fundamental component of the cityscape strategy in establishing a clear visual relationship with the river Mersey, Liverpool city waterfront and increasing Wirral's visual prominence as a destination within the regional park. An elegant and simple spiral is considered to create a distinctive cityscape for Sky City enclosing a new city park and a clear visual spine to the development. Following consultation with English Heritage there has been a reduction in the scale and massing within the Sky City and the landmark tower at Marina View. Detailed proposals will be subject to micro climate testing to ensure appropriate environmental conditions.

13.6.3 Although not opposed to the principle of tall buildings the CABA consultation response dated 06/07/10 advises that they do not believe a tall building application should be determined on such limited development parameters and almost no qualitative material. The Council does not dispute that a detailed design proposal would have provided greater assurance with regards to design quality. It is also mindful that this would have resulted in a significant amount of abortive work given that the detailed design almost certainly would never have been implemented and would have been subject to a total redesign on the basis of occupants' requirements etc. The Council considers that the working masterplan provides a benchmark for design quality and that other mechanisms can ensure a quality design is delivered including the development of a design review panel (in accordance with English Heritages advice), the commitment from Peel for an international design competition for Point Tower and the requirement for a design brief through planning condition. The CABA consultation response is addressed in more detail further on within this section.

13.7 Public Realm, Landscaping and Open Space

13.7.1 The shared vision for public realm is 'the creation of a legible permeable city structure that promotes a secure, inclusive and attractive public realm and establishes a clear movement strategy for the site and beyond. The creation of clear, safe, animated streets, squares, and waterside walkways that focus active uses and pedestrian movement at key destinations and along key connections to create a coherent and legible framework, linking East Float with the wider neighbourhoods'.

13.7.2 The application promotes a coherent and strategic approach to public realm and movement and connections through out the site. The baseline study and the Strategic Regeneration Framework work (summarised in chapter 5 of the Design and Access Statement) demonstrate a detailed understanding of the physical context of the site and the role of partnership neighbourhoods in terms of connectivity. It is apparent that the East Float site has overtime become isolated with much development turning its back on the surrounding neighbourhoods with linkages confined to road and bridge crossings. The analysis and conclusions have informed the parameters for the site and determined where new connections will be formed through a network of streets and open spaces in ensuring East Float can become a fully integrated neighbourhood. The application defines a number of key city structure components at a district, quarter and local level.

13.7.3 Parameter Plan (SK) 1017 Rev P08- *Ground Plane- Movement and connections* sets out the strategic access points for the development. The movement principles set out within Section 6 of the Design and Access

Statement underpin the public realm and open space strategy for the site. It aims to create a high quality, permeable, attractive, safe and well connected movement network. Creating a clear movement order of primary routes centred upon the key neighbourhood connections, bringing public transport into the development and putting pedestrian movement at the heart of the strategy.

13.7.4 The management of vehicles seeks to establish a proactive strategy for vehicles that are integrated with the principles for creating a pedestrian environment. The movement strategy for each quarter is explored in more detail within section 7 of the design and access statement- 'working masterplan'. The starting point for car vehicular management is to hold cars at the perimeter and encourage a more active streetscape. The placement of strategic car parking facilities at each of the four strategic highway approaches will allow flexibility for the development of further parking strategies. Under dock car parking (Sky City and Vittoria Studios) have been identified as well as a number of potential locations for multi storey car parks across the site.

13.7.5 Parameter plan (SK) 1016 Rev P10- *Landscape and public realm* defines the key public realm and landscape components for the site including the approximate locations of key routes, the network of openspaces and key areas of public realm.

13.7.6 Given the scale and nature of development proposals there are a number of key infrastructure that are situated outside the site boundary. They are however understood and promoted to be fundamental 'connecting threads' providing key connections between East Float and the surrounding area. The east float masterplan proposes corridors of landscape extending from the float to the surrounding districts, establishing visual connections and promoting improvements in an area of poor environmental quality. The most significant of the strategic routes includes City Boulevard and Northside Boulevard. The scale and nature of the different routes as well as the role and function and key principles relating to its form and character has been set out within section 5 of the Design and Access Statement.

13.7.7 Within section 6 of the Design and Access Statement- 'Landscape Principles' key public realm and landscape components are grouped under headings reflecting the role and function within the overall strategy- 'City Destinations', 'neighbourhood connections and community streets and squares. The city destinations would seek to create focal points within the development. Sky City Park is proposed as the principal destination, a major piece of public realm that creates a transition from the more formal open parkland and tree groups in the west to the civic and cultural focus at the point in the east. Although the application is in outline form the application has defined the fixed edges of the park and the ground floor of the enclosing building will be active frontages. The minimum dimensions for the Park are 30 metres at the western extents and 90 metres at the eastern extents.

13.7.8 The Point is also promoted as a striking landmark building and public realm creating a world class cultural destination and centre piece for East Float at the western extents of SkyCity and will be form a major piece of public realm.

13.7.9 There are a series of further destination points that start to define the different character areas across the site including Sky City and North Bank wetlands, Sky City Terraces, boardwalks and the waterspaces.

13.7.10 The application defines three distinctive waterscape identities across the site. The function and character of the space has been shaped by the orientation and differing environmental conditions and informs whether it will be a focus for events and activities, a more intimate and enclosed experience or the focus for leisure based activities.

13.7.11 The neighbourhood connections and points of arrival are essential components of the movement strategy for the site. Duke Boulevard, Sky City Central and Vittoria Street form the 'gold route' which is the principal connection to Sky City. Duke Street, Vittoria Way, Vittoria Bridge and Oakdale Street are proposed as a sequence of places establishing connections with surrounding neighbourhoods. A series of squares are also defined as providing key pedestrian/cycle and visual connections when approaching East Float from strategic locations.

13.7.12 The community streets and squares create a finer grain of high quality permeable, pedestrian priority streets and squares and are envisaged as having a much more localised function, providing amenity space for occupants and workers alike. The spaces are primarily focused on residential amenity and include courtyards and, gardens and atriums as part of the residential amenity provision.

13. 8 Access

13.8.1 A series of fixed and indicative access points have been provided. Fixed points generally respond to the surrounding context or because there is no other option in terms of site design. A series of additional access points are proposed with tolerances or indicatively.

13.8.2 The design and access statement sets out the approach to access and provides commitment to achieving an inclusive environment across the masterplan 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.

13. 9 CABE consultation response 06/07/10

13. 9.1 The key concerns raised by CABE have been referenced within the specific sections of design and parameters and the initial response is addressed later in the report. The Councils response with regard to each point is addressed below (*Councils response in italics*):

13. 10 The parameters and principles

- The planning application does not demonstrate the development of coherent parameters from the shared objectives of the Client, LPA and illustrative masterplan.
- Planning application does not clearly set out the core spatial and physical principles of the masterplan and does not secure design quality.
- There is duplication, contradiction and ambiguity within the fixed parameters. More time and rigour is needed to understand the core spatial principles. Much is left open to interpretation.

- Details of the principles and masterplanning process that may enable an outline approach to be supported are not presented within the application.
- The DAS Goals are generally soft aspirations which give little real direction.
- The core spatial objectives at the heart of the masterplan need to be clearly stated, and the parameters used to fix only the most important aspects, leaving the appropriate amount of flexibility in other areas.
- There is too much flexibility in some areas, and too much unnecessary restriction in others.
- Disappointed that the planning application has not translated the illustrative masterplan into the fixed development parameters or demonstrated a convincing approach to securing design quality

13.10.1 The Council consider that many of the concerns expressed within the latest consultation response have been addressed. Since the last design review on going work at the time of the Design Review and work since has clarified the structure and content of the DAS and Development Specification. Indeed CABE supported many of the spatial principles underpinning the illustrative masterplan which has now been elevated in status to working masterplan.

13.10.2 This includes a clearer articulation of the masterplanning process as set out in Chapter 9: masterplanning process and protocols including:

- *Elevated status of illustrative material to 'working' and inclusion within the Principal DAS document*
- *Design Review Panel (within overall WW Delivery Vehicle*
- *International Design Competition*
- *Design Coding and Reconciliation Masterplan*

13.10.3 The DAS has been expanded to include the key objectives and actions arising from the Birkenhead Integrated Regeneration Strategy (BIRS) endorsed by Wirral MBC since the Design Review. The Councils objectives for the site have been approved by cabinet on the 24/06/10 as an appendix to the report supporting the Birkenhead Integrated Regeneration Study. The fixed parameters have been refined to provide greater clarity and the status of the different components of the submission has been clarified as described within 'Parameters and Application Material'.

13.11 Hamilton Square

13.11.1 The concerns related to visual impact upon Hamilton Square. Buildings of exceptional design quality would be needed to justify harm. A slim landmark tower of outstanding architectural quality may be acceptable. The 'mid-rise' tower (Marina View) is much harder to justify

13.11.2 Agreement has been reached with English Heritage – the statutory consultee for the historic environment - regarding both the parameters approach and tall building proposals. The section relating to Heritage and Visual Impact assesses this issue in more detail.

13.11.3 Additionally, the council is confident that the working masterplan provides a benchmark for design quality and that conditions and control mechanisms can ensure this is delivered going forward. In respect of the Landmark tower that has the greatest potential to impact on Hamilton Square, Peel Holdings have

committed to an international design competition for the Point Tower to secure exceptional design quality and a design review panel will be set up through the S106; and a condition will be attached requiring a design brief to be produced for the tower. The associated protocols and processes are set out within section 6 of the design and access statement.

13.12 Birkenhead Town Centre

13.12.1 Yet to be convinced about the wider (economic) impacts on Birkenhead Town Centre.

13.12.1 The impacts are considered as part of the Planning Application through the Retail Impact Assessment.

13.13 Affordable Housing

13.13.1 No commitment to affordable housing within individual quarters to help achieve integrated and sustainable neighbourhoods and offer greater choice within the local area.

13.13.2 The delivery of Wirral Waters faces a number of significant challenges, including development viability and competing priorities for affordable housing, community infrastructure and physical infrastructure. Affordable Housing is considered in full detail within the relevant section of this report.

13.14 Phasing

13.14.1 Lack of phasing plan, need to understand the triggering of social infrastructure – landscape, public realm and construction phasing

13.14.2 The Council will attach a condition requiring a phasing plan detailing all aspects of phasing (including spatial) by condition with the submission of any reserved matters application.

13.15 Timeframe

13.15.1 Concerned that the length of the consent - 25 years.

13.15.2 The council considers this to be appropriate given the scale and nature of development proposals. There are precedents for the same length of consent.

13.16 Sky City

- Sky City is the least convincing piece of masterplanning in its promotion of a spiralling cone of towers and loose containment of SkyCity Park at its eastern and western extents.
- Sky City Park needs a convincing vision, and the Cultural Building could work well to contain the Park to the east.
- No parameters are set for the cultural building (the Point) suggesting doubts over its delivery.
- There is insufficient clarity in the function of the Cultural Building.

13.16.1 Sky City -more detailed assessment has been undertaken in respect of the block typology and the issue of enclosure and containment has been

considered as demonstrated within block typologies for the working masterplan- section 7 of the Design and Access Statement a further two working options have been tested deviation from the 12 blocks to 10 and 8 respectively. This has demonstrated that a range of alternatives can be considered through further design refinement. This will be explored at reserved matters stage.

13.16.2 The Point- without being able to understand its function, it is premature to fix its form. A condition setting out the information to accompany any reserved matters application will be attached.

14.0 GREEN INFRASTRUCTURE

14.1. The East Float Planning Application (submitted December 2009) was accompanied by a proposal to contribute £1,000 per residential and per 100 sq m of commercial floorspace by way of a development tariff, secured by Section 106 Agreement, in order to deliver a range of Public Realm and Green Infrastructure projects related to the proposed development. The overall approach is as described within the Development Specification June 2010.

14.1.1 The Council has requested further information in respect of:

- How the tariff figures have been derived taking account of the improvements/projects identified within the Design & Access Statement; and
- How the approach meets the current national policy in terms of planning obligations and the Community Infrastructure Levy.

14.2 Policy Approach

14.2.1 The DAS for East Float, read alongside the Wirral Waters Vision Statement (and Guiding Principles) and the Birkenhead and Wirral Waters Integrated Regeneration Study (BIRS) establishes the need to ensure that the East Float project:

- Does not become an 'island' development surrounded by poor quality industrial areas;
- Integrates with and maximises connections to surrounding neighbourhoods, particularly Birkenhead Town Centre and the Hamilton Quarter;
- Facilitates investment and change in adjoining neighbourhoods (such as Hamilton Park to the immediate south of East Float).

14.2.2 To achieve these aims, in addition to the indirect/wider regenerative effects of East Float and alignment with regeneration programmes/initiatives of the Council and others, it is necessary to ensure that some direct interventions are made in the surrounding environment. These interventions will allow East Float to link into key assets/destinations, by encouraging walking/cycling to and from East Float. A range of qualitative and quantitative improvements to public realm and green infrastructure will ensure that East Float is a more attractive place to get to and from. The interventions will also allow the environment around East Float to improve, by greening the urban context. This will not only bring environmental improvements, but will enhance the

social and economic benefits of the project by creating a more attractive location for investment and regeneration.

14.2.3 In response, the East Float application proposes a Public Realm and Green Infrastructure tariff, to secure off-site infrastructure improvements. This tariff sits alongside a 'Sustainable Transport' tariff which will be directed towards enhancing public transport accessibility to East Float. There is inherently a degree of crossover between the two tariffs, as some of the infrastructure items/links are multi-functional.

14.2.4. The infrastructure improvements to be delivered by the tariff are necessary to ensure that the East Float project truly integrates with its surroundings, and are appropriate in scale and kind to the proposed development. The approach is however one of place-making and regeneration, as established by the BIRS, and are a policy requirement of the Council. The improvements are not required to directly mitigate an assessed environmental impact (with one exception relating to the Wirral coastline).

14.2.3 If the East Float project were not going ahead, the scale of infrastructure improvements would be a fraction of what is required. Therefore it is appropriate to establish a project-specific tariff.

14.2.4 In view of the above, the applicant considers that the tariff accords with the tests for planning obligations, in that they are:

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

14.2.5 The full schedule of works, as set out below, represents a comprehensive approach and assuming that there is only a limited degree of contribution to some of the projects from other sources.

14.2.6 The approach also assumes that the tariff will be paid from each and every phase of East Float, and that the full floorspace applied for will be completed over the lifetime of the development. It should be recognised from the outset however that a viability test would be applied to the tariff. If individual phases of development are unable to pay the tariff due to viability constraints (to be tested by means of independently audited financial appraisal), then the tariff will be set aside by the Council as a decision of policy priorities at that time, and taking account of other funding and circumstances. The Council will in those circumstances need to determine the extent to which the different infrastructure improvements need to be provided for by East Float, on a priority basis. If the Council concludes that the payment of the tariff is more of a priority than the phase of development proceeding without it, then it will remain open to the Council to resist such proposals.

14.2.7 The single exception to this will be the off-site EIA mitigation requirement. This is an essential direct impact mitigation requirement, as opposed to a place-making policy objective, and as such the Council will require the payment of this element of the tariff as an absolute minimum even in the unlikely event of none of the phases of development being sufficiently viable to contribute to this tariff.

14.2.8 In light of all of the above, the approach is considered to be in accordance with the Community Infrastructure Levy Regulations. If the Council subsequently introduces a CIL, part of that process will involve an assessment as to whether the same infrastructure provisions might be double counted as a result of introducing CIL where planning obligations already exist. This is an issue which the Council will need to have regard to in the future.

14.3 Working Schedule of Projects

14.3.1 The enclosed spreadsheet provides an initial working basis for establishing the tariff amount and prioritising the infrastructure requirements.

14.3.2 The spreadsheet is based on the infrastructure elements contained in the Vision Statement, Design & Access Statement and BIRS.

14.3.3 The items have been described and (in most cases) shown on plan form within the documentation, with precedent examples and/or cross-sections. The infrastructure has been the subject of cost estimates by Martin Stockley Associates and Landscape Projects. A judgement has been made about the extent to which East Float should contribute all or part of the infrastructure. A judgement has also been made about the timescale for delivery.

14.3.4 The working schedule is an initial basis for future review, to be appended as such to the Section 106 Agreement.

Item	Description	Estimated Cost	Peel Contribution (%)	Peel Contribution to Cost	Notes	Timescale
1A	Laird Town Boulevards	£3,500,000.00	100%	£3,500,000.00	Allows for approximately £670,000 to be spent on main Boulevards and an allowance of £1,500,000 for improvements to neighbouring streets. Works allowed for include: Street trees, SUDS infrastructure, footway resurfacing, street furniture, signage and lighting	Short/Medium Term
1B	Woodside Boulevard, Pacific Road, Egerton and Forests	£1,500,000.00	90%	£1,350,000.00	Allowances for improvements to pedestrian connections linking Marina View and Four Bridges to Hamilton Square and Woodside	Medium Term
1C	Seacombe & Wallasey Boulevards & Dock Wall Improvements	£2,000,000.00	75%	£1,500,000.00	Allows for approximately £670,000 to be spent on improvements to Birkenhead Road, £500,000 to be spent on improvements to each of Wheatland Lane and Oakdale Drive and approximately £330,000 to be spent on Dock Wall improvements. Public Realm improvements allowed for include Seacombe: Street trees, SUDS infrastructure, footway resurfacing, street furniture, signage and lighting. Wallasey boulevards: tree groups, street trees and boundary treatment uplift	Seacombe Short Term, Wallasey Boulevards Long Term
1D	North Side Boulevard & Tower Road	£1,250,000.00	100%	£1,250,000.00	Allow for public realm improvements to north side of Northside Boulevard, and North end Tower Road (to Ro-Ro entrance) comprising: Street trees, tree groups, boundary improvements, SUDS infrastructure, footway resurfacing, street furniture, signage and lighting	Short/Medium Term
2E	Sky City Park & Central	N/A	100%	N/A	Works within redline	N/A
2F	Victoria Way & Pedestrian Footbridge	N/A	100%	N/A	Works within redline	N/A
2G	Victoria Street & the Point Causeway	N/A	100%	N/A	Works within redline	N/A
3	Civic & Educational Hub	N/A	100%	N/A	Works within redline	N/A
4	Connections to Hamilton Square, Birkenhead and Town Centre	£2,500,000.00	72%	£1,875,000.00	Allows for £670,000 to be spent on improvements to each of Cleveland Street, Price Street and Argyle Street plus £500,000 allowance for improvements to neighbouring Streets. Public Realm improvements allowed for include: Street trees, tree groups, boundary improvements, SUDS infrastructure, footway resurfacing, street furniture, signage and lighting	Short/Medium Term
5	City Boulevard Greenway	£1,500,000.00	80%	£1,200,000.00	Allows for public realm improvements including: Street trees, tree groups, Swales and SUDS infrastructure, footway resurfacing, street furniture, signage and lighting	Medium/Long Term
6	Playing Fields	£500,000.00	100%	£500,000.00	Allows for reconstruction of up to 5 pitches, including new drainage system and playing surface, and commissioning year maintenance	Medium Term
7	Coastline & Recreational Management	£500,000.00	100%	£500,000.00	A sub-regional study is being undertaken relating to the need for a development levy across the wider area to avoid, minimise, manage and mitigate ecological impacts around the Wirral coastline. If as envisaged this study progresses to establish a requirement under CIL this may replace or complement a planning obligation for East Float. In the meantime it is appropriate to establish a contribution and identify a range of potential measures for more detailed iterations of the tariff schedule/scheme. In addition to creating new green infrastructure to draw people away from the protected sites (as per the proposals), the East Float project can make a contribution to the wider strategies (e.g. upgrade existing facilities within parks to increase capacity) and/or help manage current and future levels of amenity use within the protected sites (in line with the existing management strategies). Further ideas on this last option are provided below: <ul style="list-style-type: none"> - Upgrading orland new pathways (controlling visitor movement); - Maintaining existing and/or providing new car parks (controlling vehicle movement); - Erosion control measures (habitat maintenance); - Implementation of reed beds (improvement to water quality); - Screen planting (controlling visitor movement and improving other distractions to amenity value); - Improvement to or increase number of interpretation boards (educating user); and - Training of wardens (education specifically related to controlling visitor movement). The above can be further developed at a later stage, in consultation with Natural England.	Long Term
8	River Birket Corridor	£250,000.00	100%	£250,000.00	Allows for construction of cycle corridor link to Bidston Station, and associated tree and riverside planting	Long Term
9	Green Grid	N/A	100%	£250,000.00	Contribution	Medium Term
10	Woodlands	N/A	100%	£250,000.00	Contribution	Medium Term
11	Operational Port Planting	N/A	100%	£250,000.00	Contribution	Medium Term
11	Conway Curve	£4,500,000.00	33%	£1,500,000.00	Allows for Land Assembly, street infrastructure, walking routes and public realm works comprising: boulevard planting, boundary improvements, street trees, linear greenway, street furniture, signage and lighting	Medium/Long Term
12						
13	Public Art Strategy/Implementation	£2,250,000.00	100%	£2,250,000.00	Budget for Art Strategy and Implementation	Short/Medium Term
		£20,250,000.00		£16,425,000.00		

15.0 ARCHAEOLOGY AND CULTURAL HERITAGE

15.1.1 The proposal has been assessed against national and local policy, consultation responses from English Heritage and CABE and specifically taken into account any potential impact on heritage assets, including:

- The Liverpool Maritime Mercantile City World Heritage site;
- Hamilton Square Conservation Area and listed buildings contained therein;
- Birkenhead Park Conservation Area
- The listed grain warehouses and Hydraulic Tower

15.2 Policy context --Planning Policy Statement (PPS) 5 Planning for the Historic Environment (March 2010)

15.2.1 PPS 5: sets out the Government's planning policies on the conservation of the historic environment and replaces Planning Policy Guidance 15: Planning and the Historic Environment (PPG15) published in 1994; and PPG 16: Archaeology and Planning (PPG16) published in 1990.

15.2.2 PPS5 focuses on those parts of the built environment that have significance due to their historic, archaeological, architectural or artistic interest. The statement identifies the governments overarching aim for the historic environment as:

“The historic environment and its heritage assets should be conserved and enjoyed for the quality of life they bring to this and future generations”

15.2.3 The following policies within the statement are of particular relevance to the assessment of this application.

15.2.4 Policy HE6 outlines the information requirements for applications that affect heritage assets. This includes:

- A description of significance of the heritage assets affected and the contribution of their setting to that significance; and
- An assessment of the impact of the proposal

15.2.5 Policy HE7 requires that Local Authorities seek to identify and assess the particular significance of any element of the historic environment that may be affected by the relevant proposal. As such account must be taken of:

- evidence provided with the application;
- any designation records;
- the historic environment record and similar sources of information;
- the heritage assets themselves; and
- the outcome of the usual consultations with interested parties, and where appropriate and -- when the need to understand the significance of the heritage asset demands it -- expert advice

15.2.6 Policies HE7.5, HE9.5 and HE10 require attention to the extent to which the design of new development contributes positively to the character, distinctiveness and significance of the historic environment. A successful scheme will, in accordance with PPS5, be one whose design has taken

account of the following characteristics of the surroundings, where appropriate:

- The significance of nearby assets and the contribution of their setting.
- The general character and distinctiveness of the local buildings, spaces, public realm and the landscape.
- Landmarks and other features that are key to a sense of place.
- The diversity or uniformity in style, construction, materials, detailing, decoration and period of existing buildings and spaces.
- The topography.
- Views into and from the site and its surroundings.
- Green landscaping.
- The current and historic uses in the area and the urban grain.

Some or all of these factors, it is noted, may influence the scale, height, massing, alignment, materials and proposed use in any successful design.

15.3 Policy Context --Unitary Development Plan Policies

15.3.1 **Policy CHO1 - The Protection of Heritage** states that in considering all development proposals, the local planning authority will pay particular attention to the protection of

- Buildings, structures and other features of recognised Architectural or Historic Importance
- Historic Areas of distinctive quality and character, and
- Important archaeological sites and monuments
- Proposals which would significantly prejudice these objectives will not be permitted.

15.3.2 **Policy CH1 Development Affecting Listed Buildings and structures** states that 'Development likely to affect a building or structure listed under Section 1 of the Planning (Listed Buildings and Conservation Areas) Act 1990 will be permitted where:

- The proposals are of a nature and scale appropriate to retaining the character and design of the building or structure and its setting; and
- Adequate provision is made for the preservation of the special architectural or historic features of the building or structure.'

15.3.2 **Policy CH2 Development affecting Conservation Areas**, states that: 'Development located within, adjacent to, or otherwise affecting the setting or special character of a conservation area, will be permitted where the visual and operational impact of the proposals can be demonstrated to preserve or enhance:

- The distinctive characteristics of the area, including important views into and out of the designated Area
- The general design and layout of the area, including the relationship between its buildings, structures, trees and characteristic open spaces, and
- The character and setting of period buildings and other elements which make a positive contribution to the appearance and special character of the area.'

15.3.3 **Policy CH5 Hamilton Square Conservation Area**, states that: 'In relation to Hamilton Square Conservation Area the principle planning objectives for the area will be to:

- Preserve the historic character, formal setting and sense of enclosure within the central square;
- Retain the unity of design and elevational treatment of buildings overlooking the central gardens;
- Preserve the wider visual setting of the square by controlling the design and scale of new buildings located outside but visible from the central square, and
- Secure renewed economic, residential and leisure activity within the area.'

15.3.4 **Policy CH6 Birkenhead Park Conservation Area**, states that: 'In relation to Birkenhead Park Conservation Area, the principle planning objectives for the area will be to:

- Preserve the character and appearance of an extensive Victorian public park;
- Preserve unifying features of design, such as gate piers, boundary fences and stone walls, and the nature and extent of landscaping throughout the area; and
- Restrict the non-residential use of buildings use of buildings within the area, unless a primary domestic setting would be retained.'

15.3.4 **Policy H26 - The Preservation of Historic Parks and Gardens**, highlights the need to pay special regard to the historic parks and gardens in the Borough in this instance, Birkenhead Park. The policy advises that development should not involve the loss of features considered to form an integral part of the special character or appearance of the park or detract from the enjoyment, layout design of the park.

15.3 .5 In summary, UDP Policies CH01, CH1 and CH2 are essentially charged with ensuring that any new development aims to protect and enhance:

- Building structures and other features of recognised architectural or historic importance;
- Historic areas of distinctive quality and character; and
- Important archaeological and monuments

and ensure that the nature and scale of any proposal is appropriate to retaining the character and design of the listed buildings and their settings.

15.3.6 Work is underway to prepare the Local Development Framework (LDF) for the Borough, which will replace the existing UDP. The Core Strategy Development Plan Document (DPD) sets the vision, objectives and spatial strategy for the Borough, for a period of 10 years. The Core Strategy DPD will be strategic. Other Local DPD's must be prepared in line with the Core Strategy DPD.

15.3.7 **Policy Context --CABE and English Heritage – Guidance on Tall Buildings (2007)**

The English Heritage / CABE Tall Buildings Guide advises that the following criteria are fully addressed by applicants seeking planning permission:

- The relationship to context, including natural topography, scale, height, urban grain, streetscape and built form, open spaces, rivers and waterways, important views prospects and panoramas, and the effect on skyline. Tall buildings should have a positive relationship with relevant topographical features and other tall buildings; the virtue of clusters when perceived from all directions should be considered in this light.
- The effect on the historic context, including the need to ensure that the proposal will preserve and / or enhance the historic buildings, sites, landscapes and skylines.

The Guide further states that tall building proposals must address their effect on the setting of, and views to and from historic buildings, sites and landscapes over a wide area, including:

- World heritage sites
- Scheduled ancient monuments
- Listed buildings
- Registered parks and gardens and registered battlefields
- Archaeological remains
- Conservation Areas

15.3.8 CABE and English Heritage – Buildings in Context. New Development in Historic Areas.

The publication recognises that a successful development will: relate well to the geography and history of the place; will sit happily in the pattern of existing development; respect important views; respect the scale of neighbouring buildings; use materials and building methods as high in quality as those used in existing buildings and create views and juxtapositions which add to the variety and texture of the setting.

15.3.9 The site and Heritage context

15.3.10 The hydraulic tower (grade II) is located along the eastern boundary of the site. Immediately to the north of the site, but outside the red edge lie the two former grain warehouses. These have recently been converted to apartments. There are a number of other listed buildings within the wider area, including Bidston Hill observatory, Hamilton Square station, Wirral museum, tobacco warehouse, Stanley Dock, The Albert Dock and Tunnel Ventilation buildings.

15.3.11 The site contains references to the historic nature of the dock environment, with the heritage features of the grain warehouses and hydraulic tower remaining. Important views towards the site are from the Liverpool world Heritage site and Bidston Hill. Important local views to be assessed are from Hamilton Square Conservation Area containing a high proportion of Grade 1 listed buildings and Birkenhead Park (grade 1 Listed on the English Heritage Register).

15.4 Impact on the World Heritage Site

15.4.1 The World Heritage site was inscribed on 2004 as the “supreme example of a commercial port at the time of Britain’s greatest global influence” and on the following criteria:

- Liverpool was a major centre, generating innovative technologies and methods in dock construction and port management in the 18th and 19th centuries. It thus contributed to the building up of the international mercantile systems throughout the British Commonwealth;
- The city and port of Liverpool are exceptional testimony to the development of maritime mercantile culture in the 18th and 19th centuries, contributing to the building up of the British Empire. It was a centre for the slave trade, until its abolition in 1807, and to emigration from northern Europe to America; and
- Liverpool is an outstanding example of world mercantile port city, which represents the early development of global trading and cultural connections throughout the British Empire.

15.4.2 The Liverpool Maritime Mercantile City World Heritage Site is situated on the opposite (eastern) side of the River Mersey. A buffer zone was developed to ensure that future development in the setting of the World Heritage site respects and values that site. The application site, while visible from the WHS, does not lie within this designated area.

15.4.3 The applicant states, within the submitted Heritage statement, that “the scale of the Mersey and the differing topography of the Wirral and Liverpool coasts make the two land areas visually separate and disconnected. The East Float Development is situated a considerable distance outside the WHS Buffer Zone, across the Mersey on a separate and disconnected land mass.

15.4.4 The application documents contain an Assessment of Impact on Liverpool WHS and several photomontage views from within, and adjacent to the WHS, towards WW. The advice from English Heritage in relation to the impact of the proposal on the World Heritage Site states that:

“There is a very significant degree of separation afforded by the Mersey between Liverpool and Wirral, the Mersey being approximately 1km across at its narrowest point. Additionally, the Wirral Waters masterplan would be located in-land from the river edge, due to the alignment of the East and West Float dock system, which contrasts significantly from the pattern of docks in Liverpool.”

15.4.5 English Heritage response to the proposal states that in relation to the impact of the proposal on the World Heritage site that:

“the masterplan, despite the tall buildings, will not incorporate a prominent river edge frontage that might challenge the primacy of Liverpool’s Pier Head and docks. Although the tall buildings will be prominent when viewed from the WHS, and in some views from Wirral towards it, we do not believe that the Outstanding Universal Value, authenticity and integrity of the WHS will be compromised. This is partly a product of separation by the Mersey, but is also reinforced by the lack of impact on WHS attributes such as the warehouses, dock system and dock wall. Therefore we do not anticipate the need for the Local Planning Authority to refer the application to the Secretary of State under the requirements of Circular 07/09. As the proposals may nevertheless prove contentious in some quarters, we will advise DCMS, as the State Party to the World Heritage Convention, to notify

UNESCO of the proposed development together with an explanation of why we do not think it harms the WHS“

15.4.6 The analysis of the townscape character set out in paragraph 11.5.37 of the ES notes that the impact of the proposed development will have an indirect effect on the character relationship of the WHS, but that the distance between the development site and the WHS Buffer Zone boundary is such that the effect on the setting would be negligible

15.4.7 It is therefore considered that the boundary of the buffer zone was established along a line at the mid point of the Mersey to provide effective protection for the setting of the World Heritage Site. The application site is located a considerable distance outside the buffer zone – and is considered not have a detrimental impact on the outstanding universal value of the World Heritage site.

15.5 Impact on Birkenhead Park

15.5.1 Birkenhead Park is 750m to the south of the site. The park was designed by Sir Joseph Paxman, whose concept was to create an idealised country landscape of open meadows and naturalistic woodland. Separate perimeter roads for vehicular traffic effectively define the boundary of the park today. The park was designated a conservation area in 1977 and a Grade 1 Listed Registered Park by English Heritage in 1995.

15.5.2 The submitted Heritage Statement and Environmental Statement state that:
“the tall buildings cluster on the former east float wharf will result in changes to the skyline when seen from a number of view points within the park. Four views have been modelled as part of their townscape and visual assessment and are included in chapter 11 of the ES. This follows the advice of English Heritage following their visit to the site earlier this year.”

15.5.3 The assessment within the ES of the four view points concluded that there would be a *“moderate to minor adverse impact”*. The opinion of the Local Authority is that due to the introspective nature or densely screened elements; there would be minimal impact on the visual character of the park itself.

