CHESTER CITY COUNCIL

REPORT OF DEVELOPMENT CO-ORDINATION MANAGER

PLANNING BOARD - Thursday, 3 March 2005

PLANNING APPLICATION FOR GLASS CONTAINER MANUFACTURING FILLING AND DISTRIBUTION FACILITY AND ASSOCIATED WORKS REVISED PROPOSAL AT QUINN GLASS BUSINESS PARK FORMER INCE B POWER STATION ASH ROAD ELTON

PLANNING APPLICATION REFERENCE 04/01402/FUL

1. THE PLANNING APPLICATION

- 1.1 By application dated 23 July 2004 Quinn Glass Ltd submitted a full planning application for the construction of a glass container manufacturing, filling and distribution facility and associated works (Revised Proposal) at Quinn Glass Business Park (former Ince B Power Station) Ash road Elton. The application was accompanied by an Environmental Statement in accordance with the provisions of the Town and Country Planning (Environmental Impact Assessment) (England and Wales) Regulations 1999. A copy of the Planning Application form and Plans (reduced) are provided as Appendix One in the Appendices to this report. The Non Technical Summary and Planning Supporting Statement is provided as Appendix Two. The proposed Environmental Action Plan is provided as Appendix Four. The Environmental Statement as a whole is available for inspection at the Planning Section, 2nd floor reception, Council Offices, The Forum.
- 1.2 The application was advertised on 6 August 2004 and some 524 individual letters of notification were sent to local residents. Letters and petitions received in response are provided as Appendix Six and are summarised later in the report.
- 1.3 Further Information received from the applicant to clarify and expand on information contained in the Environmental Statement was advertised in accordance with the advice set out in paragraph 111 of Circular 2/99 on Environmental Impact Assessment on 15 October 2004 and is included with letters of clarification as Appendix Seven. Further consultations and notification to contributors was undertaken. 238 signed copies of a letter of objection were received. A copy of the letter is contained in Appendix Six.
- 1.4 Development has been commenced on site in accordance with the application that is the subject of consideration in this report. Members should note that the fact that the applicant has commenced development in this manner is of no relevance to the consideration of the application.

1.5 It will be noted that the application is described as a "Revised Proposal". The applicant seeks planning permission for the current scheme as a revision to the scheme granted planning permission under reference no: 00/00605/FUL in October 2003 for a glass container manufacturing, filling and distribution plant with ancillary facilities. Whilst the planning permission could be implemented and therefore is a material consideration that carries weight, the current planning application has not been assessed as merely a revision to the previously approved scheme but has been assessed on its merits having regard to the provisions of the Development Plan and to all other material considerations.

2. SITE DESCRIPTION AND CONTEXT:

- 2.1 The application site occupies some 50.46 hectares of the former Ince A and B Power Stations and is split between the Districts of Chester and Ellesmere Port and Neston Borough. The ground surface of the central part of the site was levelled to facilitate construction of Ince B and the works included raising the ground surface of adjacent land notably to the south and west. A low landscaped mound runs along the north-eastern boundary of the site, northwards of the former cooling tower. Two thirds of the site was previously occupied by buildings, most of which have now been demolished. Included within the application site are the existing office, control buildings and workshops of the power station which have been retained. The land lies to the north of the village of Elton and to the south east of the smaller settlement of Ince which lies within the adjoining District. The site is separated from the greater part of Elton by the Helsby/Hooton rail line which is on an embankment at this point. Abutting the west of the site lie the rear gardens of dwellings within Ince Orchards and on Station Road. To the north of the site lies the Kemira Road which is a private road serving the Kemira Grow How UK fertilizer plant.
- 2.2 Ince B power station was decommissioned in March 1997 and was progressively demolished, with the exception of the office and adjoining maintenance buildings, shortly thereafter. Ince A power station ceased operation in the 1980's and was demolished thereafter. Part of the site of Ince A Power Station is occupied by Iveco Ford Truck Rental Ltd and other tenants for the storage of vehicles, with the benefit of a temporary planning permission expiring in August 2007.
- 2.3 The site lies within a diverse landscape at the junction of the Cheshire Plain, the Mersey Estuary and the Helsby escarpment. The site is situated in close proximity to a number of sensitive environmental receptors including the Mersey Estuary SSSI, a special Protection Area and a Ramsar Site. The Frodsham, Helsby and Ince Marshes are designated a Site of Biological Importance, and there are parts of the Mersey Forest to the north of the Site.
- 2.4 There are a number of other major industrial sites on land to the south of the Mersey Estuary, including Port Sunlight (Levers), the Vauxhall Works, Shell Stanlow Oil Refinery, Kemira and ICI Weston Point.

3. RELEVANT PLANNING HISTORY:

3.1 The application site

6/4602 Provision of permanent access road to Ince B Power Station (Ash Road) approved in 1978.

99/00542/OUT Redevelopment for B1, B2, B8 and ancillary A1 and A3 uses. No planning decision. Application withdrawn.

00/00333/OUT Resubmission of 99/00542/OUT. No planning decision. Application withdrawn.

00/00605/FUL A scheme (Atkins scheme) on the application land for the erection of a glass container manufacturing, filling and distribution plant with ancillary facilities and the undertaking of highway improvements was given Planning Permission in October 2003 following the completion of a Section 106 Agreement. The application was accompanied by an Environmental Statement.

02/00353/FUL Redevelopment of Ince and B for B1, B2, B8 and ancillary A1 and A3 uses. No planning decision. Application withdrawn.

03/01283/FUL Relocation of Iveco vehicle storage on Ince A site to include four 15m lighting masts. Temporary Planning Permission granted until September 2007.

3.2 Other relevant history

6/2708 Residential development of Elton Phase 5 first approved in 1976 **6/3825** Residential development of Elton Phase 6 first approved in 1977

01/00001/FUL Residential development Mimosa Close and part of Redwood Drive approved in September 2001.

02/00906/FUL Open storage of bagged fertilizer and change of use of land (adjacent to the northeast of current application site) from rail track only to land for rail and road use. Permission given December 2002. All vehicular access off Kemira road only.

4. INFORMATION:

4.1 The Proposal

The proposal is for the construction of a glass container manufacturing and filling plant with associated plant and infrastructure. Vehicular access would be via Ash Road. Pedestrian, cycle and emergency access would be via Orchard Park Lane.

The uses associated with the application use comprise classes B1 (office use), B2 (industrial use) and B8 warehouse/storage and distribution.

4.2 The proposed plant layout

The plans accompanying the application, and included at Appendix One show the layout and elevations of the proposed buildings. It will be seen that the raw material storage bins, batch plant and furnaces are located at the north-east end of the site. The production lines are located centrally and the automated warehouse at the south-west end of the site. The filling hall and despatch elements are located to the south-east of the main plant. The former Powergen offices and workshop building remains unaltered to the north west of the new plant.

•

The footprint of the main building island is 109,100 sqm. The total gross floor area (all buildings) is 145,225 sqm.

The following are the principal dimensions of the main component parts of the plant. Raw materials storage bays (six no.) 125m length by 20m width by 10m height Batch Plant: 66m length by 17m width by 40m height

Production building: 194m length by 158.5m width by 30m height Warehouse Building: 290m length by 180m width by 35m height

Filling Hall:240m length by105m width by 12m height

Despatch Building: 122.5m length by 45m width by 12m height Utilities Building: 50m length by 33.5m width by 7m height

Furnace stack: 2.5m diameter by 76m height.

The filling hall plant stack: 2m diameter by 38m height

Note: where buildings are of variable dimensions, the maximum figure is given.

THE PROPOSED PLANT LAYOUT

Comparison of Proposed layout with the Approved Scheme

The accompanying site plan shows building footprint and elevations of the approved buildings as a dashed line overlaid by the building footprint and elevations of the proposed scheme. It will be seen that the general configuration of the developments remains substantially the same as that approved in October 2003 ie. the batch plant and raw material storage bins at the northeast end of the site separated from the automated warehouse at the southwest end of the site by the production lines. The filling hall and despatch elements are located to the southeast of the main plant. The oxyfuel plant included in the approved scheme is now omitted as the furnaces for the proposed scheme will be fuelled by gas/air. The former Powergen offices and workshop building remains unaltered.

The footprint of the main building island increases by 17,230 sqm from 91,870 sqm to 109,100 sqm. The total gross floor area (all buildings) increases by 32,489 sqm from 112, 736 sqm to 145,225 sqm. The height of the warehouse building remains the same overall at 35m however the eaves height is raised by some approximately 2.5 metres.

Within the building the following proposed changes should be noted when compared to the scheme associated with planning permission 00/00605/FUL:-:

- The furnaces now proposed are two x 600 tonne (melt capacity per day) gas/air fired furnaces compared to two x 500 tonne oxy/fuel fired furnaces. The exhaust stack remains the same height of 76m. A 38m stack at the Filling Hall is introduced for the release of emissions from the boiler used in the filling hall.
- 2 The number of production lines is increased from eight to thirteen, each of 12 sections.
- 3 The capacity of the new plant is given as 370,000 saleable tonnes of glass per annum compared to the approved 310,000 tonnes per annum of saleable glass.

The capacity of the automated warehouse is increased from 200,000 pallet storage locations to 281,000 pallet storage locations, which represents a 40.5% increase.

4.3 Summary of Production, Capacity and HGV flows.

Production will be a continuous 24 hour process throughout the year with a four year ramp-up to full production.

The glass, which will be of a flint type, will be produced from two 600 tonne melt capacity (each) per day gas/air fired furnaces.

The maximum number of inbound deliveries by HGV for all purposes including raw materials for the batch plant and liquids for the filling hall will be 133 loads per weekday and timed to the hours 0700hrs to 1900hrs

The number of production lines is thirteen; each line comprising 12 IS (Independent Section) machines.

The stated capacity of the new plant is 370,000 saleable tonnes of glass per annum

The stated capacity of the automated warehouse is 281,000 pallet storage locations.

Approximately half the bottles produced will be filled at the filling hall for outward despatch (approx. 57 loads per 24hr day), the remainder leaving the site as empty (naked) bottles (approx. 44 loads per 24hr day). Despatch will be on a 7 day per week basis.

4.4 Raw Materials

The raw materials used in the production of flint glass are primarily sand (estimated 120 loads per week), soda ash (estimated 38 loads per week) and limestone (estimated 32 loads per week). An estimated 16 loads of other elements will be required each week. An estimated 143 loads of "ecological" cullet (off-site reclaimed glass) will be used each week in production. A load is taken as 28 tonnes.

It is anticipated that approximately half of the glass produced at the plant will be filled on site. This will attract some 30 in bound HGV deliveries per week day (0700-1900) of filling materials.

Deliveries to the batch plant, including cullet and trace elements, will be delivered only during the hours 0700 to 1900 Monday to Friday and together will generate some 70 inbound and 70 outbound HGV movements per day.

4.5 Staff and hours of operation.

The applicant anticipates that at full production the plant will employ some 557 persons, comprising 517 industrial staff, 20 office staff and 20 other staff. The manufacturing plant will operate on a 24 hour, 7 days per week, 365 days per year basis and will be staffed on a rotating 4 shift system. It is anticipated that normal site occupancy will be 340 personnel with a maximum of 400 during the production building shift change. The working day for day and administration staff will be 0800-1730 hours. There will be two 12 hour shifts per day: 0700-1900 hours and 1900-0700 hours. It will be the practice to have half hour change-over periods between the shifts, so that, for example the shift which starts at 1900hrs will arrive at work at 1830hrs. An Interim Staff Travel Plan has been prepared in consultation with Cheshire County Council which contains measures that will adequately regulate journeys to and from the plant. A final staff travel plan must be completed within nine months of the commencement of production (Draft Section 106 Agreement – Appendix Seventeen).

