

5 PLANNING POLICY FRAMEWORK

5.1 INTRODUCTION

This section of the Environmental Statement has been prepared for Westlink Group Ltd by GVA Grimley LLP and, following a brief review of the existing and proposed land uses across the site, considers the planning policy framework for the proposed development in terms of:

1. National Planning Policy & Guidance;
2. Regional Planning Policy;
3. Local Planning Policy; and
4. Summary of Planning Policy Issues.

The proposed development site at Ditton is under the ownership of Westlink Group Ltd and covers some 42.3 ha (101.54 acres) of the West Bank Dock and Foundry Lane Estates. The site area is considerable but can be sub-divided into three identifiable sections (*see existing site plan*). These comprise the Mathieson Road Estate to the east (including part of O'Connor site parking and landscape bund), the Reclamation Site (known colloquially as "The Mound"), and the Foundry Lane Estate to the west. Each part of the site has a well-established industrial heritage and this history is borne out by the current land uses, the existence of major environmental issues and the national, regional and local planning policy framework for the area.

Existing Land Use

The Mathieson Road Estate consists of three parcels of land and/or buildings divided by the Mathieson and Ronan Roads that run approximately east-west through the Estate. The northern-most section, i.e. the area north of Mathieson Road, is mainly in warehouse use (B8 Storage & Distribution use) with AHC's ancillary offices (B1 use) and truck servicing facilities. The central section between Mathieson Road and Ronan Road is also largely in B8 warehousing use, although there are several blending and/or mixing units which could fall into the B2 (General Industry) Use Class, as well as a B1 office building. The third parcel, to the south of Ronan Road, has been partially bunded at its southern edge and is currently used for parking ancillary to AHC (Warehousing) Ltd's operations. AHC (Warehousing) Ltd obtained planning consent for a 10,776 sqm warehouse on this piece of land in May 1992 (HBC Plan. App. Ref. 91/00563/FUL) which is no

longer extant. Nevertheless, it is clear that the primary existing use for the Mathieson Road Estate as a whole is B8 Storage and Distribution with a quantity of B1 offices and, possibly, a small element of B2 General Industry.

The existing use of the Reclamation Site (The Mound), created on an area of hard standing associated with a former saw mill operation, is as a natural green space with a certain nature conservation value, although it is inaccessible to the public.

When AHC (Warehousing) Ltd took ownership of the Foundry Lane Estate in the late 1990s, the site contained a number of refurbished former saw mills which had been used by the previous owner for the storage of tinned foodstuffs. Subsequently, the northern-most buildings were partly demolished and extended to provide a 15,300 sqm building with an eaves height of approximately 13m (HBC Planning App. Ref. 02/00498). This building is currently let under a long-term lease to Exel Logistics and is known in this report as the Exel Building. The refurbished buildings to the south still provide warehousing and are currently let to Danone. A recently constructed railhead occupies the northern part of the Foundry Lane Estate and a further line runs parallel to Ditton Brook. It is generally accepted that the existing use of the Foundry Lane Estate falls within Use Class B8 (Storage and Distribution).

Drawbridge Securities (Ditton) Ltd and AHC (Warehousing) Ltd obtained planning permission for a freight terminal to provide 78,308 sqm of new distribution warehousing with road and rail access on 24 March 2006. This extant permission covers the majority of the site, except for part of The Mound.

Proposed Land Use

The nature of the accommodation planned for the development is set out in *Section 3* and illustrated in the Appendices to this Statement. In essence, the proposals represent an intensification of the B8 (Storage and Distribution) use which is the primary existing use on the site. Westlink Group Ltd intend to demolish all existing buildings, clear the site and erect a fully-serviced warehousing accessible by both road and rail (via the adjacent O'Connor rail freight facility) to provide a "state of the art" Regional Distribution Centre and additional modern warehousing accommodation.

5.2 NATIONAL PLANNING POLICY & GUIDANCE

The Government's strategic policy position in relation to the intensification and redevelopment of industrial sites such as the proposed site and the mitigation of the possible impacts which may result, is set out in a number of White Papers, Planning Policy Statement (PPS), Planning Policy Guidance (PPG) notes and other government publications.

General Policy

With the publication of Planning Policy Statement 1: "Delivering Sustainable development" (PPS1) in January 2005 the Government has placed sustainability high on its political agenda. The Government principal aims are, *inter alia*:

- social progress which recognises the needs of everyone;
- effective protection of the environment;
- the prudent use of natural resources; and
- the maintenance of high and stable levels of economic growth and development.

To achieve these aims, the planning process should facilitate and promote sustainable patterns of development by, *inter alia*:

- making suitable land available for development in line with economic, social and environmental objectives to improve people's quality of life;
- contributing to sustainable economic development;
- protecting and enhancing the natural and historic environment, the quality and character of the countryside and existing communities;
- ensuring high quality development through good and inclusive design and the efficient use of resources; and

- ensuring that development supports existing communities and contributes to the creation of safe, liveable and mixed communities with good access to jobs and key services for all members of the community.

