

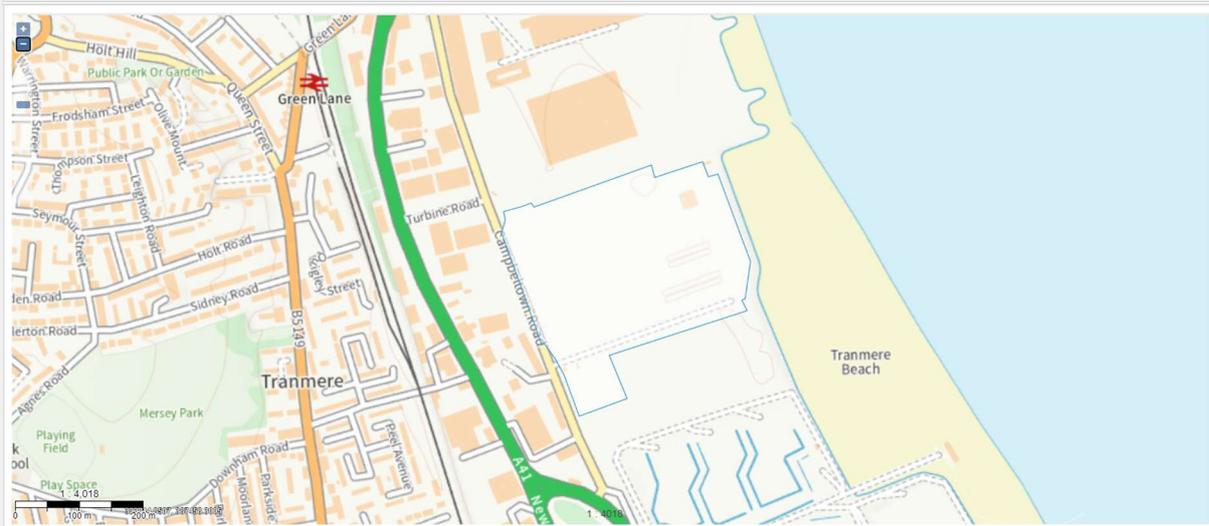
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| Planning Committee | 8th June 2023 |
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| Reference: | Area Team: | Case Officer: | Ward: |
| APP/22/00334 | DM | Mr P Roberts | Rock Ferry |

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| Location: | Camell Laird, Campbeltown Road, Birkenhead, Wirral, CH41 9BP |
| Proposal: | Construction of a building for employment purposes Class E(G)III, B2 and B8, along with a gatehouse associated infrastructure including: service yard, car parking, drainage and hard and soft landscaping |
| Applicant: | Peel L & P & Tungsten Properties |
| Agent: | Eleanor Overton (Pegasus Group) |

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| Qualifying Petition | No |
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Site Plan:



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| Development Plan designation: | Primarily Industrial Area Employment Development Site Coastal Zone Waste Disposal Site |
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| Planning History: | APP/16/00601 – Temporary warehouse, offices and contractor storage facilities. APPROVED APP/15/00592 - Full planning application for a proposed crew transfer and storage facility. APPROVED |
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| | <p>APP/12/00729 – Temporary planning permission for three years for a temporary warehouse to be used for the dry storage of high value equipment and components to be used for the construction of Gwynt y Mar Offshore Wind Farm. APPROVED</p> <p>APP/12/00030 – Temporary planning permission for three years to erect amenities to facilitate the coordination of construction of parts of the Gwynt y More Offshore Wind Farm. APPROVED</p> |
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Reason for listing on Strategic Applications Sub Committee Agenda:

Large scale development of more than 10,000 square metres.

Summary Of Representations and Consultations Received:

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| 1. Ward Member Comments | None. |
| 2. Summary of Representations | <p><u>REPRESENTATIONS</u></p> <p>In response to the public consultation exercise a total of 2 responses were received raising the following comments:</p> <ul style="list-style-type: none"> - Overdevelopment - Increased traffic with pressures on local roads, junctions and prejudicial to highway safety <p>In addition, objections from Eversheds on behalf of neighbouring operator Essar Oil Limited as well as Stanlow Terminals Limited (Essar) were received on 15 April 2022, 29 April 2022, 23rd June 2022 and 13th February 2023.</p> <p>The first objection states that Essar operates Tranmere Oil Terminal which is considered Critical National Infrastructure along with the Stanlow Manufacturing Complex. The Tranmere Terminal receives vessels carrying up to 170,000 tonnes of crude oil and up to 9 million tonnes of crude oil a year which is processed at Stanlow. The site is designated as a top tier site under the Control of Major Accident Hazards Regulations 2015 (“COMAH”) because of the quantity of dangerous substances present. It has an existing Hazardous Substance Consent (HSC) issued by Wirral Council in 2017 in connection with the maximum quantity of flammable liquids, petroleum products and alternative fuels present.</p> <p>A summary of comments raised is set out below:</p> <ul style="list-style-type: none"> - Major accident prevention should be based on the principle of reducing risk to a level as low as is reasonably practicable (“ALARP”) for both human and environmental risks and a change in circumstances may impact on Essar’s ability to demonstrate that it is operating its site to reduce major accident hazards to reasonably practical levels. If approved, there is the potential that the Health and |

Safety Executive (HSE) would require enhanced measures to lower accident risks adding material costs and prejudicing future growth and operations in a highly competitive market.

- In protecting Critical National Infrastructure, it is necessary to consider flexibility regarding future operations as well as existing potentially hazardous substances on-site. For instance, in connection with the planned introduction of a Low Carbon Biofuels Hub.
- The submitted Transport Assessment (TA) is deficient in terms of methodology and assessing impact on highway network capacity.
- This application does not fully assess or conclude on the ecological and ornithological impacts of the proposal including in respect of the Habitats Regulation Assessment.
- The Impact of COMAH Report fails to have regard to the way in which Essar's sites are used and relies solely upon the response received by the HSE, which is not sufficient for a full assessment.
- The Design and Access Statement ("DAS") is not fit for purpose.
- The proposed development may have implications for the existing COMAH Safety Report for the Tranmere Oil Terminal site, increasing the number of persons that may be subjected to risk and potentially causing increased costs, and potentially prejudicing future expansion of the Essar business.
- Traffic impact of the proposed development and the ability of the emergency services to access Tranmere Oil Terminal in the event of a major accident.
- The need for future flexibility is underlined by the recent Health and Safety Certificate (HSC) application. A significant increase in people present within the inner, middle and outer COMAH consultation zones may well make it more difficult for Essar to ensure that major hazard risks remain ALARP. This may in turn make it more difficult to secure future consents and approvals to allow Essar to remain competitive and to help deliver on the Government's hydrogen and net zero ambitions.
- Essar considers that the Application has not demonstrated that the criteria in Policies EM6, POL1 and PO9 have been satisfied and so the proposed development does not comply with the Development Plan.
- National policy and guidance is clear that existing nationally important infrastructure must be protected against inappropriate development in its surrounds, presently and into the future.
- In summary, Essar considers that the proposal fails to comply with the development plan and other material considerations, such as national policy and guidance, which indicate that permission should be refused.

A second objection was received on 29th April 2022 containing comments on the transport submission submitted on the applicant's behalf by RSK Limited. In summary this stated:

- The traffic generation section of the TA downplays the impact of a B8 use and utilises the generation figures for a B2 use. While this offers a robust assessment of total traffic, this offers a reduced

volume of HGVs and potentially underestimates the overall impact of the proposals.

- The daily volume of HGVs for a B8 use is estimated to be as high as 488 two-way movements. There has been no assessment of environmental impacts, despite the proposals increasing HGV volumes by 50%.
- The junction modelling of both roundabouts on the A41 is considered to be inaccurate.
- Deficiencies in the site access junction for HGVs. It is positioned close to the access for the land use immediately to the north. A greater separation distance is appropriate to allow for vehicle manoeuvring while avoiding conflict between HGV movements.
- The access itself has been shown with 6m radii, which are inappropriate for an industrial use and require every HGV turning out left to use the full width of the carriageway. Given the high volume of HGVs, particularly turning south, the design is sub-standard.
- The entry to the site is inadequate, indicating a dual-lane entry yet is clearly illustrated in swept path drawings that it can only reasonably operate as a single lane.
- The available stacking space at the entry is also inadequate given the high HGV volumes and will lead to a high risk of vehicles waiting on Campbeltown Road in both directions and causing obstruction to other vehicles. On this basis, the proposed access arrangements are considered to be sub-standard and present a risk to highway safety.

A third objection letter was submitted on 23rd June 2022. The below is a summary of the points raised:

- A request that the Council considers the appropriateness of the proposal in light of the application (ref: HSC/22/00720) to modify the HSC for the introduction of different fuels to the terminal on the basis that the proposals are located in close proximity to each other and modification to chemicals capable of being stored may affect the COMAH consultation zones.
- The assessments carried out do not take account of the hazardous substances that may be stored at the site in the future.
- It would be irresponsible and a failure to have regard to material considerations to set aside the HSC application when determining this submission. It must be factored into evaluation of any other scheme proposed which might affect those operations.
- Where a HSC is modified, the consultation zone is required to be reconsidered on the basis of what is now permitted. It would be entirely unreasonable to inhibit the operation of the COMAH site for a nearby planning application which has not properly assessed such development.
- The HSE has not yet provided a consultation response. The COMAH Report supporting the Application has been prepared on the basis that a response of 'Do Not Advise Against' is likely to be received, and this assumption flows through into other supporting documents. This assessment fails to have regard to the way in which

Essar's sites are used and is not sufficient to demonstrate that the proposals are acceptable from a safety perspective.

- Determination should not take place in the absence of a formal consultation response from the HSE.
- The Merseyside Fire & Rescue Service (MFRS) has an Emergency Plan in respect of Tranmere Oil Terminal which is updated every 3 years. The Plan sets out that there are no watercourses running through the Terminal and no stored water. Water would be extracted from the Cammel Laird basin in the event of a fire when the river is low and if there was a large-scale fire MFRS would use connections at the Terminal for fire water hoses to feed into with the hoses and pumps connected to the basin to transfer water. MFRS utilises the land lying within the application site to lay the hoses between the basin and the Terminal. Accordingly, it is argued that the proposal would interfere with the ability of MFRS to provide additional water in the case of a major event.