4.6 The need for an Environmental Impact Assessment.

The development is for a Glass Container Manufacturing, Filling and Distribution Facility. As such it falls within Schedule 2 of the Town and Country Planning (Environmental Impact etc) Regulations 1999. Having regard to the criteria set out in Schedule 3 of the Regulations the Council determined that the development requires an Environmental Impact Assessment by virtue of its size, nature and location. In terms of the scope of the Environmental Statement, the Council decided it should deal with the information set out in Schedule 4 of the Regulations, namely the effects on population, fauna, flora, soil, water, air, climatic factors,

material assets, including the architectural and archaeological heritage, landscape and the inter-relationship between the above factors. The environmental impacts identified in the Environmental Statement are material considerations in the determination of the planning application.

4.7 Alternatives

The Town and Country Planning (Environmental Impact Assessment) (England and Wales) Regulations 1999 require an applicant to outline the main alternatives that have been studied and the main reasons for the preferred option, taking into account the environmental effects. An extract, from the Main Statement, Appendix Three gives information on the business case summary, alternative design and sites and fuel considered. The applicant concludes that the current application site was chosen due to its proximity to Quinn Group headquarters in Northern Ireland and existing customer base in the North West, its transport accessibility, site size, available workforce, proximity to existing industry and its brownfield and existing industrial zoning. Officers are satisfied that the issue of alternatives is properly dealt with in the Environmental Statement.

4.8 Elton Village

The village of Elton was selected in the 1960's for additional housing development within a planned framework to provide a nearby place of residence for employees of industrial plants within the locality. The development of the village was originally designed to be confined within a peripheral road system and the railway embankment, although later land off School Lane was also included in the village development area. This was reflected in the designation of the village as in Inset Village within the green belt in the Adopted Chester Rural Area Local Plan. Land outside of the village limits was included within the Green Belt. All the land allocated for housing development under policy DHO2 of the Deposit Draft District Local Plan has been completed. There is no further land allocated for housing development within Elton under the proposed modifications to the Plan.

The development of the village has been very substantially completed, with only minor infill or conversions remaining and Elton is included within the green belt. The current application will not prejudice the development of land allocated for other purposes within the Plan Area.

Since the Council considered the planning application for the development of the site for a similar, albeit smaller development (ref 00/00605FUL) planning permission has been given in September 2001 for a housing scheme off Ash Road comprising Mimosa Close (36 dwellings) and 7 dwellings on the north side of Redwood Drive (Planning Ref 01/00001/FUL). Building works started in October 2001.

5. APPROACH TO BE TAKEN TO THE PLANNING APPLICATION

Section 38(6) of the Planning and Compulsory Purchase Act 2004 provides that where regard is to be had to the development plan for the purpose of any determination to be made under the Planning Acts, the determination must be made in accordance with the plan unless material considerations indicate otherwise. As the determination of this planning application is a determination to be made under the Planning Acts the starting point must be the Development Plan and then other material considerations must be considered.

6. RELEVANT PLANNING POLICIES

6.1 The Development Plan

The following documents constitute the development plan for the purposes of Section 38(6) of the Planning and Compulsory Act 2004.

Regional Planning Guidance for the North West (RPG 13): published in March 2003 by the Office of the Deputy Prime Minister, this document sets out the economic, social and environmental spatial strategies for the region.

Cheshire 2011 Replacement Structure Plan: is the Adopted County Structure Plan (1 July 1999). This document combines the Written Statement and Explanatory Memorandum required by the Town and Country Planning Act 1990 as amended by the Planning and Compensation Act 1991 and sets out the broad planning strategy for Cheshire.

Mersey Marshes Local Plan: this document was adopted in 1983 and covers land east of the M53 up to the Kemira Works and north of the M56 up to the Manchester Ship Canal and therefore includes the application site within its boundaries. The village of Elton is however excluded from the Plan area. Until the Chester District Local Plan is adopted the Mersey Marshes Local Plan remains part of the Development Plan for that part that lies within Chester District. However as the Mersey Marshes Local Plan is not in conformity with the current Structure Plan, it is policies of the Structure Plan that would take precedence in the event of a conflict between the two documents.

Adopted Chester Rural Area Local Plan: this document was adopted in1985. It was prepared under the provisions of the 1979 County Structure Plan and the policies are not now considered up to date. The plan area includes the village of Elton and its immediate surroundings but excludes the application site, which land is included within the Mersey Marshes Local Plan.

In addition the **Deposit Draft Chester District Local Plan - Proposed Modifications** constitutes the most up to date statement of the planning policies of the Council as a replacement for the Greater Chester Local Plan and the Chester Rural Area Local Plan. The proposed modifications to the Deposit Draft Plan have been made in the light of the Inspector's Report issued in May 2002. Although the plan has yet to be formally adopted, it is at an advanced stage and therefore is considered to carry significant weight as a material planning consideration.

6.2 The following policies and statements are considered to be relevant to the determination of the application

Regional Planning Guidance Note: RPG 13 North West Region

Policy EC2 Manufacturing Industry.

Policy EC7 Warehousing and Distribution

Policy EQ2 Air Quality

Policy UR4 Recycling of land and buildings

Planning Policy Guidance Notes

PPG2	Green Belts

PPG 4 Industrial and Commercial Development and small Firms,

PPG 9 Nature Conservation,

PPG 13 Transport,

PPG 24 Planning and Noise

Planning Policy Statements

PPS 1 Delivering Sustainable Development PPS 23 Planning and Pollution Control

Cheshire 2011 Replacement Structure Plan:

GEN1 Sustainable Development

GEN3 General requirements for all development

GEN6 Mersey Forest initiative GEN7 Environmental pollution

R4 Use of previously developed land

IND1 Site part of 130ha of B1, B2 and B8 employment land within

Chester District

IND2 Criteria for allocating employment land IND3 Protection of allocated employment sites

IND4 Locate uses near rail, waterway, pipeline and principal road network T6 Siting alongside alternative modes of transport and where practical

limiting use of unsuitable roads subject to maintaining access.

T7 Car and secure cycle parking

Chester Rural Area Local Plan (1985)

The site is outside the Plan Area.

Deposit Draft Chester District Local Plan - Proposed Modifications:

EC 5 Protection of employment land

EC 8 B1, B2 and B8 uses on the site will be permitted subject to

safeguarding criteria being met

ENV 1 Sustainable development

ENV 21-22 Integrate healthy trees and high quality new landscaping ENV24 development in rural areas in respect of key features

ENV 27 Nature Conservation Value Features

ENV 37 Development affecting the setting of a Conservation Area

ENV59 pollution control

TR 1 Reducing dependence on cars

TR 2 Traffic Management TR 13 Parking Standards

TR 19 Development producing additional traffic

GE 3 Residential amenities

GE 5 Water and sewerage supply

Strategic Development Brief for Ince Marshes/Former Ince Power Station/Kemira:

Paragraph 4.4 The former Power Stations site is allocated for B1, B2 and B8

and specifically for energy generation uses.

Paragraph 4.8 Transportation Plan required

Paragraph 4.9 a balanced approach to be taken to the provision highway

access

Paragraph 4.10 minimising impact on existing highway network

Paragraph 4.11 Ash Road

Paragraph 4.13 access to Ince Power station to be via Ash Road

Paragraph 4.14 car parking policy

Paragraph 4.15 environmental impact on area

Paragraph 4.16 Avoid development with unacceptable pollution

Paragraph 4.17 Management Plan to retain/enhance ecologically valuable

features and landscape

Paragraph 4.18 visual and landscape assessment

Paragraph 4.19 landscaping requirements

Paragraph 4.20 landscaping requirements

Paragraph 4.21 Development of the Mersey Forest Plan with woodland planting

Paragraph 4.22 landscape strategy Paragraph 4.23 archaeological issues

Mersey Marshes Local Plan

The Proposals Map records the existing use or designation of the site as part of the CEGB Ince Power Stations. These uses have now ceased and the major part of the plant demolished. The Proposal Map does not allocate an alternative use for the site.

Policy 4 requirement to ensure that satisfactory environmental safeguards are

achieved in the local plan area:

Policy 5 all planning applications for major plant shall include a statement of

the anticipated environmental effects of the proposed development

and the measures to be incorporated to minimise the effects.

Policy 6 new industrial development proposals will wherever possible be

expected to use rail, water or pipeline connections for the bulk

transport of raw materials and products.

Supplementary Planning Guidance for Parking Provision

At the meeting of Council on 26 March 2003, the local authority adopted supplementary planning guidance for Parking Provision within Developments within Chester. The Policy extends to all areas of the District and describes how parking provision should be dealt with in development proposals.

The guidance complements the policies of the Chester District Deposit Draft Local Plan and is adopted for the purposes of Development Control. It also complements the Integrated Transport Strategy set out in both the Local Plan and the Cheshire Local Transport Plan "Chester Area Programme.

The following national planning policy guidance notes are of particular relevance to the determination of this application.

PPS1 Delivering Sustainable Development

Summary

This document states that sustainable development is the core principle underpinning planning and that planning has a key role to play in the creation of sustainable communities by making suitable land available for development in line with economic, social and environmental objectives to improve peoples quality of life. PPS1 advises that planning policies should seek to achieve a number of objectives for sustainable development including promoting regeneration; promoting regional, sub-regional and local economies; bring forward sufficient land of suitable quality in the right locations; giving high priority to ensuring access for all to jobs and other facilities; promoting the efficient use of land and reducing the need to travel. Planning policies should provide for the protection and enhancement of the natural and historic environment. Local authorities should recognise that economic development can deliver environmental and social benefits. They should recognise the wider sub-regional or national benefits of economic development and consider these alongside any adverse local impacts. They should actively promote and facilitate good quality development, which is sustainable and consistent with their plans.

PPG2 Green Belts	
Summary	Provides guidance on the control of development in the Green Belt.
PPG4 Industr	ial and Commercial Development and Small Firms
Summary	Provides guidance on a range of issues relating to industrial and commercial development, adopting a positive approach to handling applications for development necessary to provide investment and jobs.
Paragraph 1	One of the Government's key aims is to encourage continued economic development in a way which is compatible with its stated environmental objectives. Economic growth and a high quality environment have to be pursued together. The Environment White Paper "This Common Inheritance" (Cm 1200) emphasised this relationship when it said that "Economic growth is not an end in itself. It provides us with the means to lead better and fuller lives. There is no contradiction in arguing both for economic growth and for environmental good sense. The challenge is to integrate the two."
Paragraph 2	Responsibility for the environment is not solely the preserve of central and local government. The planning system plays an important role integrating environmental and economic objectives. Development plans provide the policy framework, weighing the importance of industrial and commercial development with that of maintaining and improving environmental quality. The principles of sustainable development require the responsible use of man-made and natural resources by all concerned in a way that ensures that future generations are not worse off. Careful attention to environmental issues makes good economic sense for business and industry.
Paragraph 13	The planning system should operate on the basis that applications for development should be allowed, having regard to the development plan and all material considerations, unless the proposed development would cause demonstrable harm to interests of acknowledged importance. Development control should not place unjustifiable obstacles in the way of development which is necessary to provide homes, investment and jobs, or to meet wider national or international objectives. Nevertheless planning decisions must reconcile necessary development with environmental protection and other development plan policies.
Paragraph 15	It is now generally recognised that it may not be appropriate to separate industry and commerce-especially small-scale developments-from the residential communities for whom they are a source of employment and services. In areas which are primarily residential, development plan policies should not seek unreasonably to restrict commercial and industrial activities of an appropriate scale - particularly in existing buildings - which would not adversely affect residential amenity. Planning permission should normally be granted unless there are specific and significant objections, such as a relevant development plan policy, unacceptable noise, smell, safety, and health impacts or excessive traffic generation. The fact that an activity differs from the

	predominant land use in any locality is not a sufficient reason, in itself, for refusing planning permission.
Paragraph 21	Many urban areas contain large amounts of land, once used for industrial purposes but now under-used or vacant. Getting this land back into beneficial use is important to the regeneration of towns and cities. Optimum use should be made of potential sites and existing premises in inner cities and other urban areas, taking into account such factors as accessibility by public transport, particularly in the case of labour-intensive uses. Local planning authorities should identify such areas and indicate their appropriate alternative uses, including industrial and commercial uses, in their development plans, keep up-to-date details on available sites, and provide information about them to potential developers.
PPG 9 Nature (Conservation
Summary	Gives guidance on how the Government's policies for the conservation of the natural heritage are to be reflected in land use planning. It emphasises the Government's commitment to sustainable development and to conserving the diversity of wildlife
PPS 23 Plannii	ng and Pollution Control
Summary	Any consideration of the quality of land, air or water and potential impacts arising from development, possibly leading to impacts on health, is capable of being a material planning consideration, in so far as it arises or may arise from or may affect any land use; The planning system plays a key role in determining the location of development which may give rise to pollution, either directly or indirectly, and in ensuring that other uses and developments are not, as far as possible, affected by major existing or potential sources of pollution; The controls under the planning and pollution control regimes should complement rather than duplicate each other; The presence of contamination in land can present risks to human health and the environment, which adversely affect or restrict the beneficial use of land but development presents an opportunity to deal with these risks successfully; Where pollution issues are likely to arise, intending developers should hold informal pre-application discussions with the LPA, the relevant pollution control authority and / or the environmental health departments of local authorities (Las), and other authorities and stakeholders with a legitimate interest; and where it will save time and money, consideration should be given to submitting applications for planning permission and pollution control permits in parallel and coordinating their consideration by the relevant authorities.