Industrial and Commercial Development Policy

PPG4 – Industrial and Commercial Development and Small Firms (1994) reiterates many of the objectives set out in PPS1 with regard to sustainable development and locational preferences, with paragraph 11 emphasising the need to reduce travel by encouraging development in areas with more energy efficient modes of transport, including rail. It also mentions that land adjacent to existing infrastructure or disused facilities capable of being returned to freight should also be given careful consideration.

Nature Conservation Policy

PPS9 – Biodiversity and Geological Conservation (2005) underlines the Government's objective of ensuring planning policy contributes to the conservation and enhancement of biological and geological diversity, or the provision of adequate mitigation measures where conflict is unavoidable. The Habitats Directive requires the management and protection of key features which are important to wildlife and, in the context of Ditton site, this includes the Mersey Estuary which is also designated a RAMSAR wetland site.

Transport Policy

The Transport White Paper "A New Deal for Transport: Better for Everyone" published in July 1998 identified the need to create a more integrated transport system and encouraged the transport of freight by rail. To this end, local authorities were required to consider and protect possible connection routes between existing manufacturing and warehousing development and nearby rail infrastructure. Two years later, the Government's transport plan "Transport 2010 – The Ten Year Plan" set the specific objective of increasing rail freight by 80% over the period.

The most comprehensive transport policy document, however, remains PPG13 – Transport (2001) which establishes the national policy context for most development in the area. In terms of transport, the Government's objectives focus on the promotion of more sustainable transport choices for both passenger and freight movement whilst promoting accessibility by public

transport, walking & cycling and the need to reduce car travel. Local authorities are also tasked with maximising the use of the most accessible sites. With regard to the movement of rail freight, local authorities are advised, in consultation with the Strategic Rail Authority (SRA), to identify and, where appropriate, protect sites and routes which could be critical in providing required infrastructure for the movement of freight. This includes major freight interchanges e.g. road to rail transfer facilities. In the case of distribution and warehousing uses, which generate substantial freight movements of bulk goods, the Government advises that such developments should be located outside congested central areas or residential areas and have adequate access to the trunk road network.

In March 2004, the SRA published its Strategic Rail Freight Interchange Policy which promotes rail interchanges as a means of shifting the transport of freight from road to rail. For the North West specifically, the SRA identified the efficiency of locating such projects within the Liverpool-Warrington-Manchester commercial belt. In addition, the SRA set out a number of key requirements that would be used to assess the appropriateness of specific sites for development as interchange facilities. These included suitability of road and rail access, ability for non-stop operations, level topography; capability for expansion, accessibility of the site for the workforce, proximity to commercial customers, compatibility with primary freight flows, potential to infill existing gaps in the national interchange network and “fit” with other SRA strategies.

Pollution Control Policy

Another issue raised by the development of a freight park at Ditton, and on which there is national planning guidance, is pollution control. Planning Policy Statement 23 (PPS23) (2004) and its two annexes covering pollution control, air & water quality and development on land affected by contamination emphasises the importance of the precautionary principle and sets out in detail national and international obligations in this respect.

The statement advises that any consideration of the quality of land, air or water or potential impacts arising from development, possibly leading to impact on health, is capable of being a material planning consideration. Development may, however, present an opportunity to deal with contamination risks successfully. Opportunities should be taken wherever possible to use the development process to assist and encourage the remediation of land already affected by contamination. LPAs should work on the assumption that the relevant pollution control regime

will be properly applied and enforced and they should therefore act to complement, not duplicate, it.

The need for informal pre-application discussions with the LPA, the relevant pollution control authority and Environmental Health Departments is stressed. An Environmental Statement is usually the most convenient way of ensuring the environmental impacts of a significant development proposal are comprehensively considered. LPAs must be satisfied that planning permission can be granted on land use grounds taking full account of environmental impacts. The effects of the existing sources of pollution in and around development sites must be taken into consideration so that their cumulative effect does not make the development unacceptable when the proposed development is added.

Noise Control

PPG24 – Planning and Noise (1994) sets out how the planning system can be used to minimise the adverse impact of noise without placing unreasonable restrictions on development and identifies possible mitigation measures.

Flood Risk

PPS25 – Development and Flood Risk (2006) sets out the Government’s policy on development and flood risk. It aims to ensure flooding is taken into account at all stages in the planning process. It seeks to avoid development in areas at risk of flooding, and to direct development away from the areas of highest risk. Where new development is exceptionally necessary in such areas, policy aims to make it safe without increasing flood risk elsewhere and where possible reducing flood risk overall.

Environmental Impact Assessment Policy

Finally, it is noted that the Ditton project falls within Schedule 2 Part 10c “Construction of inter-modal transshipment facilities and of inter-modal terminals” as laid down in the *Town & Country Planning (Environmental Impact Assessment) (England and Wales) Regulations 1999*. This requires an Environmental Impact Assessment to be undertaken to consider all possible impacts of the development, consider their significance and recommend mitigation measures.

Consideration of proposal in terms of National Planning Policy & Guidance

The national policy context for the creation of a Strategic Rail Freight Park at Ditton was examined as recently as 2003 as part of the Inquiry into the draft Halton Unitary Development Plan. The Inspector concluded that the DSRFP presented a valuable opportunity to secure a sustainable freight transport interchange that would boost the regional & local economies and improve a severely damaged area of land.