15.5.4 In consultation, English Heritage further advises:
“as a grade I registered park and garden the significance of the park is clearly established. Photomontages 4 (fig. 11.28) and 13 (fig. 11.37) confirm that the SkyCity element of the master plan will dominate the views from a significant proportion of the park. However, the context of the park is derived from the contrasting open and enclosed spaces within it and the gently sloping topography, which reaches its highest point along the southern edge of the park. This allows expansive views from the Park, particularly the southern carriage drive, including views to the tall buildings in the commercial district of Liverpool. In contrast with Central Park, New York, partly inspired by Birkenhead Park, the enclosure and definition of the edge of the park, afforded by adjoining buildings, is quite weak. For these reasons the ability to view structures outside the boundary of the park is not considered to be significantly detrimental to the enjoyment or understanding of the park itself”.

15.6 Impact on Hamilton Square

15.6.1 The Impact on Hamilton Square was in English Heritages view, fundamental to their original objection to this proposal.

15.6.2 Consultation on heritage issues has been integral to the evolution of Wirral Waters. Initial discussions were held with the council at the outset of the project. English Heritage has also been engaged via the Urban panel, a joint initiative between EH and CABE which considers strategies and developments which bring significant changes to towns and cities has reviewed the Wirral Waters proposal twice.

15.6.3 A number of Meetings have been held with EH prior to the East Float application being submitted and further meetings have taken place since the application was lodged to discuss the heritage issues and impacts. Agreement was reached that a number of additional viewpoint photomontages needed to be included in the initial assessment and the specific viewpoints to be used in the assessment were agreed through a follow up meeting on site.

15.6.4 A site tour for members of the Heritage Advisory committee was arranged in January this year. The EH formal response was submitted to the council in February.

The key concerns raised by EH can be summarised as follows-

- Height, scale and form of the tall building cluster, which EH consider has been understated
- The level of harm upon the roofline and setting of Hamilton Square
- The notion of “receptor over time”
- The lack of detail and the flexibility provided within the current scheme of parameters
- The risk that Wirral Waters could “drain” away the already low levels of economic and residential activity in Hamilton Square.

15.6.5 In addition EH questioned the masterplanning principles for East Float in particular the spiral concept and the length of time for which permission is sort.

15.6.6 The layout of Hamilton Square is based on a formal street grid and is the only surviving realised portion of grand design for Birkenhead set out in 1825 by James Gillespie Graham.

15.6.7 The plan of Hamilton Square is laid out to use the topography of the site to maximum effect. The Town Hall was located and designed to maximize visibility from Liverpool’s waterfront.

15.6.8 The conservation area also includes an area to the north of Hamilton Square containing structures relating to the various phases of transport development and early communication across the river. Ferry, road, rail and tram links converge at a point just beyond the conservation area and link to the Ferry Terminal.

15.6.9 The distinctive character of Hamilton Square Conservation Area is created by a number of different elements that can be summarised as:

- The formal grid pattern;

- The grand scale and general uniformity of design and elevational treatment, particularly in Hamilton square itself;
- The spacious character and formal arrangement of the central garden area; and
- The visual envelope to the main square is formed by Argyle Street, Hamilton Street and Market Street

15.6.10 Despite its much obvious strength, Hamilton Square faces major challenges that are set to grow unless tackled. The square is surrounded by environmental, economic and social decline. The underlying problem is the squares economic condition. Hamilton Square conservation area is now on the at risk registrar.

15.6.11 The Square has been a recipient of major public investment. The Hamilton Quarter programme began in April 1995 and ran until the end of March 2002. This was centred on Hamilton Square and the surrounding Area. An estimated £82 million was spent developing a number of initiatives. Despite this investment, the square is in need of a clear role. Peel Holdings is of the view that the long-term sustainable future of the Quarter and the Square needs to be underpinned by the regeneration of the wider area. It is considered that the long-term sustainability of the Square can be achieved through a fundamental change in the Economic outlook for Birkenhead.

15.6.12 Hamilton Square is recognised as a key part of the wider Vision for Wirral Waters. The Spatial framework for east Float and Wirral Waters have both noted the Key Role that Hamilton Square can play in a regenerated Birkenhead.

15.6.13 Furthermore it is vital that the square is connected to the other key destinations in the area, notably East Float. For this reason the place making framework for East Float identifies the need to improve connections to Hamilton Square. These connections have been identified in the submitted Vision Statement.

15.6.14 It is considered that with a regenerated economy, Hamilton Square can become the “jewel in the crown” of inner Wirral as a major increase in demand, assisted by its location, as a hub where main elements of a regenerated Wirral come together. Increased footfall and cycling as part of the wider series of connectable walkable neighbourhoods will increase activity, use and enjoyment of the square. This increase in demand will help support the long-term viability and sustainability of commercial, leisure/retail and residential uses.

15.6.15 The proposed tariffs for East Float, for the public realm/ green infrastructure and sustainable transport, will be used to deliver these enhanced linkages and connections. This is discussed in greater detail in section 14 of the report

15.6.16 The planning agreement for East Float will deliver these enhanced linkages and help ensure that Hamilton Square becomes part of the wider regeneration.

15.6.17 East Float represents the best opportunity to ensure that the long term sustainability of Hamilton Square is best achieved through enhancing economic conditions. Conversely, if East Float is not developed, the existing economic conditions in the square are likely to persist at best, or possibly

deteriorate further. This could lead to increased vacancy, further reduced activity and ultimately, the Grade 1 buildings within the square being at greater risk.

15.6.18 EH has expressed concerns that there is a potential for east float to have an adverse affect on the economic conditions in Hamilton Square through attracting existing occupants of property in the square to new business accommodation. In order to safeguard this assumption, it is appropriate to put mechanisms in place to minimise such a risk and, as far as possible, to ensure that this does not happen.

15.6.19 The Hamilton Square business Forum has been established by Wirral MBC in the last 12 – 18 months to help ensure that the future success of the square and its surrounds. The forum has written in support of the East Float proposals and the opportunity they represent for Hamilton Square.

15.6.20 In response to English Heritage concerns triggers and mechanisms will be included within the planning permission to secure the following:

- Partnership working between Peel, WMBC English Heritage, HS Business Forum and others to secure economic benefits from the East Float Development through;
 - Business investment, spin off trade and changed perceptions
 - Physical connections (sustainable transport and Public Realm improvements between Hamilton Square and East Float
 - Ensuring that any future masterplanning or other initiatives for Wirral Waters are appropriately integrated with proposals for Hamilton Square
- Peel to commit to undertaking assessments at 5 year intervals or as a requirement of major phase reserved matters submissions. Such assessments will be scoped in consultation with the LPA and English Heritage based on how the square is performing in response to Wirral Waters.

15.6.21 The physical connections and public transport services that will link Hamilton Square and East Float will be eligible for drawing down funds from the proposed tariffs, these include sustainable transport and public realm. To ensure that heritage interests are prioritised, English Heritage will be consulted at each stage that a reserved matters is made which triggers a contribution to monies to either of these tariffs.

15.6.22 Consultation will be undertaken in respect of any future masterplanning or other initiatives in Hamilton Square, to ensure that proposals for Wirral Waters are appropriately integrated with proposals for Hamilton Square. Such Masterplanning or other initiatives may result in the need to review/refresh the evolving detail of the masterplan proposals and their infrastructure for East Float. Peel will be open to such evolution provided it does not undermine the delivery of the priorities and goal.

15.6.23 Peel has agreed that the future marketing of East Float/Wirral Waters also includes Hamilton Square and other Key Assts of the Wirral Peninsular. This process has already commenced through the inclusion of Hamilton Square as a key element of the marketing material for the Shanghai Expo 2010

15.6.24 In addition, the council consider that the above strategy is consistent with the agreed Birkenhead Integrated Regeneration Study, which has identified

Hamilton Square as a particular priority for ensuring that Wirral Waters will deliver wider regeneration effects.

15.6.25 The council's Conservation officer considers that the above approach will ensure that the regeneration of the square is facilitated alongside the development of East Float.

15.7 Amended Height Parameters

15.7.1 Maximum building heights for the development would be fixed at this stage with the greatest density of development, and therefore tallest buildings, located at the centre of East Float at SkyCity. Following consultation responses from English Heritage the Height Parameters for SkyCity and Marina View are as follows:

- A tighter definition of the foreground tower at Marina View when seen from Hamilton Square. This has the effect of significantly reducing the scale and massing when viewed from the Square. The parameters will still allow for some prominence;
- A reduction of height parameters in Skycity north parcel, .has been achieved This includes the retention of the principal tower adjoining the Point at 226m but with a reduction in height of the towers on the remainder of the parcel to a maximum of 150m (reducing to 125m at the western fulcrum). This reduction ensures that apart from the principal tower, the other towers within Sky City are barely visible or not at all visible from Hamilton Square. Towers on the south side of SkyCity will be between 41 and 80 m high.

15.7.2 This concentration of tall buildings would have the most significant visual impact on the areas surrounding the site. In particular the tall buildings will be visible from a number of vantage points. The most important views towards the site have been categorised by the North West Regional Assembly and Entec, and they are those from the Liverpool Waterfront/world Heritage site and Bidston Hill. Other important local views have been assessed, including those from Hamilton Square and Birkenhead Park.

15.7.3 The assessment has predicted that the temporary construction activities will have minor adverse effect upon the visual amenity and townscape character of the area. However, visual disturbance will be minimised through the phased placement of tower cranes. For the completed development, the key effects will relate to the placement of the tall building cluster on the former East Float wharf at SkyCity, which will result in changes to the skyline from a number of locations. Those receptors at which the view of the site will be prominent include Hamilton Square, Birkenhead Park and Duke Street

15.7.4 A reduction in height of the parameters in the Sky City north parcel from the originally submitted plan includes the retention of the principal tower adjoining The Point at 226m but with a reduction in height of the remainder of the parcel to a maximum of 150m (reducing to 125m at the western fulcrum). This reduction ensures that apart from the principal tower, the other towers within Sky City are barely visible or not at all visible from Hamilton Square.

15.7.5 At great distance however the tall buildings would not dominate but rather would serve to emphasise the location of the site as an area of regeneration

and as a visual reference point adding legibility to the view and help to frame the existing heritage features.

- 15.7.6 The introduction of a varied and iconic skyline will assist in creating a new arrival gateway on the River Mersey and act as an indication of the improving prosperity of Birkenhead.
- 15.7.7 The principles of the development have been assessed at outline stage, but the additional mitigation measures will be assessed at the detailed stage. This will include the use of appropriate materials, to reflect the dock environment. The final position of buildings and new public open spaces will ensure a dramatic skyline is created and access to the water's edge is improved.
- 15.7.8 The proposed landscape strategy represents a long term moderately positive contribution to biodiversity. The proposed scheme will enhance the biodiversity in the long term. Measures taken to achieve this may include the provision of species rich and structurally diverse green infrastructure and green roofs. These will contribute to long term biodiversity gain.
- 15.7.9 The council's Conservation Officer considers that on balance and with regards to the impact of the proposal on Hamilton Square, the proposal accords with Policy HE10 and the provisions of PPS5, Planning for the historic Environment. Furthermore it is considered that the applicants have been demonstrated that the proposed development will deliver a significant number of very important heritage and regeneration benefits, which together, strongly counter balance the adverse visual impact identified by English Heritage and will provide significant material considerations in favour of the proposed development.

15.8 Archaeology

- 15.8.1 The ES assesses the impact of the proposed development on archaeology; in particular the potential impacts from the loss of buried archaeological remains.
- 15.8.2 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.
- 15.8.3 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.

15.9 Archaeological and Historic Background

- 15.9.1 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:
- 15.9.2 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.

15.9.3 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).

15.9.4 English Heritage advises that it is possible that archaeological and palaeo-environmental evidence predating the original construction of the docks may survive within the application site. A desk based assessment and, if necessary, archaeological field evaluation, should – in EH's view -- be undertaken before any planning permission is granted.

15.9.5 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.”

15.9.6 The construction activities may result in increases in both dust deposits and vibration associated with piled foundations and this may increase the risk of damage to the Listed Buildings. However, appropriate measures will be informed by a detailed construction/vibration assessment which has been recommended for each quarter of phase of development.

15.9.7 Within the ES, the applicants contend that the significant impacts of the site preparation, earthworks and construction of the proposed development on the disturbance of buried known or unknown archaeological deposits will be minor. In terms of the increase in traffic, dust and vibration and the increase in risk of damage to sensitive cultural heritage receptors, the impact is said to be minor to moderate.

15.9.8 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 need 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.

15.10 Grain Warehouses

15.10.1 The grain warehouses are situated in a fairly isolated location and lie outside the application site. The buildings have already been converted to residential use. The East Float proposals should help to ensure that the long term viability, through the creation of new residential and business communities around them.

15.11 Hydraulic Tower

15.11.1 The Hydraulic Tower (HT) is a grade 2 Listed Building and is located within the red edge of the application site. Planning permission and Listed Building Consent have been granted for the conversion and extension of the building to a hotel. The applicant advises that due to the effects of the recession, the costs of conversion and limited rental value, it is not currently financially viable to develop this scheme.

15.11.2 The outline application as it relates to the Hydraulic Tower proposes a range of potential uses (excluding residential as per the agreed principle) and design parameters/principles as set out in the Design and Access Statement / Development Specification. It is within the local authority's gift to grant outline permission for the re-use of the HT and parameters/principles in outline, provided it is satisfied that policies relating to design and heritage are met. The applicant considers that the range of uses and proposed parameters/principles provide sufficient certainty over design and heritage issues for the Council at outline stage.

15.11.3 It is considered that the HT would be suited for any or a combination of the proposed uses, in principle, and subject to detailed considerations. The approved full application and LBC for the restaurant conversion and hotel new build have informed the parameters/principles and have therefore already been tested and considered by the Council in a greater level of detail.

15.11.4 In this instance, the view of the council is that there are sufficient details of building height and mass of elevations to allow a fuller assessment of those buildings on the wider environment and that appropriate conditions and mechanisms including the establishment of a design review panel to assess future reserved matters applications, will secure the high quality architecture, the development requires.

15.11.5 The impacts of the scale and massing potential of future developments are controlled through the use of outline parameters and principles. These have been established over a period of time and are presented in the development specification. The parameters and principles controlling scale and massing adjacent to the listed buildings establish a set of overall design requirements to guide future detailed proposals.

15.11.6 The extent of the degree of demolition of parts of the Hydraulic Tower has been established through the grant of Listed Building Consent. In addition, the parameters in relation to what is acceptable with regard to the height and scale of the new building components adjacent to the tower have been established through the grant of planning permission for the hotel proposal.

- 15.11.7 The submitted plans demonstrate that the parameters are defined with sufficient precision around the illustrative masterplan to ensure that any potential adverse impact on the listed buildings can be limited and controlled.
- 15.11.8 To avoid any potential adverse impacts that may arise at the detailed design stage and construction process, the imposition of a range of conditions -- to ensure high quality design and carefully managed implementation – is recommended.
- 15.11.9 The outline application as it relates to the Hydraulic Tower proposes a range of potential uses (excluding residential as per the agreed principle) and design parameters/principles as set out in the Design and Access Statement / Development Specification. It is within the local authority's gift to grant outline permission for the re-use of the HT and parameters/principles in outline, provided it is satisfied that policies relating to design and heritage are met. We consider that the range of uses and proposed parameters/principles provide sufficient certainty over design and heritage issues for the Council at outline stage.
- 15.11.10 It is considered that the HT would be suited for any or a combination of the proposed uses, in principle, and subject to detailed considerations. The approved full application and LBC for the restaurant conversion and hotel new build have informed the parameters/principles and have therefore already been tested and considered by the Council in a greater level of detail.
- 15.11.11 In terms of the proposed total floorspace for Four Bridges & Hydraulic Tower of 21,757 sq m, this figure was derived by adding the calculated floorspace of the working masterplan for Lower Four Bridges (15,000 sq m) to the floorspace of the working masterplan for Upper Four Bridges / Hydraulic Tower (6,757 sq m). The latter figure represents the draft scheme for offices (conversion plus new build to the immediate north and south). This figure is therefore achievable within the parameters/principles. It is considered that the similar form/mass of building could be accommodated regardless of the range of uses – it is the position, mass and height of the HT itself which dictates the amount and scale of development at Upper Four Bridges.
- 15.11.12 The detailed proposals (pursuant to the EF outline) for layout, scale, appearance etc will be forthcoming at Reserved Matters stage alongside any application for Listed Building Consent which may be deemed necessary. If Peel was to subsequently propose details which the Council does not find acceptable in terms of heritage or other impacts, these would inevitably be detailed matters of layout, appearance etc for both the Reserved Matters and LBC.
- 15.11.13 As such, the basis for granting the outline permission for the HT already exists and that there is no relevant outline basis for resisting the outline proposition.

15.11.13 **Change of Use Application**

- 14.11.14 Planning legislation allows for the outline permission to establish the ability to introduce a range of uses, subject to detailed considerations of layout, scale, appearance etc. The approach at the HT is as outlined above. It is considered that this addresses the use element alongside the need to

establish principles for physical development (alterations and extension), in an appropriately flexible manner but with sufficient design safeguards.

15.12 Conclusion

- 15.12.1 The evolving development of this scheme has been subject to a number of meeting and discussions between Peel, English Heritage and the Council. In particular, the concerns of English Heritage relate to the visual impact of the tall buildings on Hamilton Square, the flexibility of the parameters for the sitting and mass illustrated by “worst case scenario images” and the need to be assured of the beneficial effect of Wirral waters in terms of the economic viability of Hamilton Square. This has resulted in subsequent amendments to the parameters relating to the sitting and mass of the tall buildings at SkyCity AND Marina View have been amended and proposal have resulted in a much more positive response from English Heritage in relation to the impact on Hamilton Square.
- 15.12.2 Furthermore, English Heritage is content that the series of proposals to ensure the future health and prosperity of Hamilton Square are consistent with discussions that have taken place since the first letter was submitted. Further advice requires that any planning permission is subject to a S106 to achieve the most appropriate mechanisms for securing the benefits and their phasing with respect to the square.
- 15.12.3 English Heritage in their summary, while not agreeing with the applicants analysis of the visual effect of the new development on the setting of Hamilton Square, acknowledge the constructive response to their concerns about the tall buildings and parameters and believe the harmful effect on the setting of Hamilton Square has been reduced. In reaching a decision, the advice of English Heritage is that the Council should balance the harmful effects with the potentially positive contribution the scheme could make to the long term regeneration and sustainability of Hamilton Square.
- 15.12.4 The mechanisms for achieving the desired economic benefits will be addressed through the 106 agreement and will include:
- Partnership working through the Hamilton Square Business Forum to ensure that Hamilton Square benefits from these proposals through enhanced economic conditions, and through physical connections including sustainable transport and improved public realm between Hamilton Square, East Float, Woodside and Birkenhead Town Centre.
 - Future Masterplans and other and/or other initiatives will ensure that proposals for Wirral waters are properly integrated with proposals for Hamilton Square. Peel has made a commitment to ensure that the future marketing of Wirral Waters includes both Hamilton Square and other key Wirral assets; and
 - On-going monitoring of economic conditions in Hamilton Square.
- 15.12.5 With regards to the policy advice, both in PPS5 and UDP Policies CH01, CH1 and CH2, the proposal will have a positive impact through the promotion and support in the long term on the listed buildings; both within and adjoining the site. This will be achieved through their reuse, long term

sustainability, better public accessibility and improved setting -- with the potential for high quality built development and public realm.

15.12.6 In accordance with policy HE10 of PPS5 and Paragraph 79. of is accompanying practice guide, there are a number of potential heritage benefits that could weigh in favour of the proposed scheme, these include:

- It sustains or enhances the significance of a heritage asset and the contribution of its setting.
- It reduces or removes risks to a heritage asset.
- It secures the optimum viable use of a heritage asset in support of its long term conservation.
- It makes a positive contribution to economic vitality and sustainable communities.
- It is an appropriate design for its context and makes a positive contribution to the appearance, character, quality and local distinctiveness of the historic environment.
- It better reveals the significance of a heritage asset and therefore enhances our enjoyment of it and the sense of place.

15.12 The site is currently of poor environmental quality. The proposed development will allow for the creation of new buildings and open spaces of high architectural quality and interest that complement, rather than compete with, the historic identity of the area.

15.12.6 It is therefore concluded that the proposal accords with the provisions of both national and local planning policy, in so far as the minor adverse impact identified in the ES, when balanced against the economic regeneration advantages outlined in this proposal, will deliver substantial benefits to the historic environments; in particular Hamilton Square.

16.0 TRANSPORT PLANNING POLICY

16.0.1 Members will be aware that, following the formation of the new Coalition Government in May 2010, there have been changes to regional structures and strategies. Despite these changes, the outline planning application for the East Float development is considered to be in line with relevant transport policy.

16.0.2 The aspiration for the development on a transport level is to provide a site that is fully accessible by sustainable transport. The approach to reducing the need to travel, especially by car, promoting sustainable travel choices and promoting accessibility to jobs, shopping, leisure facilities and services by public transport, walking and cycling is also in line with current planning guidance and the Merseyside Local Transport Plan.

16.1 TRANSPORT APPRAISAL

16.1.1 In order to ensure that future transport provision will be able to support development at this key dockland site, a Transport Steering Group (TSG), comprising representation from Wirral Council, Government Office, Highways Agency, Merseytravel and Peel Holdings, including their transport consultant, was set up in November 2007. The purpose of the TSG was to facilitate the development of a transport strategy that would produce optimum solutions and outcomes in respect to sustainable transport objectives.

16.1.2 The approach to sustainable transport for the development site focuses on the following elements:

- Ensuring that development is located in the most sustainable places;
- Minimising the numbers and length of trips;
- Transport demand management measures;
- Promotion of the use of more sustainable transport;
- Sustainable transport improvements, including cycle and pedestrian links;
- Public transport improvements, including infrastructure and services;
- Making the best use of the transport network;
- Essential highway improvements.

16.1.3 This group has met regularly since its formation and has been instrumental in enabling open and honest dialogue to be established and constructive pre-application discussions, to assess this large and complex development, to take place. This proactive approach has been particularly acknowledged by the Highways Agency, enabling it to come to a view on the application itself much earlier than would otherwise have been possible.

16.1.4 Given the development timescales for East Float (30+ years), it was accepted early in the proceedings, that the proposal presented significant challenges in predicting transport issues and impacts so far into the future. The Parties agree that flexibility will be required over the lifetime of the project to ensure that the transport strategy can be adaptive to change as the project develops and is delivered.

16.1.5 Over the next 30 to 40 years, the strategy may be influenced by a range of factors such as changes to transport policy and legislation, technological advances and innovation, behavioural changes, market conditions, and investment in more sustainable transport systems.

16.1.6 Consequently, the Transport Assessment (TA) accompanying the outline application is strategic in its nature and identifies potential impacts and potential means of mitigation up to 2030 in line with what the TSG agreed would reasonably be assessed at the present time.

16.1.7 Phasing of the development will be market led which will influence the timing of required transport interventions and the location and extent of strategic and local highway / public transport infrastructure improvements. The flexible nature of the phasing means that the provision of transport infrastructure will have to react to need, rather than proactive, to phasing requirements.

16.1.8 It is also acknowledged that the detail of required transport interventions and trigger points for provision of such interventions and infrastructure improvements will be established as part of the Reserved Matters planning application process.

16.1.9 However, in order for the Council to assess the potential impacts of the development on the existing highway and transport networks, the developer's transport consultant has carried out assessments based on the current trajectories of potential development. This has been carried out through extensive modelling at both the strategic and local levels.

- 16.1.10 Strategically, Peel's transport consultant has utilised the Mersey Gateway [traffic] Model (MGM), originally developed by Mott MacDonald for Halton Council for the Mersey Gateway Bridge. Whilst built to assist the business case for the new bridge, it was considered appropriate to make the best possible use of this existing tool, which had also been utilised previously by Wirral Council for the development of the business case for the Bidston Moss Viaduct strengthening scheme.
- 16.1.11 The MGM covers the area of Greater Merseyside and beyond, therefore enables the estimated number of development car trips and the overall impacts of the East Float development to be seen across a wider highway network, beyond Wirral's boundary. This is important, as the impacts of such a major development will be seen on parts of the transport network outside the control of Wirral Council.
- 16.1.12 This strategic model has enabled a forecast of the number of development vehicle trips in the weekday morning and evening peaks, plus the inter-peak period, at the years 2015 and 2030, to be determined.
- 16.1.13 The strategic highway modelling has also been complemented by the development of a newly built public transport model to assess the number of public transport trips. The PT model is an important tool as the MGM is highways based and does not enable modal shift from car to public transport to be modelled.
- 16.1.14 A key concern for Members is likely to be the detailed impacts that the development traffic is predicted to have on the road network adjacent to the East Float site and the potential changes required to the highway infrastructure to cater for future development traffic. In order to determine the effectiveness of the potential improvements that will be needed, the results of the strategic modelling have been entered into a more detailed [Paramics] junction based traffic model that is able to model how the highways and junctions will operate in real-time, during each of the modelled time periods, with and without mitigation measures.
- 16.1.15 These modelling tools have enabled the applicant to develop an infrastructure plan showing the potential changes to the highway network. It is important, however, to note that the design of the junction and link improvements will need to be subject to more detailed appraisal in the future as part of the Reserved Matters applications.

16.2 HIGHWAY AND TRANSPORT MITIGATION

- 16.2.1 As mentioned, given the nature and timescale of the proposal, flexibility will be required over the lifetime of the project to ensure that the transport strategy is adaptive to change as the East Float project develops and a suite of conditions and heads of terms of a Section 106 Agreement has been developed in order to deliver this flexibility.

16.3 CONDITIONS

- 16.3.1 Key areas of highway where mitigation work will be required up to 2030 have been identified based on the Transport Assessment submitted with the

application. Given the nature of the development, it is difficult to forecast exactly when each of these highway interventions will be required although the modelling mentioned earlier has identified a number of highway issues that are likely to require mitigation by 2030. Peel's transport consultants have developed an initial timetable for the highway works based on modelling and the indicative trajectory submitted within the Transport Assessment. The highway mitigation that is currently identified as necessary and the initial timetable is outlined below.

- a) **Wallasey Dock Link / Poulton Bridge Road / Dock Road** – New traffic signal junction improvements – 2020.
- b) **Gorse Lane / Kingsway Tunnel** – New traffic signal junction improvements – 2020.
- c) **Duke Street / Dock Road / Gorse Lane** – New traffic signal junction improvements – minor improvements 2020 – full scheme 2025.
- d) **Duke Street**– widening to dual carriageway status between Corporation Road and Dock Road, including the replacement of Duke Street Bridge with a dual carriageway bridge – 2025 or 2030, dependant upon access arrangements for “Sky City”.
- e) **Duke Street / Corporation Road** – New traffic signal junction improvements – 2030.
- f) **Dock Road / Tower Road / Birkenhead Road** – New traffic signal junction improvements – 2015.
- g) **Tower Road**– widening between Tower Wharf and Rendell Street.
- h) **Tower Road / Canning Street / Corporation Road / Rendell Street.** – New traffic signal junction improvements – 2020.

16.3.2 In addition, the Transport Assessment identifies that **Dock Road** between Poulton Bridge Road and the former grain warehouses is likely to require widening post 2030.

16.3.3 These interventions will be delivered through a set of Grampian Conditions that create a number of strategic “living documents” covering such issues as ongoing monitoring of the development and surrounding infrastructure, periodic updating of the Strategic Transport Assessment based on monitoring and reserved matters applications and the subsequent development of an East Float Transport Plan outlining the necessary transport interventions and triggers for their implementation.

16.3.4 The strategic documents that are conditioned for submission are as follows:

16.4 Strategic Scoping Study

16.4.1 A document prepared in accordance with the “Guidance on Transport Assessment” and that will set out the scope of the areas and issues to be assessed within the Strategic Transport Assessment and would be submitted for approval prior to the submission of the first Strategic Transport Assessment. The document will be reviewed and updated periodically to take account of any relevant changes in circumstances in or around the development site.

16.5 Monitoring Strategy

16.5.1 All Parties recognise the development timescales are such that a firm commitment to a monitoring and review process is essential. This document would be submitted for approval prior to the first reserved matters application.

The document would detail a system of regular monitoring of the development and its impact on the surrounding network and would include committed development and provision and patronage of public transport. The document would include details of the regular review and updating of the Monitoring Strategy to take account of any relevant changes in circumstances in or around the development site. The data that would be forthcoming from the regular monitoring would then be used to inform the ongoing Transport Assessment and Travel Planning processes. The provision of up to date information on the transport characteristics of East Float as the scheme is developed will allow for the optimisation of transport strategies over the course of the delivery timescale of the proposals.

16.6 Strategic Transport Assessment

16.6.1 .All Parties agree to the principle of a Strategic Transport Assessment for East Float that will be refreshed, updated and approved for each phase of development subject to Reserved Matters planning applications or, in the absence of Reserve Matters applications being submitted for further development within the same time period, every five years or a period to be agreed between the Parties. This document would be prepared in accordance with the “Guidance on Transport Assessment” to be submitted for approval prior to the first reserved matters application. The document would initially be based on the Transport Assessment submitted with this application and would include details of how it would be regularly reviewed and updated to take account of any relevant changes in circumstances in or around the development site. The document would be informed by the Strategic Scoping Report and the output from the Monitoring Strategy and would include consideration of the impact of the ongoing development on the highway infrastructure and sustainable transport and outline those areas requiring mitigation. In addition, the document would be updated by each Reserved Matters Transport Assessment / Statement.

16.6.2 The Reserved Matters Transport Assessments will be based on a rolling evolution of the Strategic Transport Assessment agreed as part of this application, and will set out in more detail the transport strategy and interventions required in order to allow that particular development phase to progress within the overall East Float Transport Plan. This will include on and off site transport infrastructure to be delivered by the developer, including trigger points for delivery of transport interventions and improvements, and financial contributions to sustainable transport initiatives.

16.7 East Float Transport Plan

16.7.1 This document would be submitted for approval prior to commencement of development. It would be based on the Guiding Principles on Sustainable Transport, The Strategic Transport Assessment, Reserved Matters Transport Assessments, Framework Travel Plans, and input from transport stakeholders through the TSG forum. The Plan would include a range of transport measures and triggers for their implementation, including infrastructure improvements, improvements to public transport and sustainable transport measures, travel plans etc, requirements for monitoring and review, based on the submitted documentation and input from the TSG. The transport measures would be delivered through a range of mechanisms including Section 106 Agreement, the Sustainable Transport Tariff and Grampian Conditions attached to reserved

matters applications and would be submitted to the Council for detailed approval prior to implementation.

16.8 Document Timetable

16.8.1 This document would be submitted for approval prior to the first reserved matters application. Given the number and interrelated nature of the above documents it is essential that they be delivered in a logical order at specific times during the lifetime of the development. This document would set up an agreed timetable for their delivery.

16.8.2 All these strategies and documents would be interrelated and would be subject to periodic review and updating to take account of the actual phasing of the development as it moves forward, the most contemporaneous data and modelling software, changes in policy, legislation, etc as mentioned above, over the lifespan of the development proposals.

16.8.3 The identified highway infrastructure works will include the provision of Intelligent Transport Systems and for links into the Council's Urban Traffic Control System to enable traffic movements on the network to be controlled as efficiently and effectively as possible.

16.8.4 The exact detail and the timing of delivery of these interventions will be subject to the ongoing monitoring and modelling work mentioned above and the timescales for delivery of the different parts of the overall development. The phasing will form a key determinant of the trigger points for the various interventions to be included in the ongoing and evolving East Float Transport Plan. Some of the interventions are capacity led, others are sustainability led, or a mixture of both and the timetable for implementation will also need to take these factors into account.

16.8.5 In accordance with the sustainability commitments of the development, facilities for pedestrians and cyclists will be an important part of the design process for the proposed highway/junction works. The detail of the works would be submitted to the Council for approval prior to delivery on site.

16.8.6 I am also suggesting Grampian Conditions are attached to ensure that each future reserved matters application of sufficient scale would be submitted with its own Scoped Transport Assessment or Transport Statement detailing the impact of that proposal and what specific highway works would be required to enable that proposal to take place and also feeding back into the Strategic Transport Assessment in terms of the cumulative impact on the wider network and the East Float Transport Plan. I envisage that Grampian Conditions/ 106 Agreements would be attached to the reserved matters application in order to deliver the necessary highway works, in addition to the ongoing allocation of the Sustainable Transport Fund through the TSG.

16.9 DOCK BRIDGES

16.9.1 There has been significant discussion between the parties in respect of the dock bridges, specifically Duke Street Bridge and "A" Bridge (both of which are lifting "bascule" type) and also "C" Bridge, which is fixed. "A" Bridge and "C" Bridge are on Tower Road.

16.9.2 The current modelling indicates that Duke Street is likely to require upgrading to dual carriageway status by 2025 or 2030 dependant upon the detailed access arrangements for "Sky City". The modelling also indicates that Duke Street Bridge would represent a choke point at the same time. The most appropriate action that has currently been identified to alleviate this would be for the replacement of Duke Street Bridge with a new dual carriageway bridge of an opening design. This would be the subject of ongoing review through the monitoring process and the Strategic Transport Plan mentioned above.

16.9.3 Peel have acknowledged that improved pedestrian and cycling facilities will be required on Tower Road which will require appropriate modification of both 'A' and 'C' bridge, their replacement or alternative crossing provision.

16.9.4 Discussions have been held on the issue of all the dock bridges, including those which are not covered in this application, between the Director and Peel and an undertaking has been given by Peel that they will develop a management strategy for the bridges in cooperation with the Council to consider issues around long term sustainability, ongoing maintenance and operational issues etc, which will include a review of the current bridge operating agreement and the potential future replacement of bridges where necessary.