T
The guidance outlines the considerations to be taken into account in determining planning applications both for noise-sensitive developments and for those activities that will generate noise. It introduces the concept of noise exposure categories for residential development, encourages their use and recommends appropriate levels of exposure to different sources of noise and advises on the use of conditions to minimise the impact of noise.
dustrial and commercial developments
The likelihood of complaints about noise from industrial development can be assessed, where the Standard is appropriate using guidance in BS 4142:1990. Tonal or impulsive characteristics of the noise are likely to increase the scope for complaints and this is taken into account by the "rating level" defined in BS 4142. This "rating level" should be used when stipulating the level of noise that can be permitted. The likelihood of complaints is indicated by the difference between the noise from the new development (expressed in terms of the rating level) and the existing background noise. The Standard states that: "A difference of around 10dB or higher indicates that complaints are likely. A difference of around 5dB is of marginal significance." Since background noise levels vary throughout a 24 hour period it will usually be necessary to assess the acceptability of noise levels for separate periods (e.g. day and night) chosen to suit the hours of operation of the proposed development. Similar considerations apply to developments that will emit significant noise at the weekend as well as during the week.
onstruction sites
Detailed guidance on assessing noise from construction sites can be found in BS 5228, parts 1-4. In particular, Part 1: 1984, "Code of practice for basic information and procedures for noise control" will be useful because as well as giving general advice it describes a method for predicting noise from construction sites.

7. CONSULTATIONS WITH STATUTORY AND OTHER BODIES:

Appendix Five of this report contains the responses of statutory consultees and other internal and external consultees. A summary of their responses is set out below.

The following bodies are Statutory Consultees as set out in the Environmental Impact Regulations 1999 and the Town and Country Planning General Development Procedure Order 1995, and as amended.

7.1 **Statutory Consultees**

English Nature	English Nature (E.N) is pleased to see previous comments regarding a bat survey have been heeded and supports the mitigation measure for removal of tree limbs. E.N is satisfied that great crested newts are unlikely to be an issue. The protection and enhancement of water vole habitats is welcomed. E.N is satisfied that the additional surveys and proposed mitigation measures undertaken should provide suitable protection to both the internationally important Mersey Estuary (SSSI/SPA/RAMSAR), and to the protected species that occur on site. The implementation of the Environmental Action Plan, however, is critical to the success of these measures, and whilst E.N is pleased to see a comprehensive plan that addresses construction and operational procedures for the site, the plan needs to be fully adhered to if the important natural features of the area are to be protected and enhanced. E.N is satisfied that the proposed development will not have a detrimental impact upon the internationally important Mersey Estuary (SSSI/SPA/RAMSAR), or upon any statutory protected species. Note; it is proposed that these matters will be addressed
	by condition 20 as set out in the draft decision notice in Appendix Eighteen
Cheshire County Council Environmental Planning	"That Chester City Council and Ellesmere Port and Neston Borough Council be informed that the County Council as Strategic Planning Authority supports the redevelopment of the former Ince Power Station site for a glass manufacturing distribution facility subject to conditions relating to highways and transportation as advised by the County Engineer." (see below)
Highways Agency	The Traffic Impact Assessment (TIA) is considered to be generally satisfactory and demonstrates that the trunk road network will operate satisfactorily. Directs the following conditions to be attached to any grant of planning permission:
	Condition: No development to which the application relates shall be begun which would result in the maximum gross floor area (GFA), for buildings within each of the specified use classes B1, B2 and B8 of the Town and Country Planning (Use Classes) Order 1987, exceeding the limit for each class shown in Table 1 below:
	Use Class Maximum Gross Floor Area (GFA) B2 Industrial 95,149 sq.m B1 Office 12,000 sq.m. B8 Storage and Warehousing 53,856 sq.m.

	Condition 2. Shift times shall be such to avoid staff arriving or departing during the hours 07:30 to 09:00 and 16:30 to 18:00.
	Reason for the direction: The reason for the direction is to ensure that the M56 Motorway might continue to fulfil its purpose as part of a national system of routes for through traffic, in accordance with Section 10(2) of the Highways Act 1980, and for the safety of traffic on the road.
	Note; it is proposed that these matters will be addressedby conditions 1 &2 as set out in the draft decision notice in Appendix Eighteen.
Cheshire County Council Highways	 The consultation response is that: Additional supporting information including a revised Transportation Assessment (TA) has been provided with this application. Local highway improvements, identified in an earlier similar application have been implemented and are largely complete. Contribution towards Traffic Calming in Elton, arising from an earlier application, has been received by Cheshire County Council and it is preparing a scheme for implementation some time in 2005. An interim travel plan has been developed on behalf of Quinn Glass and approved by Cheshire County Council. There appears to be no requirement for further mitigation of impacts on the safe and efficient operation of the highway, provided traffic generations are consistent with the TA and supplementary information provided to date.
	Consequently, Cheshire County Council requires a condition (or planning agreement) limiting the number of vehicular movements (excluding staff travel) to the predicted maximums set out in the TIA and supplementary information.
	Cheshire County Council believes that these maxima should reflect the predicted day/night weekday variations and the reduced levels of traffic at the weekend.
	It will be essential to monitor this situation and, given the pre- existing requirement for regular review of the travel plan it is suggested the future travel plan should include monitoring of this aspect of the sites transport impacts with the travel plan as it develops. By doing so, then it could be opportunities to minimise the generation of distribution and delivery related traffic by road-based haulage will be identified and developed. Note that this requirement is consistent with our approach to an earlier planning approval.

Cheshire County Council remains concerned that the issue of noise mitigation along Ash Road has not been discussed in detail with the local highway authority. It is not clear to the local highway authority, at this stage, where and in what form this mitigation will take place (if any). Cheshire County Council expects to be consulted upon the form and location of noise mitigation measures given that complaints are likely to be directed to the highway authority in the first instance and it wishes to have an input into the type, design and location of any such features.
Any works arising from the above that is to take place on the highway will be required to take place through an agreement under section 278 of the Highways Act 1980. Any noise mitigation measures should be subject to maintenance agreements which place no liability on Cheshire County Council".
Note; it is proposed that these matters will be addressed by conditions 3,4,5,6,7,8,9,10,11 as set out in the draft decision notice in Appendix Eighteen
In respect of the matters raised by the Highway authority, it will be seen below that an analysis has been carried out by the applicants to address the issue of mitigation of traffic noise. It is not intended at this stage that any off site works will be carried out on the highway and consequently no need for any further Agreement under Section 278 of the Highways Act.
The Draft Section 106 agreement requires payment by the applicant of £10,000 to carry out planting and landscaping works in the vicinity of Ash Road, Elton to mitigate properties facing Ash Road and in the vicinity of the site in order to mitigate the effects of the development and its operation on local residents. This was a feature of the previously approved scheme and a draft plan was prepared in conjunction with the original application.
The applicant has prepared an up-dated mitigation scheme which is included in Appendix Fourteen together with a summary statement by the applicant's acoustic consultant.
The up-dated mitigation scheme provides for mounding and willow fence planting on land owned by this Council between Ash Road and properties on Parklands Drive, Mulberry Close and Richmond Drive.
At the present time ownership of the land between Ash Road and Mimosa Close is not known and it may not be possible to provide acoustic fencing there.

	Acoustic reports submitted by the applicant show that, without noise mitigation, the worse case existing L10 18 hour noise levels at properties on Parklands Drive would rise by 2dB and at Redwood Drive they would rise by 6dB. The up-dated mitigation scheme would provide noise attenuation of between 8-9dB to the affected properties. This would mean that they would not be prejudiced by the noise of traffic using Ash Road.
	The applicant has undertaken further study to gauge the effect of vehicles accelerating and breaking at road junctions and at the traffic light controlled access to the site. The findings are included in the applicant's acoustic consultant's statement and show that the worse case effect is insignificant. The one hour L_{Aeq} noise level due to vehicles stopping and starting at the site entrance is predicted to be 53 dB at Mimosa Close. The one hour L_{Aeq} noise level due to vehicles stopping and starting at Ash Road / Orchard Park Lane junction is predicted to be 40 dB at Mimosa Close
	Note; it is proposed that these matters will be addressed by condition 16 as set out in the draft decision notice in Appendix Eighteen
Health and Safety Executive	H.S.E does not advise on safety grounds, against the granting of planning permission in this case.
The Countryside Agency	Does not wish to make a formal comment.
Environment Agency	No objection in principle subject to protection of ditches including 8m buffer zone with protective fencing. Alder trees to be phytophera root disease protected. and pollution control measures. Waste Management Licence required for any imported waste. Means of water supply to be agreed. Consent to discharge under the Water Resources Act may be required. Remediation strategy required in respect of soils and ground water contaminants with post remediation scheme monitoring. All discharges to be within IPPC authorisation. Foul water treatment to be agreed. Oil interceptors required.
	Note; it is proposed that these matters will be addressed by conditions 18,19,20,24,25 as set out in the draft decision notice in Appendix Eighteen
United Utilities	No objection in principle subject to full details of surface water, foul water and trade effluent including wash down water, being submitted to and agreed by United Utilities. Site must be drained on separate systems. Storage tanks to be bunded.
	Note; it is proposed that these matters will be addressed by condition 21,24,25 as set out in the draft decision notice in Appendix Eighteen

7.2 Other External Consultees

Cheshire Wildlife Trust	Comment that native shrubs and wildflower mixes and grasses rather than ornamental species would be of more benefit to wildlife e.g. bats, voles and insects. A reed bed is encouraged. An up to date water vole survey is required and methodology statement for any work to ditches to avoid damage to their habitat. Note; it is proposed that these matters will be addressed
	by condition 18, 20 as set out in the draft decision notice in Appendix Eighteen
	MANWEB No views received
Cheshire County Council Fire Safety	Application considered satisfactory for planning purposes.
RSPB	Does not wish to comment on the development on this previously developed site as the development is unlikely to affect an important bird area.
North West Development Agency	One of the key roles of the Agency is to attract inward investment into the regions. The proposed development represents a significant investment opportunity on a major brownfield site, and will create a substantial number of skilled manufacturing jobs within the local area. The Agency has committed £4.9m gap funding towards the provision of infrastructure to serve the site.
Network Rail	No objection in principle subject to Network Rail standard conditions and working practices for development adjacent to a railway.
	The applicant is aware of the need to comply with Network Rail requirements for work adjacent to its property.
Shell UK	No objections
Kemira GrowHow UK	Supports the application
GONW	Response awaited.

7.3 Adjoining District Councils

Ellesmere Port B.C	Ellesmere Port and Neston Borough Council, as an adjoining local authority, have raised no objection to the application submitted to Chester City Council. As noted, they have received a planning application for the development within their district and which is to be considered by their Members at a meeting on 8 th March 2005.