With regard to the national policy framework outlined above, the proposed development, which occupies a substantial area of the DSRFP, conforms to the key policies.

With regard to PPS 1 Delivering Sustainable Development (2005), PPG4 – Industrial and Commercial Development and Small Firms (1994) and PPS9 – Biodiversity and Biological Conservation (2005), the proposal complies with national policy as the proposal:

- Constitutes a sustainable form of development located close to major road and rail infrastructure;
- Involves the efficient redevelopment of an existing “brownland” industrial site;
- Provides a distribution facility served by an adjoining rail facility to contribute to the nation’s and region’s freight transport needs;
- Results in the intensification of an existing inter-modal freight park use;
- Contributes to the improved efficiency in the level of nation-wide transport of freight by road;
- Seeks to mitigate any adverse effects on wildlife and flora through and planting schemes and off-site contribution;
- Provides long term benefits in terms of contaminated land management, and protection to groundwater and surface water quality;

- Conserves and protects natural resources, both on and off the site including the safeguarding of the River Mersey, a RAMSAR wetland site of national and international importance;
- Creates jobs near to where people live; and
- Provides a sustainable approach to travel to and from the site.

The main concerns in terms of PPS1 & PPG4 relate to the possible impacts on nature conservation and the natural environment of redeveloping a contaminated site, particularly in relation to ground water & air quality, and the efficacy of pollution control measures. Both of these national issues have been embedded in local planning policy and are considered in *Section 5.4* below and in greater detail in other sections of this Statement.

In terms of transport policy, the proposed development is in line with the aims of PPG13 as it:

- Assists in the creation of a more integrated national transport system;
- Encourages the transport of freight by rail and thus assists in reaching the Government’s 80% target for the increase in freight carried by rail by 2010;
- Maximises the use of a readily accessible site immediately adjacent to the trunk road and national rail networks; and
- Comprises a distribution warehousing use located outside a residential or congested central area.

With regard to the Strategic Rail Authority’s Strategic Rail Freight Interchange Policy, the proposed development forms part of the larger Ditton SRFP and thus meets the SRA’s requirements for an Interchange facility as it:

- Comprises an existing inter-modal freight park;
- Is located within the Liverpool-Warrington-Manchester commercial belt, thus filling an identified gap in national interchange provision;
- Possesses excellent road and rail access;

- Is capable of 24 hours per day, 7 days per week operation;
- Forms part of the larger Ditton SRFP which is capable of considerable expansion;
- Is accessible to a substantial workforce nearby; and
- Is compatible, in terms of its operation, with existing freight flows on the national rail network.

As to pollution control policy, the applicants' environmental specialists, ENVIRON, have followed the policies laid down in Planning Policy Statement 23 (PPS23) (*see Sections 7, 14 & 17*) by:

- Addressing existing contamination problems on the site by using the development process to remediate and stabilise the land;
- Undertaking pre-application discussions with Halton Borough Council, the Environment Agency and others to quantify the scale of the problem and develop appropriate pollution control strategies;
- Submitting an Environmental Statement with the full planning application to ensure full consideration of all environmental impacts resulting from the proposed development; and
- Considering the cumulative effect of existing sources of pollution together with those associated with the proposed development to ensure acceptability.

ENVIRON has also carried out the necessary noise assessment study in line with PPG24 – Planning and Noise 1994 to ensure that, where necessary, measures are in place to minimise the impact of noise from the development (*see Section 12*). The risk of flooding has also been considered in line with PPS25 – Development and Flood Risk (*see Section 17*).

Finally, this Environmental Statement has been prepared to accompany the full planning application for the site as required by the *Town & Country Planning (Environmental Impact Assessment) (England and Wales) Regulations 1999*.

5.3 REGIONAL PLANNING POLICY

Economic Policy

Regional Planning Guidance for the North West (RPG13), published in March 2003 and emerging Regional Spatial Strategy provides the regional planning framework for the preparation of local authority development plans and local transport plans. It contains a number of key economic policies (EC1, EC3, EC4 & EC5) which establish the framework to enable local authorities to use Development Plans to:

- i) target various business sectors and thus increase competitiveness;
- ii) strengthen the wider regional economy; and
- iii) promote sustainable business patterns.

Policy EC4 also encourages the creation of "Business Clusters" i.e. businesses which operate in the same or complementary sectors. Policy EC5 specifically required the North West Development Agency's (NWDA's) Regional Economic Strategy (RES), updated in 2006, to identify specific Regional Investment Sites and for local authorities to reserve such sites for uses that support the region's sectoral priorities. The RES identifies 25 such sites, including that at Ditton, as being key to the development of the regional economy.

Currently in draft form the Regional Spatial Strategy (RSS), published in January 2006, sets out the strategy for delivering sustainable development across the region to 2021 and will replace RPG13 once it is adopted in 2008. It steers development to the most sustainable locations within the region, making the most of existing and planned transport networks to ensure that any increases in journeys to work, pollution and congestion are manageable. Policy W2 identifies intermodal freight terminals as regionally significant economic development and Widnes is specifically allocated as a broad location for a facility. The Panel Report into Draft RSS (2007) suggests criteria are developed to guide the allocation of land for such uses.