A fourth letter was received from Eversheds on 13 February 2023 which was written in response to the document prepared by PDC in December 2022. The letter which is attached for reference rebuts some of the claims made by PDC. The following represents a summary of the comments made:

- Domestic UK refinery closures are not inevitable. The Government's Ten Point Plan strategy is to support industrial decarbonisation in the UK through Carbon Capture, Usage and Storage and low carbon hydrogen production and the Hynet project at Stanlow has been selected by BEIS as a Track 1 cluster to manufacture and deliver low carbon hydrogen. Stanlow and Tranmere terminals will be at the heart of the North West hydrogen economy.
- the continued importance of Tranmere Oil Terminal and the Stanlow Oil Refinery to regional and national infrastructure. It is wrong to suggest refineries are not required to provide supply security. Domestic energy manufacturing facilities are needed to provide resilience to international supply chain disruptions. Stanlow and Tranmere are central to regional energy supply. The ability of other UK refineries to meet required volumes without Tranmere and Stanlow is not logistically possible. Due to capacity constraints on alternative supply systems and the lack of alternative import terminals in the Northwest.
- the HSE consultation zones referred to by PDC do not factor in the additional zone (DPZ) and the larger other zones around large scale petrol sites which is considered by Essar to apply in this situation and would mean that the proposed building would fall under Sensitivity Level 2 and lead to an 'Advise Against' response;
- the LPA have been advised by BEIS (Department for Business, Energy and Industrial Strategy), that both Stanlow Refinery and Tranmere Oil Terminal are Critical National Infrastructure, forming a key part of the energy supply chain; are key parts of the regional economy, and the loss, closure and disruption to Tranmere Oil

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| | <p>Terminal would have a significant impact on refinery operations and fuel supply resilience;</p> <ul style="list-style-type: none"> - the proposal would potentially damage the terminal and refinery's role in the transition to net zero; - the automated HSE response cannot be relied upon in this circumstance; - the PDC letter fails to understand the intention of the NPPF to integrate new development with existing uses and businesses, including those that require HSC's; - Tranmere Oil Terminal should be considered as a large-scale petrol site and this development falls within the inner consultation zone; - the PDC document has a too narrow interpretation of the NPPF and is misleading and factually incorrect. |
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| | <p><u>CONSULTATIONS</u></p> <p>Environmental Health (28th March 2022): No objections, subject to any subsequent plant installation associated with this development that is likely to impact noise levels at the site boundary being submitted for approval.</p> <p>Merseyside Fire and Rescue Service (1st April 2022): No objections, subject to informative</p> <p>Transport (11th April 2022): No objections subject to conditions and informative.</p> <p>Natural England (30th March 2023) – No objection subject to appropriate mitigation being secured. The scheme is considered to have adverse effects on protected areas but these adverse effects on can be mitigated and the development made acceptable by the production of a detailed Construction Environment Management Plan (CEMP). An appropriate assessment of the proposal in accordance with regulation 63 of the Conservation Species and Habitats Regulations 2017 (as amended) has been provided. The assessment concludes that the authority is able to ascertain that the proposal will not result in adverse effects on the integrity of any of the sites in question. This followed and earlier response (19th April 2022) requesting further information required in relation to a Habitats Regulations Assessment.</p> <p>United Utilities (29th April 2022): No objections subject to condition and informatives.</p> <p>Merseyside Environmental Advisory Service (MEAS) (Comments received on 27th. March 2023; 20th March 2023; 14th October 2022 & 12th April 2022): Following the submission of further information including an updated shadow Habitats Regulation Assessment (HRA), Wintering Bird Survey Report and an Ecological Impact Assessment along with the Preliminary ecological Assessment originally submitted, MEAS have no objections subject to planning conditions.</p> |
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| | <p>Environment Agency (comments on 29th June 2022 & 12th April 2022): Following the submission of further information, no objection subject to condition.</p> <p>Lead Local Flood Authority (25th May 2023): Following the submission of further information an earlier objection (22nd April 2022) is withdrawn and no objections are given to the proposal subject to conditions.</p> <p>Health and Safety Executive (10th June 2022): Do not advise against. An email was received on 13th April 2023 stating that there is not at present a Development Proximity Zone associated with the Tranmere Oil Terminal.</p> |
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| 3.1 Site and Surroundings | |
| 3.1.1 | <p>The application site consists of a large area of hardstanding located adjacent to the River Mersey accessed off the eastern side of Campbeltown Road. The site was previously occupied by manufacturing sheds and ancillary structures. The immediate area is commercial in character with shipbuilding infrastructure, including a large shed to the north of this site and the Tranmere Oil Terminal is located to the south.</p> |

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| 3.2 Proposed Development | |
| 3.2.1 | <p>The proposal seeks full planning permission for the construction of a rectangular shaped industrial/warehouse building measuring approximately 43,233 (Gross Internal Area) square metres. Rising to a height of over 18.4 metres with a barrel vault roof design, the majority of the facility would be a single level served by 72 HGV of vehicle loading bays (64 set below ground floor level) along the north and south elevations with office space located at the southwestern edge of the building over ground and two additional floors. Two control rooms are attached centrally to the north and south elevations built to two storeys with a single with single roof pitch below that of the main building.</p> <p>The building will primarily consist of metal cladding save for the elevations enclosing the three-storey office activity which will be glazed.</p> <p>The development would comprise a total of 131 HGV parking spaces, 421 car parking space, 18 motorcycle spaces and 30 cycle stands. The HGVs would utilise a new access point to the north-western edge of the site, adjacent to which would be located a single storey gatehouse. Areas of landscaping will be provided along the boundary of the site including new hedgerows and trees.</p> |

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| 3.3 Development Plan | <p>At the current time the statutory development plan for the area comprises saved policies of the Wirral Unitary Development Plan (2000) (UDP) and the Merseyside and Halton Joint Waste Plan (2013).</p> |
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The following Wirral Unitary Development Plan 2000 policies are relevant:

- URN1 (Development and Urban Regeneration)
- TRT1 (Provision for Public Transport)
- TRT3 (Transport and the Environment)
- NCO1 (Principles for Nature Conservation)
- LAN1 (Principles for Landscape)
- WAT1 (Fluvial and Tidal Flooding)
- WAT2 (Protection of the Water Environment)
- COA1 (Principles for the Coastal Zone)
- POL1 (Restrictions for Polluting and Hazardous Uses)
- REN1 (Principles for Renewable Energy)
- EMP1 (Provision of Employment Land)
- Proposal EM1 (Former Cammell Laird's Shipyard)
- EM6 (General Criteria for New Employment Development)
- EM7 (Environmental Criteria for New Employment Development)
- EM8 (Development within Primarily Industrial Areas)
- GR5 (Landscaping and New Development)
- GR7 (Trees and New Development)
- NC1 (The Protection of Sites of International Importance for Nature Conservation)
- Proposal NC2 (Sites of International Importance for Nature Conservation)
- NC3 (Protection of Sites of International Importance for Nature Conservation)
- NC4 (Sites of International Importance for Nature Conservation)
- NC5 (The Protection of Sites of Local Importance for Nature Conservation)
- NC6 (Sites of Biological Importance)
- NC7 (Species Protection)
- TR9 (Requirements for off street parking)
- TR11 (Provision for cyclists in highway and development schemes)
- TR12 (Requirements for Cycle Parking)
- TR13 (Requirements for disabled access)
- WA1 (Development and Flood Risk)
- WA2 (Protection of the Water Environment)
- WA3 (Development and Groundwater Protection)
- WA4 (Safeguarding Water Resources)
- WA5 (Protecting surface waters)
- PO1 (Potentially Polluting Development)
- PO2 (Development near existing sources of pollution)
- PO3 (Noise)
- PO4 (Noise Sensitive Development)
- PO5 (Criteria for Development of Contaminated Land)
- PO9 (Criteria for Development Near Notifiable Hazards)

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| | <p>The following Joint Waste Local Plan for Merseyside and Halton policies are relevant:</p> <ul style="list-style-type: none"> • WM2 Sub-regional Site Allocations • WM8 Waste Prevention and Resource Management • WM9 Sustainable Waste Management Design and Layout for New Development |
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| <p>3.4 Other Material Planning Considerations</p> | |
| <p>3.4.1</p> | <p>The National Planning Policy Framework (2021)</p> <ul style="list-style-type: none"> • Introduction • Achieving sustainable development • Decision-making • Building a strong, competitive economy • Promoting healthy and safe communities • Promoting sustainable transport • Making effective use of land • Achieving well-designed places • Meeting the challenge of climate change, flooding and coastal change • Conserving and enhancing the natural environment • Conserving and enhancing the historic environment |
| <p>3.4.2</p> | <p>Supplementary Planning Document 4: Parking Standards</p> |
| <p>3.4.4</p> | <p>Wirral Borough Council is in the process of submitting a new local plan for examination.</p> <p>On the 21 March 2022 full council approved publication of the Draft Local Plan Under Regulation 19 of the Town and Country Planning Act (Local Planning) (England) Regulations 2012 before submission to the Secretary of State. The Local Plan was submitted to the Secretary of State on the 26th of October 2022. The local plan and supporting evidence base can be viewed online at www.wirral.gov.uk/lpexam</p> <p>As the Wirral Local Plan has been submitted for examination it (and the supporting evidence base) is a material consideration and can be afforded weight in the decision-making process. In attaching weight to individual policies, paragraph 48 of the NPPF is relevant as it states:</p> <p><i>“Local planning authorities may give weight to relevant policies in emerging plans according to:</i></p> <ul style="list-style-type: none"> • <i>the stage of preparation of the emerging plan (the more advanced its preparation, the greater the weight that may be given);</i> |

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| | <ul style="list-style-type: none"> • <i>the extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given); and</i> • <i>the degree of consistency of the relevant policies in the emerging plan to this Framework (the closer the policies in the emerging plan to the policies in the Framework, the greater the weight that may be given)."</i> <p>The following policies are considered to be relevant to this proposal: WS1, WS2, WS4, WS5, WS6, WS7, WS8, WS9, WS10, WP2, WD1, WD2, WD3, WD4, WD14, WD15, WD16, WD18, WM6.</p> <p>At the present time, the Wirral Local Plan is a Material Consideration and can be afforded weight in the decision making process.</p> |
| 3.4.5 | Wirral Tree, Hedgerow and Woodland Strategy 2020-2030 and National Design Guide (2021) are also material considerations. |

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| 3.5 Assessment | <p>Section 38 (6) of the Planning and Compulsory Purchase Act 2004 requires applications for planning permission to be determined in accordance with the development plan unless material considerations indicate otherwise. The adopted Development Plan where the site is located, comprises the saved policies of the Wirral Unitary Development Plan (Adopted 2000) and the Joint Waste Local Plan for Merseyside and Halton (Adopted 2013)</p> <p>The NPPF is also a material consideration in the determination of planning applications. The development plan has been used as the starting point for the assessment of the proposal submitted for consideration and the following policies topics are considered to be particularly relevant to this application.</p> <p>The emerging Wirral Local Plan, together with its up-to-date evidence, is considered to be a material consideration in the determination of planning applications.</p> |
| | <p>The application has been assessed against development plan policies, national planning policy and guidance, and other material planning considerations and the advice of statutory consultees. The key planning issues raised by the proposal include:</p> <ul style="list-style-type: none"> • Principle of Development • Design • Heritage matters • Neighbouring Amenity; • Highways; • Drainage and flood risk matters; • Ecology; • Contaminated Land matters; • Waste matters. |

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| 3.6 EIA & HRA Matters | |
| 3.6.1 | <p>The proposal is an industrial estate development project which falls under Schedule 2 10(a) of the EIA Regulations 2017. The proposal exceeds 5 hectares of the EIA screening thresholds for this type of development and therefore screening is required. Having considered the project against the provisions of the EIA Regulations (including screening criteria presented in Schedule 3) and the relevant National Planning Practice Guidance it is considered that the proposals are unlikely to give rise to significant environmental effects from an EIA perspective, and that an EIA is therefore not required in this case.</p> |
| 3.6.2 | <p>In line with Regulation 63 of the Conservation of Habitats and Species Regulations (2017), it is the LPA's responsibility as competent authority to ensure a Habitats Regulations Assessment (HRA) is undertaken if the proposal has the potential to impact nearby designated sites. The application site lies immediately adjacent to the Liverpool Bay SPA and is also near to the following internationally designated sites:</p> <ul style="list-style-type: none"> • Mersey Estuary SPA (750m S); • Mersey Estuary Ramsar (750m S); • Mersey Narrows and North Wirral Foreshore SPA (2.8km N); and • Mersey Narrows and North Wirral Foreshore Ramsar (2.8km N). <p>These sites are protected under the Conservation of Habitats & Species Regulations 2017 (as amended) and UDP policies NC1 and NC2 apply.</p> <p>To enable the Council to complete a HRA, during the course of the application the applicant submitted a shadow Habitats Regulations Assessment in conjunction with bird and other surveys (including on land take), in order to assess the impact of the proposal on protected sites. An acceptable level of survey work is considered to have been undertaken following the submission a Wintering Bird Survey Report in 2023 alongside previously submitted material. The 2022/23 non-breeding bird surveys recorded a peak count of 62 bar-tailed godwit within the intertidal area to the east of the proposed development site. This equates to 1.85% of the Mersey Narrows and North Wirral Foreshore SPA and Ramsar site population which is significant (numbers above 1% of the internationally designated site population are considered to be significant). A significant number of shelduck (peak count of 107) were also recorded within the intertidal area to the east and this represents 1.65% of the Mersey Estuary SPA population. Other qualifying species were recorded during the survey such as curlew, dunlin and oystercatcher, including within the application site itself. However, these were not present in significant numbers.</p> <p>Following previous MEAS advice of 20 March 2023, the applicant submitted a revised shadow HRA report (<i>Rev E, Final</i>). MEAS consider that this adequately addresses the matters which were previously raised and that the shadow HRA can be accepted by the Council as its own</p> |

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| | assessment. Natural England also form the opinion that this is an appropriate assessment and concur with the conclusions. |
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| 3.7 Principle of Development | |
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The application proposes the creation of a building to be used for employment purposes falling under class E(G)III, B2 and B8. The application does not seek consent for a specific floorspace for each of the proposed uses rather a flexible consent for uses falling under these use classes. Use Class E(G)III was created in the amended Use Classes Order in September 2020 when the former B1 use was replaced and subsumed. This particular use (E(G)III) is identified as any *“industrial processes, being a use, which can be carried out in any residential area without detriment to the amenity of that area by reason of noise, vibration, smell, fumes, smoke, soot, ash, dust or grit.”*.