Vale Royal B.C	No views received.

7.4 Parish Council Comments

E11 DO	
Elton PC	Supports the application but is concerned regarding any increase in the current traffic projections. There is a need to monitor traffic limitations. Councillors expressed concern over possible increases in NO_x emissions resulting from the recently agreed increase in Quinn Glass's production capacity. A participative programme of environmental monitoring is understood to be currently in operation with other manufactures in the local area and councillors are of the opinion that Quinn's inclusion within this scheme would reassure local residents.
	Note; it is proposed that these matters will be addressed by condition 5 as set out in the draft decision notice in Appendix Eighteen
	In addition, it is the function of an Integrated Pollution Prevention and Control (IPPC) permit to control emission levels from the plant. The Secretary of State has produced a guidance note for enforcing authorities to refer to when regulating this type of process. The guidance note SG2 Secretary of State's Guidance for Glass Manufacturing Activities with a Melting Capacity More than 20 Tonnes per Day specifies emission concentrations from the process. In all respects apart from the concentration of NO_x the plant will meet the full standards in the guidance. With regard to the standard for NO_x emissions Quinn have revised downwards the initial level of NO_x on commencement of production and that it will be further progressively lowered until the standard is achieved within 4 years of the plant opening
Little Stanney PC	Fully support subject to 75% of materials must be moved by rail, direct motorway entry required, 50m clearance to domestic boundaries.
	Response: Whilst the application proposes the use of road transport facilities for the transhipment of raw materials and finished goods, the applicant agrees to use all reasonable endeavours to facilitate access to the site by the use of inland waterways and rail and to advise the Council, on request, of the progress in achieving such access.
Dunham Hill PC	Supports the proposal.
Thornton-le- Moors PC	No objection subject to environmental and traffic considerations

Alvanley PC	Extremely concerned regarding air pollution from the stack. The impact study only covers a 5km by 5km area. The prevailing winds are towards Helsby and Frodsham Hill. Have any studies been carried out on this area. Is a stack height of 76m high enough to ensure any emissions are high enough in the atmosphere not to disperse over Alvanley and Helsby Hill.
	Response: It is the function of an Integrated Pollution Prevention and Control (IPPC) permit to control emission levels from the plant in compliance with relevant legislation. The applicant has revised downwards the initial level of NO_x on commencement of production and has confirmed that it will be further progressively reduced to satisfy the requirements of the Secretary of State's Guidance for Glass Manufacturing Activities with a Melting Capacity More than 20 Tonnes per Day within four years of the plant opening The stack height of 76m has been determined using the Environment Agencies H1 guidance, Environmental Assessment and Appraisal of BAT. This height is sufficient to ensure that any emissions are adequately dispersed in the atmosphere not to cause exceedances of air quality standards over Alvanley and Helsby Hill. Emissions from the stack have been re-modelled using an emission concentration of 1000mg/m³ of NO_x . The highest concentrations of pollutants from the stack will be at a position approximately 150 metres from the stack in a northerly direction. In addition this modelling indicates that at no location will the concentration of Nitrogen Dioxide exceed the Air Quality Standard of 40 μg m³ expressed as an annual mean.
Helsby PC	The main concern is regarding HGV volumes. The planning authority should impose conditions on Quinn to ensure that the options of using the Manchester Canal and/or railhead are actively undertaken.
	Response: Whilst the application proposes the use of road transport facilities for the transhipment of raw materials and finished goods, the applicant agrees to use all reasonable endeavours to facilitate access to the site by the use of inland waterways and rail and to advise the Council, on request, of the progress in achieving such access.

7.5 Internal Consultees

Forward Planning	Proposal accords with Policy EC 8. The development should accord with the Strategic Development Brief, Employment opportunities welcomed.
Landscape	Full landscape and topographical details of planting, mounding and surface water management plan for reed beds required. A Management Plan for nature conservation and landscape matters is required. Photomontage from M56 required (has been provided). Contribution to off site planting including Mersey Forest Initiative has been made.

	Note; it is proposed that these matters will be addressed by conditions 17,18.20 as set out in the draft decision notice in Appendix Eighteen
Environmental Health	The Environmental Health Officer advises that: "The installation will be subject to Integrated Pollution Prevention Control (IPPC) as it will involve the manufacture of glass where the melting capacity of the plant is more than 20 tonnes per day. The system of IPPC applies an integrated environmental approach to the regulation of certain industrial activities. This means that emissions to air, water (including discharges to sewers) and land, plus a range of other environmental effects including noise from the installation must be considered.
	In the case of the Quinn Glass plant the regulating authority will be this local authority. As the plant straddles the boundary of two local authorities Chester City Council and Ellesmere Port and Neston Borough Council it has been decided that the authority which has the bulk of the plant within its district will regulate the process. In this situation the majority of the plant will be within Chester City Council's area.
	The regulating authority must set permit conditions to achieve a high level of protection to the environment. These conditions are based on the use of the "Best Available Techniques" (BAT). IPPC aims to prevent emissions to the environment and waste production and where this is not possible to reduce these to acceptable levels. IPPC also ensures that the site is restored when industrial activity ceases.
	The Environmental Statement that accompanies Quinn Glass's application addresses many of the points that will be required in the IPPC application. The two major items of environmental concern regarding the proposal are air quality and noise from transportation, construction and operation of the plant.
	The IPPC application has been made by the company recently and copies of the application have been distributed to all of the statutory consultees. Responses to this consultation have not all been received but these responses will be taken into account when the permit conditions are drafted.
	AIR QUALITY With regard to air quality in the area the emissions from the process have been determined and these emissions together with the extra traffic pollution have been modelled using the UK ADMS 3.1 air quality model. The results of this modelling have been compared to the air quality standards specified in the Air Quality Regulations. The comparison indicates that all the pollutants emitted from the process will not take air quality within the Ince and Elton area above the standards laid down within the Air Quality Standards.

IPPC permit conditions will be set to ensure that emissions from the installation will be regularly monitored to ensure that they remain within the standards laid down in the Secretary of
State's Guidance on Glass manufacturing. Emissions from vehicles entering and leaving the site have also been considered and they again indicate that even when the plant is fully operational the air quality objectives will be achieved.
However consideration should be given by the applicant to using alternative forms of transport into the site. The Manchester Ship Canal is situated close by and could be a useful method to bring bulk materials into the site. There is also a railway line running past the site which could be used for both transporting materials to the site and finished product from the site.
NOISE The noisiest part of the development will be the construction phases particularly the piling and the floating of the floors. This noisy work has substantially been completed and although nearby residents have undoubtedly been disturbed by the noise the Environmental Protection Team have so far only received two complaints of noise during the construction phase. This was during the floating of the floors when work continued late into the night.
Noise calculations from the operation of the plant have been produced which indicate that noise from the process will give a noise level at the boundary of the site of $36dB(A)$. The noise level measured during the night at the closest house indicates that the background noise level at this point is $45dB(A)$ L ₉₀ . This means that there will be a minimal noise impact from the operation of the process.
Local residents are however concerned about the proximity of the tank farm and it is suggested that conditions are imposed that regulate the hours that tankers can enter the tank farm. The means of emptying the vehicles is now to be by suction and not pressure and therefore there will be no noise associated with the sudden escape of pressure at the end of each operation.
The applicant has since indicated that tankers will no longer need to enter the Filling Hall tank farm. Instead a process is to be used whereby product will be sucked out of the tankers via plant located inside the building. Therefore tanker engines will not need to run in order to discharge product. The process allows tanker hoses to disconnect without making a hissing noise.
Note; it is proposed that these matters will be addressed by conditions 12 & 13 as set out in the draft decision notice in Appendix Eighteen

	TRAFFIC NOISE
	The main noise impact from the process will be from traffic entering and leaving the site. The Environmental Statement indicates that 3459 vehicles will use Ash Road in an 18 hour period, with 13.5% of the vehicles being HGVs
	As Ash Road is to be used as the route into the site the noise of vehicle movements will have an impact on properties facing Ash Road. The noise report indicates that the L ₁₀ 18 hour (dB) the noise measurement that is used to describe traffic noise, at some of the properties facing Ash Road will rise by up to 6dB. This is a significant increase in noise levels and consideration should be given to creating earth mounding and planting on open land between Ash Road and the properties which could mitigate some of this impact." As described above, it is proposed to address this issue by way of a planning condition in respect of the land owned by this Council. It is not possible to impose such a condition on the land adjoining Mimosa Close as the land is outside the control of the applicant and not in the ownership of a local authority.
	It should be noted that the applicant has submitted an up dated mitigation scheme providing for mounding and willow fence screening on land owned by the City Council (see Appendix Fourteen)
	The up-dated mitigation scheme reduces noise levels to an acceptable noise level and s outlined under Cheshire County Council's Highways comments set out earlier in this report.
	The Environmental Health Officer concludes that "The development of this site will have a noise impact on properties close to transport routes into the site. In addition the construction of the buildings will have a noise impact on properties close to the development.
	These impacts could be mitigated by a variety of actions both on and off site. A set of carefully worded conditions and agreements needs to be imposed upon the development to ensure that the environmental impacts of the project are minimised."
City Archaeologist	No archaeological implications
Econ. Dev. Unit	Fully support the proposal which will meet employment aspirations for this site.
Eng-Drainage	Full details of nature and volume of discharges to the public sewerage system required before further comments can be given.

8. REPRESENTATIONS

- 8.1 Representations that have been made by contributors in respect of the development are capable of being material considerations insofar as they deal with planning considerations. Sample copies of representations received are included in Appendices Six & Eight and are summarised below:
- 5 individual letters of objections from local residents as attached, and one petition with 154 signatures received objecting to the use of Ash Road for vehicular access (available for inspection at Planning Reception.) 238 letters of objection received pursuant to the Further Information (available for inspection at Planning Reception). 16 letters of support (samples provided in Appendix Six, (remainder available for inspection at Planning Reception). Petition with 9 signatures in support, (Appendix Six). Objections from DLA Solicitors and RPS Consultants acting for Rockware Glass Ltd (Appendix Eight).

In summary the main points raised by objectors and supporters are as follows:

8.3 8.3 Objectors

8.4 Rockware Glass Ltd, there have been no significant advances in "lightweighting" of glass containers in the last four years to justify a radical re-design of the plant and which in any case should have led to installing smaller furnaces not the larger ones now to be installed. The increase in the size of the furnaces and production lines will result in at least 400,000 saleable output, more likely some 500,000 + tonnes production per annum; not the original 310,000 tonnes or the 340,000 tonnes claimed or the revised 370,000 tonnes i.e. 30-61% plus increase leading to a direct similar increase in traffic from 430 to 700 lorry movements per day.

A capacity of 370,000 tonnes would be only $2/3^{rd}$ efficient and even so would result in a 19% increase in traffic to 513 HGV movements per day.

There is no control over overnight or weekend lorry movements.

The new gas/air fuel mix will produce 3 times the NO_x emissions of the original plant: 1400 mg per cubic metre will be produced i.e. more than double the breach Sector Guidance Note IPPC SG2 "Secretary of State's Guidance for Glass Manufacturing Activities with Melting Capacity More than 20 Tonnes per Day" which envisages max NO_x emissions of 500mg pcm on average across a year, with a maximum daily limit of 700 mg pcm. Particulate emissions will be 66% higher than the Guidance. Noise levels are based on the Derrylin plant which is only $1/3^{rd}$ the size of this plant. All assertions made by the applicant must be subject to critical scrutiny by independent expert examination, the results of which should be made available to residents.