Strategic Development & Transport Policy

RPG13 Strategic Development Policy SD9 reiterates national policy by requiring the Regional Transport Strategy to facilitate the provision of effective multi-modal solutions for the conveyance of goods, people and services, particularly at major hubs.

Transport policy within RPG13 also aims to optimise the potential of the Region's inter-regional and intra-regional rail & road links and the associated gateway sites. RPG13 Transport Policy T1 underscores the importance of a modern, efficient and well-integrated transport system to the competitiveness of the regional economy whilst Transport Policy T2 encourages all organisations involved in the provision of rail service and infrastructure to work together to deliver an efficient Regional Freight Strategy. RPG13 Transport Policy T7 states that local authorities in the North West should develop freight strategies through the local transport plan system and that the emphasis, when allocating sites, should be on rail freight. Transport Policy T10 establishes the regional transport investment and management hierarchy tasked with, *inter alia*, introducing measures to increase the sustainable movement of freight and to focus investment on major transport infrastructure schemes of regional significance.

Policy RT7 of Draft RSS proposes local authorities develop sub-regional freight strategies and take account of the Regional Freight Strategy. The facilitation of freight from road to rail and/or water is recommended. RSS recognises that attempts to increase the volume of freight moved by rail in the region could be constrained by a shortage of freight terminals and in particular, the lack of major intermodal facilities with good access to the motorway network. It states that existing terminals and private sidings across the region have a role to play. The Panel Report makes no significant alterations to the policy.

Regional Freight Strategy

In June 2000, the Merseyside Freight Study, prepared for the joint Merseyside authorities and Halton BC by MDS Transmodal and WS Atkins, was completed. This study, together with the completion of the NWDA's Report identifying Strategic Regional Sites in December 2001, led the NWDA and HBC to consider Ditton, and the concept of a Strategic Rail Freight Park in particular, as being crucial to the implementation of the Regional Strategy. The vision of a sustainable transport system for the region was updated in November 2003 when the North West Regional Freight Strategy was published. This Strategy has the specific aim:

“ to develop and maintain an integrated, efficient and sustainable freight transport system which facilitates and supports economic development in the North West, whilst also contributing to environmental objectives and improving quality of life in the region.”

The Regional Freight Strategy identifies a need for the development of a number of inter-modal terminals, rail-linked warehousing and distribution centres at key locations within the region to cater for the anticipated growth in rail freight. The Strategy also acknowledges the role that the expansion and improvement of existing, private facilities can play in meeting this need.

Consideration of proposal in terms of Regional Planning Policy

As the project comprises new rail-linked warehousing, it is entirely in line with the regional policy objective of creating a Strategic Rail Freight Park at Ditton, of which it forms a significant part.

Specifically, the proposal meets the requirements of Regional Planning Guidance for the North West (RPG13) – (2003) and Draft RSS – (2006) as:

- It conforms to regional economic policy, forming part of a “Business Cluster” of interchange facilities which, together, form the Ditton SRFP;
- It comprises part of a major transport infrastructure scheme of regional significance, the Ditton SRFP and one of 25 Regional Investment Sites identified in the Regional Economic Strategy as key to the development of regional economy;
- It is an effective sustainable, multi-modal solution to the conveyance of goods and services; and
- It will form part of a modern, efficient and well-integrated transport system for the North West in line with prevailing RPG13 and emerging RSS Transport Policy.

The proposals are also in accord with the aims of the North West Regional Freight Strategy 2003 as they will contribute to the creation of an “integrated, efficient and sustainable freight transport system” which is the primary aim of the Strategy. In addition, the Regional Freight Strategy (RFS) identified the need for inter-modal terminals, rail-linked warehousing and distribution centres at key locations within the region to cater for the growth of rail freight and Ditton was identified as one such location. The proposals “fit” with the RFS is further highlighted by the reference in the Strategy to the part improvement of existing inter-modal facilities can play in meeting outstanding need.

5.4 LOCAL PLANNING POLICY

The local Development Plan is the Halton UDP, adopted April 2005. Consequently, the development will be tested, primarily, against the policies contained in the UDP, which reflect and incorporate all relevant national

Halton UDP

Whilst it the plan is now adopted it is relevant to set out background to the policy relating to the proposal site. Early UDP representations by AHC Warehousing and the Freight Operators Commercial Access Link (FOCAL) Ltd, together with encouragement from the North West Development Agency (NWDA) and HBC, led to the concept of a Strategic Rail Freight Park at Ditton to facilitate the inter-modal exchange of freight. Following the Public Local Inquiry into the Halton UDP in the first half of 2003, the Inspector concluded in early 2004 that the DSRFP concept was “a project of exceptional potential worth” and should become adopted policy. With regard to the contentious area of the Mound, which AHC (Warehousing) Ltd and FOCAL had argued should be included in the core area of the DSRFP, the Inspector commented that:

“Its value as a feature could readily be outweighed by its potential value as a development resource for DSRFP”

However, possible technical difficulties and Environment Agency concerns led the Inspector to conclude that the bulk of the Mound should be left outside the core area at this time. He did, however, recommend that it should be included within the boundary of the “Potential Extent of Ditton Strategic Rail Freight Park” to be identified on the UDP Proposals Map. The Inspector also supported minor expansions to the core area of the DSRFP, as proposed by AHC Warehousing and FOCAL Ltd, to include more level areas of ground to the south west and north east of the Mound.