The development site is situated within an urban area and is an Employment Development Site within a Primarily Industrial Area as allocated in the UDP. This means that the principle of the proposal is suitable for development in planning terms subject to the considerations below, and also prioritised for development given that it is a previously developed site. Development of this site will comply with paragraph 119 of the NPPF and Policy URN1 of the UDP, by making more efficient use of previously developed land within an allocated employment site and making effective use of land.

Moreover, the majority of the site is allocated within the emerging Local Plan for employment use (Site EMP SA.2.2), the Policy (WP 2.3) stating that the site is allocated for main employment uses including industrial processes, research and development and storage and distribution with priority given to uses which support the maritime sector. The policy goes on to note that development on the site should take a comprehensive design approach providing flexible business premises adaptable to changing circumstances and one that connects to the local highway network, provides permeability for cyclists and pedestrians to the Wirral Circular Trail and uses landscaping to soften the Cambeltown Road frontage. Any development should also demonstrate that unscheduled archaeological remains have been evaluated. The site is also allocated in the emerging Local Plan as being located within a Port and Maritime Zone and the proposal must therefore satisfy policy WS4.3, which sets out that non-port related development will only be permitted where consideration has been given to its impact on the future needs of the Port.

The applicant is the owner of the land subject of this application, which sits within the area of land that is allocated in the emerging Local Plan as Cammell Lairds Shipyard (DKS-SA2.3). The applicant is also the owner of the adjacent land which forms the entirety of this allocation.

The applicant has provided a statement making the case that the proposed development (to be used for employment purposes) will not unacceptably prejudice the continued operations of the Port and that consideration has been given to the future needs of the port. The statement sets out that the site was formally part of the Cammell Laird facility. When under previous ownership the area consisted of workshops and storage buildings, serving ancillary functions to the adjacent wet dock, wet basin, landside assembly area and the general assembly hall. The site was not in use when Peel took ownership of the facility as whole in 2008 and the buildings were subsequently cleared. The statement states that since that time the site has been offered back to Cammell Laird, however they have no commercial use for the site. This is backed by the Chief Financial Officer of Cammell Laird who have stated via email that there is no objection to the proposals, confirming that the site was offered to Cammell Laird some time ago, but there is no need for the site as part of their commercial operations.

The site was also marketed by Legat Owen and LSH during the summer of 2021. Expressions of interest were received from 11 parties and offers received from 8 parties. Of the 11 parties, none of them were what could be termed as port and maritime uses.

In addition, the application site is stated to not have a useable waterfront, with even at hightide the waterline is distant from the riverbank/site because of mud flats. Hence, the statement argues that without extensive dredging or land build-out into the River, the site cannot function as a port, thus rendering the safeguarding policy somewhat unnecessary.

Taken together, satisfactory evidence in this specific case has been provided and it is considered that there is no realistic prospect of the site coming forward or being required for Port-related development associated with the Cammell Laird shipyard. It is also consistent with Proposal EM1 in the UDP,

The site is also situated within a Coastal Zone UDP designation. Proposals on this former Cammell Laird must therefore satisfy Policy COA1 and Policy CO1 adhering to a variety of criteria incorporating nature conservation, landscaping, flood defences and coastal character (discussed elsewhere in this report). On a principle level, the proposed site is on brownfield land that was formerly used by Cammell Laird Shipyard but has remained derelict since 2004 and as such is in keeping with UDP aspirations.

3.7.2

The application is supported by an Economic Benefits Statement. Paragraph 81 of the NPPF sets out that significant weight should be placed on the need to support economic growth and productivity, taking into account both local business needs and wider opportunities for development. The Statement provides an economic overview of the

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| | <p>locality and identifies the construction and operational phase benefits associated with the development. Included within the benefits are over 500 temporary construction jobs, over 500 full-time equivalent (FTE) jobs once the development is built and occupied, added contribution to economic output; business rates; additional spend within Wirral, which support existing businesses and help create demand for new businesses in the locality.</p> |
| <p>3.7.3</p> | <p>A portion of the south-western part of the site (approximately 1.74 hectares of a 5.9-hectare area) is in addition to the above designations identified on the Proposals Map as being within a sub-regional allocation as set out in the Joint Waste Local Plan for Merseyside and Halton (2013). Policy WM2 lists six sites, one which incorporates part of this site, as being allocated to provide waste facilities. The policy states that planning permission on all but 2 sites (including this one (W1)) will not normally be granted for any other use that would prejudice its use as a waste management facility, noting that within the port and dock estates (as applies here) the waste allocation does not override other port related uses. The Plan also sets out that the sub-regional sites would be needed by 2015 and the uptake of sites and ongoing site requirements will be reviewed at regular intervals.</p> <p>The application is accompanied by a Waste Deviation Assessment. This notes that if this development proceeded then the sub-regional waste site would reduce to 4.16ha, below the sub-regional 4.5ha threshold, however it could still operate as a waste management site, indeed in theory, the proposed uses could enable a waste business to operate from the site (eg, a recycling facility).</p> <p>The Implementation and Monitoring Report for the waste plan shows that between April 2017 to March 2019, 19 waste related planning applications came forward, all on unallocated sites, with 63% of these being developed. Since the Plan's adoption, an additional waste management capacity of 1,926,785 tonnes per annum has been added, the majority of this additional capacity coming from unallocated sites. As such the waste report argues that given the success that has been achieved in developing waste sites in the region that it is not demonstrated that the need for this allocation is maintained.</p> <p>The new waste capacity highlighted in the Assessment however does not take account of that lost during the plan period. Moreover, there has been no detailed assessment, as yet, of the new capacity, nor does it include any consideration of the contribution, or not, Wirral has made to the new facilities. In addition, the Environment Act introduces new duties with regard to types of waste collected, and this is likely to have an impact on the requirement for future waste sites in the Plan Area. Therefore, at this point in time, it is not possible to state that there is no longer a requirement for this waste allocation as the applicant argues.</p> |

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| | <p>However, it is worth noting that the waste designation which applies to this site does state that other non-waste uses (port related) would be appropriate to this site, and as such the JWLP gives recognition to the fact that waste development may not come forward and waste capacity factored accordingly. The site also covers less than 30% of the waste allocation and has not been subject to no waste application since the Plan was adopted. Therefore, even should this proposal be approved there remains 4.16ha that could be used for waste purposes, a large area more than suitable for district level waste sites and just shy of the strategic level threshold. In that regard it is considered that despite the loss of some allocated land, this proposal will not prejudice the possibility of an important waste operation at this location whilst supporting a scheme that would bring significant employment and economic benefit to the area. Importantly, the proposal has been reviewed by MEAS and considered to be acceptable from a Waste Local Plan perspective.</p> |
| 3.7.4 | <p>As outlined above, objections have been raised by the operators of the Tranmere Oil Terminal focussed on several matters including the potential for this development to compromise existing and future operations.</p> <p>A key part of the planning assessment is to appraise the potential impact of neighbouring hazardous uses on this proposal as well judge the impact this development would have on the continued and future operation of a piece of critical infrastructure. Policies POL1 PO2 and PO9 of the UDP are relevant in addition to the NPPF and National Planning Policy Guidance.</p> <p>Paragraph 174 of the NPPF states that planning decisions should contribute to and enhance the natural environment by preventing development from contributing to, being put at unacceptable risk from, or being adversely affected by, unacceptable levels of soil, air, water or noise pollution or land instability. Paragraph 45 requires that Local planning authorities consult the appropriate bodies when considering applications for the siting of, or changes to, major hazard sites, installations or pipelines, or for development around them. In addition, paragraph 187 states that planning policies and decisions should ensure that new development can be integrated effectively with existing businesses who should not have unreasonable restrictions placed on them as a result of development permitted after they were established. Where the operation of an existing business could have a significant adverse effect on new development in its vicinity, the applicant (or 'agent of change') should be required to provide suitable mitigation before the development has been completed.</p> <p>Policy POL1 of the UDP sets out that the real or perceived impact of a pollution incident occurring should not have unacceptable land-use implications beyond the boundaries of a site. Policy PO2 states that proposals located near existing developments will only be permitted if it would not be vulnerable to pollution from existing uses and would not result in the need for a higher standard of pollution control measures at existing development or lead to a failure to renew the relevant pollution</p> |

control authorisations. Particular regard will be had to proposed uses which would lead to a material increase in the numbers of people working or living within or visiting areas close to sources of pollution which pose a risk to human health.

Policy PO9 provides that proposals falling within the consultation zone of a hazardous installation or where toxic, highly reactive, explosive or flammable substances are present, will only be permitted where the level of risk resulting from proximity to the hazardous installation is within acceptable limits and according to specific criteria, specifically in relation to: the size, nature and compatibility of the development proposed; whether the proposal would lead to a material increase in the numbers of people working within or visiting the consultation zone; the vulnerability of those people, in terms of ease of evacuation and other emergency procedures; and the nature of the hazard to which those people would be exposed. Proposals will only be permitted which would not expose significant numbers of people to unacceptable levels of risk or require the modification or revocation of an existing Hazardous Substances Consent.

Alongside this, policy EM6 requires that new employment development, on sites allocated for employment use or within Primarily Industrial Areas should not lead to an unacceptable loss of amenity, have an adverse effect on the operations of neighbouring uses or compromise the future development of land in the vicinity for employment or other uses.

To address this matter of the relationship with neighbouring uses, the applicant has submitted the following: Planning Statement; Impact of COMAH report and a further report (produced by PDC) during the course of the application. The appropriate body, that is the Health and Safety Executive (HSE) were consulted during the course of this application.

The applicant's COMAH report accompanying the proposal identifies that the application site lies adjacent to two sites which are subject to the Control of Major Accident Hazard (COMAH) legislation, being Tranmere Oil Terminal to the south and a Calor Gas LPG cylinder storage depot to the western side of Campbelltown Road. The report notes the obligation on the LPA to consult the HSE and the HSE's methodology for assessing development within the consultation of a major accident establishment. The methodology is based upon a number of principles which are summarised as follows:

- a) Risk which remains after all reasonably practicable preventative measures have been taken to ensure compliance with the Health and Safety at Work etc. Act 1974 and its relevant statutory provisions.
- b) The likelihood of an accident as well as its consequences.
- c) Account is taken of the size and nature of the proposed development, the inherent vulnerability of the exposed population and the ease of evacuation or other emergency procedures for the type of development proposed. Some categories of development (e.g.

schools and hospitals) are regarded as more sensitive than others (e.g. light industrial) and advice is weighted accordingly.