8.5 RPS (on behalf of Rockware Glass Ltd,)

Does not comply with policies EC8/EMP7 and strategic development brief because: Insufficient evidence to show that the development will not be detrimental to the amenities of local residents

Satisfactory form of access is not provided

Transportation Plan will be required to address use of alternative modes of transport – not been prepared. Firm targets on use of alternative modes of transport need to be stated Transport Assessment does not consider delays arising from queuing traffic/obstruction on Ash Road to Orchard Park Lane

Visibility to the right at junction of Ash Road and Ince Lane is "grossly substandard"

The interaction between existing traffic flows and 15 minute period either side of change of shift times has not been analysed

A through assessment of HGV traffic on residential amenity needs to be undertaken Existing planning conditions are weak and much more control over daily, overnight and weekend/bank holidays needs to be imposed

E.S on Noise and Vibration is insufficient to assess effect on local residents. No data to enable effects to be verified. Road traffic noise has not been quantified and an agreed form of modelling applied to actual impacts

Air Quality NOx levels will be three times that of original permission and will breach Sector Guidance Note IPPC SG2.

8.6 **8.6** Mr D. Anians, Huerto Vista, Ince Orchards, Elton

Why was an ES on the amendments not required?

A like for like comparison table on main issues should be prepared. Out of hours traffic on Ash Road will be nearly 600 HGV vehicles per week.

The increase in HGV movements, NO_x and noise and the sheer scale of increase in production capacity are all significant changes.

There is a potential road and NO_x hazard to children.

How do we know the earth bunding is sufficient to avoid noise? What noise levels will be imposed? What are the calculations that have been used? Who will monitor them and can we see the results? New facilities have to comply with BAT standards. Is there a base line noise level survey? Further regular surveys will be required.

The increase in plant capacity will have wide ranging issues on the quality of village life in respect of traffic, noise, emissions, road congestion. Have all these issues been vigorously investigated. How and when was a 20% increase in production proposed? It will further devalue my property.

8.7 8.7 Mr R. Eaton, Orchard Cottage Ince Orchards Elton

The increased output can only be detrimental to residents' health. The changes should have been subject to planning permission being granted and they would have been opposed.

8.8 8.8 Mr J. Gleaves, 18 Station Road Ince

The new plant will produce over 500,000 tonnes of glass compared to the original 310,000 tonnes and will create no more jobs for the area, but will increase NO_x emissions by three fold and greatly increase lorry movements. The new traffic lights will result in traffic detouring onto Station Road. The plant will create extra noise that will disturb family life. The plant will devalue residents' properties.

8.9 8.9 Mr I. Jackson, 2 Osier Close Elton

Has total opposition to the new larger plant which will result in greatly increased traffic particularly at the weekends and already has given cause for complaint. No planning permission has been given for the works now carried out. The new plant will have a greater impact on the area and significantly increase adverse emissions, It will result in greatly increased lorry movements: one truck moving to or from the plant every minute of the working day. What are the likely noise levels resulting from a larger plant? Residents need time to make their views known.

8.10 8.10 Mr and Mrs S. Stanley 4 Osier Close Elton

Writing on behalf of the many residents who express concerns regarding the new larger plant which will result in greatly increased traffic particularly at the weekends and already

has given cause for complaint. No planning permission has been given for the works now carried out. The new plant will have a greater impact on the area and significantly increase adverse emissions, It will result in greatly increased lorry movements: one truck moving to or from the plant every minute of the working day. What are the likely noise levels resulting from a larger plant? Residents need time to make their views known. A new access off the M56 should be formed to serve the plant. Ash Road is too close to local residents who occupy recently built properties and the extra traffic will have a damaging and dangerous effect on daily life.

8.11 8.11 Mrs S. Cave, 11 Mimosa Close Elton

Their house is only 15 m from the road and this will result in day and night traffic noise.

They should be limited to 9 a.m. to 5 p.m. Monday to Friday.

Trees have been taken down at the entrance off Ash Road and this has lost its screening effect.

The extra traffic will be a hazard to children and walkers.

We should have been notified of the larger scheme before now.

Her health and that of her children will suffer from the traffic and plant pollutants. An alternative road access must be found.

8.12 8.12 Council for the Protection of Rural England c/o ANN JONES

PPG13 use of rail/waterways not taken up. No green travel plan contrary to RPG Policy T7. Undue strain on local network of extra traffic. Green house gas emissions from traffic contrary to RPG DP5.

8.13 8.13 Mr G. Rose `11 Osier Close Elton

Objects to larger plant due to serious adverse effects on village life from traffic volumes (road safety), emissions and noise.

8.14 8.14 Mr J.Powell & Ms J.Hall, 8 Manna Drive Elton

Objects to HGVs on Ash Road due to close proximity to dwelling, highway danger, noise and air pollution and congestion. Ash Road never intended for this volume of traffic and dwellings are now nearer. Kemira Road is available.

We have not been kept informed of the plans for the glass plant.

Chapter 13 Traffic. A one day survey is not sufficient. An independent survey is needed. Peak hour increases are at an unacceptable level. No assessment of traffic on junction of Holm Drive/Ash Road. No assessment has been made of increased accident risk. Needs a survey and locals informed.

An independent assessment of air quality from the plant traffic emissions (new + existing totalled together), noise and visual impact is needed. A total of 1,236 extra vehicles per day is unacceptable in a small village.

Ground borne vibration has not been examined and should be to accord with DOT design manual. Night time traffic noise from 48 HGVs between 8 p.m. and 7 a.m. (ES Vol 11B Tech App) will be totally unacceptable.

There should have been formal public consultation on the new plans. A response to these concerns is awaited.

8.15 8.15 Ms A. Cordiner, 30 Mimosa Close Elton

Objects to the use of Ash Road on grounds of hazard, noise and pollution.

The application is flawed as the method used to determine the height of the chimney is unsuited to a large glass furnace producing large quantities of NO_x During calm weather the emissions will not properly disperse and will adversely affect the fallout zones of Alvanley, Helsby and Frodsham.

8.17 8.17 Petition (154 signatures)

Objects to use of Ash Road. Residents want their children protected from large numbers of lorry movements during the day, evenings and weekends.

Their environment should be protected from noise and pollution.

An alternative access route should be found for the plant.

Residents should to be consulted by Chester City Council about these proposals.

- 8.18 8.18 238 individually signed copies of a prepared letter of objection.
- 1.a. The HGV and LDV traffic movements (1,236 in and out per day) is an unacceptable health and safety risk to hundreds of residents and walkers/cyclists etc using Ash Road and its junction with Holm Drive.
- 1.b. Increased traffic volumes and heavier vehicles than before (28 tonnes) will result in unacceptable noise, air and light pollution and congestion. Have the effects of heavier vehicles been assessed?
- 1.c. Weekend HGV traffic movements (192 in/out movements on Saturday and Sunday) due volume noise, emissions, conflict with other users of the roads and residents quality of life.
- 1.d. Any use of fencing/bunding will be opposed as being visually intrusive.
- 1.e. Decisions have been made without residents being informed or being in support. Many mistakes have been made during the planning process. A formal public consultation is needed.
- 1.f. The plant emissions have increased significantly and do not demonstrate the use of Best Available Techniques.
- 2. The proposal does not comply with Policy EC 8 which requires development to be compatible with residents' amenities and a satisfactory form of access to be provided. The application in its submitted form does not satisfy these requirements and should be refused. The only viable, sensible and safe access to the site is via Kemira Road

8.19 **8.19** Supporters

8.20 8.20 16 letters of similar text

The land in question has always been designated for industry and Quinn Glass is the very best option for Elton since the Power Station closed. They will provide over 500 good, permanent and full time jobs with the least effect village life. Alternative uses for the site would have had a greater impact. The applicant will seek to minimise their presence in the community.

8.21 8.21 Petition (9 signatures)

The local planning authority is asked to support and approved the development which will be excellent for the community of Elton.

The representations of contributors are examined below under the relevant topic headings.

9.1 The principal issues associated with this application can be broken down into the principle of development of the site and its relationship to regional and local planning policies, visual impacts associated with the scale and mass of the development, environmental impacts, the generation and impact of traffic movements particularly along Ash Road and air quality including both emissions from the development itself and from associated traffic. The principal areas of concern raised by the majority of objectors relate to traffic, and particularly HGV movements, noise and pollution associated with this and noise and air quality generally. The remainder of the report deals with each of these in turn.

9.2 THE PRINCIPLE OF DEVELOPMENT

- 9.3 The application site has been identified through the County Structure Plan policy IND1 and the emerging draft Local Plan policy EC 8 as a strategic employment site where development for B1, B2 & B8 uses will be acceptable in principle subject to satisfying the criteria set out in the relevant policies. It has as a consequence always been proposed that this site would make a significant contribution to the regional supply of employment land, and although it may have been assumed in the past that the site would be developed for a more conventional business or distribution park, nothing in the policies appears to prevent a single mixed user development such as that proposed under the current application.
- 9.4 As will be noted from the consultation responses, the application is supported by both the North West Development Agency and Cheshire County Council.
- 9.5 Consequently, although issues have been raised by objectors concerning the nature of the single occupancy user of the site and the impact that the proposal may have on the UK glass manufacturing industry, it is not considered that these issues should undermine the acceptability of the development on this site in principle.
- 9.6 With regard to its relationship to the Regional Spatial Strategy, Appendix Twelve sets out the Core Development Principles and the Spatial Development Framework for the Region. It is considered that the use of this previously developed land is a sustainable form of development, near to key transport corridors, that it complies with the Core Development Principles and Spatial Development Framework and will contribute to the economic prosperity of the region. It is also considered that the inclusion of B8 uses within the land use allocation of the site complies with the Core Development Principles and is appropriate having regard to its brown field status and proximity to an appropriate labour supply, the national motorway network, the rail network, the Manchester Ship Canal and Liverpool and Manchester Airport.
- 9.7 With regard to the policies of the Structure Plan, in reserving the former Ince Power Stations for B1, B2 and B8 uses under policy IND1 this acknowledges that the site will make a key contribution towards meeting the District's allocation of 130 hectares for new B1, B2 and B8 uses during the period up to 2011 and the proposed development is consistent with this policy aspiration. It is also considered that the location of the site meets the criteria set out in IND2 and IND4 where the potential exists to use the Manchester Ship Canal and/or the Helsby to Hooton rail line for the transhipment of freight. The applicants are currently exploring the potential of the Ship Canal for the transporting of raw materials and have agreed to use all reasonable endeavours to facilitate access to the site by the use of inland waterways and by rail (proposed Section 106 Agreement). This level of commitment is seen as appropriate in the context of this application as officers are not of the view that it should be a prerequisite to the grant of

planning permission that a specified proportion of the raw materials should be brought to the site using alternative means of transport than HGVs.

9.8 VISUAL IMPACT

9.9 It is acknowledged that the proposal represents a substantial construction project which will have an overall gross floorspace of 145,225 sq. metres (1,563,240 sq. ft.) The dimensions (length x width x height) of the principal elements of the plant are as follows:

Warehouse: 290m x 180m x 35m high

Production Building 194m x 158.5m x 30 high

Filling Hall: 240m x 105m x 12m high

Despatch Building: 122.5m length by 45m width by 12m high

Batch Plant 66m x 17m x 40m high Stack (Production Building) 76m high

Stack (Filling Hall) 38m high

It is proposed that the buildings will be clad in profiled plastic coated metal sheeting in Moorland Green and Merlin Grey with Goosewing Grey roof.

- 9.10 The Environmental Statement which accompanies the application identifies ten visual receptors (viewing points) within the two Districts, on which the visual impact of the development is assessed. Photomontages of each viewing point have been prepared showing the view before development, the view after one year and after fifteen years, to illustrate the effects of maturing landscaping. A winter and summer appraisal is also given. The nearest property boundary to the development, Cartref at Ince Orchards is some 120m from the warehouse building. Nine domestic properties off Station Road and Ince Orchards have a common boundary with the application site with views towards the rear of the warehouse and filling hall. The adjacent noise attenuation mound and associated planting will provide some visual impact mitigation. In the case of Cartref the initial winter months' impact of the new buildings is given as Moderate and the summer impact as Slight. The winter visual impact after 15 years is given as Slight. The summer and winter visual impact of lighting is given as Moderate after 15 years.
- 9.11 These findings are agreed by your officers. Although the buildings are substantial in size, it is considered that their visual impact is reduced by the orientation of the buildings on a northeast/southwest axis with the highest part of the buildings furthest from properties located centrally within the site. The existing landscaping belt adjacent to Orchard Park Lane also helps to mitigate the visual intrusion of the buildings when viewed from the south so that the buildings are generally not visible from this direction. Upper floor views from Mimosa Close which contains three storey properties are across the intervening Ince A site, giving a separation distance of some 400m.