The Halton UDP allocates a substantial section of land in Hale Bank and Ditton for the development of the Ditton Strategic Rail Freight Park (DSRFP). Policy S20 Regional Investment Sites states:

“1 The following clusters of sites are provided to meet the needs of economic sectors that are considered significant in raising the competitiveness of the economy in the North West Region

Runcorn

Daresbury Park

Daresbury Laboratory

Widnes

Ditton Strategic Rail Freight Park

Development of these sites must be to a high standard of design and landscaping, to create a good environmental setting.”

The DSRFP concept, as it affects the proposal site (i.e. the larger part of Site 255 on the Proposals Map), is referred to in Transport Policy TP13 Freight but is detailed in Policy E7 Ditton Strategic Rail Freight Park, which states:

“DITTON STRATEGIC RAIL FREIGHT PARK”

1. *A phased strategic inter-modal rail freight park will be developed on land at Ditton, Widnes in accordance with an overall master plan to be approved as a Supplementary Planning Document. Within the defined park Sites 253, 255 and 256 are allocated for development. Development will be permitted provided that it complies with all of the following:-*
 - a) *It is for use by businesses that would utilise the railway for the transportation of freight, and uses offering support services to them.*
 - b) *It would be of a quality suitable for occupation by companies of regional or national distribution importance, which would give rise to additional new employment opportunities for residents of Halton and surrounding local authority areas.*

- c) *It would not have a significantly adverse impact on the environment and on the amenity of local residents, particularly in the Hale Bank area, and would contribute to urban regeneration.*
 - d) *It would not prejudice the improvement of the passenger rail network or improvements to it identified in the UDP.*
 - e) *It is demonstrated through a detailed Transport Assessment and Travel Plan that it would not have a significant impact on the local transport networks and trunk road network.*
2. *Development will not be permitted on site referenced 253 [Hale Bank] on the proposals map and known as land north of Hale Bank Road, unless all of the following also apply:-*
- f) *The layout of development incorporates measures actively to discourage the direct movement of goods vehicles from the site to the local road network in the Hale Bank area. In order to achieve this aim a road system shall be provided to connect Sites 253, 255 and 256 where they are divided by public highways or railway lines."*

The Mathieson Road, Mound and Foundry Lane Estate sections of the site are allocated as "Potential Extent of the Ditton Strategic Rail Freight Park" in the Halton UDP. The majority of the proposal site is also located within the core Regional Investment Site referred to as Site 255 within the DSRFP, which implies that redevelopment of this land is considered a priority. The only parts of the site remaining outside the core Regional Investment Site are the steeper slopes and plateau of the Mound. Following the Inspector's recommendations on the UDP, the less steep areas to the south west and north east of the Mound were included in the core area but the Mound itself is classified as Greenspace as it was acknowledged to include areas of nature conservation interest. Greenspace designations are protected under Green Environment Policy GE5 in the UDP. Infringement of development into designated Greenspace will only be considered on an exceptional basis, and even then, the areas lost to development would have to be compensated for by providing Greenspace elsewhere on the site, or by substantially improving any remaining or adjacent areas of Greenspace.

The southern section of the Mathieson Road Estate below Mathieson Road is located within the developed Mersey Coastal Zone as defined by Policy GE30 The Mersey Coastal Zone. Proposals for development within the Developed Coastal Zone will be encouraged which would contribute to the regeneration of the zone and enhance its environmental quality, tourism and recreational potential, particularly those which would lead to improvements in the accessibility of the coast.

Another designation on the Proposals Map that can be seen to encompass the whole of the site is Policy BE3 Environmental Priority Areas:

"Within the Environmental Priority Areas the Council will pay particular regard to significantly raising environmental standards:

- a) *Proposals for development will be expected to be of a quality of design that enhances the character and appearance of that area.*
- b) *Development adjacent to or visible from the main road and rail transport routes should be of a high quality of design in terms of landscaping, boundary treatment and facing materials."*

The only other area-specific policies highlighted on the Proposals Map that could impact on the proposed development are those relating to the Mersey Forest project and the River Mersey. Policy GE28 - The Mersey Forest states that in certain locations planning permission for development will be conditional upon the carrying out of tree planting and other landscape improvements. In the case of the West Bank Dock Estate, a general level of woodland cover of 20% + is being sought. As for the River Mersey, this stretch of water is protected by a raft of policies in the UDP. These include Policy GE17 concerning the protection of, *inter alia*, RAMSAR sites, i.e. wetlands of international importance; Policy GE18 relating to Sites of Special Scientific Interest and Policy GE23 aimed at protecting Areas of Special Landscape Value. It is noted that the Trans-Pennine Trail also passes to the south of the West Bank Dock Estate, following the shoreline, but does not enter the site. The proximity of the development to both the Ditton and Steward's Brooks, which pass through the area en-route to the River Mersey, implies that specific measures may be required, in consultation with English Nature and the Environment Agency, to safeguard this heavily protected water body.