- d) Consideration of the risk of serious injury, including that of fatality, attaching weight to the risk where a proposed development might result in a large number of casualties in the event of an accident.

In considering applications, HSE's advice is usually determined by a combination of the consultation zone in which the development is located, and the 'Sensitivity Level' of the proposed development which is derived from HSE's categorisation system of development types.

The consultation zones are normally determined by an assessment of the risks and/or hazards of the installation taking into account a range of factors including the quantity of hazardous substances; details of storage and/or processing; the range and consequence of major accidents involving the substances that could be present. The HSE details three consultation zones (inner, middle and outer), defined by the individual risk of fatality from each establishment (inner is closer and of greater risk). A fourth, Development Proximity Zone was introduced following the Buncefield incident in 2005 in relation to large-scale petrol sites (covers an area of 150 metres from the boundary of the relevant storage tank bunds). HSE have confirmed that despite the claims asserted by Essar a DPZ for the Tranmere Oil Terminal does not currently exist.

There are 4 sensitivity levels associated with development which are:

Level 1 - Based on normal working population;

Level 2 - Based on the general public - at home and involved in normal activities

Level 3 - Based on vulnerable members of the public (children, those with mobility difficulties or those unable to recognise physical danger) and

Level 4 - Large examples of Level 3 and very large outdoor developments.

The above categories lead to a HSE decision matrix based on the consultation zones and sensitivity levels which is shown in the table below:

| Sensitivity Level | Development in Inner Zone | Development in Middle Zone | Development in Outer Zone |
|-------------------|---------------------------|----------------------------|---------------------------|
| 1 | DAA | DAA | DAA |
| 2 | AA | DAA | DAA |
| 3 | AA | AA | DAA |
| 4 | AA | AA | AA |

DAA = Do not Advise Against development

AA = Advise Against development

Table 1: HSE Decision matrix

The COMAH report notes that based on consultation zones, the site straddles all zones in connection with the Tranmere Oil Terminal site and

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| | <p>the middle and outer zones as per the Calor site. The area within the Oil Terminal inner zone is proposed to be used for car parking associated with the development. In terms of the proposal the report notes that the HSE planning advice resulted in a 'Do not Advise Against' development.</p> <p>The Council as required, undertook a consultation exercise with HSE. On 10 June 2022, the HSE responded with a Do Not Advise Against, recommendation, stating that, <i>HSE "does not advise, on safety grounds, against the granting of planning permission in this case"</i>. This was backed up by an email on 13th April 2023 which confirmed that there is no DPZ around the Tranmere Oil Terminal site, contrary to the assertions made by Essar.</p> <p>In that regard and on the advice of the required statutory consultee it is considered that as matters stand, the proposed development would preserve the safety of the future users of the site and not prejudice the established operations of neighbouring operators and is therefore in accordance with policies EM6, POL1, PO2 and PO9 of the UDP and the NPPF.</p> |
| <p>3.7.5</p> | <p>The operators of the adjacent Tranmere Oil Terminal have suggested that the granting of this planning application could make it more difficult (and expensive) for the operator to reduce risk on this site to a level of risk as low as is reasonably practicable (ALARP). However, specific convincing evidence for this suggestion is not provided and the HSE's advice is based with their knowledge of existing consents associated with the oil terminal.</p> <p>Comments have been received regarding the implications that this proposal could have on the future operations of the Terminal as it looks to adapt to changing demand and pressures and a request has been made to the Council to consider the appropriateness of the proposal in light of the concurrent application (reference HSC/22/00720) to modify the Health and Safety Certificate for the introduction of gasoline, Jet A-1 (kerosene), bio-ethanol (ethanol denatured with gasoline) and sustainable aviation fuel (SAF) onto the site. This application remains live awaiting HSE advice. The objector highlights the close geographical proximity of the 2 proposals and the potential for both to impact on each other in terms of the chemicals capable of being stored at the Tranmere Oil Terminal, and as a consequence the COMAH consultation zones associated with that site. It is argued that it would be irresponsible and be a failure to have regard to material considerations, to set aside the HSC application when determining this Application, the HSC application being integral to any evaluation of another scheme given it may affect the operations of a piece of infrastructure of national importance.</p> <p>The current HSC application is in support of the establishment of a Low Carbon Biofuels Hub at Tranmere Oil Terminal. The PDC report notes that the maximum quantity of products stored will not be increased and there is no expansion of the facility proposed and that the majority of the terminal will continue to store crude oil destined for Stanlow. The report goes on to state that if the HSC is granted the operations would be no</p> |

closer to the proposed development site than the existing facility, with only the car parking area of the development falling under what is the HSE consultation Inner Zone. Hence, on the basis of existing HSE processes, the application would remain to fall within the Do not Advise Against advice even if the HSC were granted. The conclusion reached by the applicant's consultant in this regard appears sound and is backed up by the independent consultee responses the local planning authority have received.

It is noted that at the same time that Essar are objecting to this proposal there exist a number of existing commercial operations within the 200 metre plus distance between the nearest storage tank and the proposed building, indeed one of the buildings within 140 metres of an oil tank is currently operating as a KFC restaurant. The potential impacts on all properties and their occupiers within the Consultation Zones would likewise be considered during any HSC application process. The Oil Terminal is located within an already populated area and as such the operators have responsibility for the safety of those users of sites within the vicinity. The introduction of another facility set at further distance than many existing, may pose additional cumulative pressures on the occupier to safeguard the safety of neighbours and could potentially lead to increased costs in the future. However, the applicant has not demonstrated what those additional costs caused by this proposal are and whether they would, for instance, be in excess of those required to protect existing businesses from the existing HSC approvals or further expansion.

Paragraph 68 of the National Planning Policy Guidance on Hazardous Substances sets out that Local Planning Authorities are required to consult the Health and Safety Executive and other expert bodies on certain development proposals where the presence of hazardous installation is relevant as in this case.

The guidance goes on to say that *"for each type of development where the Health and Safety Executive (an 'expert body') is consulted, the Executive's advice to local planning authorities will take account of the maximum quantity of a substance permitted by a hazardous substances consent and any conditions attached to it. The Health and Safety Executive's advice will be based on the following general principles:*

- *The risk considered is the residual risk (that is the risk that unavoidably remains even after all legally required measures have been taken to prevent and mitigate the effects of a major accident) to people in the vicinity.*
- *Where it is beneficial to do so the advice takes account of risk as well as hazard that is the likelihood of an accident as well as its consequences.*
- *The advice takes account of the size and nature of the proposed development and the inherent vulnerability of the population at risk.*
- *The advice takes account of the risk of serious injury, including that of fatality, attaching particular weight to the risk where a*

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| | <p><i>proposed development might result in a large number of casualties in the event of a major accident.”</i></p> <p>In addition, paragraph 15 from the HSE’s land use planning methodology states, <i>“Following the Buncefield incident in 2005, HSE reviewed the CD’s (Consultation distances) of all sites which met the criteria for large-scale petrol storage sites, and an additional zone - a Development Proximity Zone (DPZ) was introduced 150 metres from the boundary of the relevant storage tank bunds.</i></p> <p>The HSE is the expert body in this matter and the relevant statutory consultee. HSE has stated that Tranmere Oil Terminal is not subject to a Development Proximity Zone and have not advised against this proposal. Despite the claims made by Essar, the representations made by the HSE are considered sound and accordingly this proposal is considered to accord with planning policy in respect of its impact on existing neighbouring uses and businesses.</p> |
| 3.7.6 | <p>Essar suggest that planning permission should be refused at this stage so that additional costs are not placed on the Tranmere Oil Terminal now or into the future. This argument would in the council’s view prejudice future development opportunities without sufficient basis. The Council is obliged to consider the application with regard to the current circumstances, and as stated the submission has been considered acceptable by HSE and there is no valid planning reason to ignore that advice. As such the proposal is considered to accord with planning policy and the NPPF including paragraph 187.</p> |
| 3.7.7 | <p>In the emerging Local Plan, the majority of the application site is subject to an employment designation as part of the Plan’s allocation of 65.60 hectares of additional employment land to accommodate jobs growth over the plan period. This includes land such as this which sits in a wider Ports and Maritime Zone designation, an umbrella term for the port of Liverpool including Birkenhead Docks and Tranmere Oil Terminal. Policy WP 2.3 allocates the 5.52 hectares of Campbeltown Road at this site for employment uses including industrial processes and storage and distribution. The policy states that priority would be for uses which support the maritime sector however the B2 and B8 uses proposed are judged to be in keeping with the emerging policy. Essar Oil have made representations and prepared hearing statements in respect of emerging plan policy, including that in relation to the Ports and Maritime Zone and policy WD16.2, ‘Development near Notifiable Hazards’. At present these policies are considered to carry weight.</p> |
| 3.7.8 | <p>As outlined, representations have been received from nearby occupiers and interested parties querying the principle of development of the site, and particularly employment development in this location close to an existing oil terminal. As can be seen from the above, it is however considered that the principle of development of the site for employment development in the manner proposed is acceptable in this instance.</p> |
| 3.8 Design | |

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| 3.8.1 | This section seeks to assess the design of the proposal, for which the key considerations are the impact the proposal would have on Local Character and Townscape. These are all intrinsically linked and, are considered together in this section. Other sections of this report also inform the design of the proposal and are interlinked. The applicant has provided plans which indicates the design scale and height of the proposed development. |
| 3.8.2 | Policy GR5 is relevant to this proposal. Development proposals should be of a scale that relates well to surrounding property with regard to existing densities and form of development. Proposals should not result in detrimental change in the character of the area. |
| 3.8.3 | Paragraph 130 of the NPPF states that planning decisions should ensure that <i>“developments will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development, are visually attractive as a result of good architecture, layout and appropriate and effective landscaping and establish or maintain a strong sense of place, using the arrangement of streets, spaces, building types and materials to create attractive, welcoming and distinctive places to live, work and visit”</i> . Paragraph 134 of the NPPF states that <i>“development that is not well designed should be refused, especially where it fails to reflect local design policies and government guidance on design.”</i> |
| 3.8.4 | The NPPF should be read alongside the National Design Guide (2021). Paragraph 21 of the Design Guide advises that <i>“a well-designed place is unlikely to be achieved by focusing only on the appearance, materials and detailing of buildings. It comes about through making the right choices at all levels, including: the layout (or masterplan); the form and scale of buildings; their appearance; landscape; materials; and their detailing”</i> |
| 3.8.5 | The application site is located within a commercial and industrial setting immediately adjacent to the River Mersey. The appearance of the building reflects its commercial function. The longer elevation faces the existing and substantially larger Cammell Laird shed to the north and the oil terminal to the south with the side elevation facing the road and the river. The principal view of the building would be gained from the area adjacent to the site with wider views afforded principally from the river. This proposal would off-set the stark appearance of the adjoining building by providing a step up to this prominent construction and in doing so improve views the townscape. The scale and height of the proposal is acceptable in the context of what is being proposed and the surrounding commercial location. The materials proposed are compatible with the use and the location, and details of them will be secured by condition to secure requisite quality. The introduction of landscaping to the Campbelltown Road is welcomed, softening the frontage of this street. The proposed site does not provide for the permeability to the Wirral Circular Trail however, a result of the nature of the use and the security requirements and the layout of the building together with potential conflicts between HGV traffic and pedestrians and cyclists. It is noted as highlighted below that the that overall, in accordance with the NPPF, the site is well connected by various means of transport. |

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| | The proposed single storey gatehouse construction is proposed to be sited adjacent to the HGV entrance at the north edge of the site off Campbelltown Road. The building will be utilised to control access and egress from the site and will be clad in material to match the main building. The construction is in keeping with this commercial setting. |
| 3.8.6 | It is considered that the design and access statement, alongside the submitted plans is sufficient to enable a full assessment of the proposed construction and it is concluded that the local landscape/townscape and views have the capacity to accommodate the proposed changes without significant harm to either. |
| 3.8.7 | On this basis the design of the proposal, is appropriate in form, scale and appearance, it is considered to be in accordance with relevant policies from the development plan, including Policy GR5 of the UDP the relevant sections of the NPPF and the relevant policies from the emerging Local Plan, and other material considerations (e.g. National Design Guide). |