This impact is further reduced by the intervening railway embankment, mounding, landscaping and distances.

9.12 The buildings are also visible from the M56 motorway and from elevated view points along the Helsby Escarpment. The applicant has made a financial contribution to the Mersey Forest Initiative to mitigate the impact of the buildings, although, regardless of this, given the distant nature of the views, the magnitude of the impact is considered low. Overall, despite the considerable size of the development, its visual impact on both the immediate area and within the wider landscape is considered to be acceptable.

The plant is not visible from public viewing points within the Elton Conservation Area or from the curtilage of listed buildings. Following the upgrade of local road network, it is considered that HGV traffic would have no reason to pass through the village. The local highway authority has powers to make traffic regulation orders to prevent the use of certain roads by unsuitable traffic but currently there is no requirement for such a course of action in response to the application. Whilst east bound traffic on the A5117 may enter School lane and hence the Conservation Area, the more direct and quicker route would be to remain on the A5117 up to its junction with Ince Lane. The proposed Section 106 Agreement provides for Routing Agreements with suppliers, hauliers and staff which will avoid the village centre. The Conservation Officer is satisfied that the development will not have an effect on the character or appearance of the conservation area.

9.14 ENVIRONMENTAL IMPACTS

9.15 **Nature conservation**

Members should consider carefully the effect of the development on the internationally important nature conservation sites which are to be found along the Mersey Estuary, north of the proposed site. The Mersey Estuary is recognised as a Special Protection Area and Ramsar Site with international importance for wildlife over the large areas of inter-tidal sand and mudflats. The south east edge of the estuary is a designated SSSI. The low lying Ince Marshes situated north-east of the proposed development, and the Gowy Valley situated 3.5km south-west are identified as Sites of Biological Importance. The site and surrounding area was originally surveyed in 2000. A meeting with English Nature in June 2004 to discuss the need for additional surveys identified that a bat survey should be undertaken. A summary of the surveys carried out by the applicant is given below:

Macrophyte Survey. A total of six macrophyte species were identified on the site, all of low ecological value and less than local importance. The proposed development lies within the former power station footprint and no changes have occurred to the semi-natural habitats.

Breeding Birds. The 2000 survey revealed that the site is utilised by a variety of species, albeit in relatively small densities, within the site margins of rough grass land, scrub, copse areas and the reed beds. The populations are considered to be of local importance. The Royal Society for the Protection of Birds did not wish to comment on the application as it is a previously developed site and is unlikely to affect an important bird area.

Great Crested Newts. The 2000 survey revealed that no GCN inhabited any of the ditches either on site or within 250m of the site boundary. The June 2004 survey identified the continuing presence of sticklebacks which predate on newt larvae rendering a newt population unlikely. This conclusion has been agreed by English Nature.

Water Voles Within the site high levels of water vole activity were detected. English Nature advise that the proposed attenuation of surface water run off prior to discharge into the ditches by balancing ponds to avoid temporary flooding of burrows, the provision of a reed bed filtration system and the commitment to undertake positive enhancements works to the ecological habitats along the drainage ditches, should see improved opportunities for the species within the site. The Environment Agency requires a minimum 8m wide protected buffer zone adjacent to the watercourse to the north-east of the site.

Bats Trees that are to be removed are assessed as having limited potential for roosting bats and as such are assessed as being of local importance. The features within which bats were recorded as foraging, will be unaffected by the development.

Table 12.4 of the Main Environmental Statement sets out the mitigation measures that are to be taken to reduce the risk of adverse environmental impacts during construction and operation of the site including an Environmental Action Plan. A planning condition is proposed which will implement the Plan. (see condition 20 in appendix Eighteen) The construction has been carried out in accordance with the principles set in the Action Plan.

- 9.16 The site was formerly a power station containing large generating halls and cooling towers and is therefore previously used land, as distinct from the Ince Marshes which are predominantly in agricultural grazing uses. The Council has prepared a Landscape Assessment and guidelines for the District. The site lies to the north of the Gowy Valley Area which is identified as one of thirteen different character areas in Chester District. The valley is identified as being low lying, open, predominantly marshland and semi-improved grassland offering long distant views. The M56 passes through the lower reaches of the valley in a west/east direction. As noted elsewhere in this report, views into the site from the greater part of Elton are mitigated by existing and proposed planting and mounding/the rail embankment.
- The new plant is located within the area of the site formerly occupied by the generating hall and cooling tower. The existing landscaped areas of the site are retained and enhanced by new areas of planting. The annotated site layout plan provides for additional screen bunding and new and replacement planting around the periphery of the site including new woodland planting, screen planting and hedgerows and woodland planting. The applicant has agreed to provide via the proposed Section 106 Agreement £50,000 for off site landscaping along Ash Road and as a contribution to the Mersey Forest Initiative. The Environmental Statement Volume 11(B), Appendix 11.1, provides a landscape and visual assessment Methodology and Tables. It examines the character and quality of the landscape of the area, assesses the impact of the development on the landscape and the magnitude and sensitivity to change. It proposes measures to mitigate the impact of the development and considers the residual impact after the establishment of landscape works, typically after 15 years. These measures are reflected in the planning conditions to be attached to the planning permission should it be granted. A Landscape Management Plan would be required for maintenance and replacements and again this will be dealt with by planning conditions.
- 9.18 The annotated site layout plan (see Appendix One) specifies areas of the site for new and replacement planting and wildlife habitats. A landscape works specification for planting density, height and spread of species and a landscape management plan are to be prepared by the developer which is reflected in the conditions to be attached to the planning permission if granted. (see conditions 17,19, 20).

The Environmental Statement considers the effect on features of nature conservation, historic or archaeological interest, existing landscape features and the `character of the surrounding built environment and it is clear that the impact on these features will be minimal and not sufficient to warrant a refusal of the application.

9.19 The Environmental Statement also examines the impact of the development on hydrology, groundwater and water quality and supply and flood risk conditions. Potential hydrological impacts have been identified during both the construction and operational phases of the development, and have without mitigation been assessed as being of either low or moderate significance. The report notes that many, if not all, of the construction impacts can be substantially reduced or avoided by adherence to good site practice. A number of operational phase impacts are likely to create residual impacts. However, by

implementing the proposed mitigation measures these impacts will be improved. Mitigation measures include:

- Ensure good site practice and management. Site environmental rules through the development and implementation of an Environmental Action Plan, as set out in Section 15 of the Main Statement.
- Compliance with the Environment Agency Pollution Prevention Guideline
- Testing of ground water run off for quality.
- Following the advice contained in the Environment Agency document "Piling in Contaminated Ground."
- Develop existing pollution control measures for the drainage ditch system.
- Implementation of a Drainage Scheme as set out in Paragraph 7.49 of the Main Statement.
- 9.20 The scheme contains surface water run off controls and the Environment Agency and United Utilities have raised no objection subject to conditions. The scheme is designed to displace floodwater during a 1 in 200 year combined tidal and fluvial flood event by the provision of the attenuation lagoon and reed beds. The lagoon and reed beds have an adequate attenuation capacity for a 1 in 50 year storm. The lagoon and reed beds play a central role in the drainage system by mitigating many of the adverse impacts on water quality and run off rates that the development has the potential to cause. The lagoon and reed beds will also contribute to the ecological diversity of the site by providing a new wetland habitat.
- 9.21 The Environmental Statement also includes in Section 10 of the Main Statement an examination of the Cultural Heritage of the site, and concludes in paragraph 10.22 that "No known sites of cultural heritage value have been identified within the application boundary, and in paragraph 10.23 "Owing to previous groundworking during the construction of the former power station it is considered unlikely that any unknown archaeology remains within the application boundary. The City Archaeologist concurs, advising that there are no archaeological implications regarding the development and consequently there is no requirement for conditions or planning obligations dealing with archaeological issues.

In addition to the above, the Health and Safety Executive has not advised on safety grounds against the grant of planning permission. The Environment Agency and United Utilities have not raised objections to the development but wish to see conditions imposed as set out in the consultation responses. (these are set out as conditions 21.24,25)

9.22 Despite the size and scale of the development, it has been concluded that the development will not cause harm to the natural environment of the site nor have any adverse impacts on features outside the site as set out in para. 9.19. It has been further concluded that the development has properly taken into account such matters as effect on groundwater and drainage requirements. These have been addressed in conjunction with the relevant statutory bodies and therefore it is not considered that the development will have any adverse impacts on these matters which would warrant planning permission being refused.

10 Plant Capacity

10.1 Although the physical impact of the development and its associated environmental impacts are clearly very important considerations, the greatest majority of objections to the development have been directed to the operation of the plant and the effects of traffic generation and air quality.

Details submitted with the application indicate that the annual production output, when the plant is running at full production capacity, will be 370,000 tonnes per annum of saleable glass. This excludes filling liquids and is based on a melt to pack efficiency rate of 85%

whereby 438,000 tonnes of glass have to be melted to produce 370,000 tonnes of saleable glass (600 tonnes x2 x365 days = 438,000 tonnes per annum). The approved WS Atkins scheme was for two 500 tonne furnaces. This was calculated to generate 310,000 tonnes of saleable glass based on a similar melt to pack efficiency from 365,000 tonnes per annum. The current scheme therefore proposes an increase in production of 60,000 tonnes per annum (19.3% increase)

- Detailed objections to the scheme by or on behalf of Rockware assert that a modern plant of the stated number of 13 production lines each comprising of a 12 section machine (giving 156 sections) would generate an output per section of not less than 3.875 tonnes per annum (giving 604.500 tonnes per annum). This production rate is based on the original plant having 8 production lines of 10 sections each, 80 sections in total. At a total saleable glass factory output of 310,000 this equates to 3,875 tonnes per section/annum. The objector also asserts that on the original scheme only two of the production machines were to be the more efficient quadruple gob machines whereas in the last few months this has been increased to nine in the current application. The objector further asserts that Electric Boosters will raise the melt capacity of a furnace by 20% or more; that the original scheme proposed electric boosters and that contrary to the applicant's assertion that electric boost is the most expensive way to melt glass, due to the high fixed costs element of production the incremental tonnage produced from electric boost is the most profitable tonnage any glass plant produces. Based on the applicant's own figures, it is claimed that this feature would raise saleable tonnage by a further 74,000 tonnes per annum, or a 43% increase in the saleable tonnage of the original scheme. The objector also asserts that there is a direct relationship between saleable output and HGV movements (see below).
- 10.3 In response to this the applicant has provided further clarification and has stated that output is solely determined by furnace size. Sections can pull between 1,825 tonnes and 3,563 tonnes per annum. All sections do not work at full capacity all of the time. There are times when sections are closed e.g. when the furnace is at maximum and other sections are pulling more glass or as downtime during job changeover. There will be short as well as long production runs to suit the requirements of the customers. The impact of the points referred to above is considered in the next section of the report.

The impact of the points referred to above is considered in the next section of the report.

10.4 Although the ultimate production capacity has been challenged by the objectors, your officers have concluded, as set out elsewhere in this report that it is not the amount of glass that will be produced that is at issue but how the external impacts of the production process are controlled. In this respect, it has been concluded that the limit on the total numbers of HGV movements entering and leaving the site is the most appropriate means of limiting the impact to that set out in the Environmental Statement.