16.10 SECTION 106 (SUSTAINABLE TRANSPORT MEASURES)

16.10.1 In addition to the above measures, which would be delivered by Grampian Conditions/section 106 Agreements via the east Float Transport Plan and reserved matters applications, there are a number of sustainable transport measures that would be delivered through a Section 106 Agreement/Tariff.

16.10.2 The Transport Steering Group, including Merseytravel, have been instrumental in identifying those measures that are essential to ensure that the sustainable transport infrastructure and services are sufficient to cater for the development.

16.10.3 The elements that have currently been identified as being met through the Section 106 Agreement are:

- Improved cycle and pedestrian links to Seacombe Ferry Terminal, Woodside Ferry Terminal, Birkenhead Park, Birkenhead Park Railway Station, Birkenhead Town Centre and Conway Park Railway Station.
- Improvements to bus and rail infrastructure and services identified in liaison with Merseytravel.
- Improved cycle links to the national cycle network.
- Improved footway and cycle links at "A" and "C" Bridges on Tower Road.
- Provision of Local Authority assistance with travel packs as part of the Travel Planning process.

16.10.4 The estimated cost of these measures is £18,000,000 at 2010 rates and the most appropriate method of delivery is through a "Sustainable Transport Tariff" of £1,000 to be placed on each unit of residential property and each 100m² of other development.

16.10.5 However, there is also a need to appreciate that some of the sustainable transport infrastructure and services would need to be in place early on in the

scheme in order to support the sustainable transport aspirations of the development and a rigid tariff-based approach may not be able to fund this. Therefore, the S106 would need to allow for some “front loading” of the sustainable transport tariff, to be recouped by a reduced tariff later on. The level of tariff would also be reviewed at regular periods to ensure that it remains sufficient to create a fund of a suitable size to deliver the sustainable transport aspirations of the scheme. This index linking and regular review is seen as essential given the projected 30 – 40 yr build out period of the development and the need to ensure flexibility over this long build out.

16.10.6 The monies collected through the Sustainable Transport Tariff would create a “Sustainable Transport Fund”. The detailed spend of the Sustainable Transport Fund would be the subject of discussion through the Transport Steering Group in line with the priorities identified above and the principles of the East Float Transport Plan, but the final decision would rest with the Council.

16.10.7 Given the timescale of the development, payments identified through the Section 106 Agreement would include appropriate allowances for inflation.

16.11 WALKING & CYCLING

16.11.1 The developer’s commitment for East Float is to create a development that encourages the use of sustainable means of transport. As such, the approach has been to dedicate a higher priority to pedestrians and cyclists over private motor vehicles and to ensure that the function of streets and the space between buildings promotes low carbon travel for intra site movements.

16.11.2 In addition to these internal journeys, the provision of facilities for cyclists and pedestrians accessing the site from the surrounding areas is key for the development. Strategic links to the site have been identified and a variety of measures and improvements to encourage sustainable, or low carbon, travel have been identified in the Environmental Statement and the Transport Assessment, including provision for cyclists and pedestrians at the main junctions and across current pinch points, such as the bridges (as outlined in the Highway Improvements section above).

16.11.3 These measures are important, not only in terms of transport, but also for other elements in the Environmental Statement and the Health Impact Assessment. Journeys undertaken by sustainable and low carbon modes of transport within and to the site will help to reduce the negative impacts of journeys made by private motor vehicle, including noise and reduced air quality. These, together with a more active community that walks and cycles for short journeys, will also help to provide health benefits for the community.

16.12 PUBLIC TRANSPORT

16.12.1 The Transport Assessment (TA) identifies that while there is good North / South bus provision there is limited service East / West. As part of the sustainable transport strategy for the Proposed Development, improvements to bus accessibility are to be promoted, including improved links around the dock area and to key transport interchanges, and direct links to Liverpool. The Key Bus Measures to address concerns are:

- Provide additional capacity on existing routes;
- Route alteration of current routes;

- Provision of a shuttle service to local public transport interchanges; and
- A direct bus link to Liverpool from the Proposed Development.

16.12.2 The TA identifies that the rail network currently has spare capacity on the network and the impact of East Float would put the network near to capacity at peak times. Merseytravel have identified through the RUS that the increase use of six-car units on the Merseyrail network as a solution for peak capacity issues.

16.12.3 Merseytravel's public transport requirements to potentially be funded from the Tariff / Transport Fund include:

Short-term:

- Bus interchange facilities at Birkenhead Park and Conway Park rail stations
- Circular bus services offering direct links between East Float and key public transport hubs (Birkenhead Park, Conway Park, Central Station, Hamilton Square, Birkenhead Bus Station, Seacombe Ferry)

Medium to Long term:

- Completion of Birkenhead North Park & Ride (Phase 2)
- Funding support to bring Birkenhead North and Birkenhead Park rail stations to bring up to full DDA compliance
- Contributions to strengthening of rail units
- Improvements to assist buses at the Kingsway Tunnel toll areas.

As noted above, Merseyside's requirements would be met as part of the Sustainable Transport Tariff, which would create a "Sustainable Transport Fund". The detailed spend of the fund would be the subject of discussion through the Transport Steering Group (including Merseytravel representation) in line with the sustainable transport priorities of the development and the principles of the East Float Transport Plan, but the final decision would rest with the Council.

16.13 TRAVEL PLANS

16.13.1 'Travel Plan' is a general term for a package of measures designed to the needs of an individual site, which are aimed at promoting sustainable travel. The encouragement of smarter travel choices through Travel Plan measures forms an important element of reducing car use.

16.13.2 Framework Travel Plans for the East Float development have been produced for the Residential and Workplace elements and submitted as part of the outline application documentation. The Framework Travel Plans have been agreed with key stakeholders and will become 'living' documents with annual action plans and monitoring reports. Such reports, which indicate the actual levels of car use by residents and employees, enable the effectiveness of the Travel Plans to be determined and inform future Travel Plan developments. The updated Framework Travel Plans will be required with reserved matters applications. A Construction Travel Plan will also be required to reduce the levels of cars accessing the site by construction workers.

16.13.3 This will be particularly important at East Float, as there is a prediction that there will be a high level of intra-site trips with residents living and working on site. The Travel Plans will be able to measure whether this is the case.

17.0 Wirral Waters Public Transport Requirements to be provided by the Developer via S106 and other Planning Conditions/Arrangements of Approval

17.1 Rationale

17.1.1 In estimating the contributions to be required by the developer in respect of this application Merseytravel paid due attention to the Transport Assessment and modelling data provided by the applicant. However given the scale of the development, the very lengthy time-frame for the development to be brought forward and the considerable degree of uncertainty as to what actual elements of the development would be constructed and when this construction would occur, Merseytravel, viewed the applicant's transport modelling and assessment data with some considerable caution.

17.1.2 To balance the very considerable uncertainties associated with the application's potential transportation impact and requirements, Merseytravel calculated the possible maximum levels of movement that the proposed total land uses of development could cause, if the levels of movement, were to be comparable to those indicated within the maximum provisions for transport associated with a development, as defined in the Government guidance document PPG 13.

17.1.3 Merseytravel's proposed interventions were formulated on the basis of the infrastructure and services required to practically accommodate both the potential levels movement contained within the developer's estimations and the levels of movement likely to be generated under guidance from PPG13 maximum provision..

17.1.4 This process resulted in the following list of requested interventions:

1. Rail Network

(a) Financial support for the upgrade of Birkenhead North station, to bring this facility up to full DDA compliance. As Birkenhead North would represent the only major park and ride provision for the development, the developer should make a significant contribution to making the associated rail station fully DDA compliant. Total cost of the project £3,400,000 with the developer to make an appropriate significant contribution.

(b) Funding for completion of phase 2 of the park & ride facilities at Birkenhead North station. This represents the only major park and ride provision for the development which would need to be expanded to cope with traffic likely to be generated by the development. Total cost of the project £1,300,000 with the developer to make an appropriate significant contribution.

(c) Funding for construction of bus interchange facilities at Birkenhead Park, these facilities are essential for the basic provision of linking the development to the rail network. Total cost of the project £200,000 with the

developer to fund in full the measures, and with the facilities to be provided within the initial transport package for the development.

(d) Financial support for measures to bring Birkenhead Park station up to full DDA compliance. As this represents one of the developments's key access points to the rail network ensuring that the development is compliant with the DDA and all relevant inclusivity / equality legislation would require this action to be taken at this station. Total cost of project £2,000,000 with the developer to make an appropriate significant contribution.

(e) Funding for construction of bus interchange facilities at Conway Park. Which are essential for the basic provision of linking the development to the rail network. Total cost of the project £200,000 with the developer to fund in full the works and with these works be provided within the initial transport package for the development.

(f) Contribution to the strengthening of rail units in the period up to 2019, prior to the introduction of new Merseyrail rolling stock. It is estimated that increased passenger traffic likely to be generated by the development will require the provision of additional rolling stock units within the service pattern of the Wirral Line and this could occur prior to 2019, dependent upon the development levels during the years 2010 - 2019. The net subsidy cost of an additional three car unit per annum is £250,000. Outline estimates suggest the possible requirement for one additional unit over the next 10 years. Total cost £2,500,000 with the developer to make an appropriate substantial contribution.

(g) A financial contribution to the strengthening of services after 2019 if this is required. Prediction of growth in general passenger loading levels beyond the ten year horizon is difficult, but there is the potential for the development to contribute significantly to a requirement for two further additional units in the period 2019 - 2029, total cost for 10 years operation £5,000,000 with the developer to make a contribution. However, it has to be recognised that there are uncertainties on this time-frame forecast which are dependent upon general patronage growth calculations and the level of development within the East Float area.

2. **Infrastructure to be provided within the Development**

(a) The highway layout for a good, operational bus route through the East float development facilitating two-way operation for full sized buses with the route to be equipped with all the necessary bus infrastructure required to appropriately serve all destinations within the East float area. This facility is deemed as essential infrastructure integral to the development's design, and should be provided as part of the development from a suitable point of construction in the development's initial construction phase.

(b) Full protection of the green transport boulevard and its provision for bus or light rail operation. This is deemed an essential part of the development's initial construction phase.

3. **Birkenhead Bus Station**

(a) Support for suitable improvements to be developed at this location, initially a contribution towards the introduction of new ticket office facilities as part of the Birkenhead Bus Station hub. This action is required to expand the capacity at the bus station in order to allow the bus station to cope with the increased passenger traffic likely to be generated by the development. A contribution from the developer of £150,000 would be suitable to assist with funding the overall capacity enhancements that Merseytravel have identified in this area, which are likely to cost in the region of £600,000. This should form an early part of the development's initial transport provision.

4. **Pump Priming Bus Provision**

Full funding for a period of up to 8 years for the following two bus routes, both services to operate for at least 12 hours per day, 7 days per week.:-

(a) A circular service offering direct links between East float, Birkenhead Park, Conway Park, Central Birkenhead Bus Station and Hamilton Square. Total cost £200,000 pa £1,600,000 for 8 years

(b) A service between East float and Seacombe ferry via the Dock Road element of the Wirral Waters development. Total cost £200,000 pa £1,600,000 for 8 years

Both the above services are essential to link the development to key destinations, including Birkenhead, the Rail Network and Mersey Ferries. As such they would need to be provided as part of the development's initial construction and transportation provision phase.

(c) Financial support for the diversion or enhancement of existing cross-river bus services, to directly operate through the development and provide links to Liverpool City Centre. This is required to expand the direct capacity for cross river travel and optimise person carrying capacity on the limited road space within the Mersey Tunnels. Estimated cost £100,000 pa Total cost £800,000 for 8 years.

5. **Mersey Ferries**

Provision of the above listed bus services together with good pedestrian and cycling links between the development and Seacombe Ferry terminal, which are to be delivered as part of the cycling and walking measures, are essential to facilitate this mode of travel as a cross-river link for the development.

6. **Mersey Tunnels**

(a) Junction and highway improvements as defined by the traffic modelling, presented by the developer would be required to ensure congestion from traffic likely to be generated by the development would not reduce the capacity of the Mersey Tunnels. Estimated total cost £500,000 with the developer to fully fund these measures.

(b) The Introduction of bus priority measures at the Kingsway Tunnel approaches and exits should become a further tool to cope with potential congestion and make bus travel more attractive option for cross river journeys, allowing this mode to expand its carrying capacity as travel demand increases. This should include the potential for a dedicated Bus Only Toll booth in each direction. Total cost £750,000 with the developer to fund in full all the measures.

7. **Travel Plans – Main Development & Construction**

(a) The Formulation and delivery of a dynamic Travel Plan to cover the entire development as it is built out, offering suitable information and ticketing incentives for public transport, to all residents and users of the development. This action is deemed essential to the sustainable progress of the development throughout all stages of its construction.

(b) The Formulation and implementation of a Travel Plan for the construction workers employed upon delivering the East float development. This is required to ensure that the construction phases of the development do not create undue congestion.

17.1.6 All of the above cost estimates are based upon current values at 2010, and should therefore be suitably protected for inflation in terms of the relevant construction values.

17.1.7 It is consequently Merseytravel's view that the developer should be required to make the appropriate contribution to the provision of all the above elements, in order to ensure that these actions, or suitable alternative, interventions are provided to mitigate the impact that the movement levels likely to be generated by the development, would have upon the local public transport network and the operations of the Mersey Tunnels.

17.1.8 Furthermore it is Merseytravel's view that those interventions identified as being required within the initial phase of the development's construction and transportation provision should be put in place during the first five years of significant construction.

18.0 **ENERGY, WASTE AND SUSTAINABILITY**

18.1 In line with the North West Sustainable strategy, Policy EM17 requires that, by 2010 at least 10% (rising to at least 15% by 2015 and 20% by 2020) of the electricity supply in the northwest should be provided from renewable sources. The applicants have advised that they have identified two potential offsite wind turbine locations as well as the use of combined heat and power plant on site that will provide low carbon and later zero carbon electricity.

18.2 Policy EM18 requires strategies that encourage the use of decentralised and renewable (or low-carbon) energy generation in new development. New non-residential developments of 1,000m² and all residential developments comprising 10 or more units should secure at least 10% of their predicted energy requirements from decentralised and renewable or low carbon sources.

18.3 The applicants have advised that an energy Infrastructure strategy has been developed for the East Float cumulating in a sustainable energy infrastructure

system to be developed over a 40 year time scale. The energy infrastructure strategy is based on a hierarchical approach to carbon reduction in line with Government Policy. This includes energy efficiency through improvements to building fabric and systems to reduce the demand for heating, cooling and electricity. Secondly, the improvements in efficiency of the production of both heat and power relative to the grid will be targeted and finally the aim will be to switch primary energy sources from fossil fuels to renewable fuels such as biomass and wind.

- 18.4 The council consider that proposals for waste management and the treatment of energy issues form part of the essential infrastructure of the development. The council requested from the applicant a more detailed practical programme for the development of this infrastructure along with a clear picture of how the high aspiration standards of the scheme will be achieved. The council also recognise that on a scheme of this nature a degree of flexibility will be required and strategies available to the council to be kept under review could help to ensure that planning for waste and energy are taken forward in an integrated way.
- 18.5 The applicants have responded with a sustainability addendum on energy and waste. The additional documents set out the applicant's approach, which is to adopt clear and transparent commitments and outline strategies so that the level of aspiration is understood and agreed by all parties. As part of this approach, Peel have set out a very clear commitment to the achievement of BREEAM Excellent and the Code for Sustainable Homes level 4 standards extending to achieve level 5 and 6 through the course of the development. With regards to the phasing of the development, the applicants advise that the phasing is subject to market and occupier demands. As a more detailed programme for phasing is developed it will incorporate proposed solutions to the infrastructure development,
- 18.6 Peel have advised that they will liaise with the council in producing more detailed documents on both waste and energy strategy solutions post outline consent, but prior to the development of any reserved matters, These will set out how the site wide energy strategy will meet the planning targets in place at the time the buildings become occupied and how this approach fits the overall target to deliver zero carbon development by 2020
- 18.7 To achieve these targets, the council will require the applicant to submit a sustainability statement at each Reserved Matters, illustrating how sustainability has been incorporated within the future proposals. The applicant, together with the Council and other parties such as MEAS and the EA will produce a series of sustainability benchmarks, which will be used to assess future developments and their impacts on the surrounding environment.
- 18.8 The developers of plots of the site will need to complete the benchmarks document and demonstrate that the requisite minimum score has been achieved. This minimum score or "target" score has yet to be set, but will be reflected in the Section 106 agreement.
- 18.9 The document will be filled in to describe how that developer's plot and the units in it are to be built out and the standard must be sufficient to gain the minimum score. This document will be submitted with reserved matters

applications. The areas that are tackled by the sustainability benchmarking include:

- Site Layout – designing out Crime, microclimate effects reduced, green roofs for flood protection
- Open Spaces and landscaping – open play areas, Transport and the Movement Framework – cycle and pedestrian walkways, car clubs;
- Material Procurement – use of recycled materials, wood from sustainable sources, goods brought locally;
- Sustainable Resource Consumption – waste reduction, water reduction and energy during construction, use of local labour;
- Carbon Reduction and Climate Change – use of renewables, use of energy efficiency, use of community heating;
- Waste Management – storage space for recycling, waste management plan for occupants;
- Water efficiency in use.
- Social Enterprise – small starter units in the development, wireless broadband, local training skills for constructors;
- Health and Well-Being – improved air quality and reduced noise pollution;
- Site Management and Evaluation – community development trust set up with budget and local powers;
- Influencing behaviour in use – educational packages to new residents, community centres.

18.10 In relation to Drainage, the applicants have advised that in order to minimise the surface water drainage infrastructure, Sustainable Urban Drainage Systems (SUDS), will be used in appropriate places to attenuate the rainwater run off. The applicants also advise that Green/Brown roofs could be incorporated. This together with the collection of water for recycling and permeable paving, will reduce storm water flows by 50% based on 1:5 year storm event

19.0 DRAINAGE, FLOODING AND WATER COURSES

19.1 The majority of the site is in Environment Agency designated Flood Zone 1 which means that the area has a low risk of flooding. A small area to the south east of the site is located in Flood Zones 2 and 3, which is at a higher risk of flooding. This is designated as such due to tidal flooding

19.2 National planning guidance within PPS25 (Development and Flood Risk) states that flood risk should be considered at all stages of the planning and development process in order to reduce future damage to property or loss of life. The guidance also confirms the importance the Government attaches to the management and reduction of flood risk and encourages a precautionary approach to land use planning taking account of climate change. PPS25 establishes a requirement for the submission of flood risk assessments (FRA) to accompany planning applications in flood risk areas. Such assessments should investigate the possibility of flooding on a development site and whether development will increase the risk of flooding elsewhere. Paragraph 57 of PPS25 states that the susceptibility of land to flooding is a material planning consideration in determining a planning application. The

Environment Agency is referred to as a statutory consultee for developments with flood risk implications.

19.3 **Current Baseline Position**

- 19.3.1 When the planning application was first submitted in December 2009 it was accompanied by a Flood Risk Assessment which also formed a technical appendix to the environmental statement. This assessment confirmed the location of the site. The application site is located around a central dock system. East Float and Vittoria Cock are located on site and a number of Docks exist to the east of the site. West Float is to the west of the site and the culverted River Birket is to the south. The tidal River Mersey.
- 19.3.2 The site is predominantly flat and lies at an elevation of between 5.68 and 7.22 above Ordinance Datum (AOD). The surface across the site is predominantly hard standing.
- 19.3.3 The submitted ES assesses the impact of the Proposed Development on drainage, flooding and water resources. In particular it considers the potential impacts on surface and foul drainage systems, potable water demand, water bodies and flood risk onsite, in the vicinity of and downstream of the Site during the site preparation, construction and operational stages of the Proposed Development.

19.4 **Planning Policy**

- 19.4.1 PPS 23 – Planning and Pollution Control (2004). Annex 1 ‘Pollution Control, Air and Water Quality’ and Annex 2 ‘Development on Land Affected by Contamination’ sets out policies for pollution control to be followed at all stages of planning.
- 19.4.2 PPS 25 – Development and Flood Risk (December 2006) ensures that the Government’s policies on avoiding flood risk and accommodating the impacts of climate change in relation to drainage are implemented in the planning process. This includes the requirement for the preparation of a Flood Risk Assessment for all significant developments over 1 hectare in size. It considers both fluvial and tidal flood.
- 19.4.3 The following Pollution Prevention Guidelines (PPG) have been issued by the EA that are considered to be relevant to this assessment:
- EA, pre 2007. PPG1 ‘General Guidance to the Prevention of Pollution’ (Ref 13.10);
 - EA, October 2007. PPG5 ‘Works or Maintenance in or Near Water’ (Ref 13.11)
 - EA, pre 2007. PPG6 ‘Working at Construction and Demolition Sites’ (Ref 13.12); and
 - EA, March 2009. PPG21 ‘Incident Response Planning’ (Ref 13.13).
- 19.4.4 Other guidance documents considered to be relevant to this assessment include the following:
- Construction Industry Research and Information Association (CIRIA), 2007. CIRIA 697.

- 19.4.5 The SuDS Manual (Ref 13.14) - This guidance provides best practice guidance on the planning, design, construction, operation and maintenance of Sustainable Drainage Systems (SUDS) to facilitate their effective implementation within developments; and EA, 2009.
- 19.4.6 Flood Risk Standing Advice for England (Ref 13.15) - This advice reflects the policy contained in PPS 25 and provides standard information on whether a development is suitable with regards to flood risk. A Flood Risk Assessment (FRA) should be undertaken for all proposed developments which are located in an EA designated Flood Zone 2 or 3.
- 19.4.7 A formal Environmental Scoping Letter was issued to the LA (October 2009) This document identified the impacts that the development will potentially have on surface and foul water drainage, flooding, physical surface water quality and water demand during the site preparation, construction and operational stages of the development.
- 19.4.8 The following lists the relevant potential impacts highlighted within the Environmental Scoping letter which are relevant to both the site preparation, earthworks and construction phases, and the operational phase. The only deviation from the scoping letter is the consideration of fluvial and surface water flooding separately:

19.5 Site Preparation, Earthworks and Construction Phase

- Increase in physical contaminants (i.e. sedimentation) on East & West Float and Alfred Dock resulting from surface water run-off, dewatering activities and dock infilling operations;
- Increase in risk of surface water and drainage flooding on demolition and construction workers;
- Increase in risk of fluvial flooding on demolition and construction workers;
- Increase in risk of tidal flooding on demolition and construction workers; and
- Increase in risk of groundwater flooding on demolition and construction.

19.6 Operational Phase

- Increase in physical contaminants (i.e. sedimentation) on East & West Float and Alfred Dock from surface water run-off;
- Increase in risk of surface water and drainage flooding on future populations and third parties;
- Increase in risk of fluvial flooding on future populations and third parties;
- Increase in risk of tidal flooding on future populations and third parties;
- Increase in risk of groundwater flooding on future populations and third parties;
- An increase in foul drainage and associated sewage treatment works; and
- An increase in demand on potable water supply.

- 19.6.1 A FRA has been completed as part of this assessment.

19.6.2 The potential effects of physical contaminants (sedimentation and contamination) on the Protected Sites within the Mersey Estuary (Mersey Narrows and North Wirral Foreshore proposed Ramsar and potential SPA and the Mersey Estuary SPA) were effectively considered during the assessment for the adjacent Twelve Quays development and through consideration of dilution and sediment recycling effects. Further details on this issue are provided in the Environmental Scoping Letter

19.6.3 The study area for drainage, flooding and water resources encompasses the East Float water body and land adjacent to this, and sensitive receptors within close proximity downstream of the Site including the River Mersey estuary and the docks and locks in between the river and the Site.

19.7 **Ground Conditions, Hydrogeology and Contamination.**

19.7.1 The Site is located around an inland dock system. The East Float surface water feature is located on-site and comprises a central dock channel which extends across the northern and eastern sections of the Site. Vittoria Dock is located in the southern section of the Site, separated from the main channel by a peninsula of land.

19.7.2 West Float is located adjacent to the western boundary of the Site and is directly connected with East Float via a bascule bridge.

19.7.3 Alfred Dock is located adjacent to the northeast of the Site and is separated from the East Float basin by the Alfred East Float Passage Gate under a bascule bridge on Tower Road.

19.7.4 The River Mersey is located approximately 500m to the east of the Site, beyond Albert Dock, and flows in a northerly direction. The Mersey is tidally influenced in this location. The Irish Sea is located approximately 2km north of the Site.

19.7.5 The dock area is protected by the two Alfred Dock lock gates, which are located between Alfred Dock and the River Mersey. They comprise double gates allowing for access in high and low tides.

19.7.6 Wallasey Dock Way is located adjacent to the east of the Site and was in filled in 2001. Two 3m x 3m culverts are located between East Float and a pumping station on the River Mersey side of Wallasey Dock.

19.7.6 Egerton Dock is located adjacent to the southeast of the Site with Morpeth Dock beyond this. A causeway closes off Morpeth Dock from the River Mersey. Sluices connect Egerton Dock with East Float however these are usually closed.

19.7.7 The River Birket, which flows in an easterly direction through the North Wirral, becomes culverted approximately 1.5km to the west of the Site. At this point the river enters a culvert known as the Great Culvert at the Bidston Control House (maintained by the EA) near the intersection of Wallasey Bridge Road and Beaufort Road. Under normal conditions the river flows along this culvert before being diverted by the United Utilities (UU) Great Culvert Diversion Chamber into the West Float dock, via the UU Great Culvert Pumping Station.

- 19.7.8 The Port of Liverpool has confirmed that water level in the docks is maintained at 10m above chart datum, which corresponds to 5.07mAOD. These levels vary by $\pm 0.5\text{m}$. The water level is maintained by a combination of 'natural' water flows entering the dock system such as surface water and river flows (the most significant being the Great Culvert diversion into the West Float) and the impounding system which pumps water into the dock system from the Mersey Estuary using four pumps.
- 19.7.9 The highest astronomical tide for the Mersey is 5.47mAOD; however, meteorological conditions will further affect this level. On the occasions during which tide elevations exceed 5.07mAOD the Alfred Dock gates are pushed open by positive differential pressure between the River Mersey and the docks.
- 19.7.10 The top of each lock gate is at a level of 6.57m AOD.
- 19.7.11 The impounding system comprises a series of intake culverts, a pumping station adjacent to the river wall at Twelve Quays, a surge basin and outfall culvert. There are four pumps each capable of pumping 8m^3 per second and the two outfall culverts each have a cross section of $3\text{m} \times 3\text{m}$.
- 19.7.12 On a typical day three of the pumps will be run up to three hours either side of each high tide to bring the dock water level up to the predetermined level for that day. An approximate calculation of total daily volume of water pumped into the docks from the Mersey, taking conservative values, could be $518,000\text{m}^3$. This equates to 6m^3 per second when considered over a 24 hour period.
- 19.7.13 Flows from the River Birket are not known in detail but given the size of the pipe which discharges into the dock system (via West Float) a typical flow of 2m^3 per second is likely.
- 19.7.14 The only calculable flow of water out of the dock system is that used in the operation of the lock gates at Alfred River Entrance. When the lock is refilled this uses water from within the dock system. The lock is approximately 130m long and 29m wide. When the lock is filled there is typically a difference of 4m between river level and dock level, requiring a water volume of approximately $15,000\text{m}^3$. Assuming two lock operations per day water loss from the dock is in the region of $30,000\text{m}^3$ per day, averaging 0.35m^3 per second.
- 19.7.15 Water will also be flowing from the dock system into the surrounding ground through both the dock walls and the bed of the dock. There is no record of any attempts being made to prevent the outward flow of impounded water and previous work has revealed that groundwater levels close to the dock walls are similar to the impounded dock level, suggesting there is high hydraulic connectivity.
- 19.7.16 On infrequent occasions the docks at Morpeth and Egerton are topped up from the Birkenhead Docks. This is typically done around once per year and the quantities are normally in the region of $30,000\text{m}^3$ and so are considered negligible.
- 19.7.17 Water can flow naturally into the dock system if the water level in the river is such that it can force open the lock gates.

- 19.7.18 No EA water quality data is available on their website (Ref 13.26) for East Float. However, due to the nature of former land uses associated with the Site water quality is unlikely to be good.
- 19.7.19 During normal dock operations significant volumes of water are impounded into the dock system via a set of pumps from the River Mersey. This water is 'recycled' back to the Mersey via the Alfred Basin and Alfred locks into the massive water body of the Mersey. In previous studies it has been shown that the diluting effect of the discharge of water rendered insignificant any effects on the River Mersey from the existing contaminants or sediments as a result of construction activity.
- 19.7.20 UU sewer plans presented in the Appendix show that there are a number of public sewers in the vicinity of the Site: Foul and surface water sewers exist to the east of the Site around Tower Road; combined private sewer running northwest to southeast along Corporation Road. This is known as the Great Culvert and is the primary surface water sewer for the south of the Site. The flow also comprises combined sewerage from the Birkenhead area including discharge from the Fender Valley sewer.
- 19.7.21 A number of recent upgrades have been completed to reduce the volume of wastewater treated at Shore Road WwTW and therefore discharged to the River Mersey. These include a new pumping station operated by UU which is installed at the corner of Buccleuch Street and Beaufort Road and a Diversion Chamber on the River Birket to pump base flows directly to the West Float.

19.8 Risk of Surface Water and Foul Drainage Flooding

- 19.8.1 The Site and majority of the surrounding land is relatively flat. Any overland flow that did flow into or out of the Site would currently follow the line of least resistance and follow natural topography.
- 19.8.2 The surrounding roads are likely to have associated surface water drains that will help to minimise surface water flooding. Any flows resulting from surcharging of the drainage or sewer system during extreme rainfall events are unlikely to impact the Proposed Development due to the topography of the land. Any surcharging that did occur would be short term, relatively shallow in depth and would pass through the Site following the natural topography.
- 19.8.3 UU have records of flooding of the sewer system in the vicinity of the Site. However, it is not known where these locations are. Considering the surrounding topography and land uses and that the Port of Liverpool have no records of flooding in the docks, the risk of flooding from overland flow is considered to be low. However, residual risk still remains but only for extreme events.

19.9 Risk of Fluvial Flooding

- 19.9.1 Fluvial flows in the River Mersey in proximity to the Site comprise around 1% of tidal flows, as such the EA have not modelled fluvial flows on the Mersey and the flood risk from this water course can therefore be solely assessed based on its tidal characteristics rather than fluvial.

19.9.2 At times of high flow in the River Birket, excess flow beyond that which normally is diverted into the West Float is currently channelled down the Great Culvert private sewer on the southern boundary of the Site.

19.9.3 The Strategic Flood Risk Assessment states that according to the EA (fluvial) Flood Zone 3 outline there is a large area at a high probability of flooding arising from the River Birket covering significant parts of the quayside and hinterland adjacent to the southern West Float and parts of the southern East Float. Adjacent to East Float, areas potentially lying within Flood Zone 2 and 3 are located between Corporation Road to the north and Price Road to the south and Marshall Street to the west and Vittoria Street to the east. These areas lie outside of the red line boundary of the Site. The Strategic Flood Risk Assessment also states that these flood outlines are anomalous and will be subject to further checks by the EA.

19.10 Risk of Tidal Flooding

19.10.1 Reference to EA Flood Zone maps and further topographical survey work confirms that the majority of the Site is in EA designated Flood Zone 1. A small area to the southeast of the Site is located in Flood Zones 2 and 3. Additionally, the existing water bodies of the docks themselves are in Flood Zone 3. The flood zones comprise land assessed as having the following probability of flooding:

- Flood Zone 1 – a 1 in 1000 annual probability of river or sea flooding in any year (<0.1%);
- Flood Zone 2 – between a 1 in 100 and 1 in 1000 annual probability of river flooding (1% to 0.1%) or between a 1 in 200 and 1 in 1000 annual probability of sea flooding (0/5 to 0.1% in any year); and
- Flood Zone 3 - a 1 in 100 or greater annual probability of river flooding (>1%) or a 1 in 200 or greater annual probability of flooding from the sea (>0.5%) in any year.

19.10.2 Although the EA, Port of Liverpool and WMBC confirmed that they hold no record of the Site having flooded in the past, the EA consider the Site to remain at risk of flooding.

19.10.3 Modelled flood levels in East Float and the docks are predominantly governed by tidal levels in the River Mersey. Within the Wirral Waters Flood Risk and Drainage Strategy (Waterman, 2009, Ref 13.23), it states that extreme tidal flood levels, based on the Wirral ABD (Areas Benefitting from Defences) Report of 2008, are:

- 6.26 m for the 1 in 200 year flood event; and
- 6.51 m for the 1 in 1000 year flood event.

19.10.4 Although not formally recognised as flood defence measures, the top of the lock gates currently offer some protection from tidal flooding and are at a level of 6.57 m AOD. This is above the current predicted 1 in 1000 year flood level for the Site. The lock gates are however currently susceptible to opening under positive differential pressure when the River Mersey is higher than the Alfred Dock.

19.10.5 The Strategic Flood Risk Assessment states that 'although marginal, it is thought unlikely that a 0.5% annual probability tidal event would overtop the

Mersey frontage to flood the dockland area. Waters are confined by the dock walls and tidal flow is prevented from entering the docks from the River Mersey by lock gates. As a result, much of the land area within the Wirral Waters character area is designated as at low probability of tidal flooding'.