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| 3.9 Heritage Matters | |
| 3.9.1 | This section seeks to appraise the proposal against the impact this may have on nearby heritage and archaeological heritage assets, both designated and non-designated assets. The NPPF and the Wirral UDP seek to protect heritage assets and are relevant to this application. Policies CHO1, CH25 of the Wirral UDP are relevant to this section, as is section 16 of the NPPF. MEAS have provided comments to help compile this section of the report and provide advice on archaeological matters to the Council. |
| 3.9.2 | The desk-based assessment (Historic Environment Desk-based Assessment by Pegasus February 2022) submitted with the application has fully reviewed the site and its archaeological potential. It considers that the proposed development site was reclaimed from mud flats during the mid-20th-century and was subsequently subject to industrial development. Hence, the potential for significant archaeological remains of any period to be present within the site is considered to be low. The history of the site revealing previous development and subsequent demolition also shows that the land has already been disturbed by construction reducing archaeological potential even further. There are no heritage assets recorded on the Merseyside Historic Environment Record within the proposed development. |
| 3.9.3 | On this basis the above, it is in accordance with relevant policies from the development plan, including Policies CHO1, CH25 of the Wirral UDP, the relevant sections of the NPPF and the relevant policies from the emerging Local Plan, and other material considerations. |

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| 3.10 Neighbouring Amenity | |
| 3.10.1 | <p>NPPF Paragraph 130 requires that planning should always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings. Paragraph 180 requires that planning decisions should aim to avoid impacts on health and quality of life. Chapter 12 of the NPPF stresses the importance of planning positively for the achievement of high quality and inclusive design for all development. Policies EM6 and EM7 list general and environmental criteria that new development should meet in order to meet high standards and not prejudice the amenity of neighbouring occupiers.</p> |
| 3.10.2 | <p>Based on the plans submitted the layout and scale of the development is deemed to be acceptable and demonstrates satisfactory separation distances to neighbouring buildings. There are no residential properties in the immediate vicinity with neighbouring occupiers being commercial in nature.</p> |
| 3.10.3 | <p>In terms of noise/acoustic impacts, the application is supported by an Acoustic Report prepared by Tungsten Properties. The report confirms that with appropriate mitigation in place, the proposed development accords with Policies PO3 and PO4. Specifically, the proposal has considered sources of noise (level, tone, duration, and regularity), background noise, and any mitigation required.</p> |
| 3.10.4 | <p>The application is also supported by an Air Quality Assessment produced by Hoare Lee. This concludes that the site is suitable for the proposed development in air quality terms. The energy strategy for the warehouse has not been determined however no combustion sources are anticipated, should that change further impact from energy plant would need to be assessed. A condition in this regard is considered appropriate.</p> <p>There will be mechanical ventilation to office spaces consisting of mechanical heat recovery ventilation systems but not to the warehouse. The impacts of demolition and construction work on dust soiling, ambient fine particulate matter concentrations and nearby ecological receptors have been assessed within the Air Quality Assessment. The construction dust assessment identified that there is a medium to high risk of dust soiling impacts, a low risk of increases in particulate matter concentrations and a low risk of ecological impacts due to construction activities Mitigation measures are proposed to suppress any impacts including the submission of a Dust Management Plan. The operational road traffic emissions associated with the Proposed Development have been modelled for their impact on NO₂, PM₁₀ and PM_{2.5} concentrations. The impacts on pollutant concentrations at existing sensitive receptor locations in the vicinity are considered to be negligible and the overall effect of road traffic associated with the scheme is not considered to be significant.</p> |

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| | Accordingly, and subject to condition, the application site is considered to be suitable for the uses proposed in air quality terms in accordance with policies TRT3, PO1 and PO2 and the NPPF in this regard. |
| 3.10.5 | <p>To confirm, the Environmental Health Team have commented on the proposal and have confirmed they have no objection, subject to condition and this development will not lead to significant amenity impacts for neighbouring occupiers.</p> <p>The Merseyside Fire and Rescue Service were consulted during the course of the application and raised no objections to the proposal. Given that they are a relevant authority charged with dealing with emergencies it is considered that an objection on this basis as raised by Essar is not supported.</p> |
| 3.10.6 | It is therefore considered that the proposal, subject to conditions, is compliant with the relevant policies in the Development Plan including Policies EM6, EM7 CHO1, CH25 of the Wirral UDP, relevant sections of the NPPF and those in the emerging Local Plan. |

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| 3.11 Highways | |
| 3.11.1 | <p>This section seeks to appraise the impacts that the proposal may have on the surrounding Highways and Transport Network. Typically, the key issues around Highways and Transport matters in relation to employment developments, such as this, are Highway Safety, Access, Car Parking and Sustainable Transport Options. Policies TRT1, TRT3, TR9 and TR12 of the UDP are relevant in relation to this section. SPD4 is also relevant to this application, which sets out the Parking Standards. In addition to drawings, plans and elevations the applicant has submitted the following which have relevance to this section:</p> <ul style="list-style-type: none"> • Planning Statement • Design and Access Statement; and • Transport Assessment. <p>Consultation has been undertaken with the Wirral Highways Team and their comments are considered as part of the commentary below.</p> |
| 3.11.1 | The requirements for off-street vehicle and cycle parking are set out as maximums under Policies TR9 and TR12 of the UDP and the accompanying Supplementary Planning Document on Parking Standards. |
| 3.11.2 | Paragraph 110 of the NPPF states <i>“In assessing sites that may be allocated for development in plans, or specific applications for development, it should be ensured that: a) appropriate opportunities to promote sustainable transport modes can be – or have been – taken up, given the type of development and its location; b) safe and suitable access to the site can be achieved for all users; and c) any significant impacts from the development on the transport network (in terms of capacity and congestion), or on highway safety, can be cost effectively mitigated to an acceptable degree.”</i> |

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| 3.11.3 | Paragraph 111 of the NPPF states that <i>“development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe.”</i> |
| 3.11.4 | Paragraph 112 of the NPPF adds to this and states <i>“Within this context, applications for development should: a) give priority first to pedestrian and cycle movements, both within the scheme and with neighbouring areas; and second - so far as possible – to facilitating access to high quality public transport, with layouts that maximise the catchment area for bus or other public transport services services, and appropriate facilities that encourage public transport use; b) address the needs of people with disabilities and reduced mobility in relation to all modes of transport; c) create places that are safe, secure and attractive - which minimise the scope for conflicts between pedestrians, cyclists and vehicles, avoid unnecessary street clutter, and respond to local character and design standards; d) allow for the efficient delivery of goods, and access by service and emergency vehicles; and, e) be designed to enable charging of plug in and other ultra low emission vehicles in safe, accessible and convenient locations.”</i> |
| 3.11.5 | <p>The application site currently benefits from one vehicular entrance off Campbeltown Road towards the southern edge of the site. This would be brought into use as a car, pedestrian and cycle entrance with a new entrance created near the northern part of the site specifically for HGV's.</p> <p>The site is located in close proximity to the A41 and is anticipated to generate some 151 movements (staff and visitors) and 49 HGV trips in a morning peak hour and 114 vehicle movements and 19 HGV trips in the evening peak hour. The impact of the additional trips has been assessed at four off-site junctions:</p> <ul style="list-style-type: none"> • Campbeltown Road/Turbine Road T-junction; • A41 New Chester Road/Turbine Road T-junction; • A41 New Chester Road/Wirral Circular Trail; • A41 New Chester Road/Rock Ferry Bypass <p>The Assessment concludes that the impacts of the new development would not have in itself a significant impact on the highway network.</p> <p>The contents of the TA were the subject of objection on behalf of the neighbouring occupier citing deficiencies in the methodology and the underplaying of traffic movements and impacts on neighbouring junctions. There were concerns raised regarding;</p> <ul style="list-style-type: none"> - The lack of a cumulative assessment within the TA. - A down-playing of the impact of a B8 use at the proposed development. - Inaccurate junction modelling at both A41 New Chester Road roundabouts either side of Campbeltown Road, and - Sub-standard access arrangements potentially presenting a risk to highway safety. <p>Following the objection, a Technical Note was produced by ADC to addresses the concerns raised by Eversheds Sutherland and the RSK Group. The Note concludes that the traffic growth associated with</p> |

development in the area is considered within the TEMPRO (Trip End Model Presentation Program) growth rates used in the Transport Assessment. This is regarded as standard practice by the Council's Traffic and Transportation team and prevents any potential for double counting of trips.

In addition, whilst a B8 occupier would result in a small increase of cars in the evening peak hour when compared to the trip generation of a B2 occupier, the impact of the additional traffic movements would not change the conclusions within the TA. The study area junctions as set out above have the capacity to accommodate the proposed development and associated development trips. It is accepted that the junctions would be impacted during peak periods however the Traffic and Transport team concur that it is highly likely that the majority of HGV traffic would travel through the network outside of the commuter peaks, when the network is most trafficked, and would travel in the interpeak periods when there is further capacity. In that regard, the assessment shows that the junctions are able to accommodate the planned increase in traffic due to the development requirements and that there would not be otherwise significant pressure on the highway network so as to prejudice highway safety including in respect of Campbeltown Road

Traffic and Transportation also consider that any emergency vehicle needing to attend the location and negotiate the nearby junctions would be running under blue lights and as such would be given appropriate priority by other drivers.

In terms of the suitability of the site entrance, the swept path analysis produced shows the overrun area at the entrance to the site being used, as a vehicle turns into the site from Campbeltown Road. The largest vehicle at the development site would be a 16.5m articulated HGV. It is considered that appropriate vehicle tracking has been submitted which shows that an HGV is able to enter and leave the development in a forward gear. On the occasions that two HGV are present at the site entrance they can also be accommodated without blocking back onto Campbeltown Road. Moreover, a satisfactory visibility splay of 2m x 43m has been submitted which is also appropriate and in line with the associated visibility recommendations for Campbeltown Road which has a 30mph speed limit.

The proposed HGV access is located 48m from the existing HGV access to the north. The visibility splays from the proposed access junction would not be blocked by a HGV waiting to turn out of the site to the north and HGVs turning in and out of both access junctions would not conflict with each other. The Swept path assessments not only show that two HGVs can access the proposed development but also that the access arrangement could accommodate up to three HGVs waiting off the local highway without blocking the Campbeltown Road carriageway.

3.11.6

With regards to parking, the Council's Parking standards set out a maximum of one parking space per each 45 sqm of new gross floorspace.