The extent and consequences of existing ground and water contamination across the site are also considered in detail in *Section 17* of this Statement. However, whilst contamination is clearly a major issue in policy terms, there are many other Pollution and Risk policies within the UDP which are triggered, to a greater or lesser degree, by the proposed development. The individual policies requiring detailed consideration are set out below, together with an indication of the relevant section of the Environmental Statement dealing with each aspect:

Policy PR1 & Policy TP19 Air Quality – *Sections 2.2 & 7*

Policy PR2 Noise Nuisance – *Sections 2.2 & 12*

Policy PR4 Light Pollution and Nuisance – *Sections 2.2 & 11*

Policy PR5 Water Quality – *Sections 2.2, 14 & 17*

Policy PR6 Land Quality – *Sections 2.2 & 14*

Policy PR7 Development near to Established Pollution Sources – *Sections 2.2 & 14*

Policy PR12 Development on Land surrounding COMAH sites – *Sections 2.2 & 8*

Policy PR13 Vacant and Derelict Land – *Sections 2.2 & 14*

Policy PR14 Contaminated Land – *Sections 2.2 & 14*

Policy PR15 Groundwater – *Sections 2.2, 14 & 17*

Policy PR16 Development and Flood Risk – *Sections 2.2 & 17*

The many local transport policies relating to an infrastructure project of this complexity are examined in the context of the road and rail proposals detailed by ADL Traffic in *Section 16* of this Statement.

As is clear from the sections on national and regional policy above, the issue of sustainability now runs through all planning policy and the central role the subject plays in local planning policy is considered in depth in *Section 15.3* of the Statement.

Supplementary Planning Documents (SPDs)

In addition to the new UDP, HBC is in the process of preparing two Supplementary Planning Documents to guide the development of the Ditton Strategic Rail Freight Park (DSRFP) although these are still at the draft stage and underwent public consultation in November/December 2005. These are:

1. The DSRFP SPD, masterplan and a Landscape Strategy and Design Guide, both prepared by WS Atkins Consultants for HBC within the adopted UDP framework; and

2. The Hale Bank Action Area SPD, which will consider the DSRFP in its wider setting.

The Draft DSRFP SPD document establishes the policy context for the Rail Freight Park. The draft SPD identifies the vision for the DSRFP as:

"to create a national, regional and sub-regional rail freight facility in the context of national transport policy, regional planning and economic policies and local planning policies."

The draft document recognises that significant elements of the DSRFP concept already exist but that, in order to achieve a Rail Freight Park of sufficient critical mass, a public-private partnership is required. This partnership is needed to enhance the road & rail infrastructure, release additional land and property development opportunities, improve environmental quality, coordinate branding & promotion of the Park and coordinate management of all infrastructure and landscaping. Specifically, the SPD identifies the vision as comprising:

- the realisation of the economic and employment potential of commercial freight businesses for the benefit of the Halton community;
- the development of the railway infrastructure both serving the DSRFP (Ditton Sidings), and within the site, to provide the necessary capacity and operational efficiency to support the full potential of the scheme;
- the development of the road infrastructure within the DSRFP, and connecting it to the strategic road network, to provide efficient and effective connections between the commercial and operational interest within the site, and mitigate any impacts of the scheme on local communities;
- the provision of complementary facilities and land uses to support the maximum usage of the DSRFP;
- the addition of further land and development opportunities to provide critical mass, respond to the market opportunity and maximise employment generation potential; and
- the improvement of environmental quality through quality landscape treatments and removal of bad neighbour activities."

The SPD expands upon the relevant policies of the plan setting out how they should be interpreted.

- With regard to Policy ‘S1 Regeneration’ the SPD states that the proposals will be expected to provide for the reclamation of those areas within the DSRFP that are currently derelict and/or contaminated and provide for the protection and enhancement of the local environment, in particular adjoining nature conservation designations and produce a general improvement in environmental quality.
- The SPD refers to Policy ‘S20 Regional Investments Sites’ stating that development within the DSRFP will be expected to make a key contribution to the economic outputs of the region in terms of job creation.
- In relation to Policy ‘S25 Planning Obligations’ environmental capital loss is expected to be compensated for through the provision of landscaped buffers around the DSRFP and landscaping within the DSRFP.
- As the site falls within the Mersey Forest planting will be sought along the railway corridor.
- In line with Policy ‘PR14 Contaminated Land’ proposals within DSRFP will be required to take into account the potential for contamination on site and include mitigation measures at the outset as appropriate.
- A flood risk assessment is required under Policy ‘PR16 Development and Flood Risk’.
- The site is covered by Policy ‘BE13 Environment Priority Areas’ and the SPD states that development should raise the standards of visual amenity from residential areas, railway, green belt, Hale Bank Road, Queensway and A682.
- Policy ‘S13 Transport’ is relevant to the footpath tunnel linking site 255 (the development site) with St. Michael’s Road and this should be upgraded to be safe and user-friendly; contributions will be sought from the developers of site 255.
- Policy ‘TP1 Public Transport Provision as Part of New Development’ requires development to be accessible by public transport. The SPD states that a developer contribution and/or provision will be secured to make access by public transport adequate.