19.10.6 On the occasions during which the tidal water level in the Mersey exceeds the water elevation in the docks the lock gates are pushed open by the positive differential pressure. This is a normal process and has not given rise to tidal flooding to date. The lock gates are also significantly lower than the adjacent river walls so there is no suggestion the wall will be overtopped under these circumstances.

19.10.7 Within the Wirral Waters Flood Risk and Drainage Strategy, it states that the Environment Agency have advised that an allowance for the potential effects of climate change must be taken into account, in line with PPS 25.

19.11 Risk of Groundwater Flooding

19.11.1 The CAMS) document states that The Lower Mersey catchment has had a long history of heavy groundwater abstraction mainly for public water supply and industry. This over abstraction lowered groundwater levels well below surface and sea level, including the coastal strip around Liverpool.

19.11.2 As industrial and public water supply demand for groundwater is declining in the area, groundwater abstractions are reducing and as a consequence groundwater is starting to rebound. The Strategic Flood Risk Assessment indicates that groundwater levels cross the Wirral are increasing. This may give rise to localised flooding in the future.

19.11.3 The EA therefore aim to strike a balance between preventing saline intrusion from over abstraction and to protect the public from the risk of groundwater flooding by allowing controlled abstraction. They are continuing to study the groundwater in this area to understand the hydrogeology and the extent of groundwater rebound.

19.11.4 UU provides the water supply in the northwest of England. The Site is located within UU's integrated Resource Zone serving a 6.5 million population in south Cumbria, Lancashire, Greater Manchester, Merseyside and most of Cheshire.

19.11.5 The following sensitive receptors have been identified in relation to drainage, flooding and water resources at the Site:

- Demolition and construction workers - these potential receptors are considered to be of high sensitivity due the possible severity that an impact could have on human health if potential risks are not appropriately managed.
- Future residents and users of the Site - these potential receptors are considered to be of high sensitivity due the possible severity that an impact could have on human health if potential risks are not appropriately managed.
- Surface water bodies onsite and downstream of the Site including East Float and the encompassing dock system (onsite) and the River Mersey (500m from the Site) – the surface water quality of these water bodies is

currently poor but measures should be put in place with the aim of improving this. On this basis, and due to their proximity, the sensitivity of the surface water bodies in the vicinity of the Site is considered to be medium.

- Utilities infrastructure – there are a number of combined sewers in the vicinity of the Site and two WwTW are located adjacent to the Site which manage drainage and sewage from the surrounding area. The sensitivity of the drainage and sewerage network is considered to be medium.
- Potable water supply resources - UU predict that there will not be a shortfall in water supplies between supply and demand in the vicinity of the Site until 2022; they are considering potential measures of ensuring supply after this date. Therefore the sensitivity of this receptor is considered to be medium.

19.11.6 Based on the available baseline data presented above, it is considered that the following significant risks may be associated with the Proposed Development:

- Reduction in surface water quality;
- Increased flood risk;
- Insufficient capacity of foul discharge utility infrastructure; and
- Over demand for potable water supply.

19.11.7 Should the Proposed Development not proceed it is considered that the future baseline conditions in relation to drainage, flooding and water resources would remain relatively unchanged. It is anticipated that the current baseline drainage conditions would remain approximately the same, as would the potable water demand providing development does not take place elsewhere in the water supply region.

19.11.8 In the longer term the risk of tidal flooding at the Site and further inland (on land adjacent to West Float) and the risk of fluvial and surface water flooding at the Site may increase with the effects of climate change due to raised sea levels and increased frequency extreme rainfall events.

19.11.9 Due to the length of the proposed construction phase and that detailed construction phase information has not been provided to date, the construction phase impacts have been considered to be long term impacts.

19.11.10 Increase in physical contaminants on surface water (e.g. from surface water run-off, dewatering activities and dock filling operations)

19.11.11 Key potential surface water receptors include East Float, and subsequently West Float and the River Mersey. The impact on ecological receptors in the vicinity of an increase in physical contaminants has been scoped out

19.11.12 Current water quality in East and West Float is considered to be low, and significant volumes of sediment are currently impounded into East Float when water enters from the River Mersey to raise dock water levels.

19.11.13 During the site preparation, earthworks and construction phase of the Proposed Development there will be a number of activities which could reduce surface water quality with respect to physical contaminants. These include:

- Demolition of existing buildings/structures (including internal/external stripping) and associated site clearance;
- breaking out of existing ground slabs;
- processing of aggregates from demolition rubble and arisings for reuse or removal from site (including crushing and screening);
- Materials handling, storage, stockpiling, spillage and disposal;
- Earthworks involving manipulation of ground levels and reengineering of existing made ground as necessary;
- Excavation and foundation construction within the Site (including such activities within the base of the dock) and site preparation. Foundation techniques will include piling;
- Construction of areas of Dock infill/reclamation if required to facilitate building construction;
- Land reclamation;
- Installation of temporary and permanent infrastructure and roads and haul routes;
- Construction of proposed buildings;
- Construction of drainage runs and utilities duct runs;
- Formation of public spaces, public realm and associated restoration and landscaping; and
- Movement and use of static and mobile plant/construction vehicles;

19.11.14 The demolition and construction activities may lead to the disturbance and mobilisation of physical contaminants (i.e. dust, sediments, and muds). In particular during periods of heavy rainfall, vehicle movements resulting in damage to soil structure may generate increased sedimentation within surface runoff.

19.11.15 In addition, during periods of dry, windy weather wind blown dusts generated by the demolition of buildings and excavation of soils have the potential to directly reduce the quality of surface water features.

19.11.16 As outlined within East Float Neighbourhood Parameter Plans and Principles, a number of areas are to be reclaimed from the dock and infilled as part of the Proposed Development. Buildings and potential underground car parking within the dock are to be constructed on either side of the main channel in the northwest of the Site. The channel will remain wide enough to allow boats to continue to access West Float .Potential underground car parking is also proposed beneath Vittoria Dock in the south of the Site. Vittoria Dock will remain covered by 1 to 1.5m of water and it will essentially form an enclosed water body.

19.11.17 It is assumed that the areas to be in-filled within the dock will be sectioned off so that the main channel can continue to be used, and that these areas will be pumped dry during construction. The water pumped out may contain high levels of sediment and the construction activities themselves may lead to the mobilisation of physical contaminants.

19.11.18 These activities may result in sediments directly or indirectly entering surface water features, impacting on the physical, chemical and biological quality of the surface water receptors in the surrounding area.

19.11.19 The volume of sediment from construction activities anticipated to reduce surface water quality is considered to be very minimal compared to that which is currently impounded from the River Mersey into the docks.

19.11.20 The sensitivity of surface water receptors in the vicinity (outlined above) to physical contaminants is medium and the magnitude of change, prior to mitigation, is low. Hence, there is likely to be a direct, temporary, long-term effect on surface water receptors of minor negative significance prior to the implementation of mitigation measures.

19.12 Mitigation

19.12.1 Prior to the commencement of the construction phases, site run-off will be controlled to mitigate both flood risks and sediment loading. At this time the proposed drainage strategy for the construction stage of the development has not been developed. It is understood that this will be addressed during the detailed design stage.

19.12.2 It is assumed that site run-off will be collected and directed through the drainage system and attenuated onsite prior to discharge ensuring the protection of water quality in receiving water bodies from increased sediment load.

19.12.3 A variety of good environmental site practices will be implemented to avoid or minimise impacts at the source. Such measures include, but are not limited to, the following:

- Working areas shall be clearly defined to ensure the disturbance of soils is minimised, where possible;
- Haul routes and accesses shall be clearly defined to minimise the risk of accidents; and
- Implementation of a phased temporary drainage network in line with construction phasing to prevent sediment laden surface run-off from leaving the Site or entering surface water such as East Float.

19.12.4 Measures may include:

- The cleaning of vehicle wheels prior to leaving site;
- Controlled and covered waste storage areas;
- Dust suppression (i.e. damping down);
- Provision of environmental awareness training for site workers;
- Adopting the EA Pollution Prevention Guidelines (outlined below); and
- Installation of systems such as silt traps and swales designed to trap silty water including adequate maintenance and monitoring of these to ensure effectiveness, particularly after adverse weather conditions.

19.12.5 The position and extent of working areas shall reflect the sensitivity of surrounding areas and works being carried out. The contractor shall appraise the suitability of such working areas in this respect as part of working method statements.

19.12.6 Sediment contained in water pumped from areas to be in-filled in the dock during construction will be allowed to settle so that sediment free water can be discharged to the River Mersey. Discharge licenses will be sought from the EA under the terms of the Water Resources Act 1991.

19.12.7 Best practice recommendations for the prevention of contamination will be outlined in more detail in a Construction Environment Management Plan (CEMP) or equivalent, which will be developed and agreed with WMBC, prior to construction commencing.

19.13 **Residual Effects**

19.13.1 The sensitivity of surface water receptors in the vicinity to physical contaminants is medium and the magnitude of change, following mitigation, is negligible. Therefore, there is likely to be a negligible effect on surface water receptors following the implementation of mitigation measures.

19.13.2 Increase in risk of surface water and drainage flooding (on demolition and construction workers)

19.13.3 Surface water and drainage flooding, especially after extreme rainfall events, has the potential to harm construction workers on-site if it is received in large volumes, particularly if they are working in excavations which have the potential to fill with water.

19.13.4 Any overland flow that did flow into or out of the Site would currently follow the line of least resistance and follow natural topography. It is expected that surface water run-off currently flows into the dock system.

19.13.5 During the overall construction phase, the extent of hard standing surface cover is not likely to increase as the Site is currently predominantly covered by hard standing. The proportion of hard standing is in fact likely to reduce and the proportion of bare soil increase as each of the construction phases is completed. This is therefore likely to result in an increased rate of rainfall infiltration and a decreased volume of surface water run-off.

19.13.6 Any flows resulting from surcharging of the drainage or sewer system during extreme rainfall events would be short term, relatively shallow in depth and would pass through the Site following the natural topography.

19.13.7 The sensitivity of demolition and construction workers to surface water and drainage flooding at the Site is high and the magnitude of change should this occur, prior to mitigation, is low. Therefore, there is likely to be a direct, permanent, long-term effect on demolition and construction workers of minor to moderate negative significance prior to the implementation of mitigation measures.

19.14 **Mitigation**

19.14.1 Prior to the commencement of each construction phase, site surface run-off will be controlled to mitigate flood risks as discussed in the sediment loading section above. At this time the proposed drainage strategy for the construction stage of the development has not been developed. It is understood that this will be addressed during the detailed design stage.

19.15 **Residual Effects**

19.15.1 Management of surface water run-off and drainage flooding during construction activities will reduce the flooding risks below their current level.

19.15.2 The sensitivity of demolition and construction workers to surface water and drainage flooding at the Site is high and the magnitude of change should this occur, following mitigation, is negligible. Therefore, there is likely to be a negligible effect on demolition and construction workers following the implementation of mitigation measures.

19.16 Increase in risk of fluvial flooding (on demolition and construction workers)

19.16.1 Should fluvial flooding occur, the consequences to demolition and construction workers would be similar to the surface water run-off section above.

19.16.2 The Strategic Flood Risk Assessment states that adjacent to East Float, areas potentially lying within Flood Zone 2 and 3 are located between Corporation Road to the north and Price Road to the south and Marshall Street to the west and Vittoria Street to the east. These areas lie outside of the red line boundary of the Site. The Strategic Flood Risk Assessment also states that these flood outlines are anomalous and will be subject to further checks by the Environment Agency.

19.16.3 The sensitivity of demolition and construction workers to fluvial flooding at the Site is high and the magnitude of change should this occur, prior to mitigation, is low. Therefore, there is likely to be a direct, permanent, long-term effect on demolition and construction workers of minor negative significance prior to the implementation of mitigation measures.

19.17 Mitigation

19.17.1 Owing to the strategic nature of the outline planning permission and the need for further phased Flood Risk Assessments through detailed implementation, the outline permission will establish the overall principle of major mixed-use development as per the submitted parameters and principles. It will not establish detailed design/engineering mitigation and future management requirements in respect of flood risk.

19.17.2 These will be agreed on a phased basis through further Flood Risk Assessments and consultation with the Environment Agency via the Reserved Matters process. Planning conditions will be consulted upon and agreed between the development, the Local Planning Authority and the Environment Agency prior to the grant of outline permission

19.18 Residual Effects

19.18.1 The sensitivity of demolition and construction workers to fluvial flooding at the Site is high and the magnitude of change should this occur, following mitigation, is negligible. Therefore, there is likely to be a negligible effect on demolition and construction workers following the implementation of mitigation measures.

19.19 Increase in risk of tidal flooding (on demolition and construction workers)

- 19.19.1 The majority of the Site is located in Flood Zone 1. A small area to the southeast of the Site is located in Flood Zones 2 and 3. Additionally, the existing water bodies of the docks themselves, some parts of which are proposed for infill and development, are in Flood Zone 3. These are designated as flood risk areas due to the tidal effects of the River Mersey.
- 19.19.2 Water levels in East Float are maintained at a consent level and are controlled by the use of the two locks in Albert Dock and a series of pumps.
- 19.19.3 On the occasions during which the tidal water level in the Mersey exceeds the water elevation in the docks the lock gates are pushed open by the positive differential pressure. This is a normal process and has not given rise to tidal flooding to date. The lock gates are also significantly lower than the adjacent river walls so there is no suggestion that the walls will be overtopped under these circumstances.
- 19.19.4 Ground levels on site range from 5.68 m AOD to 7.22 m AOD, indicating that small parts of the Site would be susceptible to flooding from the 1 in 200 year (6.26m AOD) and 1 in 1000 year (6.51m AOD) flood events.
- 19.19.5 Although not formally recognised as flood defence measures, the top of the lock gates offer some protection from tidal flooding and are at a level of 6.57 m AOD. This is above the current predicted 1 in 1000 year flood level for the Site.
- 19.19.6 The sensitivity of demolition and construction workers to tidal flooding at the Site is high and the magnitude of change should this occur, prior to mitigation, is low. Therefore, there is likely to be a direct, permanent, long-term effect on demolition and construction workers of minor negative significance prior to the implementation of mitigation measures.

19.20 Mitigation

- 19.20.1 Demolition and construction workers on-site will be made aware of risks during the construction phases and contingency and evacuation plans for any risk will be prepared and the information provided to all workers on-site. Early warning systems will also be put in place to enable evacuation of areas at risk.
- 19.20.2 Owing to the strategic nature of the outline planning permission and the need for further phased Flood Risk Assessments through detailed implementation, the outline permission will establish the overall principle of major mixed-use development as per the submitted parameters and principles. It will not establish detailed design/engineering mitigation and future management requirements in respect of flood risk.
- 19.20.3 These will be agreed on a phased basis through further Flood Risk Assessments and consultation with the Environment Agency via the Reserved Matters process. Planning conditions will be consulted upon and agreed between the development, the Local Planning Authority and the Environment Agency prior to the grant of outline permission.

19.20.4 The sensitivity of demolition and construction workers to tidal flooding at the Site is high and the magnitude of change should this occur, following mitigation, is negligible. Therefore, there is likely to be a negligible effect to demolition and construction workers following the implementation of mitigation measures.

19.21 Increase in risk of groundwater flooding (on demolition and construction workers)

19.21.1 Groundwater levels at the Site are expected to be intrinsically linked to those in the docks and are consequently tidally influenced. Therefore groundwater will be shallow and has the potential to ingress ground excavations and foundations creating health and safety risks to demolition and construction workers.

19.21.2 As outlined within East Float Neighbourhood Parameter Plans and Principles, development is also proposed for the base of the docks in certain locations at the Site. This may also involve excavations susceptible to groundwater ingress.

19.21.3 The sensitivity of demolition and construction workers to groundwater flooding at the Site is high and the magnitude of change should this occur, prior to mitigation, is medium. Therefore, there is likely to be a direct, temporary, long-term effect on demolition and construction workers of moderate negative significance prior to the implementation of mitigation measures.

19.22 Mitigation

19.22.1 Groundwater levels will be monitored during excavations. Dewatering measures will be employed if necessary. Should dewatering be required, abstraction and discharge licenses will be sought from the EA under the terms of the Water Resources Act 1991.

19.23 Residual Effects

19.23.1 The sensitivity of demolition and construction workers to groundwater flooding at the Site is high and the magnitude of change should this occur, following mitigation, is negligible. Therefore, there is likely to be a negligible effect to demolition and construction workers following the implementation of mitigation measures.

19.24 Operational Phase --Impact of Increase in Physical Contaminants (i.e. sedimentation) on Surface Water (from surface water runoff)

19.24.1 The key potential surface water receptors in the vicinity of the Site include East Float, and subsequently West Float and the River Mersey. Current water quality in East and West Float is considered to be low and significant volumes of sediment are currently impounded into East Float from the River Mersey.

19.24.2 During the operational phase the potential for sediment entrainment in surface water run-off is anticipated to decrease from that anticipated in the construction phase. However, there is still the potential for surface water run-off over hardstanding and landscaping areas to entrain sediment and

discharge in to surface water receptors, reducing the physical, chemical and biological quality.

19.24.3 The impact of sediment entrainment in East Float is considered to be a temporary impact as the water body is routinely dredged and it is assumed that this will continue during the operational phase.

19.24.4 The sensitivity of surface water receptors in the vicinity to physical contaminants is medium and the magnitude of change, prior to mitigation, is low. Therefore, there is likely to be a direct, permanent, long-term effect on surface water receptors of minor negative significance prior to the implementation of mitigation measures.

19.25 **Mitigation**

19.25.1 The Sustainability Strategy discusses the importance of determining the existing water quality in the docks and monitoring this over the long term, with measures put in place to ensure that water quality is not adversely affected, and where possible is enhanced.

19.25.2 Although the proposed drainage strategy has not yet been finalised, surface water will be collected on-site within the new drainage system and physical contaminants will be attenuated to an acceptable concentration before the water is discharged directly to East Float or to the East Float and River Mersey via the drainage network and WwTW.

19.26 **Residual Effects**

19.26.1 The sensitivity of surface water receptors in the vicinity to physical contaminants is medium and the magnitude of change, following mitigation, is negligible. Therefore, there is likely to be a negligible effect to surface water receptors following the implementation of mitigation measures.

19.26.2 Increase in flood risk as a result of increased surface water run-off (to future populations and third parties)

19.26.3 Following completion of the Proposed Development, the surface cover at the Site is expected to be predominantly impermeable; however, there will also be areas of landscaping and green space. The Site is currently covered with impermeable surface materials and therefore the typical volumes of surface run-off are likely to decrease following development and flood risk should not increase. However, more vulnerable land uses (particularly residential) are included in the development plans for the Site and therefore surface water flooding risks should be minimised at the Site.

19.26.4 Drainage strategies for new developments must also allow for an increase in rainfall intensities of 30% in line with PPS 25. The EA aspires to reduce the rate of surface water discharge from new developments for any given storm event and specifies that the drainage system should be designed to control runoff for up to the 1 in 100 year rainfall event.

19.26.5 Should surface water flooding occur at the Site the impact would be greatest on the health and safety of residents at the Site, but would also impact other users of the Site.

19.26.6 The sensitivity of future populations and third parties to surface water flooding at the Site is high and the magnitude of change should this occur, prior to mitigation, is low. Therefore, there is likely to be a direct, permanent, long-term effect on future populations and third parties of minor negative significance prior to the implementation of mitigation measures.

19.27 **Mitigation**

19.27.1 Although not finalised to date, it is proposed that the surface water drainage strategy for the Proposed Development is to mimic existing conditions and will incorporate measures to reduce surface water run-off. The drainage strategy will be designed in consultation with UU, EA and WMBC.

19.27.2 Finished site levels, where possible, will be engineered to provide positive drainage and prevent ponding. Gradients of external areas will be designed to fall away from buildings, such that any overland flow resulting from extreme events will follow the line of least resistance, follow natural topography and be channelled away from the entrances. The accumulation of standing water will therefore not occur and thus not pose a risk.

19.27.3 Any water discharged into the docks should be uncontaminated surface water to avoid deterioration of water quality in this water body. Hence oil interceptors would be included within the drainage design for car parking areas and physical contaminants will be removed as stated in the physical contaminants impact section above.

19.28 **Residual Effects**

19.28.1 The Proposed Development should not increase flood risk (associated within increased surface water run-off) at the Site providing that the suggested mitigation measures are implemented.

19.28.2 The sensitivity of future populations and third parties to surface water flooding at the Site is high and the magnitude of change should this occur, following mitigation, is negligible. Therefore, there is likely to be a negligible effect on future populations and third parties following the implementation of mitigation.

19.29 **Increase in risk of fluvial flooding (to future populations and third parties)**

19.29.1 As stated in the fluvial flooding impact section for the construction phase, the fluvial flood risk at the Site is considered to be very low. The fluvial flood risk from the River Birket at the Proposed Development itself should not increase initially in the operational phase. However, over time the risk of fluvial flooding in most areas in the UK is anticipated to increase with climate change due to an increased frequency of extreme rainfall events.

19.29.2 Should fluvial flooding occur at the Site the impact would be greatest on the health and safety of residents at the Site but would also impact other users of the Site.

19.29.3 The sensitivity of future populations and third parties to fluvial flooding at the Site is high and the magnitude of change should this occur, prior to mitigation,

is low. Therefore, there is likely to be a direct, permanent, long-term effect on future populations and third parties of minor negative significance prior to the implementation of mitigation measures.

19.30 **Mitigation**

19.30.1 Owing to the strategic nature of the outline planning permission and the need for further phased Flood Risk Assessments through detailed implementation, the outline permission will establish the overall principle of major mixed-use development as per the submitted parameters and principles. It will not establish detailed design/engineering mitigation and future management requirements in respect of flood risk.

19.30.2 These will be agreed on a phased basis through further Flood Risk Assessments and consultation with the Environment Agency via the Reserved Matters process. Planning conditions will be consulted upon and agreed between the development, the Local Planning Authority and the Environment Agency prior to the grant of outline permission.

19.31 **Residual Effects**

19.31.1 The sensitivity of future populations and third parties to fluvial flooding at the Site is high and the magnitude of change should this occur, following mitigation, is negligible. Therefore, there is likely to be a negligible effect on future populations and third parties following the implementation of mitigation measures.

19.32 **Increase in risk of tidal flooding (to future populations and third parties)**

19.32.1 In addition to the buildings and public realm located at ground level and above, there are likely to be some underground car parking areas and accesses to them within in-filled dock areas. These would be at levels beneath the dock water level.

19.32.2 The potential exists, albeit very small, for fluvial and tidal flooding to occur concurrently.

19.32.3 The health and safety of future residents and users of the Site in the operational phase may be compromised during tidal flood events and they must have safe access and egress.

19.33.4 The sensitivity of future populations and third parties to tidal flooding at the Site is high and the magnitude of change should this occur, prior to mitigation, is high. Therefore, there is likely to be a direct, permanent, long-term effect on of future populations and third parties of major negative significance prior to the implementation of mitigation measures.

19.34 **Mitigation**

19.34.1 Owing to the strategic nature of the outline planning permission and the need for further phased Flood Risk Assessments through detailed implementation, the outline permission will establish the overall principle of major mixed-use development as per the submitted parameters and principles. It will not

establish detailed design/engineering mitigation and future management requirements in respect of flood risk.

19.34.2 These will be agreed on a phased basis through further Flood Risk Assessments and consultation with the Environment Agency via the Reserved Matters process. Planning conditions will be consulted upon and agreed between the development, the Local Planning Authority and the Environment Agency prior to the grant of outline permission.

19.35 **Residual Effects**

19.35.1 The sensitivity of future populations and third parties to tidal flooding at the Site is high and the magnitude of change should this occur, following mitigation, is low. Therefore, there is likely to be a direct, permanent, long-term effect on of future populations and third parties of minor negative significance following the implementation of mitigation measures.

19.36 **Increase in risk of groundwater flooding (to future populations and third parties)**

19.36.1 As industrial and public water supply demand for groundwater is declining in the area, groundwater abstractions are reducing and as a consequence groundwater is starting to rebound in the East Wirral area. This has the potential to create localised flooding.

19.36.2 Although the Site is underlain by a Major Aquifer (Sherwood Sandstone), this is overlain by relatively impermeable superficial deposits (Boulder Clay, Non Aquifer) which would reduce the potential for groundwater to breach ground level.

19.36.3 Locally on-site, groundwater levels are expected to be intrinsically linked to water levels in the docks and this is considered to be the most significant influence on groundwater levels. Therefore local groundwater elevations should not be significantly influenced by regional rises.

19.36.4 The EA are continuing to investigate rising groundwater elevations in the region.

19.36.5 The sensitivity of future populations and third parties to groundwater flooding at the Site is high and the magnitude of change should this occur, prior to mitigation, is low. Therefore, there is likely to be a direct, permanent, long-term effect on future populations and third parties of minor negative significance prior to the implementation of mitigation measures.

19.37 **Mitigation**

19.37.1 During anticipated ground investigations to support foundation design, groundwater will also be monitored to determine elevations and flow direction. Updated information will also be sought from the EA on groundwater elevations during the detailed design phases.

19.37.2 The building design will take into account the potential rising groundwater levels, including water resilient basement structures.

19.38 Residual Effects

19.38.1 The sensitivity of future populations and third parties to groundwater flooding at the Site is high and the magnitude of change should this occur, following mitigation, is negligible. Therefore, there is likely to be a negligible effect on future populations and third parties following the implementation of mitigation measures.

19.39 Increase in Foul Drainage and Associated Sewage Treatment Works

19.39.1 The foul drainage currently comprises a number of sewers around and on the Site which are operated by UU. The drainage ultimately runs to the Shore Road WwtW near the Morpeth Dock which discharges treated effluent and screened storm water to the dock at low water mark and the River Mersey.

19.39.2 A number of recent upgrades have been completed to reduce the volume of wastewater treated at Shore Road WwtW and therefore discharged to the River Mersey. These include a new pumping station operated by UU which was installed at the corner of Buccleuch Street and Beaufort Road and a Diversion Chamber on the River Birket to pump base flows directly to the West Float.

19.39.3 Due to the size and nature of the Proposed Development there will be a significant increase in the volume of foul water discharge from the Site which could exceed the capacity of the existing utility infrastructure.

19.39.4 The FRA states that based on the maximum quantum of uses across the Site, the Proposed Development will produce an estimated dry weather foul drainage flow of 150 l/s.

19.39.5 The sensitivity of the foul drainage and sewerage network to increases in foul drainage at the Site is medium and the magnitude of change, prior to mitigation, is medium. Therefore, there is likely to be a direct, permanent, long-term effect on the foul drainage and sewerage network and therefore future populations and third parties of moderate negative significance prior to the implementation of mitigation measures.

19.40 Mitigation

19.40.1 UU has stated during consultation that of the Site should take place with separate systems for foul and surface water drainage.

19.40.2 The foul drainage system for the Site has not been finalised to date and it is understood that this will be addressed on a phase by phase basis and during the appropriate detailed design stages. It is anticipated that this will include measures for minimising foul drainage in combination with measures for minimizing water use as discussed in the next impact section.

19.40.3 The foul drainage system will be designed in collaboration with UU and measures will be put in place should UU's current foul drainage network capacity not be deemed sufficient for the Proposed Development.

19.41 Residual Effects

19.41.1 The sensitivity of the foul drainage and sewerage network to increases in foul drainage at the Site is medium and the magnitude of change, following mitigation, is negligible. Therefore, there is likely to be a negligible effect on the foul drainage and sewerage network and therefore future populations and third parties following the implementation of mitigation measures.

19.42 Increase in Potable Water Supply

19.42.1 The average potable water consumption rate in the water supply area in which the Site is located The average potable water consumption rate in the water supply area in which the Site is located within is currently 139 litres per person per day but is forecast to decline to 129 litres by 2030.

19.42.2 The Proposed Development at East Float will include the provision of a maximum of 13,521 new residential units (774,000m² equivalent floor space) and a maximum of 622,000m² floor space for other land uses including office, retail, hotel and education. Therefore the development will have a demand on water resources at a local scale.

19.42.3 Due to the strategic nature of the scheme at this stage, the dwelling types have not been confirmed. Therefore using an initial average of two occupants per residential unit, the approximate total residential potable water consumption for the development equates to a maximum of 3.8Ml/day based on current consumption rates and a predicted 3.5Ml/day by 2030. The Proposed Development will be phased and therefore the water demand will also rise in corresponding stages.

19.42.4 There are significant uncertainties about the level of impact of sustainability reductions and climate change on supply-demand balances. These issues could result in larger deficits than UU are currently forecasting, and so they have ensured that their strategy is adaptable to respond to such risks as they arise. In addition, the construction of the new West-to-East Link main will improve the flexibility and resilience of the water supply in the Integrated Resource Zone. They state that a key element of their flexibility is the wide range of options which could be implemented if needed due to increased water demand.

19.42.5 UU state that although the economy of North West England has grown substantially over the last 30 years, water use by non-households has persistently declined. They promise to continue to ensure that adequate water supplies will be available to meet customer requirements and that their water plan presents no barrier to the region's economic growth or housing development

19.42.6 UU state that their water resources and demand strategy will reduce average water demand and will make an important contribution to UU's strategic aims to ensure sustainable water abstraction. It therefore goes beyond the principles of "water neutrality", the concept by which "for every new development, total water use in the region after the development must be equal to or less than total water use in the region before the development".

19.42.7 It should be noted that this assessment considers impacts in relation to the availability of potable water supply only.

19.42.8 Although UU have not directly confirmed that they can manage the extra water demand that the Proposed Development will generate, The applicants have advised through discussions that UU predict that they can provide sufficient water supply capacity for the northwest of England, taking account of new developments in this area, until 2022, after which, based on their current forecasts, there will be a deficit between supply and demand. Therefore, the sensitivity of water resources in the vicinity is medium and the magnitude of change, prior to mitigation, is medium. Hence, there is likely to be a direct, permanent, long-term effect on water resources of moderate negative significance prior to the implementation of mitigation measures.

19.43 **Mitigation**

19.43.1 The 'Wirral Waters Strategic Regeneration Framework', May 2009, 'Sustainability Strategy' states that the sustainability objectives of the Proposed Development include reducing water consumption and developing a sustainable water efficiency strategy. This is in line with UU's aims to ensure future sustainable water abstraction.

19.43.2 UU state that a programme of supply-demand solutions will be required from 2022/23 to maintain adequate water supply reliability in the Integrated Resource Zone. They are considering leakage reduction water efficiency measures, compulsory metering, and enhancement of existing water sources and development of new water sources. They are particularly committed to minimising the demand for water by encouraging efficient water use and the CAMS (EA, 2008, Ref 13.17) document reports that UU are working with the EA to achieve this.

19.43.3 To compliment the regional scale water efficiency measures which UU are planning to implement, methods of reducing water consumption that will be included in the development, as described in the Sustainability Strategy (May 2009) may include the following:

- Dual flush WCs;
- Aerated/spray taps;
- Waterless urinals;
- PIR controls on wash hand basins;
- Flow restrictor valves in appropriate locations to limit excessive water pressures; and
- Leak detection meters.

19.43.4 The Sustainability Strategy (May 2009, Ref 13.19) also proposes that rainwater re-cycling will supply non-potable water to the development according to its needs which will help to reduce the demand on potable supplies. Long term consideration will be given to local water treatment to provide potable supplies from local recycling, as well as future water efficiency and re-use technologies as and when they become available.

19.44 **Residual Effects**

19.44.1 Based on the commitment by UU and the Sustainability Strategy (May 2009) to minimise water demand from current average consumption rates, it is considered that the development will result in a positive effect on local and regional water resources.

- 19.44.2 The sensitivity of water resources in the vicinity is medium and the magnitude of change, following mitigation, is low. Therefore, there is likely to be a direct, permanent, long-term residual effect on water resources of minor positive significance following the implementation of mitigation measures.
- 19.44.3 A CEMP for the control and management of potential risks at the Site will be developed for each phase and implemented by individual contractors for the preparatory and construction stages of the development. Each CEMP will incorporate the mitigation measures recommended above to reduce the significance and, where possible, eliminate the identified impacts.
- 19.44.4 The CEMP will be a live document setting out the construction management system to be adopted on-site. Detailed risk assessments will be produced for all operations from which a safe system of work shall be developed. Contractors will be required to monitor this process and develop assessments and working methods appropriate to changes in work activities.
- 19.44.5 The temporary construction phase surface water drainage and operational phase surface water and foul drainage systems are to be designed during the detailed design stage encompassing measures discussed in the sections above, particularly including measures for minimising volumes and preventing contamination of sensitive water bodies. Silt traps utilised in drainage system in the construction phase should be routinely monitored to ensure effectiveness.
- 19.44.6 A flood management plan will be developed for the Site. This will be a 'living document' and will be updated regularly with changes to EA and Local Planning Policy and updated climate change predictions. The flood management plan will also include provision of risk awareness for construction workers and contingency plans for evacuation of the Site during both construction and operational phases.
- 19.44.7 Further FRAs will be produced for individual phases of the Proposed Development. These will include more detailed flood mitigation measures and information on how the Site will be protected from flooding over the development's lifetime.
- 19.44.8 Groundwater elevations and flow direction will be determined during the anticipated intrusive investigations.
- 19.44.9 Drainage: Assumptions have been made in the impact assessment sections above on the design of the Proposed Development. Following the detailed design phases, should the design details vary in a manner that compromises the impact assessments, further assessment will be provided.
- 19.44.10 The consented Northbank East development is located adjacent to the northeast of the Site. This site experiences similar drainage, flooding and water resources impacts which will be managed in a similar manner to East Float. This development will put further strain on water resources in the area though it is considered that based on the evidence above, UU will be able to cope with this. The proposed utilities infrastructure at Northbank East will require consideration alongside that at East Float to combine the drainage,

sewerage and water supply systems at the two developments. Flooding management will be similar for both sites.