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| | <p>In this development a total of 421 car parking spaces are provided, equating to 42% of the maximum standard. The applicant has produced a parking accumulation assessment setting out likely parking numbers throughout the day, this sets out a car parking demand of up to 226 cars and 20 HGVs at any one time. Hence, the level of parking associated with the scheme is considered acceptable. It is noted that the site is within 500 metres of Green Lane rail station and in close proximity to a number of bus stops. In addition, the area is accessible to pedestrians and cyclists.</p> <p>In terms of the HGV parking, the Council's Parking Standards state that the number of service vehicle parking spaces is to be assessed case by case, based on the maximum size and number of vehicles expected to serve the site. The proposal shows a total of 72 HGV loading bays plus an additional 131 HGV parking spaces for HGVs waiting to load/unload. This is considered adequate for this development, will not lead to pressures to park on the highway and will not compromise highway safety.</p> <p>One in every 17 parking spaces will be accessible (1 in 25 required) and 18 motorcycle parking spaces and 60 cycle spaces are proposed. This is considered to be in keeping with policy requirements. Shower facilities are also provided which is welcomed.</p> <p>The applicant has also produced a Framework Travel Plan to accompany the proposal. This sets out a number of measures to encourage employees and other users of the site to use more sustainable methods of transport than the car to access the development. The applicant intends to appoint a Travel Plan Co-ordinator prior to the operation of the development to implement and review a Travel Plan which will be monitored for a total of 5 years following occupation. This approach is supported, and the recommendations set out in the Framework Travel Plan are conditioned.</p> <p>Satisfactory parking and transportation solutions have been provided within the scheme, subject to conditions appended to this report.</p> |
| 3.11.7 | <p>The development is supported with a transport assessment, the results of which are accepted by Traffic and Transportation. They confirm they have no objection, subject to conditions. Further to this, as a scheme within an urban setting having onward pedestrian and cycle links in close proximity to public transport services, the scheme can also be considered to comply with paragraphs 110 and 112 of the NPPF. Subject to the imposition of the highway conditions on any grant of permission, it is considered that there would be no grounds to refuse the application in relation to highway safety and the proposal would accord with relevant UDP policies including TRT1, TRT3, TR9 and TR12.</p> |
| 3.11.8 | <p>Representations from an interested party have been received objecting to the proposal. As set out above, these concerns are noted, however, it is considered that the proposal's impact on highway and transport matters (including highway safety) is not significant enough as to warrant the refusal of the application and the scheme can be supported.</p> |

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| 3.12 Drainage and Flood Risk Matters | |
| 3.12.1 | This section seeks to appraise the proposal in the context of flood risk and drainage matters. Chapter 14 of the NPPF forming the national planning policy context, Policies WA2, WA5, WAT2. The applicant has submitted the following: Flood Risk and Drainage Strategy; and a Design and Access Statement. |
| 3.12.2 | The National Design Guide (September 2019) is also relevant to this element of the report, particularly the section relating to ‘resources’. In relation to ‘resources’ the National Design Guide states <i>“Well designed places: have a layout, form and mix of uses that reduces their resource requirement, including for land, energy and water; are fit for purpose and adaptable overtime, reducing the need for redevelopment and unnecessary waste; use materials adopt technologies to minimise their environmental impact”</i> . |
| 3.12.3 | Consultation has taken place in relation to surface water drainage with the Lead Local Flood Authority (LLFA) and, as well as consultation with the Environment Agency (EA) and United Utilities (UU) who have differing remits with regards to Flood Risk, Drainage and Water related matters. |
| 3.12.4 | <p>A flood risk assessment (FRA) was submitted alongside the application. This demonstrates that that the site has not flooded within the recent past. Most of the site is located with Flood Zone 1 of the Environment Agency’s flood map with a ‘low probability’ of tidal flooding and less than a 1 in 1000 annual probability of sea flooding in any year (<0.1%). A small proportion of the site, on the eastern boundary, is located within Flood Zone 2 and has a ‘medium probability’ of tidal flooding, with between a 1 in 200 and 1 in 1000 annual probability of sea flooding (0.5% 0.1%) in any year. The proposed warehouse building is entirely within Flood Zone 1.</p> <p>Guidance included within the NPPF recommends that the effects of climate change are incorporated into FRA to account for the projections of future climate change indicating more frequent high intensity short term rainfall episodes plus more regular periods of long duration rainfall. The proposed lifetime of the development in flood risk terms is 60 years for ‘less vulnerable’ uses such as this, and the design fluvial flood level for the site is provided at a 1 in 100 year (+44%) event. The design tidal flood level for the site is the 1 in 200 year in 2181 event to account for projected sea level rises.</p> <p>The principal flood risk to the site is from tidal flooding from the River Mersey which runs adjacent to the site, however, given the minimum ground level of 8.7m AOD, the site is not projected to be inundated with floodwater including the 1 in 1000 year event (water levels have been modelled at 7.18mAOD). There are no records of groundwater flooding at or near to the site and the susceptibility of the site to it based on geological conditions, is low.</p> <p>Most of the site has a very low risk of surface water flooding with a chance of flooding of less than 1 in 1000 years (0.1%) but a small proportion does</p> |

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| | <p>have a high risk of surface water flooding with a chance of flooding of 1 in 30 years (3.3%) associated with low spots around the site. There will be no increase in the volume or runoff rate of surface water runoff from the site and be no increase in flooding to people or property off-site as a result of the development. Despite the limited areas associated with the potential for high risk, overall, the likelihood of surface water flooding is low and can be managed by flood mitigation measures.</p> <p>The FRA identifies that there are existing public sewers within roads adjacent to the site which have a limited capacity so in extreme conditions there may be flooding, but the provision of adequate level difference between the ground floors and adjacent ground level would reduce the annual probability of damage to property from this source to 1 in 100 years or less and therefore, sewer flooding poses a low flood risk to the site.</p> <p>The risk-based Sequential Test in accordance with the NPPF aims to steer new development to areas at the lowest probability of flooding (i.e. Flood Zone 1) This site has a designation for employment development in the UDP. The FRA provides for a number of recommended mitigation measures to ensure the site is well protected from the most severe flood risk and a condition in this regard is recommended as well as a condition recommended by United Utilities that requires full details of the surface and foul water strategies are to be provided to and approved prior to the development commencing. This is attached.</p> <p>An objection was received from the Local Lead Flood Authority because of the lack of information provided by the applicant in respect of surface water management and sustainable drainage. Following the production of detail including a SUDS proforma and a drainage layout, the proposal has been re-assessed by the LLFA and the objection withdrawn subject to conditions. The application site is a previously developed brownfield site subject to a long-standing allocation for employment use, and subject to conditions, it is considered that a pre-commencement condition requiring the submission and approval of a SUDS strategy would alongside the one proposed by United Utilities provide the requisite level of control to enable compliance with NPPF and Wirral planning policies objectives in this regard.</p> |
| 3.12.5 | <p>Following consideration of the responses of consultees, it is considered that the application has demonstrated that appropriate flood risk, drainage and water related matters can be successfully achieved on site and subject to satisfying condition requirements the proposed development would not increase the risk of flooding to the area. The proposals are therefore compliant with the NPPF.</p> |
| 3.12.6 | <p>The proposal is therefore considered to be compliant with the relevant policies in the Development Plan, including Policies WA2, WA5, WAT2 of the UDP, the NPPF, and with those in the emerging Local Plan, in relation to surface water drainage matters.</p> |
| 3.13 Ecology | |

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| 3.13.1 | <p>This section seeks to appraise the proposal and protect and enhance the biodiversity and geodiversity of the district, particularly in relation to its impact on habitats and protected species and, especially those areas designated as of international, national and local importance. Policies NCO1, NC1, NC7 of the Wirral UDP are relevant to this section, as is Section 15 of the NPPF. Relevant ecological information has been submitted in support of the planning application including an Ecological Assessment Report.</p> |
| 3.13.2 | <p>NPPF, Chapter 15, Paragraph 174 requires the planning system to contribute to and enhance the natural and local environment by minimising impacts on biodiversity and providing net gains in biodiversity where possible. Paragraph 180 requires Local Planning Authorities to encourage opportunities to incorporate biodiversity in and around developments.</p> |
| 3.13.5 | <p>In addition to the work undertaken in relation to the Habitats Regulations Assessment, the application was accompanied by a Preliminary Ecological Appraisal (PEA) report in line with UDP policy NC7. Following requests made by MEAS, the applicant also submitted an Ecological Impact Assessment in October 2022 which incorporated further survey work in respect of non-breeding birds; breeding birds (including peregrine falcon and black redstart); reptiles; and invertebrates.</p> <p>Following the result of the survey work it is considered that the presence of roosting bats is not reasonably likely and after breeding bird surveys, undertaken on a number of dates, no confirmed breeding was recorded within the application site and the assemblage of birds recorded during the survey work was not notable. A condition on restricting works within bird breeding season is recommended alongside one providing for bird boxes on this development site to encourage biodiversity.</p> <p>As noted above, in regard to non-breeding birds a peak count of 62 bar-tailed godwit was reported in winter 2022/23 within the intertidal area, east of the proposed development site, equating to 1.85% of the Mersey Narrows and North Wirral Foreshore SPA and Ramsar site population which is considered significant (numbers above 1% of the internationally designated site population are considered to be significant). In addition, a significant number of shelduck (peak count of 107) were also recorded within the intertidal area to the east and this representing 1.65% of the Mersey Estuary SPA population. Other qualifying species were recorded during the survey such as curlew, dunlin and oystercatcher, including within the application site itself. However, these were not present in significant numbers. To accord with the HRA and to safeguard these bird species a Construction Environmental Management Plan is recommended to be submitted to and approved by the local planning authority setting out amongst other matters pollution prevention and noise and lighting prevention and mitigation measures. This is attached as a planning condition.</p> <p>No evidence of badger or hedgehog was recorded upon the site. However, as a precaution a pre-commencement check for terrestrial mammals</p> |

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| | <p>should be undertaken as recommended prior too development. A condition in this regard is recommended.</p> <p>The conditions on site were considered to be suitable for reptiles, although no records were returned during the desktop study and the site is relatively isolated from other areas of potentially suitably reptile habitat. In any case, a reptile survey was undertaken, comprising 7 survey visits in April and May 2022, and no evidence of reptiles was found. Invertebrate surveys were undertaken across three survey visits (23 June, 14 July and 25 August 2022). A total of 18 no. invertebrate species were recorded across the site. None were species of conservation concern.</p> <p>A species of cotoneaster is present at several locations within the site boundary (labelled as TN1 and TN2 in the PEA report). Several species of cotoneaster are listed on Schedule 9 of the Wildlife and Countryside Act and national Planning Policy Guidance applies. MEAS has requested a suitably worded condition to ensure these species are control and removed responsibly. This is attached.</p> |
| 3.13.6 | <p>A Biodiversity Net Gain (BNG) Assessment has been undertaken for the site, with the aim of achieving almost 15% enhancement of BNG. This was after the enhancement of scrub to the east from bramble to mixed scrub and retaining the scrub in the west and adding in street trees.</p> |
| 3.13.7 | <p>An EIA Screening Report has been prepared to summarise all potential impacts and provide information to allow the LPA to consider whether EIA is required. The report concludes that a formal EIA is not considered to be required, based on the scale of impacts predicted.</p> |
| 3.13.8 | <p>Revised landscaping proposals for the site were submitted. MEAS raised concern with the proposed tree and shrub planting along the eastern site boundary which was not considered suitable to this site and should be removed. The adjacent rocky shoreline has been identified as providing potential breeding habitat for waterbirds and several different species were considered to be possibly breeding in this area. Trees and shrubs may harbour predators (such as corvids or foxes) which may predate the nests of waterbirds and deter them from breeding (or roosting or foraging) adjacent to the site. A condition is recommended that notwithstanding the submitted plans the landscaping in this location is replaced with a suitable alternative habitat, such as coastal grassland; and both varieties of Cotoneaster horizontalis should be removed from the proposed ornamental shrub mix.</p> <p>The rest of the landscaping proposal are considered to acceptable and will provide biodiversity and visual amenity benefit.</p> |
| 3.13.9 | <p>It is considered that a Construction Environmental Management Plan (CEMP) document is required to manage and mitigate the main environmental effects during the construction phases of the proposed development. This is to be secured The CEMP should address and propose measures to minimise the main construction effects of the development and, amongst other things, should include details of</p> |

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| | ecological mitigation. The CEMP would be expected to include the agreed method statements to mitigate or avoid adverse environmental impacts: |
| 3.13.10 | In light of the above, the proposal is, therefore, subject to conditions, considered to be compliant with the relevant policies in the Development Plan including Policies NCO1, NC1, NC7 of the Wirral UDP, the NPPF, and with those in the emerging Local Plan. |