11 TRAFFIC IMPLICATIONS

11.1 The attached summary gives projected traffic figures and their routes. The applicants have indicated that there would be an approximate four year ramp up to full production, at which point some 468 combined in and out HGV vehicular movements per weekday are projected. The total weekend flow would be 384 combined in and out HGV movements (which would be resultant from despatches only). The intended route for HGVs and other vehicles is Ash Road which is physically capable of accommodating the increased flows. The use of Ash Road is provided for in the Strategic Brief for the Development of Ince Marshes. Access into the site is via the private road spur off the junction of Ash Road and Orchard Park Lane with light controlled ingress and egress via the single track tunnel under the rail embankment. Modifications to the junctions of Ash Road/Orchard Park Lane and Ash Road/Ince Lane and Ince Lane/A5117 have been

completed as part of a Section 278 Agreement under the Highways Act. The main purposes of the modifications are to avoid HGV and commuter traffic through the village, the protection of residential amenity and to facilitate convenient local traffic movements. Traffic calming measures will be provided on Ince Lane by way of a contribution in the proposed Section 106 Agreement.

- 11.2 The proposal includes measures to reduce dependence on private cars by the implementation of a Staff Travel Plan. The interim travel plan proposed by the applicant is acceptable and the Draft Section 106 Agreement requires the submission of a Final Travel Plan within nine months of the commencement of production. The Final Travel Plan will reflect the anticipated demands associated with the operation of the development. The proposal also includes a pedestrian link to the railway station and within the site, a dedicated pedestrian and cyclist access with secure cycle storage.
- 11.3 The access off Orchard Park Lane is only to be used by emergency vehicles. Otherwise, it provides a dedicated access for pedestrians and cyclists. A Transport Manager will be appointed to ensure as far as possible that drivers adhere to the Routing Plan set out the applicant's letter of 22 October 2004. This will result in a minimum impact on Elton village centre and residential estate roads.
- 11.4 The Draft Section 106 Agreement provides for a pedestrian access to the site from Elton Station. Tables 2.1 and 2.2 of the Interim Staff Travel Plan show the existing rail and bus timetables. There are two early morning trains and two early evening trains eastbound and westbound. Bus service 36 provides an hourly service between Ellesmere Port and Runcorn via Elton. There are a number of very limited additional services consisting of a single return journey on specific days. In the chapter "Initial Option Identification" a number of options are examined to achieve the objective "To reduce road travel through a range of improvements to public transport provision around the Quinn Glass site".
- 11.5 There are some 300 existing car parking spaces on site and the applicant seeks permission for a further 185 spaces. The provision of spaces assumes, until staff travel surveys are undertaken, that all staff will arrive by their own car. In practice this will not be the case as the final Staff Travel Plan will require targets to be met that promote alternative means of journey to work and reduce the number of single occupancy trips. Sufficient and secure cycle parking will be provided.

At the meeting of Council on 26 March 2003, the City Council adopted supplementary planning guidance for Parking Provision within Developments within Chester. The Policy extends to all areas of the District and describes how parking provision should be dealt with in development proposals.

The guidance complements the policies of the Chester District Deposit Draft Local Plan – Proposed Modifications and is adopted for the purposes of Development Control. It also complements the Integrated Transport Strategy set out in both the Local Plan and the Cheshire Local Transport Plan "Chester Area Programme".

Planning Policy Guidance note 13 "Transport" dated March 2001, identifies in paragraph 49 that the availability of car parking can be more significant in determining mode choice than the level of public transport. The note advises that contributions from developments (in the form of planning obligations may be appropriate to provide for improvements by modes other than the car, for example, walking, cycling and public transport. These planning obligations should be aimed at improving accessibility by all modes of travel. Regional Planning Guidance for the North West (RPG 13) sets out in Appendix Twelve maximum Regional Car Parking Standards and the supplementary planning guidance contains a similar table, table 2 "Non-residential parking standards". These tables are set out in Appendix Fifteen.

A typical daytime occupancy rate by office, day and shift workers is expected to be some 340 personnel, rising to some 400 persons during shift changes. There are currently some 300 parking spaces adjacent to the existing office and workshop buildings and a further 181 new spaces are proposed.

Some 145,225sqm of new B2 and B8 uses are proposed in the development. The recommended maximum parking standards, set out in Appendix Fifteen, is one space per 45 sqm. Applying this ratio to the proposed floor area would result in a theoretical number of spaces greatly in excess of the proposed number of spaces to serve the development. This reflects the highly automated nature of the production. The county highway authority has raised no objection to the provision of staff parking spaces. The Interim Staff Travel Plan includes the following objectives and potential facilities:

Public Transport. To reduce road travel through a range of improvements to public transport provision around the Quinn Glass site. The potential options for increasing the attractiveness of public transport include:

Enhanced Rail Service to coincide with shift changeovers

Dedicated/enhanced Bus Services to coincide with shift changeovers.

Infrastructure Improvements. Improvements to Ince and Elton rail station and the footway linking the site with the station

Provision of bus waiting facilities within the site.

Information provision. Provision of timetables and material related to dedicated works buses on a notice board. The provision of discounted travel passes/season tickets.

Car Sharing. To reduce road travel through the promotion of Car-Sharing initiatives at the Quinn Glass site. The potential options for increasing the attractiveness of car sharing include:

Car-Share Database through which employees could input preferences and find compatible sharers with the matching of employees from the outset within adjacent postal districts, to increase the propensity for car-sharing.

Priority Spaces. A set number of preferential parking spaces could be allocated at the closest proximity to the building.

Incentives. Social events, guaranteed taxi back-up and prize draws are further potential attractions for car sharing.

Walking/Cycling. The potential options for increasing the attractiveness of walking and cycling include:

Infrastructure Improvements. Links to local population centres in the form of segregated coloured surfacing and advance stop lines at signalised junctions and the provision of secure storage facilities and changing rooms within the site. A scheme for the provision of pedestrian access within the site to the existing footpath to Ince and Elton Station will be the subject of a planning condition, should the development be approved.

User Group benefits for cyclists could include social and financial incentives including loans for bicycle purchase.

11.6 Ash Road

11.7 It is proposed that the plant will be accessed via Ash Road for all motorised vehicular traffic, comprising heavy and light goods vehicles and staff cars. Ash Road extends some 560m from its junction with Ince Lane to its junction with Orchard Park Lane. These two junctions have recently been the subject of highway works under Section 278 Agreement under the Highways Act. The road is part of the outer peripheral road to Elton and as noted under "Relevant Planning History" was up-graded in the 1970's to provide access to the power stations. The carriageway has a width of some 7.45 metres. Street lighting has been provided and the speed limit is 30mph. There is one estate road junction on the west side of Ash road and this provides access to some 296 dwellings.

There is a footpath on west side of Ash Road from this junction southwards to Ince Lane. The properties are separated from Ash Road by a landscaped buffer strip which varies in width between 14 metres at the narrowest point to 45 metres at its widest, although there are gaps in the landscaping. The strip to the south of Mulberry Close is in the ownership of the City Council. There is one individual point of access on the east side of Ash Road and this serves the former sewage treatment plant

The separation distance between dwellings and the carriageway varies typically from some 28m to 40m.

11.8 HGV Movements: Deliveries and Despatches

11.9 The delivery of raw materials to the plant will be confined to Monday to Friday and between the hours of 0700-1900 hours. Outbound despatches will take place throughout the week on a 24 hour basis.

The table "Spread of HGV movements" set out in the Additional Information shows the number and timings of HGV visiting the site with raw materials or leaving the site with finished goods. The table may be summarised as:

Monday to Friday 0700-1900
Monday to Friday 1900-0700
Weekends 0700-1900
Weekends 1900-0700

183.5 movements each way per day
48 movements each way per day
48 movements each way per day

These figures are stated as the maximum that would be generated by the plant working at maximum capacity and, for the purposes of assessing impact, assume that no alternative means of transporting goods are provided.

This compares to Planning permission 00/00605/FUL, which was subject to a condition limiting the combined number of HGV movements to an average of 360 per weekday. No limitation was placed on the number of outward HGV movements at week-ends.

11.10 Vehicle Routing Agreement

- 11.11 The applicant has confirmed that a Transport Manager will be appointed with responsibility for the routing of commercial and employee vehicles to and from the site. As a condition of their contract with the applicant, suppliers and hauliers will be required to adhere to the agreed routes for access to and egress from the site unless there are exceptional circumstances which prevent this. Employees not living in Ince or Elton will be required to adhere to the agreed routes. Customers will receive a written request that their drivers adhere to the agreed routing In the event that at a future date an access to the site via Kemira Road is obtained the agreed routing will be amended to include the use of that road. The agreed route will be as follows:
 - a) All vehicles accessing the site from, or leaving the site in the direction of Junction 9 on the M53 will use only the B5132, the A5117. Ince lane and Ash Road.
 - b) All vehicles accessing the site from, or leaving the site in the direction of Junction 10 on the M53 will use only the A5117, Ince Lane and Ash Road
 - c) All vehicles accessing the site from, or leaving the site in the direction of Junction 14 of the M56 will use only the A 5117, Ince Lane and Ash Road.
 - d) Roads leading to or from the site via Ince and Elton shall not be used unless above indicated.

The full text of the routing agreement is set out in the letter dated 22 October 2004 from the applicant, (Appendix Thirteen) and this will be reflected in the proposed Section 106 agreement.

- 11.12 Objectors to the use of Ash Road submit that it is a village road and is unsuited to industrial traffic. Residential properties take their access off it, including new houses that have been recently built and children play in the vicinity of the road. The volume of traffic and the resultant noise, pollution and danger would be detrimental to the residential amenities that residents are entitled to enjoy. PPG13 recommends that freight should be taken by rail or water rather than by road wherever possible. The development of the land should be made dependent on an access being taken off the Kemira Road and alternative means of bulk transport to road freight should be in place before production commences, as recommended in PPG 13.
- 11.13 An objector to the scheme also asserts that the applicant has understated the capacity of the plant, and that HGV movements will be much higher than the above figures stated by the applicant. The objector asserts that the original application showed that 430 HGV movements would be generated by a saleable output of 310.000 tonnes/annum and that saleable output 50% above that figure (as implied by the IPPC license application) would generate a pro-rata increase in HGV movements to over 700 per day. The objector further asserts that the 62.5% increase in the number of production lines from 8 to 13 and the 66.7% increase in the number of filling lines from 3 to 5 all support the argument that HGV movement will be substantially higher than the applicant's forecast. The objector considers that more tankers will be required and fewer filled bottles can be carried in one load. The planning application states that bottles will be produced in a variety of colours. The objector considers that, if as the applicant states only flint glass is to be produced, coloured glass to be filled on site will have to be brought in from Derrylin. The objector disagrees with the applicant's statement that the now permitted 28 tonne lorry loading will reduce the pro-rata number of delivery vehicles compared to the 20 to 22.5 tonne loads assumed for the approved scheme. The objector considers that the bulk to weight ratio of pallets of empty glass containers tends to result in loads of light weighting glass being determined by the size of the load rather than its weight, resulting in an average payload across all container types of 24.75 tonnes.
- 11.14 The applicant has provided additional information for clarification purposes and in reply states that the IPPC application had an acknowledged error in quoting the furnace size as 700 tonnes per day (rather than 600 tonnes per day). The applicant states that the schedule "Spread of HGV movements" represents the maximum number of vehicles that the development would generate.
- 11.15 In response to this your officers have concluded that although the concerns of local people are understood, Ash Road has always been intended to be the principal access road into the former Power Station site and this is set out clearly in the policy documents for the area.

With regard to the traffic movements, this has already been addressed by reference to the proposed conditions to regulate HGV movements..

11.16 The use of the Kemira Road

11.17 It is not proposed to use Kemira Road whilst it is a private road and therefore outside the applicant's control. If this road is upgraded and adopted as a public highway, the applicant has agreed via the proposed Section 106 Agreement to use all reasonable endeavours to secure the provision of access to it and extinguish the use of Ash Road for HGV movements.

11.18 The use of alternative means of transporting Raw Materials

11.19 The application as submitted does not contain proposals for the transhipment of raw materials or finished goods other than by road. For the reasons given below it is not considered possible at the present time to require alternative modes of transport.