19.44.11 The Site is located around a central dock system. The East Float water feature and Vittoria Dock are located on-site and a number of docks are adjacent to the east of the Site. West Float is adjacent to the west and the culverted River Birket is adjacent to the south. The tidal River Mersey is located 500m to the east.

19.44.12 The majority of the Site is in Environment Agency (EA) designated Flood Zone 1. A small area to the southeast of the Site is located in Flood Zones 2 and 3 due to tidal flooding. An area at risk of flooding from the River Birket is located adjacent to the south of the Site but this is considered to be low risk.

19.44.13 United Utilities (UU) provides the potable water supply and the drainage infrastructure in the area. The foul drainage currently comprises a number of sewers and Wastewater Treatment Works around and on the Site which are operated by UU.

19.44.14 Based on the available baseline data, it is considered that the following significant risks may be associated with the Proposed Development:

- Reduction in surface water quality;
- Increased flood risk;
- Insufficient capacity of foul discharge utility infrastructure; and
- Over demand for potable water supply.

19.44.15 During construction EA guidance will be adopted to ensure that construction activities will not have a significant negative impact on water quality. Measures will be incorporated into the construction and operational phase drainage strategies to ensure water quality is not significantly impacted and that surface water flood risk is reduced. Measures will also be implemented to minimise volumes of foul drainage.

19.44.16 UU is confident they can meet water demand in the area until 2022. They are currently considering potential measures to meet water demand following this date. Water conservation techniques will be incorporated into the development in order to reduce potable water demand. Both UU and the design team are committed to sustainable water efficiency and reducing water demand in line with the Water Act 2003.

19.44.17 Further FRAs will be produced for individual phases of the development, and flood management plans will create awareness of the risks on-site.

19.44.18 The mitigation measures identified within this document comply with national, regional and local policies on flood risk, water conservation and protection. Following incorporation of the mitigation measures in accordance with current best practice and the relevant guidance, it is considered that:

- there will be a positive impact on potable water supply;
- the residual impacts in relation to water quality and foul drainage capacity are likely to be negligible;

- the residual impacts in relation to flooding are likely to be negligible for surface water run-off, fluvial and groundwater flooding and minor for tidal flooding.

19.44.19 The Environment Agency has advised that in general terms, the overall scope, findings and conclusions of the FRA are largely acceptable.

19.44.20 The Environment Agency agrees that the overwhelming risk to the site is from tidal flooding in the adjacent River Mersey estuary and that this risk is likely to increase over the lifetime of the development due to the impact of climate change on extreme tide levels.

19.44.21 The Local Authority concur that detailed flood risk issues and prospective forms of flood protection and mitigation will be established through further reserved matters applications as each phase of the development site is brought forward. We would recommend that this be established through appropriate conditions on any decision notice.

19.45 **Flooding – Sequential Test**

19.45.1 The applicant has provided a Flood Risk Assessment (FRA) report in accordance with Planning Policy Statement 25 (PPS 25), of the potential increase in flood risk to, and caused by, the application proposals. An amended version dated June 2010 has been submitted by the applicant (which incorporates comments from the Environment Agency) and the following section refers to that document. The document is structured around the FRA checklist in Appendix B the PPS25 Practice Guide (December 2009). In preparing the FRA the applicant has had regard to the findings of the Wirral Strategic Flood Risk Assessment, published in June 2009 and prepared for the Council by AECOM).

19.45.2 The Flood Risk issues are discussed in detail in the section on the Environmental Statement. Briefly the FRA notes that the Environment Agency Flood map indicates that the application site lies within a combination of Flood Zone 1 (low risk), Flood Zone 2 (medium risk) and Flood Zone 3 (high risk). The Wirral SFRA further confirms that the Zone 3 area is Zone 3a.

19.45.3 The applicants FRA provides the necessary background information on existing waterbodies particularly the dock system, and details on how existing water levels within it are maintained. The FRA considers that the site is primarily at risk from tidal flooding. Comparison of modelled tidal flood levels to levels on site indicates that the majority of the site lies in Flood Zone 1. However, small areas are located within Flood Zones 2 and 3. The risk of fluvial flooding from the River Birket is considered to be low, as is the risk from groundwater flooding, overland flow and flooding from sewers. It is proposed that the surface water strategy for the proposed development will mimic existing conditions and discharge surface water into the Birkenhead Dock system. Drainage design will ensure that there would be no external surface flooding for up to a 1 in 30 year return period design storm and buildings would not be at risk of flooding for up to a 1 in 100 year design storm, plus a 30% allowance for climate change. Owing to its strategic nature, the FRA notes that outline planning permission will not establish detailed design/engineering mitigation and future management requirements in respect of flood risk. These will be agreed on a phased basis through further

Flood Risk Assessments and consultation with the Environment Agency via the Reserved Matters process. Appropriate Planning conditions will be consulted upon and agreed between the development, the Local Planning Authority and the Environment Agency prior to the grant of outline permission.

19.45.4 The Environment Agency has been consulted on the application, and has no objection to the principle of development, subject to the imposition of a number of conditions.

19.46 **Sequential Test**

19.46.1 Paragraphs 14-15 of PPS 25 set out the requirement to apply the sequential approach to sites which fall outside of flood zone 1, a test designed to ensure that areas which are at low risk of flooding are developed in preference to those at high risk. The Local Planning Authority is responsible for applying the provisions of the sequential test and satisfying itself that it has been passed.

19.46.2 In order to enable the sequential test to be carried out para 4.27 of the PPS25 Practice Guide identifies the following requirements:

- evidence on the flood risk to the site - drawing on the SFRA, Flood Map and any site-specific FRAs
- evidence on the availability of “reasonably available” (suitable, developable and deliverable – as defined in PPS3)
- evidence on the vulnerability classification of the development
- if the Exception test is likely to be applied, evidence to show that wider sustainability benefits to the community outweigh the flood risk; and
- that the development is safe and residual flood risk can be overcome to the satisfaction of the Environment Agency and other stakeholders

19.46.3 The Local Planning Authority has not yet undertaken a Sequential Test exercise for East Float at a strategic level for the purposes of the development plan: in view of this and the fact that the proposals include uses which are considered to be vulnerable within Flood Zone 3, it is considered that the requirement for a full Sequential Test apply to this proposal. The applicant has undertaken their own assessment of the Sequential Test requirements - which is appended to the Flood Risk Assessment - and the Council has taken it into account in coming to its conclusions on the issue.

19.47 **Scope of the assessment**

19.47.1 The PPS 25 Practice Guide (para 4.18) indicates that the scope of the Sequential Test will be defined by local circumstances relating to the catchment area for the development. In this respect the applicant argues that the East Float planning application proposes a development which will contain elements such as the B1 office uses which may have a regional or national market. However, the fundamental basis for the planning application is to address the deep-rooted regeneration need which exists in Inner Wirral. Geographically this is defined by the boundary of the Housing Market Renewal Initiative area (HMRI) and the ‘surrounding inner area’ of the City Region within the former RSS. In order to address this regeneration need, the proposals must be located within this area and for this reason, the applicant contends that the appropriate geographical area of search for the sequential

assessment is that part of Wirral Borough which falls within the HMRI boundary.

19.47.2 Within the defined catchment, PPS25 requires the identification of all 'reasonably available' alternative sites within the defined geographical area. This exercise should be undertaken with reference to the Local Planning Authority's evidence base for the LDF, considering sites that meet the functional requirements of the application in question. The applicant notes that their review of the Employment Land Study, recently published, confirms that there are no other strategic sites of anything close to the scale of East Float that are capable of facilitating the regeneration of inner Wirral. The Wirral International Business Park is, it is contended, the only other strategic site for investment within Wirral, but it is located outside the area of search and is in any event a business park rather than a mixed-use regeneration (including housing) site. Having reviewed the alternatives in consultation with the LPA, the applicant considers that there are no sites within the HMRI area that would be able to meet the functional requirements of the application other than the application site.

19.47.3 The Local Planning Authority agrees that given the nature of the proposals it is reasonable to confine the geographical scope of the sequential test to the HMRI area and also agrees with the applicant's conclusions that there are no alternative sites, within the HMRI area (or for that matter elsewhere in the Borough) which would be able to meet the functional requirements of the application other than the application site. The other evidence source highlighted in the Practice Guide – the Strategic Housing Land Availability Assessment (SHLAA) is still to be finalised for Wirral, but it remains the case that there are no housing sites which would be capable of accommodating the proposals.

19.48 The Exception Test

19.48.1 As the development includes uses within Flood Zone 3 which are within the "more vulnerable" use category (table D2 of PPS25 refers), and given that there are no 'reasonably available' sequentially preferable sites within the defined geographical area which can meet the functional requirements of the application other than the application site, it is necessary to consider whether the development meets the Exception Test. Paragraph D9 of PPS25 indicates that for the Exception Test to be passed it must be demonstrated that:-

- a) the development provides wider sustainability benefits to the community that outweigh flood risk, informed by a SFRA where one has been prepared;
- b) the development should be on developable previously-developed land or, if it is not on previously developed land, that there are no reasonable alternative sites on developable previously-developed land; and
- c) an FRA must demonstrate that the development will be safe, without increasing flood risk elsewhere, and, where possible, will reduce flood risk overall.

19.48.2 With respect to the above criteria the applicant states that:

- The development proposed will transform East Float and as a result transform inner Wirral, delivering a regeneration project of unprecedented

scale in the UK over the next 30 years and securing an estimated £4.5 billion of investment overall;

- East Float will transform the housing market within one of the most deprived areas in the UK as identified by the Index of Multiple Deprivation, through the provision of new housing choices, economic development and investment opportunities for the area and a high quality environment;
- The planning applications are supported strategically by the thrust of national planning guidance and strategies, the adopted Regional Spatial Strategy, the Regional Economic Strategy, the Regional Housing Strategy (albeit that the RSS has now been revoked) and a number of sub-regional planning strategies. In addition, the site is identified by the North West Regional Development Agency as a Strategic Regional Site and by CLG/HCA as a Growth Point. The proposals are in accordance with saved policies contained within the Wirral Unitary Development Plan and the application is set within the context of a robust Strategic Regeneration Framework which reflects the policy agenda for this part of Wirral and the North West;
- The proposed development is located entirely upon previously developed land; and
- As demonstrated within this FRA, with appropriate mitigation measures in place, the development will be safe, without increasing flood risk elsewhere.

19.48.3 In terms of the Council's consideration of whether the exception test is met in this case, the three criteria set in PPS25 need to be considered: taking these in turn:

a) the development provides wider sustainability benefits to the community that outweigh flood risk, informed by a SFRA where one has been prepared;

The considerable sustainability and regeneration benefits of the East Float application are outlined elsewhere in this report and summarized above by the applicant in the context of the exception test. These are accepted by the Council.

The site specific FRA for the application was informed by the Council's SFRA. Owing to the strategic nature of the outline planning permission detailed design/engineering mitigation and future management requirements in respect of flood risk will be agreed on a phased basis through further Flood Risk Assessments and consultation with the Environment Agency via the Reserved Matters process. Given these mechanisms and safeguards, which are supported by the Environment Agency, the Council considers that this element of the exception test is met.

b) The development should be on developable previously-developed land or, if it is not on previously developed land, that there are no reasonable alternative sites on developable previously-developed land;

The East Float application is on developable previously-developable land; therefore the Council considers that this element of the exception test is met

c) an FRA must demonstrate that the development will be safe, without increasing flood risk elsewhere, and, where possible, will reduce flood risk overall

As indicated above, due to the strategic nature of current application detailed design/engineering mitigation and future management requirements in respect of flood risk will be agreed on a phased basis through further Flood Risk Assessments and consultation with the Environment Agency via the Reserved Matters process. This approach is supported by the Environment Agency. So far as it is possible to ascertain at this stage given this situation, the Council is satisfied that this criterion of the exception test can be met.

The Local Planning Authority therefore considers that the requirements of the exception test has been met in this case .

20.0 AIR QUALITY

20.1 The issue of air quality is included as a chapter within the submitted Environmental Statement and an Air Quality Impact Assessment forms a technical appendix to the Environmental Statement. The main air quality issues associated with the scheme are the emission of traffic generated pollutants, dust and emissions during construction and the impact of dust and odour nuisance from local industrial uses and sewage treatment facilities.

20.2 At a national level the Environment Act 1995 and Air Quality (England) Regulations 2000 set out the context for protecting and improving air quality. This legislation has established a UK air quality strategy and at local level Councils are required to review and assess air quality and declare an Air Quality Management Area where objective for pollutants are exceeded. Within Air Quality Management Areas local authorities must take account of development which will affect air quality.

20.3 National planning policy within PPS23 (Pollution and Planning Control) includes guidance on the issues which may be material in the consideration of planning applications. Such issues include the presence of Air Quality Management Areas and the need for compliance with air quality objectives.

20.4 Unitary Development Plan policy POL1 Restrictions for Polluting and Hazardous Uses Strategic Policy restricts potentially polluting or hazardous development to locations that will not compromise public safety; result in loss of amenity, or cause harm to the nature conservation interest, recreational value, tourist potential or landscape quality of Wirral's countryside, coast or estuaries.

20.5 Policy PO1 Potentially Polluting Development policy advises that potentially polluting development or land use will only be permitted when the local Planning Authority is satisfied that the proposed development will not cause harm, any measures are required to comply with pollution control legislation, should not have any land use implications outside the site or prejudice the realisation and other environmental planning objectives set out elsewhere in the plan.

20.6 Policy PO1 Development near Existing sources of pollution states that Proposals located near existing development s which are authorised or licensed under pollution control legislation will only be permitted where the local planning Authority is satisfied

- 20.7 **Current Baseline Conditions:** The Council has not declared an air quality management area for the Borough.
- 20.8 The proposed development is located in an area where air quality is mainly influenced by emissions from road transport. A number of main roads such as the A554 Tower Road, A5139 Dock Road, A5030 Cleveland Street and A5027 Kingsway pass close to the site.
- 20.9 **Potential Impacts:** The Environmental statement included an assessment of the potential impacts on local air quality from site preparation, earthworks and construction activities. This showed that during site activities, releases of dust and particulate matter were likely to occur. The greatest potential for nuisance to occur will be within 200m of the construction site perimeter with limited incidences of dust on property beyond 200m. Through good site practice and the implementation of suitable mitigation measures, the impact of dust and particulate matter will be reduced to acceptable levels. This can be achieved through a suitably worded condition.
- 20.10 The impact on air quality from the construction traffic will occur in the areas immediately adjacent to the access routes to the site. However, such increases in pollutant concentrates are not considered to increase significantly and will only occur over a short to medium time period.
- 20.11 Construction activities on-site have the potential to generate direct dust emissions and emissions from plant and other vehicles. An air quality assessment of the potential impacts during the operational phase was undertaken to predict the changes in particulates and Nitrogen Dioxide concentrations that would occur due to the traffic flows associated with the development. The results show that the proposed development would cause small to moderate increases in Nitrogen Dioxide concentrations. The proposed development would not exceed the statutory objectives for these pollutants at existing and proposed sensitive receptors.
- 20.12 The concentration of both pollutants is predicted to decrease when compared to recorded levels of Nitrogen Dioxide and particulates from 2009. This is due to expected improvements in air quality in the area as a result of reductions in background pollutant concentrates and vehicular emissions
- 20.13 There are no industrial pollution sources in the immediate vicinity of the site that will influence the local air quality
- 20.14 **Mitigation:** During construction mitigation and abatement measures to reduce impact will be incorporated into a Code of Construction Practice. This Code would cover a number of subject areas including haul routes, demolition, plant, earthworks, excavations, materials handling and cutting etc.
- 20.15 Based on the completed scheme no specific mitigation is required to reduce the impact of predicted traffic flows on air quality. Based upon the dust monitoring results the potential for dust disturbance would be reduced with the incorporation of a water bowser.
- 20.16 **Summary:** The development would have a negligible impact on local air quality particularly with regard to nitrogen dioxide and particulate matter.

Although the operation of the development would increase emissions these will be bellows air quality strategy development objectives.

20.17 With regards to emissions to air, and specifically local air quality management, PPS 23 Planning and pollution controlling annex states that any air quality consideration that relates to land use and its developments capable of being a material consideration. This is most likely to be the case in situations where the proposed development could produce in excess of ***.

21. NOISE AND VIBRATION

21.1. A chapter within the submitted Environmental Statement assesses the likely impact of noise and vibration during the construction phase and after the development is completed. The chapter is supported by a technical appendix providing details of survey data. The assessment of the effects have been made and measures to reduce any negative effects are summarised as follows-

21.2 A number of national, regional and local planning policy documents address noise issues. National planning guidance within PPG24 (Planning and Noise) encourages local planning authorities to minimise the adverse impact of noise. In relation to residential development, PG24 introduces noise exposure categories in order to assist in determining planning applications.

21.3 **Baseline Data and Collection:** In order to establish existing noise levels across the site a survey was conducted during mid to late 2009 measuring day and night time levels at a variety of locations throughout the site. The survey results are assessed against guidance within PPG24. It was identified that the site generally falls within PPG24 NEC's B and C

21.4 The guidance to the local planning Authority in PPG24 for site regions falling within NEC C is that Planning Permission should not normally be granted where it is considered that permission should be given , for example because there are no alternative quieter sites available, conditions should be imposed to ensure commensurate level of protection against noise. PPG24 further advises that within category B noise should be taken into account when determining planning applications and, where appropriate, conditions imposed to ensure an adequate level of protection against such noise.

21.5 Noise specific to the site currently consist of road traffic noise from Duke Street, Dock Road, Tower Road and Corporation Road. There are a number of existing noise sensitive receptors located in the vicinity of the site, including homes located within the converted grain warehouses, and homes located in Oakfield Avenue, Birkenhead Road, Cathcart Street and Old Bidston Road. A children's nursery located on the southern side of Corporation Road is also sensitive to current noise levels

21.6 An assessment of noise associated with the construction phase of the proposed development has identified that noise levels will be significant at the closest sensitive receptors to the site such as the converted grain warehouses and the children's nursery. A number of measures have been identified which will help minimise the effects of construction and noise. Such measures generally involve the appropriate selection, maintenance and siting of equipment as well as ensuring that the timing and routine of deliveries to the site have the minimal

noise impact on sensitive receptors. The implementation of local hoarding/screens will also be used to create a barrier from noise

21.7 The ES also contains an assessment of potential groundborne vibration levels associated with the site preparation, earthworks and construction phases of the development. It has been identified that where mitigation methods are adopted, vibration levels can be controlled such that any significant effects would be temporary and for short periods.

21.8 An assessment of the current noise environment has identified that careful site design and layout (within the parameters set) the use of appropriate façade specifications, noise levels can be appropriately controlled for homes and education facilities

21.9 With regards to the impact of road generated traffic, a noise assessment was undertaken; the assessment has determined that changes in the level of noise associated with development generated traffic will be of minor significance

21.10 **Mitigation:** In terms of construction noise and vibration it is possible that the Council, under Section 61 of the Control of Pollution Act 1974, could control construction noise levels and hours of construction. Section 61 can also require the contractor to provide detailed information on the proposed works and the measures that will be used to control noise and vibration. A planning condition can also be used to require the submission and approval of a Code of Construction Management.

21.11 Dwellings that may fall within category C should be subject to conditions to ensure a commensurate level of protection against noise. Single aspect design within category C areas is suggested to prevent windows serving habitable rooms from looking onto these 'noisy' roads. Acoustic double glazing and passive ventilation to the windows of non-habitable rooms overlooking these roads is required to ensure acceptable internal living conditions.

21.12 Main gardens and outdoor amenity spaces should not directly adjoin these main roads and barrier blocks should be employed to protect the enjoyment of quiet facades and spaces. Within noise exposure category B areas, covering the majority of the site, windows will be thermal double glazed.

22. ECOLOGY AND BIODIVERSITY

22.1 This section of the report provides an Ecology and Nature Conservation Assessment of East Float, Wirral Waters and was submitted in support of the existing Environmental Statement submitted to Wirral Metropolitan Borough Council in December 2009. A further report was prepared to assess the potentially significant effects (both indirect and direct) of the proposed development on receptors of value for Ecology and Nature Conservation. In particular it considers the potential effects associated with habitat loss and off-site effects on the network of Natura2000 sites.

22.2 The Site is bound by four key roads: Dock Road (A5139), Tower Road (A554), Corporation Road (B516) and Duke Street (A5027) Cleveland Street is located parallel to the south of Corporation Road and the Kingsway Tunnel is located to

the north of the Site. Dock Road is a wide single carriageway that passes the north boundary of the Site leading to the start of the M53 to the west, and the Kingsway Tunnel to Liverpool via the A5027 Gorse Lane. To the east, Dock Road links with the A554

22.3 The existing Site is partly an operational port and partly derelict land. The southern part of the Site is occupied by warehouse / transit sheds and offices, which are located either side of Vittoria Dock. The main warehouse / shed structures are occupied by Denholm Handling, Robert Smith, and Atlantic Steel. The area surrounding the buildings is mainly used for storage of materials and is surrounded by areas of bare ground. A business park is located in the south eastern corner of the Site and comprises 25 business units and associated car parking. A large proportion of the Site is dominated the East Float waterbody.

22.4 Legislation, Policy and Guidance

22.4.1 The applicable legislative framework is summarised as follows:

International Conventions and Directives

- The Bern Convention 1982;
- Bonn Convention 1979,
- Convention on Biological Diversity 1992;
- EU Directive 92/43/EEC Conservation of Natural Habitats and of Wild Fauna and Flora 1992;
- The Conservation (Natural Habitats &c.) Regulations 1994;
- Wildlife & Countryside Act (WCA) 1981 (as amended); and
- Countryside and Rights of Way (CRoW) Act 2000

22.4.2 In recognition of those habitats identified on-site during the extended Phase I habitat surveys and subsequent protected species assessments, particular consideration has been given to the presence of bats and breeding birds. The relevant legislation for these species is detailed below:

22.5 Bats

22.5.1 All species of bat (*Chiroptera* spp.) and their roosts are protected under the WCA 1981 (as amended by the CRoW Act 2000, which added the word 'recklessly') and the Habitats Regulations.

22.6 Birds

22.6.1 All species of wild bird and their nests are protected under the WCA 1981 (as amended).

22.7 Planning Policy--National

22.7.1 PPS9: Biodiversity and Geological Conservation

22.7.2 PPS9 outlines the Government's commitment to the conservation of wildlife and natural features. It is mainly concerned with the protection of statutorily designated sites, including National Nature Reserves (NNR) and SSSIs and is consistent with commitments to international agreements and directives on nature conservation.

22.7.3 PPS9 seeks to ensure that planning policies are incorporated within regional and local planning documents to minimise any adverse effects on wildlife. PPS9 also addresses development and wildlife issues outside these statutory sites, recommending that the impact of development should be identified, in order that a planning application may be determined. The biodiversity value of previously developed land is noted, and the incorporation of features beneficial to biodiversity is also promoted.

22.8 Planning Policy – Local --Wirral Unitary Development Plan 2000

22.8.1 Policy GR7 seeks the protection of existing trees on development sites and the promotion of new planting in development schemes'

22.8.2 Policy NCO1 outlines the approach in terms of protecting Internationally, Nationally and Locally Designated sites for nature conservation and earth science.;

22.8.3 Policy NC1 sets out the level of protection which will be afforded to European Sites, proposed European Sites or Ramsar sites;

22.8.4 Policy NC3 provides the approach which will be taken in respect of development potentially affecting sites of National importance for nature conservation; and

22.8.5 Policy NC7 states that development which would have an adverse impact on wildlife species protected by law will not be permitted, except where protection can be secured through appropriate planning conditions and/or obligations.

22.8.6 The applicants have stated that the submitted assessment has been undertaken with reference to the Guidelines for Ecological Impact Assessment in the United Kingdom (Institute of Ecology and Environmental Management [IEEM], 2006) and IEMA's Guidelines for Baseline Ecological Assessment (1997). Baseline surveys were undertaken accordance with the Handbook for Phase 1 Habitat Survey: A Technique for Environmental Audit (Joint Nature Conservation Committee, 1993).

22.9 Scope of the Assessment

22.9.1 A formal Environmental Scoping Letter was issued to the council (October 2009). This document concluded that the Site was considered to offer limited opportunities for ecological receptors and was assessed as being of negligible to low value for nature conservation, with limited potential for notable or protected species assemblages. Habitat loss and associated effects on widespread and commonly occurring species arising as a consequence of the Proposed Development were therefore considered to be insignificant, in recognition of their negligible ecological value and the relative abundance of these habitats and species within the wider landscape.

22.9.2 However, consultation responses were received from Natural England and Merseyside Environmental Advisory Service (MEAS), both associated with the Scoping Opinion to the submitted ES. Therefore, a precautionary ecology and nature conservation assessment of potentially significant impacts has been undertaken (during the site preparation, earthworks and construction and operational phases of the Proposed Development).

22.9.3 The revised scope of effects to be assessed within this document are summarised below:

22.9.4 *Site Preparation, Earthworks and Construction Phase*

- Changes to sites of nature conservation importance;
- Changes to designated bird assemblages; and
- Loss of potential bat roosting habitats.

22.9.5 *Operation Phase*

- Changes to designated bird assemblages; and
- Contribution to long-term biodiversity gain.

22.9.6 The threshold for the purposes of this ecological impact assessment has been set at 'Local'; consequently effects on receptors of negligible to site value for nature conservation have been excluded. For example, habitat loss with respect to areas of ruderal sward, brownfield mosaic, self-seeded scrub and hardstanding have been excluded.

22.9.7 In addition it should be noted that Japanese knotweed (*Fallopia japonica*) was recorded within the Site boundary during the Extended Phase 1 habitat survey. This species is an introduced invasive alien and consequently is assessed as being of no ecological value. An appropriate mitigation and eradication strategy for soil containing, or thought to contain, Japanese knotweed rhizomes has been incorporated and will consequently not be considered further.

22.10 Desk Study

22.10.1 Designated Sites

22.10.2 Statutory and non-statutory consultees were contacted regarding relevant records for the Site and the surrounding area. Data provided is based on existing records but does not constitute an exhaustive list of known records. It is possible that unknown records exist within this area.

22.10.3 Following a review of the statutory designated sites in the local area, the following Special Areas of Conservation (SAC), Special Protection Areas (SPA), Ramsar sites, potential SPA and proposed Ramsar sites have been identified within 10km of the Site.

- Dee Estuary SAC – located approximately 4.2km north west of the Site;
- Mersey Estuary Ramsar site – located approximately 3km south east of the Site;
- Mersey Estuary SPA – located approximately 3.5km south east of the Site;
- Ribble and Alt Estuaries Ramsar – located approximately 6.8km north east of the Site;
- Ribble and Alt Estuaries SPA – located approximately 6.8km north east of the Site;
- Sefton Coast SAC – located approximately 6.8km north east of the Site; and

- Mersey Narrows and North Wirral Foreshore proposed Ramsar and potential SPA – located 550m north of the Site.

22.10.4 In recognition of the level of protection afforded to these features their component Sites of Special Scientific Interest (SSSI) which make up the Natura2000 sites have been discounted from this report. No other stand alone SSSIs have been identified within 2km of the Site.

22.10.5 Regional/Local Protected Species:

22.10.6 In recognition of the habitats identified on-site, and the site's size and location, it is considered that the opportunities for protected species are extremely limited. In particular, the site is afforded limited connectivity with semi-natural habitats in the wider landscape.

22.10.7 Consequently, it is considered that the site represents opportunities for only highly mobile species namely species of foraging bats and commonly occurring passerine birds. Although no data sets can be considered to be fully representative of species composition, a review of data provided by rECOrd confirms that there are no current or historical records for bats or other protected species within or immediately adjacent to the site. The survey concluded that there are no known bat roosts within the Site.

22.11 Field Survey

22.11.1 The information obtained from the desk study was complemented with a field survey to collate the most up-to-date information about the site. The field survey provides site specific information to establish the ecological value of the Site and to evaluate the potential disturbance to different parts of the Site caused by the proposed development.

22.11.2 The field survey was carried out on the 10th August 2009. The survey covered the entire Site and was extended to assess areas immediately adjacent to the Site. The dominant plant species were recorded and habitats classified according to their vegetation types and presented in the standard Phase 1 habitat survey format with habitat descriptions and a habitat map with Target Notes (TNs) (Joint Nature Conservation Committee, 2004).

22.11.3 Following consultation responses received from MEAS and Natural England between February and April 2010, WSP completed further field work. Bat activity surveys within the Site in May 2010.

22.11.4 Previously developed land

22.11.5 Areas of the site, which have been subject to limited disturbance within recent years, have developed to extensive and dense scrub supporting self-seeded buddleja (*Buddleja davidii*) and birch (*Betula sp*). This is most evident along the southern boundary of the site where a former railway line has developed into a continuous band of scrub, with occasional areas of bare ground supporting patchy grassland and ephemeral species. Habitats are assessed as being of only 'site' value for nature conservation.

22.11.6 *Hardstanding/buildings*

22.11.7 Much of the site is dominated by areas of hardstanding with both active and disused buildings. Buildings within the Site are considered, on the whole, to be of limited value for species of conservation concern due to their exposed location and limited connectivity to foraging and commuting habitats. Where access was possible, buildings were considered to be a good state of repair with the exception of the former hydraulic tower which was considered to offer potential opportunities for roosting bats.

22.11.7 General Species

22.11.9 Habitats on-site are considered to offer limited opportunities for species of either widespread or protected species. The site is largely isolated from suitable habitats, being surrounded by existing development, busy public highways and expansive areas of brackish open water. Connectivity is therefore likely to be a major constraint in the colonisation of the Site and consequently only the more mobile species, such as breeding birds and bats are considered further at this stage.

22.11.10 Bats

22.11.11 Habitats on-site are considered to offer potential foraging habitats for bats however their exposed nature, limited connectivity and high levels of artificial light (including large overhead lighting columns), would greatly reduce their foraging value for these species.

22.11.12 Buildings on-site are, in general, considered to offer limited opportunities for bats and where these opportunities are present it is considered that the wider landscape offers comparatively greater opportunities.

22.11.13 However, the Hydraulic Tower was assessed as having the greatest potential for bats, as although in a state of disrepair, the complexity of the building would lend itself to a wide range of opportunities for these species. It is understood however that internal and external inspections have been undertaken to support an existing planning application for the Hydraulic Tower (Application reference: APP/2008/5384) and no evidence of bats was identified at this time. The requirement for further pre-construction surveys to establish the use of the building by bats has been outlined as a condition to the planning consent associated with the Hydraulic Tower.

22.11.14 Following consultation responses received from MEAS and Natural England between February and April 2010, WSP completed bat activity surveys within the Site in May 2010. No evidence of bat activity in the form of foraging or commuting activity was recorded anywhere on the site or in the immediate vicinity to the site. The absence of bat activity is considered to be representative of the low quality foraging resource within the site and poor connectivity to areas of more suitable habitat. It is considered that sufficient information has been obtained to assess the potential for the site to support roosting or foraging bats. Although no survey can confirm absolute absence it is considered that the Site is of low to negligible value for these species.

22.11.15 Further consultation with Natural England in May 2010 confirmed that the survey works were sufficient to establish that the Site was of limited potential for bats.

22.11.16 Birds

22.11.17 All species of wild bird and their nests are protected under the *Wildlife and Countryside Act 1981* (as amended by the *Countryside and Rights of Way Act 2000*).

22.11.18 A small number of commonly occurring bird species were identified during the extended Phase 1 habitat survey. These are listed below:

- Blackbird (*Turdus merula*);
- Magpie (*Pica pica*);
- Feral pigeon (*Columba livia*);
- Common gull (*Larus canus*);
- Cormorant (*Phalacrocorax carbo*); and
- Blue tit (*Cyanistes caeruleus*).

22.11.19 The site offers foraging and nesting opportunities for these species, however, such opportunities are assessed as being widespread within the wider landscape.

22.11.20 Breeding and over-wintering bird surveys undertaken in 2008 to support the planning application for Northbank East confirmed that the site did not support significant numbers of over-wintering birds. However, surveys did confirm that the Site was used as a winter roost for cormorant (*Phalacrocorax carbo*) with peak counts of 48 individual birds recorded within the East Float dock area. Cormorants are listed within the designation criteria for the Mersey Narrows & North Wirral Foreshore as contributing species to the site's over-wintering waterfowl population of 20,269 birds.

22.11.21 Two roosting sites have been identified, with the main roost being located at the eastern extent of the Site, between Vittoria Dock and the Twelve Quays ferry terminal. A second small roost (peak count of 11 birds) was also identified on a metal lighting gantry on the north bank of the Site. Individual birds were also recorded foraging within the East Float and surrounding area during the survey period.