In particular, the SPD emphasises the role improvements to the built environment and existing hard & soft landscaping will play in the success of the scheme, and how important this aspect will be to the local community and the wider community of Halton. To this end, a draft Landscape Strategy and Design Guide has also been prepared to ensure all development within the DSRFP is consistent in terms of design and quality.

The SPD identifies 20 sub-areas. The proposal site lies within Site C Ditton Road and Site S The Mound. Within Site C businesses that would utilise the railway for the transportation of freight and uses offering support to the m in accordance with Policy E7 are identified as the most appropriate use. The development principles for Site C encompass landscaping features

including tree planting to the railway; the built form, scale and massing, external materials to be of a high standard to promote a strong image and brand for the DSRFP; accessibility to/ provision of public transport facilities; creation of a new rail corridor; and pedestrian footpaths integrated into the whole scheme. Site S is identified for use as amenity open space which to be developed for structural landscaping.

Consideration of proposal in terms of Local Planning Policy

In accordance with UDP Policy E7, the proposed layout of the development Site will:

- Incorporate full road and rail access. This will allow use by distribution companies which use the railway for the transportation of freight, or companies which assist such distributors;
- Provide accommodation of a quality suitable for occupation by a specific national distribution importance and retention of existing distribution uses;
- Use their best efforts to provide employment for local residents and those from surrounding areas;
- Avoid any significantly adverse impact on the environment or nearby residents, particularly those in Hale Bank, through sensitive site remediation and the use of the existing vehicular access to the site from the west by cars only and by other vehicles only in an emergency;
- Create a quality “flagship” development with a strong brand image to assist the Council in securing the regeneration of the remainder of the DSRFP and the wider area; and
- Avoid prejudicing the improvement of the passenger rail network or improvements to it identified in the UDP.

In addition, and as required by Section 1(e) of Policy E7 and UDP Transport policies, a detailed Transport Assessment and a Green Travel Plan accompanies the full planning application. These documents demonstrate that the proposed development can be accessed on the basis proposed and will not have a significantly adverse impact on the local transport and trunk road networks (*see Section 16*). To this end, the existing vehicular bridge access to the Foundry Lane Estate over the Ditton Brook will be closed to HGV traffic (except emergency vehicles), but will be open to cars, pedestrians and cyclists accessing the proposed Regional Distribution Centre..

In terms of land use allocation, the Ditton development deviates only slightly from the DSRFP core area boundary, as illustrated on the UDP Proposals Map, in the vicinity of the Mound. The

Mound is designated Greenspace, protected under UDP Policy GE5. The applicants consider it is necessary to include the Mound within the developable area of the site as discussions held with potential operators have identified a regional need for a large floorplate high bay and low bay distribution warehouse which can only be accommodated on the site by developing in the area of The Mound.

The impact on nature conservation & the landscape and the visual impact of utilising this area for development, are considered in *Sections 9 & 10* of this Statement. As compensation for this infringement of designated Greenspace, the applicants propose to reinforce tree planting elsewhere within the site and improve the setting of the adjoining water courses by planting the north east bank of the Ditton Brook and the north west bank of the Steward's Brook adjacent to the site. Financial contribution will be made to enable environmental enhancement off-site.

In line with the general tenor of UDP Policy E7, Policy BE3 (which locates the site within an Environmental Priority Area), the various environmental policies and the draft DSRFP SPD Masterplan & Landscape Strategy and Design Guide, Westlink Group Ltd agree that high quality design is key to the success of the proposed development. The applicant has made clear that high and consistent design standards will extend beyond consideration of the warehouse buildings to encompass all aspects of the site.

With regard to tree planting, the proposed development encompasses the Mound area and will not, therefore, continue to meet the preferred level of woodland cover (20 %+) indicated for the site in UDP Green Environment Policy GE28 - The Mersey Forest. However, on and off-site planting (by way of financial contribution) is proposed to mitigate this effect. Other Green Environment policies relating to the site's flora and fauna and its relationship with the River Mersey have been thoroughly addressed.

Whilst the site is not located within an area of key archaeological importance, and the land form has been largely re-modelled in the past century, the applicant recognises the importance of establishing and preserving any archaeological record. Consequently, a Cultural and Archaeological Assessment has been carried out by the National Museum of Liverpool's (NML's) Archaeological Unit. The applicant has accepted NML's findings and their recommendation to maintain a watching brief on any peat extraction from the site, as set out in *Section 6* of the Environmental Statement.

The social and economic benefits of a project of this scale for the local area and the wider region are substantial. As the analysis prepared by GVA Grimley (*see Section 13*) shows, the inward investment and job opportunities created by an infrastructure project such as this are considerable and the benefits will filter down to the local community. This estimates that more than 2,140 permanent jobs result from the development. In addition, the success of such a high profile and sustainable project can only breed further success in attracting distribution firms and businesses of national and international standing to the area.