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| 3.14 Contaminated Land Matters | |
| 3.14.1 | As a site that has a historic use for industrial development, the potential for contaminated land should be taken into account. The application has been submitted with a Ground Investigation Report by Tier Consult dated November 2021. The Council's Public Protection/Environmental Health Team have been consulted, as have the Environment Agency and MEAS in relation to these matters. Policies POL1, PO1, PO2 PO5 of the UDP and Section 15 of the NPPF. |
| 3.14.2 | Paragraph 174 of the NPPF states that planning decisions should contribute to and enhance the natural environment by preventing new and existing development from contributing to, being put at unacceptable risk from, or being adversely affected by, unacceptable levels of soil, air, water or noise pollution or land instability. Development should, wherever possible, help to improve local environmental conditions such as air and water quality, taking into account relevant information such as river basin management plans; and by remediating and mitigating despoiled, degraded, derelict, contaminated and unstable land, where appropriate. In order to prevent unacceptable risks from pollution and land instability, planning policies and decisions should ensure that new development is appropriate for its location. The effects (including cumulative effects) of pollution on health, the natural environment or general amenity, and the potential sensitivity of the area or proposed development to adverse effects from pollution, should be taken into account. Where a site is affected by contamination or land stability issues, responsibility for securing a safe development rests with the landowner. |
| 3.14.3 | <p>The site historically formed part of the River Mersey until it was gradually reclaimed between early 1920s and 1950s when it was incorporated into a ship builder's yard and associated railway. A landfill complex is sited within the eastern and southern site area from 1962 to 1978, becoming a 'works' by 1981 and vacated by 2010. The report identifies potential contaminative features consisting of made ground associated with historic landfill and land reclamation; the historic industrial land use as a shipbuilders etc; and associated with adjacent industries such as Tranmere Oil Terminal.</p> <p>The Ground Investigation report concludes that following sampling and testing, robust lines of evidence exist to demonstrate that the site may be reasonably be regarded as a Characteristic Situation 2 – Low Risk</p> |

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| | <p>scenario for which basic ground gas protection measures are required. Amongst the other findings there are also concentrations of lead and mercury which present a potential risk to end-users and asbestos has been found on-site.</p> <p>A series of recommendations are made in respect of safeguarding areas of soft landscaping, dealing with asbestos, basic ground gas protection measures unexploded ordinance, and a barrier pipe may be required for potable water supplies to the site. Any approval should be undertaken in accordance with the findings and recommendations of the report.</p> <p>The Environment Agency have recommended a condition in respect of any unidentified contamination found on site in order to accord with paragraph 174 of the National Planning Policy Framework. To confirm, MEAS and Environmental Health/Public Protection have been consulted in relation to this application, and they have no objection to the proposal on these grounds.</p> |
| 3.14.4 | <p>The proposal is therefore, subject to conditions, considered to be compliant with the relevant policies in the Development Plan including Policies POL1, PO1, PO2 PO5 of the UDP, the NPPF, and with those in the Emerging Local Plan.</p> |

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| 3.15 Waste Matters | |
| 3.15.1 | <p>The proposal is major development and involves excavation and construction activities which are likely to generate significant volumes of waste. Policy WM8 of the Merseyside and Halton Waste Joint Local Plan (WLP), the National Planning Policy for Waste (paragraph 8) and Planning Practice Guidance (paragraph 49) apply. These policies require the minimisation of waste production and implementation of measures to achieve efficient use of resources, including designing out waste and minimisation of off-site disposal.</p> <p>In accordance with policy WM8, evidence through a waste audit or a similar mechanism (e.g. a site waste management plan) demonstrating how this will be achieved must be submitted and can be secured by a suitably worded planning condition.</p> |
| 3.15.2 | <p>The proposal is major development and involves excavation, demolition and construction activities which are likely to generate significant volumes of waste. Policy WM8 of the Merseyside and Halton Waste Joint Local Plan, the National Planning Policy for Waste (paragraph 8) and Planning Practice Guidance (paragraph 49) apply.</p> |
| 3.15.3 | <p>The Sustainability Statement (<i>Yonder 18th February 2022</i>) indicates that recycled materials will be used where possible, and also commits to production of a SWMP. This is welcomed. The applicant has provided</p> |

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| | sufficient information in Proposed Site Plan (<i>Drawing No. P402 RevE September 2021</i>) to comply with policy WM9 (Sustainable Waste Management Design and Layout for New Development) of the Merseyside and Halton Joint Waste Local Plan (WLP) and the National Planning Policy for Waste (paragraph 8). |
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| Summary of Decision | Having regards to the individual merits of this application the recommendation to approve Planning Permission, subject to conditions, has been taken having regards to the relevant Policies and Proposals in the Wirral Unitary Development Plan (Adopted February 2000) and all relevant material considerations including national policy advice. In reaching this decision the Local Planning Authority has considered the following: |
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| | <p>CONCLUSION</p> <p>The redevelopment of this site would in summary, provide a modern employment generating facility on an allocated employment site within a designated industrial area well connected to existing infrastructure.</p> <p>The proposed development is sustainably located, will not prejudice highway safety or neighbouring amenity, have biodiversity and visual benefit, preserve heritage, not pose flooding risk or have other negative environmental impacts subject to mitigation measures asset out in the attached conditions. The proposed development is not considered to prejudice existing businesses including neighbouring critical national infrastructure. The development would result in part of the loss of a waste allocation but for the reasons outlined above and in consideration of the adopted planning policy as whole, the material considerations in favour of the proposal are considered to outweigh any limited harm.</p> <p>The proposal is therefore considered to comply with the Relevant Development Plan Policy, principally formed by the Wirral Unitary Development Plan Policy; and other material considerations, such as the National Planning Policy Framework.</p> |
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| Recommended Decision: | Approval, Subject to Conditions |
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| Recommended Conditions and Reasons: | |
| <p>1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.</p> <p>Reason: To comply with Section 91 of the Town and Country Planning Act 1990 (as amended).</p> <p>2. Except where modified by the conditions attached to this planning permission, the development hereby approved relates to and shall be carried out in accordance with the following approved plans:</p> | |

P21-2391_01-A Detailed Soft Landscaping Proposals
P21-2391_02-A Detailed Soft Landscaping Proposals
Proposed Boundary Treatments Site Plan P403 Rev. D
Proposed Elevations Dwg no. P200 rev. D
Gatehouse Information Dwg no. P110 rev. B
Proposed Roof Plan Dwg no. P101 rev. B
Proposed Floor Plan Dwg no. P100 rev. C
Proposed Site Plan Dwg no. P402 rev. E
Proposed Surface Treatments Site Plan Dwg no. P404 rev. C
Proposed External Lighting Layout Dwg No. 2390/E01 rev. P1
Site Location Plan Dwg no. P401 rev. B

Reason: To ensure the development is carried out in accordance with the approved plans, in the interests of proper planning.

3. Notwithstanding any description of materials in the application, no above ground construction works shall take place until samples and / or full specification of materials to be used externally on the building(s) have been submitted to and approved in writing by the Local Planning Authority. Such details shall include the material type, colour and texture. The development shall be carried out only in accordance with the agreed schedule of materials and method of construction.

Reason: To ensure a satisfactory appearance of the development in the interests of visual amenity and to comply with Policy GR5 of the Wirral Unitary Development Plan.

4. Prior to commencement of development, a Construction Environmental Management Plan (CEMP) document shall be submitted to and approved in writing by the Local Planning Authority in consultation with Natural England. The CEMP should address and propose measures to minimise the main construction effects of the development and, amongst other things, should include details of ecological mitigation, pollution prevention and soil resource management. The CEMP would normally be expected to include the agreed method statements to mitigate or avoid adverse environmental impacts. The CEMP should include, but not be limited to, the following:

- pollution prevention measures as set out in paragraph 6.3.3 of the shadow HRA report (*Information for a Habitats Regulations Assessment, RPS, ECO02904 March 2023, Rev E, Final*);
- details of construction lighting, designed to avoid light spillage into the adjacent Liverpool Bay SPA;
- details of measures to reduce significant noise effects to waterbirds during construction. These details should include the location and specification of acoustic fencing to be installed upon site boundary; and
- details of the Ecological Clerk of Works (ECoW) that will be employed on-site throughout construction period to assist with avoidance of visual disturbance effects to waterbirds within the adjacent Liverpool Bay SPA, as set out in paragraph 6.4.9 of the shadow HRA (*Information for a Habitats Regulations Assessment, RPS, ECO02904 March 2023, Rev E, Final*).

Reason: To manage and mitigate the main environmental effects during the construction phases of the proposed development.

5. A scheme of noise control for any plants and equipment to be installed on site shall be submitted to and approved in writing by the Local Planning Authority prior to the development is brought into use. The approved scheme shall be implemented before the plant and machinery is brought into operation and the approved noise protection measures shall thereafter be retained unless otherwise agreed in writing by the Local Planning Authority.

Reason: To prevent the emission of noise above a level which would be detrimental to aural amenity of the area and to comply with Policy EM6 of the Wirral Unitary Development Plan.

6. The development shall be undertaken in full accordance with the recommended mitigation measures set out under section 7 of the approved Air Quality Assessment (Hoare Lee, Revision 01, 18 February 2022). This shall include a Dust Management Plan which shall be submitted to and approved by the Local Planning Authority prior to the commencement of development and the scheme constructed in accordance with the approved details.

Reason: To manage and mitigate the air quality impacts of the proposed development in accordance with Policy EM6 of the Wirral Unitary Development Plan.

7. The development shall not be brought into use until a Travel Plan has been submitted to and approved in writing by the Council as Local Planning Authority. The Plan shall include immediate, continuing and long-term measures to promote and encourage alternative modes of transport to the single-occupancy car. For the avoidance of doubt, the Travel Plan shall include, but not be limited to: a) Involvement of employees b) Information on existing transport policies, services and facilities, travel behaviour and attitudes c) Access for all modes of transport d) Targets for mode share e) Resource allocation including Travel Plan Co-ordinator and budget f) A parking management strategy g) A marketing and communications strategy h) Appropriate measures and actions to reduce car dependence and encourage sustainable travel i) An action plan including a timetable for the implementation of each such element of h above j) Mechanisms for monitoring, reviewing and implementing the travel plan.

The Approved Travel Plan shall be implemented in accordance with the timetable contained therein and shall continue to be implemented as long as any part of the development is occupied and in use. An annual report shall be submitted to the Council no later than 1 month following the anniversary of the first occupation of the development for a period of 5 years. The annual report shall include a review of the Travel Plan measures, monitoring data and an updated action plan.

Reason: To maximise opportunities for travel by modes of transport other than the private car, and to ensure that the development is sustainable in accordance with TRT3 and Wirral UDP and Section 9 of the National Planning Policy Framework.

8. Construction of the development authorised by this permission shall not begin until the Local Planning Authority (LPA) has approved in writing a full scheme of works and timetable for the construction of the new highways and/or amendment of the existing highway made necessary for this development, including new carriageways, footways, street lighting, surface water drainage, traffic signs, road markings, traffic calming, tactile paved pedestrian

crossings, street furniture, access onto the adjacent highway, road safety audit and monitoring. The approved works shall be completed in accordance with the LPA approval prior to the occupation of the development.

Reason: In the interests of highway safety and to comply with Policy EM6 of the Wirral UDP.

9. Prior to the commencement of development, a Construction Management Plan shall be submitted to and approved in writing by the Local Planning Authority (LPA). The provisions of the Construction Management Plan shall be implemented in full during the period of construction and shall not be varied unless otherwise agreed in writing by the LPA.

Reason: In the interests of highway safety and to comply with Policies EM6 and EM7 of the Wirral UDP.

10. The parking provision shown on the approved Proposed Site Plan (Dwg no. P402 rev. E) shall be provided prior to first occupation of the building hereby approved. The parking area shall be hardsurfaced and shall be made available for its intended use at all times thereafter unless otherwise agreed in writing by the local planning authority.