22.11.22 Following consultation with the council, additional breeding bird survey work of East Float will be undertaken.

22.11.23 In the absence of the Proposed Development, no significant changes to the ecological baseline onsite are anticipated. Long-term degradation and abandonment would likely result in localised stands of established scrub and self-seeded trees, however the predominance of hardstanding would likely result in a climax community dominated by rough grassland and ruderal sward.

22.12 Assessment of Impacts, Mitigation and Residual Effects

22.12.1 Site Preparation, Earthworks and Construction Phase

22.12.2 Changes to sites of nature conservation importance

Any works in the proximity to sites of nature conservation concern have the potential to result in both direct and indirect impacts on the integrity of important habitats and the species assemblages which these sites of nature conservation support. The susceptibility of sites to deleterious impacts is directly associated

with both the sensitivity of the features, the type of environmental impact and the existence of pathways through which environmental impacts can pass. Contamination sources included within this assessment include the release of physical and chemical contaminants arising from the generation and release of dust during site preparation, earthworks and construction and the release or disturbance of contaminants from soils or sediment.

22.13 Summary of the findings

22.13.1 Habitats within the Site were assessed as being widespread and commonly occurring, being characteristic of industrial use. Much of the Site is dominated by areas of hardstanding with areas of opportunistic scrub, ruderals and trees assessed as being of limited ecological value.

22.13.2 A precautionary assessment of potentially significant impacts on receptors of ecological value has been undertaken following consultation with Natural England and MEAS. In recognition of the ecological receptors identified during the field surveys and subsequent consultation exercises, this assessment focused on potential direct and indirect impacts on internationally important sites of nature conservation value within the proximity of the Site, effects on designated bird assemblages and the potential for long-term impacts on nature conservation as a consequence of increased residential development and the associated increase in recreational pressure. Effects on potentially sensitive receptors were identified and an appropriate mitigation strategy developed to either eliminate or reduce effects to an acceptable level.

22.13.3 Mitigation measures adopted focus on the protection of designated sites through the adoption of appropriate construction management practices, the provision of site specific surveys to assess potential impacts on over-wintering roosts for cormorant, **the provision of high value** green space and the incorporation of green infrastructure to reduce long-term impacts on sites of nature conservation value.

22.13.4 The proposed mitigation measures represent a significant reduction in predicted effects on ecological receptors. Although the Proposed Development will result in localised disturbance to sensitive ecological receptors, in the form of over-wintering cormorants, the preparation and implementation of a CEMP and the careful phasing of works will reduce these impacts to the short-term. Potential post construction negative effects on sites of nature conservation value will also be eliminated by the creation of more structurally diverse habitats including 'green corridors' and consideration of an appropriate sensitive lighting strategy which has been developed in recognition of important bird movement corridors.

22.13.5 It is therefore considered that the Proposed Development is fully compliant with Policy planning Statement 9, representing long-term enhancements to biodiversity including the provision of green open space, the creation of new open water features and the consideration of green roofs and green walls, which will all contribute to long-term biodiversity gain.

23.0 GROUND CONTAMINATION & REMEDIATION

23.1.1 The Environment Agency have reviewed the following reports submitted with the initial planning application with respect to potential risks to inland

freshwaters, coastal waters and relevant territorial waters from land contamination:

23.1.2 The proposed development is located in a high sensitivity environmental setting and the reviewed information has identified a number of potentially contaminative historical land uses.

23.1.3 Further more they feel that sufficient information has been provided to date to assess historical sources of pollution and inland freshwater, coastal waters and relevant territorial water receptors. However, further information will be required as future phases of development come forward. A series of conditions are attached to the rear of this report for compliance during each phase of development:

23.2. Historic Landfill

23.2.1 One or more landfill sites have been identified within 250 metres of the planning application area. Therefore, prior to any development taking place, you may consider that a comprehensive landfill gas site investigation and assessment should be carried out on the development area to determine whether or not the site is, or would have the potential to be, affected by subterranean landfill gas migration from the nearby landfill sites.

23.2.2 Should the site investigation prove the presence of landfill gas in the development site, then no development should take place until it has been demonstrated, to your satisfaction, that expert advice has been taken and appropriate designs are to be incorporated in the construction and development area to alleviate any landfill gas associated risks to the development. Consideration should also be given to long-term methane/carbon dioxide monitoring to ensure integrity is being maintained. Similar conditions should also apply where the site investigation/assessment does not detect significant landfill gas but demonstrates that there is a potential for gas migration through to the development site (e.g. permeable substrata) and the nearby landfill is known either to be producing landfill gas, or by the nature of the waste types deposited is likely to produce landfill gas.

23.3. Dock infilling

23.3.1 Dock infilling, if inappropriately undertaken without due care or consideration, may contribute to increased pollution through the mobilization of contaminants. To ensure that this is considered prior to infilling commencing an investigation should be undertaken to ensure that dock materials are investigated and then disposed of by the appropriate manner. conditions to secure appropriate investigation and remediation are attached to this report.

23.4. Water Framework Directive

23.4.1 The River Birket (which includes the East and West Floats) is currently failing Water Framework Directive (WFD) targets (bad current overall potential, bad biological status and heavily modified). The WFD requires the River Birket to achieve 'Good' overall status by 2027 and improve the overall hydrology and morphology. This is within the timescale of the proposal. Therefore, the proposal should cause no deterioration to the current status, and where possible, should contribute to the aims of the WFD.

23.4.2 The proposal should ensure that hydrological continuity of the River Mersey to the River Birket is maintained and improved where possible. The WFD seeks improvement in the quality of the River Birket and it should be considered that improvements to the quality of the watercourse could in the future encourage migratory fish species to inhabit the watercourse, potentially through Wirral Waters.

23.5. Foul & Surface Water Drainage

23.5.1 The Environment Agency is aware that United Utilities Plc (UU) has concerns regarding foul sewer infrastructure requirements as a result of the development. They understand that UU are concerned that the receiving wastewater treatment works at Birkenhead does not have sufficient capacity to receive the increase in dry weather flow without failing current consent conditions (regulated by the Environment Agency). It should be noted by both the LPA and applicant that it should be assumed that consent conditions will unlikely be relaxed.

23.5.2 The Environment Agency as a regulator of the consent, strongly recommends that the LPA, applicant and United Utilities discuss the proposal in more detail. Sound and robust solutions should be developed to address UU concerns and brought forward as phases of development come forward at reserved matters. We would have concerns should reserved matters not have a viable solution to potential foul water disposal due to insufficient sewer infrastructure.

23.5.3 This requirement could be established by way of a condition, attached at the rear of this report

24.0 WIND

24.1. A separate chapter within the Environmental statement has provided an assessment of the impact of the proposed development on the local wind environment. In particular, the assessment considers the potential effects of the proposed and existing surrounding buildings and other structures on the wind environment at pedestrian level, anticipating the likely wind conditions in the context of safety and comfort to pedestrians.

24.2 The wind environment is defined as the wind flow experienced by people and the subsequent influence it has on their activities. It is concerned primarily with wind characteristics at pedestrian level. Other potential wind effects, including wind loads, structural responses and natural ventilation are not directly related to wind environment at pedestrian level therefore do not fall within the scope of the chapter.

24.3. Legislative Framework

24.3.1 There is no specific national legislation for the assessment of the impact on the local wind environment on pedestrian comfort and safety.

24.3.2 The applicants have used wind environment criteria for pedestrian comfort and safety developed by TV Lawson. This method is comparable with International guidance. In addition The best practice guidance for the

Computational Fluid Dynamics (CFD) in the urban environment has also been used.

24.4. Scope of the assessment

24.4.1 An environmental scoping letter was issued to the Council in October 2009. The document identified the impacts that the development could potentially have on the wind environment during the site preparation, earthworks and construction and operational stages of the development.

24.4.2 The only changes since the submission of the scoping letter is that the deviation in the wind environment from baseline conditions during the site preparation, earthworks and construction phase has not been considered as the modelling used within the assessment was based upon the completed development

24.4 Assessment of Impacts, Mitigation and Residual Affects

24.4.1 Operational Phase

24.4.2 New building forms and layouts will have an effect on the local wind environment. The wind environment resulting from the proposed development will be influenced by the position and orientation of the new buildings in relation to prevailing wind and neighbouring streets and open spaces.

24.4.3 In order to assess the impact of the proposed development, the baseline wind CFD model was modified to introduce the proposed development on the site, with the model being re-run under the same wind conditions as those used for the baseline scenario modelling.

24.4.4 The results of the 'with development' scenario under the west north-west prevailing wind direction model show areas of acceleration of wind around the western corners of the building blocks of the Northbank West and Vittoria Studios Quarters. This is likely to be a localised area of discomfort although the stream of increased velocity in this area is channelled through into the water area of the dock, reducing the effect within pedestrian areas.

24.4.5 The results of the 'with development' scenario under the west north-west prevailing wind direction model also shows areas of high pressure towards the western end of the site. There is slight wind acceleration around the buildings to the south-east of the site. However, it is also noticeable that with the exception of these areas, the remainder of the site appears to result in more stable wind conditions and greater areas of low velocities than within the baseline scenario. There are reductions in velocities on the corners of the buildings and open areas to the south side of the site with velocities ranging from 8-10m/s in these areas identified in the baseline scenario and also in the open areas within the committed Northbank East development.

24.4.6 The results of the modelling also indicate that the wind acceleration identified does not deviate significantly from the prevailing incoming wind velocity suggesting that the wind environment is likely to remain within the safety and comfort limits set out in Lawson's criteria.

24.4.7 The sensitivity of future users of the proposed development to increase wind velocities and acceleration is high and the magnitude of change is low. Therefore, there is likely to be a direct, permanent, long term effect on future users of the proposed development of minor significance prior to the implementation of mitigation measures. The significance is considered positive in most areas and negative in some localised areas.

24.5. Mitigation

24.5.1 Based on the results of the wind studies and taking into consideration the required pedestrian comfort thresholds outlined in the Lawson criteria, the wind environment of the proposed development is likely to fall within the recommended standards. However, the modelling has identified areas of the proposed development where the wind velocities fall outside the criteria and therefore some form of mitigation would be required in these areas. The areas requiring mitigation are mainly the areas to the west of the site, such as Northbank West and Vittoria Studios, often the areas in close proximity to corners of buildings, where wind speeds have a tendency to increase.

24.5.2 The best options available are likely to be a combination of strategic planting and landscaping to add further density and obstruction to airflow in the pedestrian areas of the site. Trees and shrubs can play a significant role in absorbing winds and reduce the effects locally. As and when the building blocks are further designed, and additional detail is available, there will be an opportunity to soften down the effect of wind currently illustrated on the corners through the incorporation of smoothed or rounded angles rather than sharp corners. This is more effective in deflecting the airflow and reducing the wind velocities.

24.6 Residual Effects

24.6.1 The sensitivity of future users of the proposed development to increase in wind velocities and acceleration is high and the magnitude of change remains low. Therefore, there is likely to be a direct, permanent, long terms effect on future users of the proposed development of minor positive significance following the implementation of mitigation measures.

24.7 Monitoring and Follow Up

24.7.1 This chapter has focused on a prevailing wind condition. However, the need for further modelling of other wind conditions will be screened and undertaken as the design of the building blocks develops.

24.8 Limitations and Assumptions

24.8.1 The buildings have been modelled as blocks, i.e with smooth surfaces and sharp corners, which is generally sufficient detail to represent buildings in airflow modelling. This assumption is industry standard for these types of studies since further detail such as the window reveals and façade texture would add an impractical and unnecessary complexity to the model without adding greater quality to the results.

24.8.2 The model excludes both soft and hard landscaping at this stage (trees, street furniture, etc) which is commonly accepted in the industry when assessing

proposals at the planning stage. These are recommended to be included during the subsequent design development stages of the sites.

24.8.3 The assessment has been based on the most frequent wind speed and direction (west north-west) at this stage. Further wind conditions will be tested during subsequent design development stages.

24.8.4 The wind model covers a lateral distance of 1.8km (East-West) and 1km (North-South) to cover the area of the site and adjacent surroundings, in line with recommended best practice guidance for computer based wind modelling. It is unlikely that significant impact to the wind environment will occur in areas beyond the extent of the model.

24.9 Cumulative Impacts

24.9.1 The extant permission at Northbank East has been included in the modelling associated with this assessment. The results indicate that for incoming winds from the west north-west, the proposed development will help reduce wind speeds before reaching the Northbank East development, resulting in a positive impact. This is likely to be the case for the south and south-east wind directions although these will have to be tested at a later stage at the design of the building blocks develops.

24.10 Summary

24.10.1 The 'without development' scenario showed localised regions of wind acceleration around some of the industrial buildings to the south of the site and Corporation Road with velocities ranging from 8-10m/s in these areas. Other areas showed a localised increase of wind velocities around the committed Northbank East development. These are maximum velocities which fall within the pedestrian comfort criteria for leisure and business walk.

24.10.2 The 'with development' scenario shows areas of higher pressure towards the west end of the site. There is slight wind acceleration around the building the south-east of the site. However, the remainder of the site benefits from more stable wind conditions and greater areas of low velocities than those shown in the 'without development' scenario. There are reductions on the corners of the building and open areas to the south side of the site identified in the baseline scenario and around the committed Northbank East development site.

24.10.3 The modelling has identified some localised areas of the proposed development where the wind velocities tend to fall outside the criteria. Therefore some form of mitigation would be required in these areas. The best option to be considered includes strategic planting and landscaping which will add further density and obstruction to airflow in the pedestrian areas of the site.

24.10.4 There will be conditions attached which ensure that there is future control on potential wind issues for future Reserved Matters stages, where the detail will be clearer.

25 Daylight, Sunlight and overshadowing

25.1 Chapter 9 of the Environmental Statement assesses the impact of the proposed development on the surrounding environment with regards to daylight and sunlight availability to habitable rooms and open spaces.

25.2 The study area includes the site and surrounding properties including all of the Quarters within the parameter plans and the properties immediately adjoining the site. These include the former grain warehouses, the North Bank East site, and the commercial buildings on Dock Road, Corporation Road and buildings to the West and East of the site. These adjoining buildings are predominantly in commercial and industrial use, with the exception of the former grain warehouses on Dock Road, which have been converted to residential use and contain 178 apartments.

25.3 The assessment identified 211 habitable rooms which will have windows facing the proposed development (principally in the former grain warehouses). According to the model, 199 will have sufficient light levels in line with minimum requirement set out in the BRE "Site Layout Planning for Daylight and Sunlight, A Guide to good practice". The assessment concluded that the proposed development will have a minor effect on the daylight availability of the sensitive receptors of the surrounding area, given the limited number of rooms that will be marginally impacted.

25.4 With regard to the annual sunlight assessment, the results show that the proposed development has negligible effect on all the receptors assessed. In terms of the winter sunlight assessment, the results show that the proposed development has a negligible effect on all receptors assessed as less than 2% of those receptors identified below the compliance criteria.

25.5 The sunlight studies for the proposed open spaces have identified that the significant areas of connected public open spaces along Sky City and within the docks will receive sufficient amounts of sunlight.

25.6 Within the courtyards of Vittoria Studios at the western end of the development, excessive overshadowing will occur, particularly mid season and winter. This should be assessed against the availability of proposed public open spaces and the limited extent of the overshadowing across the remainder of the open spaces.

25.7 The sunlight studies for the open spaces also identified that the main central open space at Skycity will benefit from the proposed building block arrangement, improving solar penetration not only to the facades of the buildings to the north of the site, but also to the open amenity areas which is considered to be a positive influence.

26 Transport

26.1 This element of the report assesses the environmental impact of the proposed development on transport. In particular, it considers the potential impacts on highways, public transport, cycling and walking during the site preparation, earthworks and construction and operational stages of the proposed development.

26.2 LEGISLATION, POLICY AND GUIDANCE

26.2.1 Legislative Framework -- Planning Policy Guidance

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26.2.2 The submitted Transport Assessment has been undertaken with the support of the 'Guidance on Transport Assessment', March 2007. This is the most recent document published jointly by Communities and Local Government and the Department of Transport to guide the Transport Assessment process.

26.2.3 The conclusions of the Transport Assessment have provided the foundation for this chapter. The Department for Transport and Communities and Local Government have also jointly published 'Good Practice Guidelines: Delivering Travel Plans through the Planning Process' in April 2009. This document has informed the residential and employment Travel Plans for the Proposed Development. 'Manual for Streets' by the Department for Transport underpins the approach to place-making and sustainable forms of movement.

26.3 ASSESSMENT METHODOLOGY AND SIGNIFICANCE CRITERIA

26.3.1 Scope of the Assessment

26.3.2 A formal Environmental Scoping Letter was issued to Wirral MBC in October 2009. This document identified the impacts that the development will potentially have on highways, public transport, cycling and walking during the site preparation, earthworks and construction and operational stages of the Proposed Development.

26.3.3 The Environmental Scoping Letter refers to the Mersey Gateway Model for the assessment, which is a highway network model. To assess the public transport impacts of the Proposed Development, a bespoke VISUM public transport model has been built. This public transport model complements the Mersey Gateway highway model, although the models are independent.

26.3.4 The following lists the relevant potential impacts which have been modified since the Environmental Scoping Letter:

Site Preparation, Earthworks and Construction Phase

- Increase in HGV movements on the local highway network;
- Disruption to public transport accessibility;
- Changes to pedestrian and cyclist routes;

Operational Phase

- Reduction in capacity of the highway network;
- Changes in public transport accessibility; and
- Changes to pedestrian and cyclist routes.

26.3.5 Extent of the Study Area

26.3.6 The extent of the available study area for highway impacts is that of the Mersey Gateway Model. This has a simulation area that is bounded to the West by the M53 running north to south through the Wirral, including the Site, whilst the model area incorporates all of Wirral, the rest of Merseyside, and areas of Cheshire. The public transport model includes Merseyside and extends to Preston in the north, Warrington and Wigan to the east and Chester to the south.

26.3.7 With respect to cycling and walking, the study area concentrates on the Site and the immediate vicinity, including links to strategic routes and destinations,

however extends to the identified 2km walking catchment and 5km cycling catchment.

26.3.8 Consultation

26.3.9 A Transport Steering Group (TSG) was set up in November 2007 involving key transport stakeholders (including Merseytravel, the Highways Agency, Wirral Borough Council, Peel Holdings and GONW) to progress the sustainable transport strategy for Wirral Waters. As such there has been considerable consultation and co-operation on transport assessment tools, methodology, and formulation of transport strategy.

26.4 Approach to the EIA.

26.4.1 Method of Baseline Data Collation:

Site Visit / Other Assessment -- Numerous site visits have been undertaken to the study area to review the highway network, walking and cycling facilities and public transport provision and accessibility. Traffic surveys were undertaken at considered key locations within the study area in April and June 2008 to supplement data supplied by WMBC and obtained from transport model developments in the area. Information on rail network use, train loadings and station use, ferry use, and existing bus service demands was supplied by Merseytravel and the Merseyside LTP Partners.

26.4.2 Assessment Methodology and Modelling

There are two models that have been utilised as a basis for the Transport Assessment. The first is the Mersey Gateway SATURN Model of the highway network and the second is a bespoke public transport VISUM model. The Mersey Gateway Model (MGM) has been built by Mott MacDonald (MM) who were commissioned by Halton Borough Council (HBC) to develop a highway model to assist demand forecasting for the Mersey Gateway business case. This model has been validated and accepted by the Department for Transport. The MGM has recently been used to support a successful major scheme business case for Bidston Viaduct at Junction 1 of the M53 within the study area.

26.4.3 These models have been agreed with stakeholders as acceptable for modelling of the Proposed Development at this stage of the planning process. The models provide forecast years of 2015 and 2030 for scenarios without the development (Do Minimum), and with the development (Do Something) for the predicted development trajectory for these periods. Significance Criteria

The assessment of potential impacts as a result of the Proposed Development has taken into account the site preparation, earthworks and construction and operational phases. The significance level attributed to each impact has been assessed based on the magnitude of change due to the development proposals, and the sensitivity of the affected receptor/receiving environment to change, as well as a number of other factors

26.6 BASELINE CONDITIONS

26.5.1 Baseline conditions have been assessed for the highway, bus and rail, ferry, cycling and walking networks.

26.5.2 Highway Network

26.5.3 The Site is well located for access to the local and strategic highway network. Dock Road (A5139) is a wide single carriageway that passes the north boundary of the Site leading to the start of the M53 to the west and the Kingsway Tunnel to Liverpool via the A5027 Gorsey Lane. To the east, Dock Road links with the A554 Four Bridges providing routes to Birkenhead and the Queensway Tunnel to Liverpool. Corporation Road is a single lane carriageway that experiences relatively low traffic flow. Duke Street passes the western boundary of the Site and is a single lane carriageway, part of which bridges over East Float and operates as a bascule bridge. A bascule bridge is also in operation along Four Bridges to the east of the Site. In general there is spare capacity on the highway network serving the Birkenhead docks area however there are some locations where the network is approaching capacity during weekday AM and PM peak hours.

26.5.4 Rail Network

26.5.5 The Site is located a short distance from the Wirral Line running from stations in the centre of Liverpool to stations in Wirral, terminating at New Brighton and West Kirby in Wirral, and Chester and Ellesmere Port to the south. There are three stations within a short distance of the Site: Birkenhead Park; Conway Park; and Hamilton Square, with a high frequency of services at each station. There is spare capacity on the Wirral Line with the Merseyside RUS indicating this line is not expected to face major capacity issues in the future, although the number of six car train units will need to be increased to accommodate future growth. There are no major station capacity issues at the closest stations to East Float.

26.5.6 Bus Network

26.5.7 The highway network surrounding the Site is served by the bus network. The network generally runs along north/south corridors via Duke Street and Tower Road providing good north/south connections and links to Birkenhead bus station, however east/west links are limited as are services around the Docks. Extensive bus routes with high service frequencies are available from Birkenhead bus station to a variety of Merseyside destinations, including Liverpool City Centre.

26.5.8 Ferry Services

26.5.9 Seacombe Ferry Terminal is located approximately 850m from the northeast edge of the Site from which there are regular peak hour services to Liverpool's Pier Head. Woodside Ferry Terminal is approximately 1km east of the south east corner of the Site with this terminal providing inter-peak and PM peak services. There are substantial levels of spare capacity on the ferry services which are considered an under utilised resource.

26.5.10 Pedestrian and Cycle Networks

26.5.11 The highway network surrounding the Site provides pedestrian facilities of varying quality as are the links to Birkenhead town centre and key transport nodes.

26.5.12 There are a limited number of designated cycle routes in the vicinity of the Site. To the west of the Site access can however be gained to the national cycle route which provides strategic cycle access north south and links to other dedicated cycle routes in Wirral.

26.6 ASSESSMENT OF IMPACTS, MITIGATION AND RESIDUAL EFFECTS

26.6.1 Site Preparation, Earthworks and Construction Phase

26.6.2 **Increase in HGV movements on the local highway network**

26.6.3 The highway network will experience additional heavy goods vehicle movements during this phase of the Proposed Development. This could affect travel times, safety, junction/link capacity, signing and accessibility. Given the time span of the Proposed Development this will be a long term impact as a whole although temporary for each element of the individual stages. The Site is well connected to the strategic highway network by way of Four Bridges along the eastern boundary and Dock Road along the northern boundary which connects with the M53 to the west. These roads already experience high goods vehicle movements and so the increase of goods vehicle movements will be less significant along these routes.

26.6.4 However, Duke Street and Corporation Road, which form the western and southern borders of the Site experience lower traffic flows and goods vehicle movements and so the increase in goods vehicle movements will be more apparent. It is along these roads that there is likely to be a greater increase in the proportion of heavy goods vehicle movements. These goods vehicle movements can be accommodated by the highway network.

26.6.5 The sensitivity of the local highway network to HGV movements is low and the magnitude of change prior to mitigation is medium. Therefore, there is likely to be a direct, temporary medium term effect on the local highway network of **minor negative** significance prior to the implementation of mitigation measures.

26.6.6 Mitigation

26.6.7 It is proposed to transport as much of the construction materials by barge as possible, to fully utilise the Site's dockside location. Where materials are to be transported on road these will utilise the strategic road network and avoid residential roads where possible. Consideration will be given to safety, signing and accessibility when designing the construction methodology.

26.6.8 Residual Effects

26.6.9 The sensitivity of the local highway network to HGV movements is low and the magnitude of change, following mitigation, is negligible. Therefore, there is likely to be a **negligible effect** on the local highway network following the implementation of mitigation measures.

26.6.10 **Disruption to public transport accessibility**

26.6.11 During this phase, there is potential disruption to bus routes, travel times and changes to bus stop locations. These changes may be more apparent at later construction phases as public transport services around the Site increase. Bus

routes are currently focused along Four Bridges and Dock Road. During this phase, bus stop locations may be temporarily changed and travel times could be altered. The sensitivity of the existing public transport network is low as the rail network is located to the south of the Site and the ferry network is to the east, away from the construction routes. There are only two bus routes potentially affected at present and so, the magnitude of change, prior to mitigation, is low. Therefore, there is likely to be a direct, temporary, medium-term effect on bus accessibility of **minor negative** significance prior to the implementation of mitigation measures. There will be **negligible** effects on rail and ferry accessibility as these are remote from the expected construction vehicle routes.

Mitigation

26.6.12 Consideration will be given to public transport facilities and replacement or alternative facilities will be provided to minimise changes to access and disruption to travel times. Traffic management can be introduced to minimise delays. Safety issues will also be considered in the construction methodology when assessing public transport alternatives.

26.6.13 Residual Effects

26.6.14 The sensitivity of the existing public transport is low and the magnitude of change, following mitigation, is negligible. Therefore, there is likely to be a **negligible** effect on all forms of existing public transport following the implementation of mitigation measures.

26.6.15 *Changes to pedestrian and cyclist routes*

26.6.16 There are likely to be changes to pedestrian and cyclist routes during this phase, primarily in the form of link closures or diversions, changes to travel times, signing and accessibility. These changes are most likely to occur along the Site frontage of Dock Road, Four Bridges, Corporation Road and Duke Street where construction access points will be located. Diversions to pedestrian and cyclist routes are unlikely to be necessary.

26.6.17 The sensitivity of the pedestrian and cyclist routes is low at present although this will increase as the individual stages of the Proposed Development progress. There is a footway surrounding the Site which will be upgraded to a pedestrian and cyclist route as part of the Proposed Development proposals. Therefore, construction vehicle access will potentially cause more disruption to these modes in the later

stages of the build process. The magnitude of change, prior to mitigation, is low. Therefore, there is likely to be a direct, temporary, medium-term effect on pedestrian and cyclist routes of **minor negative** significance prior to the implementation of mitigation measures.

26.6.18 Mitigation

Mitigation measures include provision for safe alternative routes and to minimisation of disruption to travel times for pedestrians and cyclists.

26.6.19 Residual Effects

26.6.20 The sensitivity of pedestrian and cyclist routes is low and the magnitude of change, following mitigation, is negligible. Therefore, there is likely to be **negligible**

effect on pedestrian and cyclist routes following the implementation of mitigation measures.

Operational Phase

26.7.0 Reduction in capacity of the highway network

26.7.1 The highway network will experience additional development traffic most significantly on the roads along the Site boundary and routes from the strategic highway network. Junction capacity testing has indicated that the increases in traffic flows over time will result in the existing highway network operating over capacity resulting in increased travel times.

26.7.2 The sensitivity of the highway network ranges from low to high depending on the area of the network under consideration. Most of the network is operating with spare capacity during the peak hours although some junctions are operating close to capacity. The magnitude of change prior to mitigation will vary dependent on the area of the network for which more detail is presented in the TA. However without any improvements to the highway network and assuming the magnitude of change is high, there is likely to be a direct, permanent long term effect on the highway network of **major negative** significance prior to the implementation of mitigation measures.

26.7.3 Mitigation

26.7.4 The transport strategy focuses on seeking to minimise overall travel particularly by car through the promotion of more sustainable transport alternatives. It will however be necessary to undertake essential highway capacity improvements to accommodate the Proposed Development. Such proposals would also have wider benefits through provision of public transport priority, improved facilities for pedestrians and cyclists and increased overall network capacity.

26.7.5 During the phasing of the Proposed Development, proposals improvements will be required at the following locations:

- _ A5139 Wallasey Dock Link/A5088 Poulton Bridge Road roundabout;
- _ A5139 Dock Road link;
- _ A5027 Duke Street/Gorse Lane/A5139 Dock Road signal controlled junction;
- _ A5027 Duke Street link;
- _ A5027 Duke Street / B5146 Corporation Road priority controlled roundabout;
- _ A5139 Dock Road/A554 Four Bridges/A554 Birkenhead Road signal controlled roundabout;
- _ A554 Tower Road link; and
- _ A554 Tower Road/Canning Street/Corporation Road/Rendell Street junctions.

The design of these potential highway improvements will be subject to further detailed assessment.

Travel Plans will be progressed for employees and residents, to encourage non-car modes of travel as a means of accessing the Proposed Development.

Residual Effects

The sensitivity of the highway network ranges from low to high depending on the link or junction in question. The magnitude of change, following mitigation, will be low as the transport strategy aims to minimise impacts and to provide essential highway

improvements. There are also potentially wider public benefits from the strategy that could arise from the improvements.

Therefore, there is likely to be a direct, permanent, long-term effect on the highway network of **minor negative** to **minor positive** significance following the implementation of mitigation measures and depending on the sensitivity of the highway network.

Changes in public transport accessibility

For public transport demands to 2030 there are no significant capacity issues identified on network resulting from the Proposed Development. Increased rail patronage will provide economic benefits for rail services.

Retaining the same level of bus service provision will result in some capacity issues on the 411 service but most services would have capacity. However, as part of the sustainable transport strategy for the Proposed Development, improvements to bus accessibility are to be promoted, including improved links around the dock area and to key transport interchanges, and direct links to Liverpool. The **Transport Assessment** demonstrates the potential for increased accessibility as a result of the proposals. The focus of activity created at the Proposed Development will provide scope for significant increases in the provision of commercially viable bus services, increasing public transport accessibility.

There are no capacity issues forecast on the ferry network.

The sensitivity of public transport for rail and bus is medium given there is spare capacity available and potential for improved economically viable services. The magnitude of change, prior to mitigation, is medium. In summary there is likely to be a direct, permanent, long-term effect on bus and rail accessibility of **moderate positive** significance prior to the implementation of mitigation measures given the benefits created by additional commercially viable bus services and economic benefits arising from increased rail patronage, and potentially ferry patronage. The application of the Travel Plans will encourage the use of public transport, increasing demand for services, which will have wider community benefits as service frequency and choice improves.

Mitigation

As indicated above, measures to further improve bus connectivity may include the following

- _ Provide additional capacity on existing routes;
- _ Route alteration of current routes;
- _ Provision of a shuttle service to local public transport interchanges; and
- _ A direct bus link to Liverpool from the Proposed Development.

These measures are ultimately likely to be self financing, although they could also be classed as mitigation to offset impacts and to accommodate the Proposed development, as part of the wider transport strategy.

Merseytravel and the RUS have identified the increased use of six-car units on the Merseyrail network is the solution to peak capacity issues. Most Merseyrail services run with three-car units with a capacity of 303 passengers whereas a six-car unit can

carry 606 passengers. This provides an instant uplift in capacity without having to add extra services. Additional services would be more difficult to add as the services operate at near minimum headway. Although the **Transport Assessment** identifies no major capacity problems where there are material impacts on the rail network, increasing some three car units to six car units provides a future option for mitigation.

With the increase in passengers entering and exiting the stations, alterations and additional facilities may be required to allow maximum throughput of passengers accessing the platforms.

Residual Effects

The sensitivity of public transport capacity is medium and the magnitude of change, following mitigation, is high due to increased commercial services and economic benefits for underutilised services. Therefore, there is likely to be a direct, permanent, long-term effect on public transport capacity of **moderate to major positive** significance following the implementation of mitigation measures, in particular the Travel Plans.

Changes to pedestrian and cyclist routes

There will be an improved pedestrian and cycling route along the periphery of the Proposed Development and further improved facilities and connections within the Site. Travel times, signing and accessibility will all be improved. Limitations have been observed to the pedestrian and cyclist facilities in the vicinity of the Site in connecting with key public transport nodes and Birkenhead town centre.

The sensitivity of the pedestrian and cyclist environment is medium and the magnitude of change, prior to mitigation, is medium. Therefore, there is likely to be a direct, permanent, long-term effect on pedestrians and cyclists of **moderate positive** significance prior to the implementation of mitigation measures, given the improved pedestrian facilities to be provided as a result of the Proposed Development.

Mitigation

To address the limitations on connectivity between key destinations and the Site, mitigation measures include the following improvements to walking and cycling:

_ Price Street/Park Street/Freeman Street, providing an improved link to Birkenhead Town Centre and Conway Park Railway Station;

_ Vittoria Street, providing an improved link to Birkenhead Park;

_ A5027 Duke Street, providing an improved link to Birkenhead Park Railway Station;

_ A554 Birkenhead Road, providing an improved link to Seacombe Ferry Terminal;

_ A554 Canning Street/Tower Road, providing an improved link to Woodside Ferry Terminal;

_ Pedestrian and cycle facilities at the A5139 Dock Road/A554 Tower Road/A554 Birkenhead Road signal controlled roundabout; and

_ Pedestrian and cycle facility improvements at the A554 Tower Road/Canning Street/Rendell Stre priority controlled roundabout.