It is clearly crucial that the various local pollution and risk policy issues raised by the redevelopment of a large contaminated site are addressed. The applicants' environmental specialists and engineers have advised on the development of appropriate strategies to minimise the risk of pollution in all its forms. The relevant tests, assessment methodologies, findings and, where appropriate, mitigation measures relating to each Pollution and Risk policy in the UDP are set out elsewhere in this Statement. The relevant sections are indexed by policy at the end of *Section 5.4* above.

Finally, at the site-specific level, the proposal fits with HBC's vision of the Ditton SRFP as outlined in the draft DRSFP SPD.

As to the timetable for implementation, the proposal is likely to be constructed and operational by October 2008. Transport planning assessments have assumed a fully operational date of 2008. Early realisation of the development should be advantageous to the DSRFP as a whole as it creates much-needed momentum for the project.

5.5 SUMMARY OF PLANNING POLICY ISSUES

The proposal site is situated within an area that has a long history of industrial development. Some of the development, and particularly that associated with the chemical industry, has caused the complex contaminated land and associated environmental issues that the applicants and the Council are attempting to contain and/or mitigate today.

In terms of land use, the developed sections of land within the site fall primarily within Use Class B8 (Storage and Distribution) with elements of B1 (Office) and, possibly, B2 (General Industry). There is also a large reclamation site, The Mound, that, although inaccessible to the public, has certain value as a green space in terms of nature conservation.

National planning policy and guidelines relevant to the proposals are set out in various Planning Policy Guidance (PPG) Notes, Planning Policy Statements (PPS) and White Papers covering a range of policy areas. Crucially, the DSRFP concept conforms to prevailing, national best practice with regard to transport policy for the sustainable movement of freight, industrial development policy and urban & economic regeneration policy. The regeneration of a large contaminated site does, however, raise national pollution control and nature conservation issues but these have been addressed in the context of the prevailing local planning policy framework.

Regional planning policy in relation to Ditton is primarily concerned with boosting the regional economy through the development of a sustainable inter-modal freight park: the DSRFP initiative. This is recognised as a project of regional significance, a Regional Investment Site, and the applicants' proposals are wholly in line with the NWDA's expectations.

The local planning policy framework is based on national and regional planning policy guidance but applies such policies to the local context. For Ditton, local planning policy is set down in the Halton UDP, adopted April 2005, and several Supplementary Planning Documents relating to the DSRFP and the Hale Bank Action Area.

In terms of land allocation and use, the UDP contains two key policies, Strategic Policy S20 and Employment Policy E7, which chart the future direction of the site and a considerable area of adjoining land.

The UDP Proposals Map and Policy S20 identify the site as part of a Regional Investment Site requiring development to make a significant contribution to the regional economy. Policy E7 locates the site within the Ditton Strategic Rail Freight Park (DSRFP), a phased strategic inter-modal freight park to be used by businesses of national or regional distribution importance that utilise the railway for the transportation of freight or provide supporting services. Development within the DSRFP is also required to demonstrate that it will create employment opportunities for local residents and contribute to urban regeneration without adverse impact on the environment, the amenity of the local populace or local transport, trunk road & rail networks.

In addition to these two key policies, the UDP sets down a raft of protective policies intended to minimise the impact of the development on the local populace, the environment (including designated Greenspace such as the Mound), any archaeological remains and the surrounding road & rail network.

Turning to the proposals, the scheme will offer a sustainable, "state of the art" rail linked distribution cluster in full compliance with the aims of national, regional and local planning and transport policies. Specifically, the proposal accords with key UDP policies S20 and E7 outlined above. The proposal will be a development of regional, if not national, significance and will attract considerable inward investment and create a significant number of jobs. In addition, the operators of the facility will use their best efforts to ensure that a substantial proportion of the large number of jobs created by this flagship project will be allocated to local residents and those from surrounding areas.

Specialist consultants have examined every aspect of the development in terms of the relevant planning policies and produced "best practice" strategies to mitigate all likely impacts, particularly in relation to pollution from existing ground & water contamination.

The infringement of the Mound's designated Greenspace, protected under UDP Policy GE5, is necessary to achieve development on the site of the scale proposed. This loss is compensated for by way of improved tree planting and landscaping on and off-site (by way of financial contribution) and by planting up of the north east bank of the Ditton Brook and the north west bank of the Steward's Brook along the southern edge of the site.

Design quality in all aspects of the development has been a key priority to ensure the site can be marketed to premier national and regional distribution businesses in line with guidance in the DSRFP Masterplan SPD. To this end, the setting of the development is considered as important as the design of the buildings themselves and a robust landscape strategy has been produced to unify the site. Crucially, the new development is located close to, but not immediately adjacent to, an existing community. Every effort has been made to minimise the visual and physical impact of the development on the residents of Hale Bank, through the considerate siting and orientation of large units and the inclusion of landscape screening. In addition, the existing vehicular bridge over the Ditton Brook, at the western end of the site, will be closed to HGVs except in an emergency.

The applicants consider that the proposals conform to current national, regional and local planning policy and, where there is any minor conflict with, or between, policies, these have been satisfactorily resolved by introducing appropriate compensatory or mitigation measures.