Reason: In the interests of highway and pedestrian safety and to ensure that the development complies with the provisions of Policy EM6 of the Wirral UDP.

11. The development permitted by this planning permission shall be carried out in accordance with the principles set out within the flood risk assessment (Rev 1, 02/12/2021, Tier Consult). The measures shall be fully implemented prior to the first use of the development and in accordance with the timing / phasing arrangements embodied within the scheme, or within any other period as may subsequently be agreed, in writing, by the local planning authority in consultation with the lead local flood authority.

Reason To ensure satisfactory sustainable drainage facilities are provided to serve the site in accordance with the Paragraphs 167 and 169 of the National Planning Policy Framework, Planning Practice Guidance and Defra Technical Standards for Sustainable Drainage Systems.

12. Prior to the commencement of development, details of a sustainable surface water drainage scheme and a foul water drainage scheme shall be submitted to and approved in writing by the Local Planning Authority. The drainage schemes must include:

(i) An investigation of the hierarchy of drainage options in the National Planning Practice Guidance (or any subsequent amendment thereof). This investigation shall include evidence of an assessment of ground conditions and the potential for infiltration of surface water in accordance with BRE365;

(ii) A restricted rate of discharge of surface water agreed by the local planning authority (if it is agreed that infiltration is discounted by the investigations);

(iii) Levels of the proposed drainage systems including proposed ground and finished floor levels in AOD;

(iv) Incorporate mitigation measures to manage the risk of sewer surcharge where acceptable; and

(v) Foul and surface water shall drain on separate systems.

The approved schemes shall also be in accordance with the Non-Statutory Technical Standards for Sustainable Drainage Systems (March 2015) or any subsequent replacement national standards.

Prior to occupation of the proposed development, the drainage schemes shall be completed in accordance with the approved details and retained thereafter for the lifetime of the development.

Reason: To promote sustainable development, secure proper drainage and to manage the risk of flooding and pollution.

13. No tree felling, scrub clearance, hedgerow removal, vegetation management and / or ground clearance is to take place during the period 1 March to 31 August inclusive. If it is necessary to undertake works during the bird breeding season then all trees, scrub, hedgerows and vegetation are to be checked first by an appropriately experienced ecologist to ensure no breeding birds are present. If present, details of how they will be protected are required to be submitted for approval, and the approved details adhered to in full.

Reason: In the interests of ecology having regards to Wirral Unitary Development Plan Policy NC7.

14. The development hereby permitted shall not be occupied until details of bird boxes to include number, type and location on an appropriately scaled plan as well as timing of installation, has been provided for approval and implemented in accordance with those details.

Reason: To maintain the favourable conservation status of protected species and maintain bird nesting sites in accordance with Policy NC7 of the Wirral UDP and Section 15 of the National Planning Policy Framework.

15. The development permitted by this planning permission shall be carried out in accordance with the principles set out within section 5.4.2. of the Ecological Impact Assessment (Ref: August 2022RSE_5581_R1_V1_ECIA). The measures shall be fully implemented prior to the construction of the development and in accordance with the timing / phasing arrangements embodied within the report, unless otherwise agreed in writing, by the local planning authority.

Reason: To maintain the favourable conservation status of protected species and maintain bird nesting sites in accordance with Policy NC7 of the Wirral UDP and Section 15 of the National Planning Policy Framework.

15. Prior to the commencement of development, the applicant should submit a method statement on the removal of Cotoneaster, an invasive species, which includes the following information:

- A plan showing the extent of the plant(s).
 - The method(s) that will be used to prevent the plant/s spreading further, including demarcation.
- The method(s) of control that will be used, including details of post-control monitoring.
- How the plants will be disposed of after treatment/removal.

Reason: To remove an invasive species as listed under Schedule 9 of the Wildlife and Countryside Act (1981) and ensure the protection of the native natural environment in accordance with Policy NC01 of the Wirral UDP.

16. Notwithstanding the approved plans a revised landscaping scheme which shall include coastal shrubland or other suitable alternative habitat along the eastern side of the site shall be submitted to and approved by the local planning authority. The approved scheme shall be implemented in full prior to the development being brought into use. Any trees or plants that within a period of five years of planting, are removed, die or become, in the opinion of the local planning authority, seriously damaged or defective shall be replaced with others of a species, size and number as originally approved within the first available planting season.

Reason: To maintain the favourable conservation status of protected species in accordance with Policy NC7 of the Wirral UDP and Section 15 of the National Planning Policy Framework.

17. The development permitted by this planning permission shall be carried out in accordance with the recommendations set out in section 13 of the Ground Investigation Report (Ref: TE1338-TE-00-XX-RP-GE-001-V0, Version 01, Tier Consult).

Reason: To ensure that the site does not pose any further risk to human health or the water environment in line with Policy WA3 and WA4, and Section 15 of the National Planning Policy Framework.

18. If, during the undertaking of site works, contamination not previously identified is found to be present, then further site works shall be suspended until the extent of contamination has been determined and defined in agreement with the local planning authority. Written Agreement shall then be obtained from the local planning authority to enable onsite works to recommence within the area(s) not affected by the contamination identified.

Works shall not recommence with the defined area of contamination until the developer has submitted and obtained written approval, from the local planning authority, of a remediation strategy detailing how the identified contamination shall be dealt with. The remediation strategy shall be implemented as approved.

Reason: To ensure that the development does not contribute to, and is not put at unacceptable risk from or adversely affected by, unacceptable levels of water pollution from previously unidentified contamination sources at the development site. This is in line with Paragraph 174 of the National Planning Policy Framework.

19. Prior to any part of the permitted development being brought into use, a verification report demonstrating the completion of works set out in the approved remediation strategy and the effectiveness of the remediation shall be submitted to, and approved in writing, by the local planning authority. The 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.

Reason: To ensure that the site does not pose any further risk to human health or the water environment by demonstrating that the requirements of the approved verification plan have been met and that remediation of the site is complete. This is in line with Policy WA3 and WA4, and Section 15 of the National Planning Policy Framework.

20. No development shall take place on site until a Site Waste Management Plan confirming how demolition and construction waste will be recovered and re-used on the site or at other sites, has been submitted to and approved in writing by the Local Planning Authority. The approved plan shall thereafter be implemented in full unless otherwise agreed in writing.

Reason: To achieve the efficient use of resources and reduce the amount of waste to be sent to landfill in accordance with Policy WM8 of the Joint Waste Local Plan for Merseyside and Halton.

21. No development shall commence until a final detailed sustainable drainage design for the management and disposal of surface water from the site, has been submitted to and approved in writing by the Local Planning Authority, in consultation with the Lead Local Flood Authority. The details of the 'Final' Sustainable Drainage Strategy must be based on the principles and details identified in *Proposed Foul and Surface Water Drainage Layout (T_21_2487-55-01 rev P2 dated 1 March 2022 – drawing produced by Tier Consult)*.

The final Detailed Sustainable Drainage Design will be required to comply with DEFRA's technical standards for sustainable drainage systems and the SuDS Manual and include:

- Justification of final design
- The new outfall/headwall shown on the Proposed Foul and Surface Water Drainage Layout drawing (T_21_2487-55-01 rev P2 dated 1 March 2022) is shown as outside the red line boundary; therefore written confirmation / evidence is required to prove / confirm the surface water outfall / headwall is situated within land owned / controlled by the applicant or provision of evidence of a legal agreement between the applicant and the land owner is required.
- Provision of evidence of any licences and agreements that must be obtained / required for provision of a new outfall / headwall into The River Mersey at an uncontrolled discharge rate.
- Drawings to include:
 - Final layout of roads, buildings, finished floor levels, external levels and boundaries;
 - Final layout of sewers; outfalls; SuDS; flow control details (must match flow control in calculations) hatched above ground storage areas with depths indicated;
 - Overland flow paths designed for exceedance of the 1 in 100 plus climate change event, system blockages, etc. An impermeability of 100% for the whole site area (including soft landscaped areas) should be used in all cases when determining exceedance flows;
 - Invert levels (to OS datum), manhole and pipe sizes; pipe gradients; SuDS; emergency overflows and annotation that correlates to the hydraulic calculations;
- Hydraulic modelling for final drainage strategy to include:
 - System performance for following return periods; 1, 30, 100 plus appropriate current climate change allowance;
 - Demonstration of sufficient storage for the 1 in 100 year (plus climate change) critical rainfall event with a limiting discharge rate as stated in the above referenced drainage strategy;
 - Design criteria summary, Full network details table, pipe and manhole schedules, contributing area summary, control/storage structure details, results summary print outs;
 - Flow control device design calculations demonstrating compliance with limiting discharge rate as stated in the above referenced drainage strategy at the correct design head;
 - Volumetric runoff co-efficient (Cv) should be set to '1';

- Apply the correct climate change allowance: For further information on the correct climate change allowance to apply you should refer to 'Flood Risk Assessments: Climate Change Allowances'.

- Timetable demonstrating completed SuDS construction prior to occupation
- Construction phase surface water management plan

Reason: To ensure satisfactory sustainable drainage facilities are provided to serve the site in accordance with Paragraphs 167 and 169 of the National Planning Policy Framework.

22. The development hereby permitted by this planning permission, including all components of the sustainable drainage system, shall be carried out in accordance with the approved final Sustainable Drainage Strategy, including any phasing embodied within, and maintained in perpetuity in accordance with an agreed Operation and Maintenance Plan, to be submitted for each development phase, approved by the Local Planning Authority, in consultation with the Lead Local Flood Authority.

The approved drainage scheme shall be fully constructed prior to occupation in accordance with the approved details, phasing and timetable embodied within the approved final Sustainable Drainage Strategy, or within any other period as may subsequently be agreed, in writing, by the Local Planning Authority in consultation with the Lead Local Flood Authority. 'As built' drainage design/layout drawings and a final Operation and Maintenance Plan, confirming asset details and maintenance arrangements, shall be submitted to the Lead Local Flood Authority, in accordance with any approved phasing, prior to occupation.

Reason: To ensure satisfactory sustainable drainage facilities are provided to serve the site in accordance with the Paragraphs 167 and 169 of the National Planning Policy Framework.

Informatives

1. The plans relating to the above application have been examined and below are the Fire Authority's observations:

* Access for fire appliances should comply with the requirements of Approved Document B5 of the Building Regulations.

* Water supplies for firefighting purposes should be risk assessed in accordance with the undermentioned guidance in liaison with the water undertakers (United Utilities - 0161 907 7351) with suitable and sufficient fire hydrants supplied.

* The premises should comply with Section 55 of the County of Merseyside Act 1980.

2. In order to fulfil highway conditions it will be necessary to enter into a legal agreement with the Council to secure the works under the Highways Act and the New Roads and Streetworks Act. The agreements would include details of the works to be carried out including all necessary new carriageways, footways, street lighting, surface water drainage, traffic signs, TROs, road markings, traffic calming, tactile pedestrian paved crossings, street furniture, Road Safety Audit and Road Safety Audit Monitoring.

3. The recommendation of the LLFA to accept a sustainable surface water drainage proposal, is always predicated on the fact that maintenance of the surface water drainage system is secured in perpetuity to manage flood risk for the lifetime of the development.

It is the advice of the LLFA that the maintenance arrangements capable of **ensuring** an acceptable standard of operation for the lifetime of the development, to satisfy paragraph 169 of the NPPF, are adoption by a statutory undertaker/public body or a s106 agreement

with the developer to ensure maintenance of the system as per the approved Operation and Maintenance Plan. The proposed drainage strategy includes communal storage components that will NOT be adopted by United Utilities. The LPA should be satisfied that maintenance of all communal components has been secured in perpetuity via an appropriate mechanism / agreement.

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| Last Comments By: | |
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