Residual Effects

The sensitivity of pedestrians and cyclists is medium and the magnitude of change, following mitigation, is high. Therefore, there is likely to be a direct, permanent, long-term effect on pedestrians and cyclists of **major positive** significance following the implementation of mitigation measures.

Monitoring and Follow Up

More detailed traffic modelling is required to clarify the necessary junction improvement details and the time at which they will require implementation. This is likely to be established during the detailed planning applications as different elements of the development come forward. The ongoing work as part of the Strategic Regeneration Framework and the Transport Steering Group will assist in establishing mitigation works for all aspects of traffic and transportation, to optimise the sustainable transport strategy. Limitations and Assumptions

The use of future year traffic and public transport models to assess 2015 and 2030 with and without the development presents its limitations. The full development is not likely to be in place until 2050 and so this assessment does not include for the complete development. 2030 was considered and agreed with stakeholders to be a reasonable time to forecast to as at 2009. As stated above, further work will be required as the development progresses with more detailed modelling and regular monitoring of the transport network.

Cumulative Impacts

The transport network in the immediate vicinity of the Site is not anticipated to experience cumulative impacts. It is likely that the rail network and wider highway network of the M53 and Kingsway Tunnel will experience increased usage from major developments within Liverpool such as Liverpool Waters and other emerging city centre developments. At present there is insufficient information about such projects, which currently lie outside the formal planning process. Further cumulative work may be required as more information comes forward about such projects.

However, the traffic data for the 'without development' and 'with development' scenarios for both 2015 and 2030 have included traffic flows associated with Northbank East and therefore have been assessed within the assessment of the Proposed Development.

SUMMARY

During site preparation, earthworks and construction phase minor effects from increased HGV movements are expected on the transport network, assuming that mitigation and enhancement measures are not incorporated. The timeframe for construction may cause effects in the future on the operation of the built elements. Where possible, construction materials will be transported by barge to reduce congestion on the local highway network.

During the operational phase, for the demand forecasts to 2030, parts of the highway network is forecast to experience congestion with essential junction and link improvements likely to be required, after sustainable transport interventions have been considered. There is spare capacity on the majority of the public transport network with benefits likely to arise from the Proposed Development and proposed public transport improvements. Pedestrian and cycle facilities in the vicinity of the Site are variable, however, benefits are identified following implementation of proposed improvements.

The improvements to public transport and the pedestrian and cyclist environment will support travel by these modes both within and to and from the Proposed development. This is in accordance with the Local Transport Plan and PPG13.

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Wirral Waters Conditions Final EF Draft

Extent of Permission and Time Limits

Approval of Reserved Matters

1) Approval of the details of the access, appearance, landscaping, layout, and scale for the development (hereinafter called "the reserved matters") shall be obtained from the Local Planning Authority in writing before any development is commenced

Reason: To comply with Section 92(2) of the Town and Country Planning Act 1990

Timing of commencement and submission of reserved matters

2) No later than 22 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(2) of the Town and Country Planning Act 1990

Reserved Matters Implementation

3) All outstanding reserved matters approvals shall be implemented no later than 23 years from the date of this permission or two years from the date of any Reserved Matters application, whichever is the later.

Reason: In order to comply with the provisions of Section 92 of The Town and Country Planning Act 1990 (as amended).

Submission of first reserved matters application

4) An application(s) for approval of each of the reserved matters for the first phase of the development hereby approved must be made to the Local Planning Authority before the expiration of five (5) years from the date of this permission.

Reason: To Comply with Section 92(2) of the Town and Country Planning Act 1990

Minimum quantum of development

5) The first reserved matters application for the first stage shall provide for the following development:

- xx no of new dwellings;
- xxx of retail floor space;
- xxxxof commercial floor space

xxx shall be completed in the first stage of development before completed before a subsequent application for residential accommodation is submitted.

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Thereafter: xxx dwellings shall be completed in the second stage involving housing development before a subsequent application for residential accommodation is submitted

Thereafter: xxx shall be completed in the third stage involving housing development before a subsequent application for residential accommodation is submitted

Thereafter: xxx shall be completed in the fourth stage involving housing development before a subsequent application for residential accommodation is submitted

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

Submission of reserved matters within 5 years

6) This permission shall lapse unless the first Reserved Matters application is made within five years from the date of this permission.

Reason: In order to comply with the provisions of Section 92 of The Town and Country Planning Act 1990 (as amended)

Commencement of development

7) The development hereby permitted shall begin not later than whichever is the later of the following dates;

- (i) six (6) years from the date of this permission; or
- (ii) the expiration of two (2) years from the date of approval of the first reserved matters approved.

Reason: To comply with Section 92(2) of the Town and Country Planning Act 1990

Compliance with Approved Plans

8) The Development hereby approved shall be carried out within the dimensions shown in the Parameters Plan reference xxxx, dated xxxxxx

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

Information Required Before Submission of Reserved Matters

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Comprehensive Planning Documents

9) Prior to the submission of an application for any reserved matters the following information shall be submitted to and approved in writing by the Local Planning Authority:

- i. an updated Working Masterplan and Design & Access Statement including:

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- a) a detailed phasing and construction programme for each component of the site;
 - b) the overall layout of principal open spaces;
 - c) the overall layout of the primary and secondary roads, pedestrian and cycle routes based on an area wide walking and cycling study; and
 - d) a report showing how the finding of an independent Design Review Panel have been taken into account;
- ii. an updated Environmental Impact Assessment Scoping Report.
 - iii. a detailed Sustainability Strategy setting out the objectives for each phase of the scheme including the identification of requirements and targets for each subsequent reserved matters stage.
 - iv. full details of a contaminated land investigation which identifies **Remediation Zones and Sub-Zones** for the site, along with schedules of earthworks and soil treatment activities relevant to each zone,
 - v. a housing delivery strategy assessed for compliance with the Council's housing Policy based on Strategic Housing Market Assessment.
 - vi. an updated Travel Plan;
 - vii. a Strategic Transport Assessment to include strategic studies on area-wide walking, cycling and highway mitigation works;
 - viii. a strategy for providing facilities for pedestrians, cycling, vehicle parking, public transport, servicing and delivery arrangements and monitoring of highway mitigation works.
 - ix. an **East Float Transport Plan** (based on the Strategic Transport Assessment) with details of transport and highway interventions with appropriate commuted sums for future maintenance linked to a timetable and method for implementation. This shall include provision for (initially but not limited to) works at the following locations:
 - Wallasey Dock Link / Poulton Bridge Road / Dock Road – junction capacity improvements;
 - Gorsey Lane / Kingsway Tunnel – introduce signal control;
 - Dock Road link – widening between Poulton Bridge Road and the former grain warehouses;
 - Duke Street / Dock Road / Gorsey Lane – junction capacity improvements;
 - Duke Street link – widening to dual carriageway status, including replacement of Duke Street Bridge with a dual carriageway bridge;
 - Duke Street / Corporation Road – junction capacity improvements;
 - Dock Road / Tower Road / Birkenhead Road – junction capacity improvements including improved pedestrian and cycle routes;
 - Tower Road link – widening between Tower Wharf and Rendell Street;

- Tower Road / Canning Street / Corporation Road / Rendell Street – junction upgrade and capacity improvements including improved pedestrian and cycle links and toucan crossing facilities; and
- x. 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.
- xi. a Social and Community Infrastructure Plan to address the need for:
 - a) Primary school education;
 - b) Secondary school education;
 - c) Health centres;
 - d) Community facilities;
 - e) Neighbourhood Police centres;
 - f) Child Care facilities
- xii. a communications infrastructure plan showing how radio, television, broadband and telecommunications facilities and equipment will be incorporated throughout the development.
- xiii. a Sustainable **Energy Plan linked to a programme of works** showing:
 - a) how the development will be connected to an energy supply from decentralised, low and zero carbon sources, and
 - b) design solutions to ensure future occupiers can have reduced energy requirements

The approved Comprehensive Planning Documents shall, thereafter, be reviewed every five years and shall be re-submitted to and agreed in writing by the Local Planning Authority.

Applications for reserved matters approval shall be made in accordance with the approved documents with provision for critical infrastructure within the each Phase or Sub-Phase being consistent with the parameters and principles for the layout of the wider scheme.

Reason: To ensure that a sustainable co-ordinated and high quality form of development is taken place as required by National Planning Policy PPS1.

Documents Required for Reserved Matters Applications

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10) Applications for the reserved matters for each stage of the development hereby approved shall include the following information:

- (ii) a statement to demonstrate how the development will conform with the updated Environmental Statement;
- (iii) an updated Design & Access Statement setting out how the findings of an independent Design Review Panel have been taken into account
- (iv) An updated Economic Impact Assessment when:

- a) the overall floor space for purposes within Use Class B1(a) Offices would exceed 75,000 square metres;
 - b) the overall floor space for purposes within Use Class B1(a) Offices would exceed 150,000 square metres;
- (v) a scaled layout plan showing of the mix of type and size of units for uses within Use Class B1, B2 and B8;
- (vi) a **housing delivery plan** linked to scaled drawings (for applications involving residential development) showing:
 - a) the number, size, type and tenure mix for each dwelling;
 - b) the tendering/procurement stage for any social rented, shared ownership and key worker sub market rented units;
 - c) the dates for the start of construction and completion;
 - d) the ownership and management arrangements for each tenure of affordable housing units;
 - e) the number, unit size and mix of wheelchair accessible homes and their storey, level,
 - f) and the quantity and type of private residential amenity space;
- (vii) applications involving residential development shall provide for affordable housing to be delivered at a rate of 40% of the total number of dwellings proposed in that phase (or at a rate set in any future Council policy based on Strategic Housing Market Assessment when the application is determined) unless the rate of provision is shown to be unviable,
- (viii) the heads of terms for securing affordable housing through a legal agreement (for applications involving residential development);;
- (ix) ;an updated retail assessment for retail development within Use Classes A1 to A5
- (x) an updated heritage statement link to scaled drawings for any development affecting the setting of listed buildings, parks and conservation areas including precise details of :
 - a) the proposed granite wall and granite bollards within the site;
 - b) the glazed beacon, glazed cube and the rear glazed extension,
 - c) how the rough hewn stone copings from the existing boundary wall to the south of the site are to be retained and re-used within the site;
 - d) how the date stone from the Tug Office and Surveyors Office is to be retained and re-used within the site;
 - e) alterations to the stonework on the Hydraulic Tower;
 - f) how the clock faces to be re-instated on the Hydraulic Tower.
- (xi) a Designing Out Crime Assessment, demonstrating the measures to be incorporated to enable the development to achieve Secure by Design (or such national measure of assessment that replaces that scheme);
- (xii) a comprehensive lighting strategy including details of all external lighting, the beam orientation and the proposed lighting hours linked to scaled drawings and a schedule of the equipment to be used within the scheme;.

- (xiii) precise details of the sustainable construction techniques, energy efficiency and renewable energy measures to be incorporated into the scheme;
- (xiv) a scheme for monitoring ground water levels;
- (xv) a scheme for incorporating a Sustainable Urban Drainage System throughout the site;
- (xvi) precise details of scheme of works for the construction of a pedestrian refuge and associated work at the access to the development site (s);
- (xvii) precise details of a scheme of works for the removal of any section of track within the site;
- (xviii) full **details and samples of materials** be used on all external surfaces including hard surfacing;;
- (xix) proposals for monitoring of Groundwater Levels;
- (xx) a Sustainable Water Efficiency Strategy with measures to reduce water consumption;
- (xxi) a Sustainable Urban Drainage scheme including:
 - i. a timetable of implementation, and
 - ii. a management and maintenance plan for the lifetime of the development which shall include the arrangements for adoption by any public body or statutory undertaker, or any other arrangements to secure the operation of the sustainable urban drainage scheme throughout its lifetime.
- (xxii) applications for landscaping shall include full details of all trees, plants and shrubs and seeded areas and new ground levels including
 - a) the specification of all plant material in accordance with the National Plant specification;
 - b) The location, spacing, and mix of species
 - c) Details of provenance for all native species;
 - d) Details of plant handling, horticultural accessories and establishment of aftercare;
 - e) Details of how the tree and shrub planting takes account of its contribution to lessening air flow and wind near to buildings;
 - f) a detailed programme for commencing, completing and subsequent, maintenance;
 - g) a scheme for of green and brown roofs.

Reason: To promote a sustainable co-ordinated and high quality form of development as required by National Policy PPS1.

Construction related structures/buildings

11) Notwithstanding the provisions of Schedule 2, Part 4, Class A of the Town & Country Planning (General Permitted Development) Order 1995 (or any legislation revoking, re-enacting or modifying that Order) full details of the siting and external design of any temporary structures/ buildings required in relation to the implementation of the development be submitted to and approved in writing by the Local Planning Authority. Any temporary structures and building shall be installed in accordance with the approved details.

Reason: In the interests of visual and residential amenity in accordance with National Planning Policy Statement 1: Delivering Sustainable Development

Code of Construction Practice & Management Plan

12) No development shall commence unless and until a Code of Construction Practice 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.

The approved Code and Management Plan shall be revised and be submitted for written approval from the Local Planning Authority every 3 years until construction is complete.

12) 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.

Demolition and Site Waste Strategy & Management Plan

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14) No Development shall be commenced in relation to any Phase of the 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.

Construction Transport Management

15) No development shall commence until a Construction Transport Management Plan, 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 from the Local Planning Authority every 3 years until construction is complete.

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.

Highway Safety

17) Before each stage of development is commenced, precise details of scheme of works for the construction of a pedestrian refuge and associated work at the access to the development site (s) are to be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved scheme and certified in writing by the Local Planning Authority as complete prior to the first occupation of the development.

Reason: In the interests of highway safety in accordance with UDP Policy TRT3 and National Planning Policy Guidance 13: Transport.

18) {Notwithstanding the detail on the submitted plan, precise details of a scheme of works for the removal of the section of track adjacent to the site entrance shall be submitted to and approved in writing by the Local Planning Authority. The development is to be carried out in accordance with the approved details and retained as such thereafter.

Reason In the interests of highway safety in accordance with UDP Policy TRT3 and National Planning Policy Guidance 13: Transport.

19) No Development or any Phase of Development shall commence until the applicant, or their agents or successors in title has submitted to the Council a scheme and programme to establish the Transport Steering Group (TSG) for implementation and monitoring of the Transport Plan. Thereafter the TSG shall be constituted, established and operate for the life of this consent

Reason In the interests of highway safety in accordance with UDP Policy TRT3 and National Planning Policy Guidance 13: Transport

20) Prior to submission of the first reserved matters application details of a **Document Timetable** for the future reviews and submissions of the Strategic Scoping Study, the Monitoring Strategy, the Strategic Transport Assessment and the East Float Transport Plan shall be submitted for the agreement in writing of the LPA. Thereafter, the Strategic Scoping Study, the Monitoring Strategy, the Strategic Transport Assessment and the East Float Transport Plan shall be reviewed, updated and submitted to the LPA in accordance with the agreed Document Timetable unless otherwise agreed in writing by the LPA.

Reason In the interests of highway safety in accordance with UDP Policy TRT3 and National Planning Policy Guidance 13: Transport

Transport Assessment / Transport Statement (TA/TS)

21) Reserved matters applications or outline applications for any quarter, phase, sub phase or plot within the development site shall not be submitted without a **Transport Assessment / Transport Statement (TA/TS)** relating to that quarter, phase, sub phase or plot, if the requirement for submission of a TA/TS outlined in the DfT/CLG document "Guidance on Transport Assessment" is triggered by the reserved matters application. For the avoidance of doubt, any TA/TS submitted in accordance with this condition shall comply with guidance given in the DfT/CLG document "Guidance on Transport Assessment".

Reason In the interests of highway safety in accordance with UDP Policy TRT3 and National Planning Policy Guidance 13: Transport

22) No TA/TS shall be submitted in relation to any quarter, phase, sub phase or plot within the development site without the LPA first approving in writing a **Scoping Study** in relation to the TA/TS. For the avoidance of doubt, any Scoping Study submitted in accordance with this condition shall comply with guidance given in the DfT/CLG document "Guidance on Transport Assessment" and the TA/TS shall be prepared in accordance with the approved Scoping Study.

Reason In the interests of highway safety in accordance with UDP Policy TRT3 and National Planning Policy Guidance 13: Transport

23) No TA/TS shall be submitted in relation to any quarter, phase, sub phase or plot within the development site without the LPA first approving the TA/TS. For the avoidance of doubt, the LPA may as a basis for determining whether or not to issue its approval to any TA/TS submitted in accordance with this condition impose such conditions and/or require such additional Planning Obligations as may be considered necessary and reasonably related to the application and its impact on the East Float Transport Plan for its approval of a TA/TS and shall be entitled to refuse such approval if the applicant is unable or unwilling to enter into an appropriate Planning Agreement required under this condition.

Reason In the interests of highway safety in accordance with UDP Policy TRT3 and National Planning Policy Guidance 13: Transport

East Float Transport Plan

24) No development shall commence until an **East Float Transport Plan** has been agreed in writing with the LPA. For the avoidance of doubt, the Transport Plan shall include:

- Details of how the East Float Transport Plan shall be informed by the Strategic Transport Assessment;
- Details of transport and highway interventions and appropriate commuted sums for future maintenance and a timetable and method for their implementation and shall initially include those transport and highway interventions identified in the Transport Assessment and supporting documentation submitted with this outline application.
- Details of how the East Float Transport Plan shall be reviewed and updated.

Thereafter, the transport and highway interventions outlined in the agreed East Float Transport Plan shall be implemented in accordance with the agreed timetable and method, to the written satisfaction of the LPA.

Reason In the interests of highway safety in accordance with UDP Policy TRT3 and National Planning Policy Guidance 13: Transport

Hours of Construction

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25) 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.

Noise and Vibration

26) 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..

Construction Noise

27) Noise levels from construction work or Site Engineering and Preparation Works shall be no higher than 65dB LA eq (1 hour) and 70dB LA eq (1 minute) at any educational premises measured at 1m from the façade of the building during school hours in term time, 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 construction noise affecting the users of educational buildings 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.

Noise & Vibration Monitoring

28) No development shall commence within any given Phase Sub-Phase or Plot unless and until a 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:

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- 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.

Noise Attenuation – Building Design

29) Buildings in the following categories shall be designed to achieve the good internal noise standards (as per BS:8233) specified for the following Noise Sensitive Premises:

- a) Residential and offices and other uses, as set out in BS8233:1999.

In each case, the most up to date version or any successor document shall be used at the time of design. Sound levels in residential units shall be measured to demonstrate compliance with the above values within the habitable rooms or an agreed number of units by an approved acoustic consultant and submitted to and approved by the Local Planning Authority prior to the units being occupied.

Reason: To ensure that good practice standards for internal noise are implemented in accordance with National Policies PPS1, PPG24 and UDP Policy PO3.

Building Services/Plant Noise

30) Where building services, plant or other external noise sources are to be installed, the total noise level of such items shall be at least 5dB(A) below the prevailing background LA90 noise level, measured at the nearest Noise Sensitive Premises, in accordance with BS4142 or successive guidance.

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..

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Vibration Protection Scheme

31) No Plot Development shall begin until 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.

Residential Noise Mitigation

32) Before development commences, upon any building to be used for any residential or other noise sensitive uses, a scheme of detailed noise mitigation measures, which demonstrate how noise standards would be met, shall be submitted for the approval in writing of the Local Planning Authority. Thereafter, the development shall be carried out in accordance with the approved document.

Reason: To protect the amenities of future 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.

Noise Mitigation – accord with ES

33) 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.

Air Quality and Dust – Monitoring, Assessment & Control

34) No development shall commence 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:

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- 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.

Extraction and Ventilation Equipment

35) No development shall commence until full details of all extraction and ventilation equipment has been submitted to and approved in writing 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.

Odour control for commercial kitchen extraction equipment

36) 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..

Noise control for any external air conditioning plant

37) 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.

Preliminary risk assessment

38) 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), a **preliminary risk assessment** to deal with the risks associated with contamination of the site shall be submitted to and approved, in writing, by the Local Planning Authority. The preliminary risk assessment shall identify:

- 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.

Reason: To identify all sources of pollution, pathways and receptors to ensure a safe form of development that poses no unacceptable risk of pollution to inland freshwaters, coastal waters and relevant territorial waters pursuant to 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'.

Remediation - ground contamination survey

39) Prior to commencement of development, a **ground contamination survey** shall be undertaken, taking into account any potential contaminants from all known previous 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. 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 land is suitable for development in accordance with Policy PO5: 'Criteria for the Development of Contaminated Land' & Policy WAT2:

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'Protection of the Water Environment' of the Wirral Unitary Development Plan and National Planning Policy Statement 23: 'Planning and Pollution Control

Remediation phases

40) Development shall not be commenced in any Phase or Sub-Phase unless and until full details and designs of the **Remediation Works** and Site Engineering and Preparation Works, and all Critical Infrastructure within that Phase or Sub-Phase, have been submitted to and approved in writing by the Local Planning Authority ...

Reason: To ensure appropriate remediation and infrastructure works are complete prior to the construction of the scheme 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

Remediation Zones and Sub-Zones

41) No Development shall be commenced in any subsequent Phase, unless and until the locations of the Remediation Zones relevant to such Phase or Phases shall have been reviewed, and details of such review have been submitted to and approved in writing by the Local Planning Authority.

Reason: To enable the Local Planning Authority to control the remediation of contaminated land 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

Site Specific Remediation Strategy

42) No Remediation Works shall take place within any Phase unless and until a **Site Specific Remediation Strategy** (SSRS) has been prepared and submitted for the written approval of the Local Planning Authority for the relevant remediation zone containing that plot or sub zone. The Strategy shall set out how the relevant Remediation Zone or Remediation Sub-Zone or (if appropriate) that Phase or Plot will be remediated to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property and the natural and historic environment. The SSRS shall include the following details:

a) chemical and physical criteria for soils and other infill materials to define the acceptability of material for their intended use on the site; sufficient ground investigation data to assess the risks to human health and controlled waters from potential hazards at the site associated with soil and ground water contamination or ground gases, taking into account the proposed land uses and required earthworks;

c) a source-pathway-receptor human health environmental risk assessment undertaken using the Contaminated Land Exposure Assessment methodology or successor national guidance, agreed by the Local Planning Authority as being appropriate at the time such risk assessment is undertaken;

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- d) an environmental risk assessment using national guidance, agreed by the Local Planning Authority, for the protection of asphyxiation and explosive risks in buildings and the health of plants used in the final development;
- e) a description of any remediation works that are necessary to be undertaken in advance of, or during, the construction works to render the land suitable for its intended uses;
- h) details of the proposed content of the Remediation Validation report and any monitoring to be provided (including longer-term monitoring of pollutant linkages), maintenance measures and arrangements for contingency action; and
- i) a detailed programme for any remediation works, method statements, verification and validation programme and verification and validation programme and proposed environmental mitigation and monitoring measures to be employed. Each SSRS must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation.

Remediation works shall only thereafter be undertaken in full compliance with the approved strategy and programme of works.

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

43) Remediation works shall be carried out in accordance with the relevant **Site Specific Remediation Strategy** for that Remediation Zone or Sub-zone. The Local Planning Authority shall be given at least two weeks written notice of an intention to commence remediation scheme works.

Reason: To protect human health 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

Piling – prior approval

44) 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

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Environment' of the Wirral UDP and Planning Policy Statement 23: 'Planning and Pollution Control'.

Contaminants in the dock sediment -- investigation

45) Prior to the commencement of any dock infilling, a full investigation to establish the presence of contaminants in the dock sediment shall be produced and submitted for approval to the Local Planning Authority. The results of the investigation should be used to define the appropriate method of sediment disposal. Only clean and uncontaminated materials shall be used for dock infilling purposes.

Reason: To ensure that the condition of the dock based sediments are known and assessed so that the correct handling and disposal routes are identified and the correct methods of waste management and transportation is adopted and adhered to 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

Importation of soils/infill material

46) 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

Remediation Validation Report

47) 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 'long-term 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.

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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'

Dealing with Unanticipated Contamination

48) 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'

Hazardous Substances

49) 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'

Public information signs

50) Prior to the provision of any dockside walkway or part thereof, a scheme detailing the location, dimensions, content and maintenance of **public information signs**, detailing the operation of the dock system in the West Float, shall be submitted to and approved in writing by the Local Planning Authority. The

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approved signs shall be installed prior to the first occupation of residential units on the site and maintained thereafter.

Reason: In the interests of public safety and to publicise the operation and nature of the adjacent operational dock system to prospective residential occupiers in accordance with National Planning Policy Statement PPS1: Delivering Sustainable Development.

Life saving equipment

51) Prior to public 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.

Port Boundaries

52) Prior to the occupation of buildings at Northbank West and Sky City/The Point, full particulars -- and a timetable for implementation -- of the boundary relationship with the remaining operational part of the East Float, including but not limited to levels, works to improve the appearance and layout of the operational dock, management and maintenance, shall be submitted has been submitted to and approved in writing by the Local Planning Authority. The approved details shall thereafter be implemented in accordance with the agreed timetable.

Reason: To safeguard the amenity of future adjoining residents and operational effectiveness of the remaining port operational facilities at East Float in accordance with National Planning Policy Statement PPS1: Delivering Sustainable Development.

Operation and management for the remaining operational part of the East Float

53) No development shall be commenced until full details of a scheme of **operation and management for the remaining operational part of the East Float** have been submitted to and approved in writing by Local Planning Authority. The approved scheme shall demonstrate measures and working practises for improving visual amenity and reducing the potential for nuisance to occupiers of neighbouring property caused by noise, dust, vibration, fumes and smell.

The approved scheme shall be implemented before the new buildings at Northbank West and Sky City/The Point are occupied and shall be maintained as such thereafter.

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Reason: To safeguard the amenity of future adjoining occupiers and operational effectiveness of the remaining port operational facilities at East Float in accordance with National Planning Policy Statement PPS1: Delivering Sustainable Development and PPS23: 'Planning and Pollution Control .

Liverpool Airport

54) No works shall commence in relation to the construction or erection of any building structure, or crane (including any roof structures or plant) pursuant to this permission that would infringe the agreed obstacle **limitation surface** relating to Liverpool John Lennon Airport unless and until the full details have been submitted to and agreed in writing by the Local Planning Authority in consultation with the operator of the Airport.

Reason: To ensure air traffic safety and the safeguarding of Liverpool John Lennon Airport in accordance with National Planning Policy Statement PPS1: Delivering Sustainable Development and PPG13: Transport.

Liverpool Airport – building materials

55) No works for the installation or application of the principal materials to be used on the external surfaces of any building that, when complete, would infringe the obstacle limitation surface relating to Liverpool John Lennon Airport unless and until the full details have been submitted to and agreed in writing by the Local Planning Authority in consultation with the operator of the Airport.

Reason: To ensure air traffic safety and the safeguarding of Liverpool John Lennon Airport in accordance with National Planning Policy Statement PPS1: Delivering Sustainable Development and PPG13: Transport.

Liverpool Airport – lighting

56) No works for the Installation of any lighting structure pursuant to this permission which, when complete would infringe the obstacle limitation surface of Liverpool John Lennon Airport unless and until the details of those lighting structures have been approved in writing by the Local Planning Authority in consultation with the operator the Airport.

To ensure air traffic safety and the safeguarding of Liverpool John Lennon Airport in accordance with National Planning Policy Statement PPS1: Delivering Sustainable Development and PPG13: Transport.

Approval of Earthworks details

57) No development shall take place in any phase of development until details of **earthworks** have been submitted to and approved in writing by the Local Planning Authority. These details shall include the proposed grading and mounding of land areas including the levels and contours to be formed, showing the relationship of proposed mounding to existing vegetation and surrounding landform . The

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development shall be carried out in accordance with the approved details and shall remain as such thereafter.

Reason: To ensure high standards of design and implementation of landscaping and the public realm in accordance with the mitigation measures described in the Environmental Statement and the Design & Access Statement in accordance with National Planning Policy Statement PPS1: Delivering Sustainable Development.

Finished Floor levels

58) 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

Japanese Knotweed etc

59) 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 or Sub 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 .

Pre- Phase 1 Commencement Submissions and Approvals

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60) No development shall take place until a scheme and a programme of implementation for Critical Infrastructure has been submitted to and approved in writing by the Local Planning Authority. The Critical Infrastructure shall be installed in accordance with the approved scheme and programme of implementation.

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

Schedule of Mitigation Measures

61) The Development shall be carried out in accordance with the **Schedule of Mitigation Measures** set out in any Revised Environmental Statement as approved the Local Planning Authority..

Reason: To ensure a high quality sustainable development takes place and to protect the amenities of the occupiers of the proposed development and neighbouring premises in accordance with National Planning Policy Statement PPS1: Delivering Sustainable Development.

Specific Restrictions on residential development by Quarter: Northbank West Quarter

62) The completed residential floor space within Use Class C3 of Town and Country Planning (Use Classes) Order 1987 (or any legislation revoking, re-enacting or modifying that Order) within the Northbank West Quarter, as identified within submitted Drawing Number GA 201 Rev 08, shall comprise a minimum 60% of the overall completed floor space within the Northbank West Quarter (excluding the provision of car parking).

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

Achievement of BREAM Excellent/Code 4 for Sustainable Homes

63) All residential dwelling units commenced prior to 1st January 2016 shall achieve a Code Level 4 in accordance with the requirements of the Code for Sustainable Homes: Technical Guide (or such national measure of sustainability for house design that replaces that scheme). No dwelling shall be occupied until a Final Code Certificate has been issued for it certifying that Code Level 4 has been achieved.

Reason: In the interests of minimising the demand for energy from non-renewable sources and in accordance with the principles of sustainable development, having regard to Planning Policy Statement PPS1.

64) All residential dwelling units commenced on the 1st January 2016, or thereafter shall achieve a Code Level 6 in accordance with the requirements of the Code for Sustainable Homes: Technical Guide (or such national

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measure of sustainability for house design that replaces that scheme). No dwelling shall be occupied until a Final Code Certificate has been issued for it certifying that Code Level 4 has been achieved.

Reason: In the interests of minimising the demand for energy from non-renewable sources and in accordance with the principles of sustainable development, having regard to Planning Policy Statement PPS1.

Specific Restrictions on residential development by Quarter: Four Bridges

65) The completed residential floor space within Use Class C3 of Town and Country Planning (Use Classes) Order 1987 (or any legislation revoking, re-enacting or modifying that Order), within Four Bridges, as identified within submitted Drawing Number GA 201 Rev 08, shall be ancillary to completed floor space within the Northbank West Quarter falling within other Use Classes. For the avoidance of doubt, completed residential floor space shall not exceed 15% of the overall completed floor space (excluding the provision of car parking).

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

Maximum Overall floorspace for the A1-A5, B1, C1 and D1/D2 uses

66) Notwithstanding the provisions of the Town & Country Planning (General Permitted Development) Order 1995 (or any legislation revoking, re-enacting or modifying that Order) the total gross floorspace for uses, other than those falling within Use Class C3 (dwelling houses) shall not exceed 620,757 sq m, of which:

- i) Not more than 60,000 sq m gross internal area shall fall within Use Classes A1 to A5,
- ii) Not more than 422,757 sq m shall fall within Use Class B1 (Business).
- iii) Not more than 38,000 sq m shall fall within Use Class C1 (Hotel and conference facilities).
- iv) Not more than 100,000 sq m shall fall within Use Classes D1 and D2 (culture, education, leisure, community and amenity uses).
- v) Within the total maximum floorspace, and subject to the limits set out in clauses (i) to (iv) of this condition, a maximum of 48,500 sq m shall only be subject to Part 3, Class E of the Town & Country Planning (General Permitted Development) Order 1995 for the following uses: Class B1 (office, research and development), Class A1 (retail), Class A2 (financial and professional services), Class A3 (restaurants and cafes), Class A4 (bars), Class A5 (hot food takeaways), Class C1 (hotel and conference facilities), Classes D1 and D2 (culture, education, leisure, community and amenity floorspace).

Reason: To ensure that the Development is carried out in accordance with the relevant parameters and principles of the Development Specification and 67)

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Framework and to ensure that the details accord with the assessment and conclusions of the Environmental Statement in accordance with National Planning Policy Statement PPS4: Planning for Sustainable Economic Growth

Class E, Part 3 GDPO provisions

67) Notwithstanding the provisions of Class E, Part 3 the Town & Country Planning (General Permitted Development) Order 1995 (or any legislation revoking, re-enacting or modifying that Order), a management agreement shall be submitted to and approved in writing by the Local Planning Authority, before any remaining rights under Class E (subject to the maximum floorspace conditions) are implemented, to set out a specification and management system for ensuring that appropriate provision for the satisfactory servicing of the unit is made and that acceptable levels of amenity (including visual, noise and security) are maintained in areas where Class E is intended to be utilised up to a maximum floorspace of 48,500 square metres. Where Class E provisions are used, the management agreement will be implemented as approved. The implementation of the management agreement will be monitored with a record produced on any new use and the amount of floor space involved to be submitted to the Local Planning Authority in writing every three years until the Class E provisions have expired.

For the avoidance of doubt the Class E provisions will expire on the tenth anniversary of the grant of outline planning permission.

Reason: To protect the amenity of adjoining occupiers and ensure that a sustainable co-ordinated and high quality form of development takes place in accordance with National Planning Policy Statement PPS4: Planning for Sustainable Economic Growth.

Control over overall amount of Class A1 and split between convenience and comparison uses:

68) Notwithstanding the provisions of the Town & Country Planning (General Permitted Development) Order 1995 (or any legislation revoking, re-enacting or modifying that Order) no more than 30,000 sq m gross internal area (22,800 sq m net including mezzanine floorspace) shall be used for uses falling within Class A1 (shops).

Reason: To ensure retail facilities do not exceed the assessed amount under the tests of National Policy PPS4 to serve a sustainable development in accordance with National Planning Policy Statement PPS4: Planning for Sustainable Economic Growth.

Sale of convenience goods

69) Notwithstanding the provisions of Class A1 of the Schedule to the Town and Country Planning (Use Classes) Order 1987 and the provisions of the Town & Country Planning (General Permitted Development) Order 1995 (or any legislation revoking, re-enacting or modifying those Orders), no more than 12,000 sq m gross

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internal area (8,400 sq m net including mezzanine floorspace) shall be used for the sale of convenience goods.

Reason: To ensure retail facilities do not exceed the assessed amount under the tests of National Policy PPS4 to serve a sustainable development in accordance with National Planning Policy Statement PPS4: Planning for Sustainable Economic Growth.

Non-food comparison goods

70) Notwithstanding the provisions of Class A1 of the Schedule to the Town and Country Planning (Use Classes) Order 1987 and the provisions of the Town & Country Planning (General Permitted Development) Order 1995 (or any legislation revoking, re-enacting or modifying those Orders), no more than 18,000 sq m gross internal area (14,400 sq m net including mezzanine floorspace) shall be used for the sale **of non-food comparison goods**.

Reason: To ensure retail facilities do not exceed the assessed amount under the tests of National Policy PPS4 to serve a sustainable development in accordance with National Planning Policy Statement PPS4: Planning for Sustainable Economic Growth.

Food and drink uses

71) Notwithstanding the provisions of Use Classes A3, A4 and A5 of the Schedule to the Town and Country Planning (Use Classes) Order 1987 (or any legislation revoking, re-enacting or modifying that Order), no more than 21,000 sq m gross internal area shall be used for **food and drink uses**.

Reason: To ensure retail facilities do not exceed the assessed amount under the tests of National Policy PPS4 to serve a sustainable development.

Control over the amount of Use Class A1 convenience/comparison floorspace to be incorporated within the first phase of development

72) No more than 3,000 sq m of gross internal floorspace for Use Class **A1 convenience uses** and 1,500 sq m of gross internal floorspace for Use Class **A1 comparison uses** shall be brought forward for occupation within the first phase to be developed. If the convenience retail provision which has been approved as part of the Northbank East plot 1 development (Ref No 2009/5109.) has already been developed or is under construction at the time that a Reserved Matters application is lodged in respect to the first phase of development under this planning permission no more than 1,000 sq m of convenience retail provision shall be included in that reserved matters application.

Reason: To ensure retail facilities do not exceed the assessed amount under the tests of National Policy PPS4 to serve a sustainable development in accordance

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with National Planning Policy Statement PPS4: Planning for Sustainable Economic Growth.

A1 convenience floorspace – maximum in any Quarter

73) Notwithstanding the provisions of Class A1 of the Schedule to the Town and Country Planning (Use Classes) Order 1987 and the provisions of the Town & Country Planning (General Permitted Development) Order 1995 (or any legislation revoking, re-enacting or modifying those Orders), no more than 6,000 sq m gross internal area (4,200 sq m net including mezzanine floorspace) for Use Class A1 shops for the sale of convenience goods shall be developed in any single 'quarter' as defined by the planning permission.

Reason: To ensure retail facilities do not exceed the assessed amount to serve a sustainable development and are of an appropriate scale for the mixed use development proposed in accordance with National Planning Policy Statement PPS4: Planning for Sustainable Economic Growth.

A1 Comparison floorspace – maximum in any Quarter

74) Notwithstanding the provisions of Class A1 of the Schedule to the Town and Country Planning (Use Classes) Order 1987 and the provisions of the Town & Country Planning (General Permitted Development) Order 1995 (or any legislation revoking, re-enacting or modifying those Orders), no more than 9,000 sq m gross internal area (7,200 sq m net including mezzanine floorspace) for A1 shops for the sale of comparison goods shall be developed in any single 'quarter' as defined by the planning permission .

Reason: To ensure retail facilities do not exceed the assessed amount to serve a sustainable development and are of an appropriate scale for the mixed use development proposed in accordance with National Planning Policy Statement PPS4: Planning for Sustainable Economic Growth.

Retail units, operating hours.

75) Prior to the occupation of any units for purposed within Use Classes A1 (Shops), A2 (Financial & Professional Services), A3 (Restaurants and Cafes) A4 (Drinking Establishments) and A5 (Hot Food Takeaways), the operating hours shall be submitted to and agreed in writing by the Local Planning Authority. No part of the retail floorspace approved under this application shall be occupied other than in accordance with the particulars so approved.

Reason. In the interests of the amenity of future occupiers in neighbouring property in accordance with National Planning Policy Statement PPS4: Planning for Sustainable Economic Growth and PPG24: Planning & Noise.

Floorspace Maximums – A1 linked to other uses

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76) Notwithstanding the provisions of Class A1 of the Schedule to the Town and Country Planning (Use Classes) Order 1987 and the provisions of the Town & Country Planning (General Permitted Development) Order 1995 (or any legislation revoking, re-enacting or modifying those Orders), the following floorspace maximums shall not be exceeded so as to ensure that the retail elements of the scheme remain ancillary to housing and commercial development:

- No more than 6,000 sq m gross internal area (4,200 sq m net including mezzanine floorspace) for Use Class A1 shops for the sale of convenience goods shall be completed and occupied unless and until the total amount of floorspace completed for residential (C3) and business (B1) uses exceeds 250,000 sq m.
- No more than 9,000 sq m gross internal area (6,300 sq m net including mezzanine floorspace) for Use Class A1 shops for the sale of convenience goods shall be completed and occupied unless and until the total amount of floorspace completed for residential (C3) and business (B1) uses exceeds 500,000 sq m.
- No more than 6,000 sq m gross internal area (4,800 sq m net including mezzanine floorspace) for Use Class A1 shops for the sale of comparison goods shall be completed and occupied unless and until the total amount of floorspace completed for residential (C3) and business (B1) uses exceeds 250,000 sq m.
- No more than 12,000 sq m gross internal area (9,600 sq m net including mezzanine floorspace) for Use Class A1 shops for the sale of comparison goods shall be completed and occupied unless and until the total amount of floorspace completed for residential (C3) and business (B1) uses exceeds 500,000 sq m.
-
- No more than 15,000 sq m gross internal area (12,000 sq m net including mezzanine floorspace) for Use Class A1 shops for the sale of comparison goods shall be completed and occupied unless and until the total amount of floorspace completed for residential (C3) and business (B1) uses exceeds 750,000 sq m.
-
- Reason: To ensure retail facilities do not exceed the assessed amount under the tests of National Policy PPS4 to serve a sustainable development and cannot be developed in isolation from the provision of C3 residential and B1 business development.

Size of A1-A5 units

77) The gross internal area (including any mezzanine floorspace) of any unit proposed to be occupied as a Use Classes A1 to A5 use shall not exceed 500 sq m; except that a maximum of two units of up to 2,500 sq m gross internal area shall also be permitted (subject to phasing).

Reason: To ensure retail facilities do not exceed the assessed amount under the tests of National Policy PPS4 to serve a sustainable development and are of an appropriate size for the mixed use development proposed..

Wirral Waters East Float – commercial floorspace

78)

- (a) No more than 75,000 sq m of office floorspace on the site within Use Class B1 (a) of the Town & Country Planning Use Classes Order 1987 (or any subsequent re-enactment) shall be occupied before 31st December 2017 unless the following tests are met:
- i. That at least 90% of the completed floorspace has been occupied since the date of first use where occupiers are new start businesses, or expanding businesses including those relocating to Wirral Waters directly from premises outside Liverpool City Centre, as defined by Picture 20 in the Liverpool City Council Preferred Options report January 2010) or businesses who have taken occupation of the floorspace in addition to their existing office floorspace within Liverpool City Centre.
 - ii. Any office development exceeding 75,000 sq m shall not be commenced if more than 15% of the total B1 (a) floorspace granted permission under this outline permission is vacant.
- (b) Within the overall figure of 75,000 sq m referred to in condition (a) no works shall commence on any building which comprises of more than 5,000 sq m (net) of B1 (a) office floorspace unless and until a scheme has been submitted to and approved in writing by Local Planning Authority showing that at least 40% of that floorspace has been pre-let.. The agreed scheme shall be implemented in full.

Reason: To ensure that development is controlled to mitigate impact on Liverpool City Centre to have regard to the hierarchy of centres in National Planning Policy Statement PPS4: Planning for Sustainable Economic Growth

Pre-let evidence for office floorspace of buildings over 5000sqm

79) Within the overall figure of 75,000 sq m referred to in condition XX no works shall commence on any building which comprises of more than 5,000 sq m (net) of B1 (a) office floorspace unless and until a scheme has been submitted to and approved in writing by Local Planning Authority showing that at least 40% of that floorspace has been pre-let. The agreed scheme shall be implemented in full.

Reason: To ensure that development is controlled to mitigate impact on Liverpool City Centre to have regard to the hierarchy of centres in National Planning Policy Statement PPS4: Planning for Sustainable Economic Growth

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Floorspace requirements in each Quarter

80) Within each quarter, the following shall apply:

- (i) **Northbank West**, a minimum of 60% of the completed floorspace of the quarter, excluding car parking, shall fall within Use Class C3 (Residential); **Marina View**, a minimum of 60% of the completed podium level development (excluding the tower elements and car parking) shall provide for education, health, community, police and child care facilities.
- (ii) **Four Bridges** will not contain any residential development Use Class C3 unless it is minor and ancillary to other dominant uses; and
- (iii) **The Point** will be reserved for leisure/cultural Use Class D2 only

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

Drainage

81) The development shall not be begun until either:

(a) a scheme for foul and surface water drainage and any required waste water treatment works has been submitted to and approved in writing by the Local Planning Authority, following consultation with the Environment Agency and statutory undertakers. The scheme shall include:

- full assessment of the foul drainage needs of the development
- a specification of works required for the full development (phased as necessary)
- a programme for implementation of the works

The scheme shall demonstrate that the phased development will be served by a foul and surface water treatment system that will perform satisfactorily when subjected to the surface and foul water discharge generated by the development.

OR

(b) details have been submitted to and approved in writing by the Local Planning Authority of arrangements entered into by the developer that provide for the delivery of the works referred to in (a).

The approved works under (a) or (b) shall be implemented in accordance with the programme and details as approved by the Local Planning Authority.

Reason: To ensure that the development can be properly drained. in accordance with Policy WA5 – ‘Protecting Surface Waters’ of the Wirral Unitary Development Plan.

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No pollution to enter the dock water or River Mersey

82) 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.

Provision and management of habitat creation

83) No development shall take place until a scheme with a programme for the provision and management of habitat creation, including the creation of wetland area has been submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented in accordance with the agreed programme timetable and shall be maintained as such thereafter.

Reason: To ensure a co-ordinated form of sustainable development takes place with provision to the enhance of the nature conservation value of the site pursuant to National Planning Policies PPS1: Delivering Sustainable Development and PPS9: Biodiversity and Geological Conservation.

Flood Risk –

84) The development permitted by this planning permission shall only be carried out in accordance with the approved Flood Risk Assessment (FRA) (April 2010, Report No 11171217-IF1, Revision Final v3, WSP Development and Transportation) and the following specific measures detailed within the FRA:

1. Detailed design of flood protection and mitigation measures are to be proposed through the submission of additional Flood Risk Assessments as part of reserved matters applications for individual phases of development on the site. Each Flood Risk Assessment will be subject to the need to comply with the planning guidance requirements in use at the time of each individual submission.
2. The surface water drainage design for the overall development shall be designed to ensure that there is no flooding onsite or elsewhere including allowances for future climate change

Reason: To reduce the risk of flooding to the proposed development, future occupants and elsewhere pursuant to Policy WAT1: 'Fluvial and Tidal Flooding', Policy WA1: 'Development and Flood Risk' and Policy WA2:

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'Development and Land Drainage' of the Wirral UDP and Planning Policy Statement 25: 'Development and Flood Risk'.

85) No residential accommodation shall be provided at ground floor level in any part of the site which is within Flood Risk **Zone 3a** as shown on the Environment Agency's Flood Map unless compliance with the PPS25 "exceptions test" (or any successor guidance on flood risk matters) has been demonstrated through a detailed assessment report prepared in consultation with the Environment Agency.

Reason: To ensure a safe form of development that poses no unacceptable risk from flooding in accordance with Planning Policy Statement 25: 'Development and Flood Risk' and Policy WAT1 of the Wirral Unitary Development Plan.

Archaeology

86) No development shall take place until a scheme of archaeological investigation with a programme of 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.

CCTV details

87) Full details of any Close Circuit Television Systems (CCTV) shall be submitted to and approved in writing by the Local Planning Authority prior to installation. CCTV cameras shall only thereafter be installed in accordance with the approved details.

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

Protection of Hydraulic Engine House

88) No development shall commence until a scheme setting out a detailed methodology for the protection of the hydraulic engine house, tower, historic surfacing materials and quayside artefacts during the construction phase has been submitted to and approved in writing by the Local Planning Authority.

The development shall be implemented in accordance with the approved scheme.

Reason: To protect conservation of features of built heritage which contribute to the character of the local area, in accordance with UDP Policy CH01.

General Conformity:

89) The development shall be carried out in accordance with the revised parameter plans and as described in the revised development specification (as detailed within Section 8 of the Design and Access Statement) dated July 2010 comprising:

Revised East Float Neighbourhood Parameter Plans (July 2010):

- **Dwg No:** Quarter Boundaries (GA) 201 **Rev:** P08
- **Dwg No:** Landscape and Public Realm (SK)1016 **Rev:** P10
- **Dwg No:** Ground Level (SK)1020 **Rev:** P02
- **Dwg No:** Upper Level Minimum (SK) 1024 **Rev:** P01
- **Dwg No:** Scale and Massing (SK) 1021 **Rev:** P02
- **Dwg No:** Movement and Connections (Ground Plane) (SK) 1017 **Rev:** P08
- **Dwg No:** Movement and Connections (Underground/dock) (SK) 1018 **Rev:** P05

Revised Quarter Application Plans (July 2010)

Sky City

- Ground Floor – ASK-001 Rev B
- Upper Floors – ASK-002 Rev B
- Movement and Connections – ASK-003 Rev B
- Scale and Massing – ASK-004 Rev A

Vittoria Studios

- Ground Level – 1752-A-SK-001-B
- Upper Levels - 1752-A-SK-002-B
- Movement and Connections - 1752-A-SK-003-B
- Scale and Massing - 1752-A-SK-004-B

Four Bridges

- Ground Level – FBR–001-B
- Upper Level - FBR–002-B
- Movement and Connections - FBR–003-C
- Scale and Massing - FBR–004-B

Northbank West

- Ground Level – 00_201 Rev D
- Upper Level - 00_202 Rev D
- Movement and Connections - 00_203 Rev D
- Scale and Massing - 00_204 Rev D

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The supporting written principles as Section 8 of The Design and Access Statement (July 2010)

Development brief for reconciliation masterplan

90) Prior to the submission of reserved matters for an agreed spatial phase a detailed development brief outlining the scope of the reconciliation masterplan shall be submitted to agreed by the LPA. This should include:

- Details of the specific spatial phase of the proposals for consideration- the need for an East Float Neighbourhood wide, quarter(s) wide or development parcel
- The extent of reserved matters considerations dependent upon the scale of proposals- including layout, scale, public realm and openspace
- The extent of Landscape and Public Realm Works
- Infra structure
- Phasing
- The areas or components of the reserved matters application that will be subject to design coding and design briefs

Reason: to ensure the orderly and satisfactory development of the masterplan area and high standards of design for the development.

Reconciliation masterplan itself condition

91) No development except for that associated with infrastructure and site preparation works, shall take place in any of the agreed geographical phases until a detailed reconciliation masterplan has been submitted to and agreed by the LPA for the phase in question.

Reason: to ensure the orderly and satisfactory development of the masterplan area and high standards of design for the development.

Maximum Heights

92) The maximum heights of buildings across the site shall correspond to and not exceed the maximum AOD heights specified on parameter plan Dwg No: Scale and Massing (SK) 1021 Rev: P02. Reserved matters applications for individual buildings shall be accompanied by an existing site survey and elevations indicating the finished floor levels and roof level of the finished building for approval by the Local Planning Authority.

Reason: to ensure that development accords with the parameters.

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UXO assessment

93) 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

Bird Strike

94) No development shall take place until full details of a scheme to prevent the risk of bird strike has 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 amenity and public safety in accordance with National Planning Policy PPS1: Delivering Sustainable Development,

Bats – pre-construction checks of existing buildings

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95) 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.

Contingency and evacuation plan during construction phase

96) 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

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

Transport

- The applicant will pay a set tariff of £1,000 per residential unit or per 100 sq m of commercial floorspace. This standard figure will be requested at each Reserved Matters stage, dependent on the residential and commercial figures within the application. The relevant commuted sum will then be written into each individual Section 106 Agreement for the Reserved Matters applications. This tariff will be index linked, and there will be a mechanism which allowed the review of the tariff every 10 years.
- This would have a focus on qualitative improvements to sustainable transport in the area and strategic public transport accessibility to and from the area from other major economic areas.
- There are a number of sustainable transport requirements which the applicant will provide funding towards through this tariff. This includes the following:
 - A contribution towards the upgrading of Birkenhead North train station in order to bring it up to compliance with DDA;
 - A contribution towards the completion of Phase 2 of the Park & Ride facilities at Birkenhead North train station;
 - A contribution towards the construction of bus interchange facilities at Birkenhead Park and Conway Park train stations;
 - A contribution towards bringing Birkenhead Park train station up to full DDA compliance;
 - A contribution towards the strengthening of rail units in the period up to 2019, prior to the introduction of new Merseyrail rolling stock;
 - An appropriate financial contribution towards the capital cost of purchase for new Merseyrail stock in 2019;
 - A financial contribution to the strengthening of services after 2019, if this is required;
 - The applicant will ensure that there is a good through two-way bus route for full sized buses across the East float development equipped with all the appropriate bus infrastructure required to serve all destinations within the East float area appropriately;
 - Full protection of the green transport boulevard with its potential provision in the first instance for bus operation, should this be deemed appropriate and protection for its subsequent use as a light rapid transit route;
 - Financial support for suitable improvements to be developed at Birkenhead Bus Station - initially a contribution towards the introduction of new ticket office facilities as part of the Birkenhead Bus Station hub;
 - The creation of a bus lane in/out of the Kingsway Tunnel, together with dedicated Bus Only toll booth in either direction;
 - Full funding for a period of up to 8 years for a circular service bus route offering direct links between East Float, Birkenhead Park, Conway Park,

- central Birkenhead and Hamilton Square, operating for at least 12 hours per day, 7 days per week;
 - Full funding for a period of up to 8 years for a bus route service between East Float and Seacombe Ferry via the Dock Road element of the Wirral Waters development, operating for at least 12 hours per day, 7 days per week;
 - Improve cycle links to the National Cycle Network;
 - Travel Plan support;
 - The renewal of the two bridges along the A554 Tower Road (under discussion).
- There will also be a requirement to improve pedestrian and cycle links. The main focus for these improvements are along five radial routes connecting East Float with rail and ferry services, Birkenhead Town Centre and recreational facilities. These are:
 - Improved link to Seacombe Ferry Terminal: It is proposed to provide pedestrian and cycle routes along the A554 Birkenhead Road including toucan crossing facilities;
 - Improved link to Woodside Ferry Terminal: A cycle route is proposed for the A554 Canning Street/Tower Road and a shared pedestrian/cycle route is proposed along Hamilton Street and Woodside Ferry Approach;
 - Improved link to Birkenhead Town Centre and Conway Park Railway Station: Shared pedestrian/cycle routes are proposed for Price Street, Park Street and A5029 Freeman Street in addition to landscaping treatment and informal pedestrian crossing points;
 - Improved link to Birkenhead Park: Shared pedestrian/cycle facilities are proposed along Vittoria Street between Corporation Road and Conway Street in addition to some traffic calming;
 - Improved link to Birkenhead Park Railway Station: On-road cycle routes are proposed on both sides of Duke Street between Corporation Road and Beckwith Street linking in with existing cycle facilities
- In order to ensure that future transport provision will be able to support development at this key site, a Transport Steering Group (TSG) has been set up, comprising of representation from Wirral Council, Highways Agency, Merseytravel and Peel Holdings. The purpose of the TSG is to facilitate the development of a transport strategy that will produce optimum solutions and outcomes in respect to sustainable transport objectives. The applicant will commit to a continued role within this group.
- The Transport Steering Group will have primary responsibility in determining where the financial contributions received via the proposed tariff is spent, in terms of priority.

- A Travel Plan Co-ordinator shall be appointed, prior to the commencement of development, to oversee the implementation and be responsible for Travel Plans for the entire East Float site. The coordinator will be responsible for:
 - Co-ordination of monitoring for workplace travel plans & residential travel plans;
 - Production of monitoring reports for the Local Planning Authority;
 - Co-ordinate the promotion of travel plans to residents and nominated workplace co-ordinators;
 - Co-ordination of action plans for the travel plans;
 - Organise and chair an area wide Travel Plan steering group for Residential and Workplace Travel Plans;
 - Submission of action plans for the approval of the LPA;
 - Co-ordinate the assembly and distribution of residential travel plan packs;
 - Act as a point of contact with public transport providers; and
 - Promotion of the residential Travel Plan to first time buyers.

Green Infrastructure & Public Realm

- As specified in Section 6.10 – 6.18 of the Development Specification, a standard figure of £1,000 per residential unit, or per 100 sq m of commercial floorspace will be paid by the applicant for the provision of improving green infrastructure and public realm within the surrounding areas, including the links to and from the application site. This standard figure will be requested at each Reserved Matters stage, dependant on the residential and commercial figures within the application. The relevant commuted sum will then be written into each individual Section 106 Agreement for the Reserved Matters applications. This tariff will be index linked and there will be a mechanism included within the legal agreement which allows for a review of the level of this tariff at set points.
- There are clear linkages which need to be improved in order to enhance the accessibility to the site. These links should benefit from improved public realm and green routes, by the introduction of tree planting, footpath improvements, lighting and similar enhancements (though not limited to this). These main routes are identified as:
 - Duke Street (from Birkenhead Park train station to the site);
 - Birkenhead Road (from Seacombe Ferry Terminal to the site);
 - Canning Street (from Woodside Ferry Terminal to the site);
 - Tower Road Parkway;
 - Vittoria Street;
 - City Boulevard East;
 - City Boulevard West;
 - Link from Northbank, via the Northside Partnership Neighbourhood.
- The Vision Statement and the Guiding Principles: Landscape, Waterfront & Public Realm document, as submitted with the application, are proposed as the primary frameworks for guiding how this tariff is spent – they include the

provisions that are related to the development, thus satisfying the tests for planning obligations. The ecology assessments also flag the need to apply some of this funding to management of coastal recreational assets.

Community Economic Benefits

- In order to ensure that the development will provide new employment and training opportunities for people living within the local area, the applicant will agree to a number of provisions.
- A protocol has been set up with Wirral Construction Employment Integrator which will see the applicant agreeing to provide certain levels of training, depending on certain triggers within each Reserved Matters application – such as number of residential units, or commercial floorspace.
- There is no specific tariff or contribution required for this. Rather, it will be a series of committed partnership actions and ways of working, most specifically related to the manner in which the local community becomes involved in construction activity and the resultant jobs created.
- The applicant will agree to continue the Wirral Waters Economic Steering Group, and to sign up to:
 - Raising aspirations of Wirral residents through training and employment opportunities;
 - Tackling worklessness (Wirral Waters presents the opportunity to assist in the training and employment opportunities that could be accessed by those outside the labour market through partnerships with various established groups and mainstream providers.);
 - Addressing basic and vocational skills;
 - Addressing barriers to work;
 - Work experience;
 - Apprenticeships and mentoring;
 - Construction and employment agreements.
- A Local Employment and Skills Action Plan (incorporating a Skills Development Method Statement), following the principles set out within the approved document 'Guiding Principles 10, Skills and Employability, June 2010' shall be submitted to and approved in writing by the Local Planning Authority. The approved Action Plan shall be implemented over the lifetime of the development, from when the development hereby approved commences.
- An associated supporting funding statement must be submitted, detailing the financial contributions to be provided for local construction and training opportunities, which links to existing local education and training centres to be agreed with the Local Planning Authority before any part of the development commences.

Social and Community Infrastructure

- Prior to the submission of any Reserved Matters applications for any phase or sub-phase, a Housing & Communities Working Group shall be set up comprising of Wirral Council, the applicant, Wirral PCT and other relevant local stakeholders.
- This working group will have responsibility for assessing the requirements for social and community infrastructure – specifically, the primary and secondary school provision, the existing medical centre facilities and the provision of community facilities, such as community halls, recreational facilities and libraries. This will impact on the provision requirements stipulated at each Reserved Matters stage.

Regeneration Vehicle

- The Vision Statement for Wirral Waters sets out how within the Strategic Regeneration Framework, there are catalyst neighbourhoods within the control and remit of the applicant, and a number of partnership neighbourhoods, where a joint public-private partnership approach will be required. To aid this, a 'Regeneration Vehicle' will be established. This vehicle will be responsible for ensuring that the resources of the local community, Wirral Council, regional/local agencies and organisations and the private sector, including the applicant, are co-ordinated in an appropriate manner to achieve the sustainable regeneration of inner Wirral.
- The applicant will have a role as part of the vehicle's group of partners. One of its core aims will involve promoting inner Wirral to investment markets and acting as a conduit and co-ordinator to regeneration activity.
- Prior to the commencement of each stage of development (as defined by a Reserved Matters application), a detailed marketing and end user monitoring plan shall be submitted to and approved in writing by the Local Planning Authority in order to ensure that Council and the developer work in partnership to actively promote the East Float development.

Housing & Affordable Housing

- The Section 106 legal framework proposed would ensure that affordability issues are dealt with at milestones; would establish principles for future partnership working, and; would require the applicant to undertake detailed assessments of the need, viability and deliverability of affordable housing as phases are built.

- Broadly, the mechanism comprised in the legal agreement would consist:
 - Partnership Working: A commitment to working with the Council, HCA and local RSLs to explore and review the need and potential for affordable housing, in the context of evolving policy, evolving needs, changing market conditions and the evolving economic viability and dynamics of the project itself. This will include the need for a Wirral Waters Housing and Communities Working Group (HCWG) to be established, comprised individuals from Wirral Council and Peel Holdings, responsible for the operation of an affordable housing mechanism and associated viability testing. The legal framework will require the Housing and Communities Working Group to meet prior to the submission of each Reserved Matters application for housing, and agree the requirements in terms of the 'Detailed Assessment' needed for that particular submission (see below). The Housing and Communities Working Group would be the primary vehicle for the establishment of housing requirements within the development, in response to new information that is published; for example a revised SHMA or other housing market evidence, or in response to changing economic circumstances.
 - Establishment of a headline target over the lifetime of the development. This would be the overall target for East Float, which the developer would not be required to exceed. At this stage it is not possible to define this target. It is considered, however, that the target would need to be higher than 40%, the current target for affordable housing provision provided by the SHMA.
 - A rolling '2nd tier' target that changes in response to market conditions and viability, established by Wirral Borough Council. This may be reviewed by the Council at intervals (e.g. annually) and would provide the requirement for individual phases of East Float. The housing elements of East Float should seek to provide affordable housing in line with that target. Initially, given current economic conditions, it is anticipated that this target will start at a lower level and increase over time as viability improves.
 - The requirement for a 'Detailed Assessment' of the need for and deliverability of affordable housing to be prepared for each Reserved Matters application that includes housing. The 'detailed assessment' should as a minimum include the following:
 - A) An updated assessment of housing need in the local area, taking account of prevailing national/regional/local policy on affordable housing and in particular the '2nd tier target' for affordable housing;
 - B) an economic viability assessment of that particular phase of development's ability to provide for affordable housing;

- C) In the event that the phase of development is to make a contribution to affordable housing, the scale and nature of that contribution will be considered by the HCWG having regard to the above points, and in addition exploration of the optimum route for potentially delivering affordable housing (on-site / off-site, rented/shared-ownership etc);
 - D) Analysis of actual and planned/opportunities for the delivery of affordable housing in the area at the time, to inform identifying the most effective means of contribution;
 - E) Analysis of the effectiveness of the East Float project in tackling affordability issues through economic investment, training/skills initiatives and improving the ability of local people to afford a suitable home.
- The affordable housing provision within each Reserved Matters application will be subject to all relevant requirements. However, if the applicant claims that the phase should be required to contribute less due to financial viability problems, then they will submit a financial assessment to show this. This assessment will not be available to the public, and will be independently verified, with the cost borne by the applicant.
 - A mechanism to secure the delivery of affordable housing through the reserved matters stages of the East Float development, incorporating the following elements:
 - A commitment to partnership working, through the establishment of roles and responsibilities for the Housing and Communities Working Group as the primary vehicle for the consideration of housing requirements within the development.
 - Establishment of a headline target for the delivery of affordable housing over the lifetime of the development.
 - A mechanism to establish a rolling '2nd tier' target that changes in response to market conditions and viability, established by Wirral Borough Council.
 - The requirement for a 'Detailed Assessment' of the need for, deliverability and viability of affordable housing to be prepared for each Reserved Matters application that includes housing, in accordance with the submitted Development Specification, paragraph's 8.38 – 8.50.
 - In the event of on-site affordable housing provision on site, affordable housing units shall be constructed to meet the most recent HCA standard at the time of entering into the agreement with a Registered Social Landlord.
 - In the event of on-site affordable housing provision on site, development shall not be commenced in any given Reserved Matters phase of development until the developer has reached a written agreement with an RSL with regards

ownership and management of Affordable Housing Units to be provided. Such agreement shall include terms as to transfer of the Affordable Housing Units to the RSL at the cost of the applicant and obligations as to access and right of entry. Copies of the said agreement shall be provided to the Council for approval.

- In the event of on-site affordable housing provision on site and in the event that the RSL referred to in the above clause is not a member of Wirralhomes, then the Affordable Housing Scheme and the agreement with the RSL shall enable the Council to have nomination rights with regards to the occupancy of the Affordable Housing Units
- In the event of on-site affordable housing provision on site, occupation of more than 50% of the Open Market Housing Units within any given Reserved Matters phase of development shall not be permitted until 50% of the Affordable Housing Units have been provided and are ready for occupation, and thereafter occupation of more than 80% of the Open Market Housing Units within any given Reserved Matters phase of development shall not be permitted until the remainder of the Affordable Housing Units are ready for occupation
- In the event of a contribution to off-site provision, no development within any given Reserved Matters phase of development shall commence until a financial contribution in accordance with the mechanism to secure the delivery of affordable housing has been received by the Local Authority.

Design

- The first Reserved Matters application for any phase or sub phase shall not be submitted prior to the establishment of an Independent Design Review Panel. This group, and any subsequent 'Group' which assumes the role, has responsibility for delivering, monitoring and reviewing this Strategy. In particular, it will have the following responsibilities:
 - Direct the delivery of the Landscape, Waterfront and Public Realm Strategy through the spatial masterplanning process by briefing and reviewing the design proposals brought forward by neighbourhood/quarter design teams;
 - Keeping this Strategy under review and amending/ refreshing it as appropriate and reporting updates to the Strategic Working Group and Wirral Council officers and councillors.
- The applicant will commit to an international design competition for the Point Tower to secure exceptional design quality and a design review panel will be set up through the S106.
- Prior to the submission of each Reserved Matters, the developer will –

- proactively consult with the Design Panel as soon as the design team is appointed to progress the reserved matters
- consult with the Design Panel over the content of all Reserved Matters applications no less than 4 weeks prior to the formal submission to the Local Planning Authority, allowing the Design Panel 21 days to respond with written comments
- take reasonable account of any comments the Design Panel make following the consultation referred to above in any formal submission to the Local Planning Authority.

Hamilton Square

- The applicant will assist the Hamilton Square Business Forum in marketing Hamilton Square as a destination for potential new businesses, as well as aiding existing businesses.
- The applicant will commit to undertaking assessments, at 5 year intervals or as a requirement of major phase Reserved Matters submissions. Such assessments will be scoped in consultation with the Local Planning Authority and English Heritage and will assess how Hamilton Square is performing in response to the Wirral Waters development.

Sustainability, Energy & Waste

- Prior to the submission of any Reserved Matters application for any phase or sub phase, a Sustainability, Energy and Waste Working Group will be set up, consisting of the applicant, Wirral Council and relevant local stakeholders.
- The working group will provide a forum within which options will be explored and solutions tested in depth to arrive at a consensus to ensure that opportunities are maximized. These opportunities will relate to recycling, disposal of waste, waste-to-energy proposals, sustainable energy, carbon emissions, and other issues relating to sustainability, energy or waste.

Lock Gates

- The applicant will offer assurances that the dock walls and lock gates will be maintained to a high standard for the lifetime of the development. Only clean and uncontaminated surface water may be discharged to controlled waters without a discharge consent.

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