Turning first to the transportation of goods via the Manchester Ship Canal, the Manchester Ship Canal lies some 750m north of the site and neither the canal nor the intervening land is in the control of the applicant. Any proposals to utilise the Ship Canal would require new docking facilities, warehousing and a haul road. A preliminary meeting took place in October 2004 between the applicant and interested parties to explore the possibilities of utilising the Manchester Ship Canal and waterway systems to deliver resources such as soda ash and sand for onward transmission to the plant. As a result of the meeting it was agreed to develop the requirements for suppliers of raw materials and the possibilities of a landing site adjacent to the ship canal. The applicant, in the draft Section 106 Agreement is prepared to commit to use all reasonable endeavours to explore the possibility of accessing the site using the existing waterways and to provide evidence of the steps it is taking to achieve this aim.

Transportation of goods via the Helsby/Hooton rail line. There is a spur off this rail line to the Kemira GrowHow UK fertiliser manufacturing plant located some 250m east of the applicant's ownership boundary. The local authority is not aware of any proposals at the present time to extend this spur to the applicant's land. Such a proposal would again require the consent of a number of third parties and the provision of significant new infrastructure. Again, the applicant in the proposed Section 106 agreement is prepared to commit to use all reasonable endeavours to explore the possibility of accessing the site using rail and to provide evidence of the steps it is taking to achieve this aim.

- 11.20 This alternative would clearly be beneficial for all parties and your officers are satisfied that the applicant is committed to securing this if it is practicable. However, as already indicated, it is not considered that this is or should be a prerequisite to the grant of any planning permission for the development. The current planning application satisfies the requirements for using Ash Road as the access both in terms of highway capacity and safety and impact on residential amenity.
- 11.21 Although the application has provoked considerable debate regarding the proposed and potential production capacity of the plant with or without electric boost, the critical issue in the view of officers is not the volume of production but the volume of traffic generated by the development and its impact on highway safety, the free flow of traffic and residential amenity. It is considered that the volume of traffic proposed by the application can be accommodated within the existing road network without detriment to highway safety, the free flow of traffic and residential amenity. Ash Road has always been used as the access into the Power station site and was always proposed to be the principal access route for any redevelopment proposals. None of the relevant planning policies have required an alternative access into the site.

Both the Highways Agency and the County Highway authority have confirmed that they have no objection to the development in highways terms.

It is proposed that the amount of HGV movements will be regulated by planning conditions and consequently there are not considered to be any planning reasons to limit production capacity. If production capacity is increased which does result in an increase in HGV movements in excess of the limit set by the conditions, this would constitute a breach for which the appropriate enforcement action could be taken.

12 **NOISE**

- 12.1 The potential for noise disturbance arises from:
 - 1 Plant construction works
 - 2 Plant operation
 - 3 Traffic

12.2 Plant construction works.

12.3 The main potential for noise disturbance arises from site clearance (breaking up of concrete etc), piling of foundations and power floating of new floors because of the machinery involved and/or the need for continuous working. The properties most at risk of disturbance are those off Ince Orchards, Station Lane, Orchard Park Lane and the lower end of Ash Road. As the construction is now virtually completed, it is unlikely that there will be any potentially noisy works to be carried out and with just two reported incidences of noise disturbance (during overnight workings) during the whole of the construction period, this is not now seen as a significant environmental issue.

12.4 Plant operation

12.5 The existing planning permission required that noise emanating from the factory operations should not exceed 36dB L_{Aeq} (5 minute) as measured in accordance with BS 4142:1997 at the nearest noise sensitive boundary and that noise from the plant shall not contain a distinguishable discrete continuous tone nor shall it contain distinct impulses. The condition was based on background night time noise levels measured at the time (2000) at such sensitive boundaries.

The layout of the plant and the provision of acoustic cladding has been designed to minimise off-site noise disturbance and to avoid an increase in existing background noise levels. The noisiest part of the plant is the furnace end of the buildings and this has been sited furthest from residential properties. The unloading point for inbound filling tankers had a potential for noise disturbance notably from the escape of pressure when hoses are released. In order to ensure compliance with the proposed re-imposition of this condition, the unloading area been moved further away from the nearest noise sensitive boundary (Ince Orchards) and suction used as the method of emptying the tankers which would avoid any noise from the release of pressure. Furthermore, the applicant has confirmed that a tanker off-loading process will be used whereby hose release noise will not occur. The layout of the plant has also been designed to minimise HGV noise by siting the raw material storage areas and HGV loading points as far away from noise sensitive boundaries as possible. It should be noted that noise attenuation bunding has also been provided adjacent to Ince Orchards and there is an intervening railway embankment and existing vegetation screening adjacent to Orchard Park Lane.

12.6 An operational noise assessment was undertaken in June 2004 at 9 nearby receptors. The results show existing background night time noise levels Lago varying between 39 and 51. The operational noise levels for the proposed development have been determined from modelling site measurements at the Derrylin Plant. The results set out in Table 9.6 of the Main Statement of the Environmental Statement Volume 1 "Predicted Operational Noise Levels" indicate noise complaints being positively unlikely or unlikely (based on BS 4142 advice).

The applicant confirms that noise will be monitored at the nine receptors chosen for this study at six monthly intervals during the initial four year start up phase of the facility. When in full production, noise monitoring will be done annually. If any excesses due to the facility are discovered, effective mitigation measures will be taken.

12.7 Based on the noise assessment and in the light of advice from the Council's specialist Environmental Protection Officer, it is not considered that the operation of the plant will have any adverse effect on the amenity of residential properties in the vicinity of the site.

Noise arising from Operational Traffic

12.8

12.9 Noise from traffic has the potential to disturb residents near to the ingress/egress routes from the plant. In practice this means properties near to the junction of Orchard Park Lane and Ash Road and Ash Road itself.

The table "Spread of HGV traffic movement" gives the total number of HGV traffic movements during weekdays (Monday to Fridays) and weekends divided into daytime (0700 -1900hrs) and night time (1900 -0700hrs) periods. The table provides for a total weekly HGV flow of 1362 in bound or outbound movements for all purposes during the week. As vehicles will either arrive or depart empty, this figure has to be doubled (2724) to give the total number of HGV movements per week. Deliveries and collections for all purposes would be as follows:

Monday to Friday day times 68% of all movements (367 combined in and out

per day)

Monday to Friday night times 18% of all movements (101 combined in and out

per night)

Weekend day times 7% of all movements (192 combined in and out

per weekend)

Weekend night times 7% of all movements (192 combined in and out

per weekend)

Despatches are deemed constant throughout the weekdays at 202 combined in and out movements over a 24 hour period whilst at weekends (48 hours) the comparative figure increases to 384. The applicant advises that, using the same operating procedures as the Derrylin plant, the increased weekend figure is in practice a worst case scenario as the filling hall lines, rarely operate at weekends so as to allow for maintenance (Environmental Statement Vol. 1Main Statement page 2.7 para 2.4 also refers to this working pattern.

- 12.10 The Calculation of Road Traffic Noise (CRTN), produced by the DoT provides the methodology for assessing noise levels due to road traffic. The prediction method takes into account factors such as the traffic flow, composition and speed, the alignment and distance of the road relative to receiving property, the nature of the intervening ground cover between the road and reflections from the façade in order to calculate the L₁₀ (18hour) dB(A) noise level. The traffic vibration prediction has been carried out for two receptor points within 40m of Ash Road, as specified by the Department of Transport's Design Manual for Roads and Bridges Volume 1 Section 3, Part 7, Chapter 6. CRTN is used to determine whether noise insulation is required to mitigate road traffic noise. The trigger level for determining whether a dwelling is eligible for noise insulation, as assessed under the Noise Insulation Regulations 1975, is that the final noise levels should be above 68 dB L_{1018hour} or if already above that level that there has been an increase in traffic noise of at least 1dB.
- 12.13 The operational 18 hour traffic flow data along Ash Road (combined commercial and private vehicles) used for these calculations was:

Without Development: 2223 two way flow (1015 entering, 1208 leaving)

With Development 3459 two way flow (1633 entering, 1826 leaving)

Percentage HGVs once Quinn Glass is fully operational is 13.5%

12.14 Background noise monitoring was carried out as part of the assessment for the Environmental Statement for the approved scheme and the same nine receptors have been used for the current application. Due to temporary construction traffic on and around the site, background noise levels have been considered to be the same as previously measured.

12.15 Four properties on Ash Road/Orchard Park Lane were selected for the traffic noise prediction and the results of the analysis and prediction are shown below based on L₁₀ 18hour (dB):

Receptor 9	36 Parklands Drive	Existing 61	Predicted 63
Receptor 8	5 Redwood Drive	Existing 54	Predicted 60
Receptor 7	2 Coppice Green	Existing 51	Predicted 51
Receptor 6	The Oaks Orchard Park	Existing 52	Predicted 48

A 3dB change in noise levels is considered to be noticeable. Although there is a significant difference between the existing and predicted noise levels at receptor 8 the final noise level remains below the 68 dB(A) maximum and therefore based on this assessment, none of the receptors would require noise insulation as a result of the traffic generated by the proposed development as set out in the guidance referred to in para.12.10.

The effect on noise of vehicles accelerating and braking at road junctions and at traffic lights at the site entrance has been assessed and found not to be of significance.

12.16 Air and Ground Vibration

- 12.17 As referred to in the Environmental Statement at full operation ground borne and airborne vibration could affect properties within 40m of the carriageway. The Department of Transport's Design Manual for Roads and Bridges Volume 1 was used to predict the vibration nuisance caused by the traffic along Ash Road during general operation of the site.
- 12.18 As has already been indicated, the issue of traffic along Ash Road has been uppermost as a concern of many local people. In addition to the letters of objection received pursuant to the notifications of August 2004 and in response to the Further Information, 235 signed copies of a letter dated 4 November 2004 have been received from local residents.

In summary the objectors submit that the volume and size of HGV and LDV (light delivery vehicle) will cause increased noise, air and light pollution throughout the day and night particularly as heavier 28 tonne vehicles are to be used. Traffic congestion especially along Ash Road and Ince Lane will be caused at peak hours. Weekend traffic movements will have a particularly unacceptable adverse impact on residents' enjoyment of their property. Any use of bunding or fencing along Ash Road will be strongly opposed as being visually intrusive. The objectors assert that the development does not comply with Policy EC8 of the Deposit Draft Local Plan – Proposed Modifications which require that proposals for the redevelopment of Ince A and B will be permitted provided "....the re-development is compatible with the amenities of people living within the vicinity" and "that satisfactory forms of access are provided. "The objectors go on to suggest that the only viable, sensible and safe access to the development should be via the Kemira Road and the planning application should be refused until this is in place.

- 12.19 The analysis of the noise associated with the increased traffic movements indicates that there will be an increase in noise levels to houses adjoining Ash Road and that in some cases this increase will be perceptible. Although the increase in noise levels would not breach the 68db threshold, it has nevertheless been concluded that the amenity of local people should be safeguarded to ensure that, as far as is practicable, none of the properties should be subjected to an increase in noise levels associated with any increase in traffic as a consequence of the development.
- 12.20 As noted above (para 7.1) the applicants have produced an up dated mitigation scheme which would provide for acoustic treatment along Ash Road on the Council owned

land south of the junction with the estate roads in the form of mounding and 'natural' willow acoustic fencing which if constructed would restrict noise levels to adjacent properties to that which existed before the development. This is acknowledged as being an effective means of maintaining the pre-existing noise levels to the affected properties. And as it can be sited on land under the control of the Council, can be dealt with by planning condition Notwithstanding the objection to such a scheme set out in the prepared letter of objection, it is proposed that a condition be imposed to require that such works be provided. The final scheme could be subject to consultation with local residents and the Parish Council.

13 AIR QUALITY ASSESSMENT

13.1 Emissions

13.2 The applicant has submitted an application under the Pollution Prevention and Control Act 1999 for consent to discharge emissions from the plant. Production cannot commence until the IPPC consent has been issued.

Airborne emissions arising from the development are considered under two headings: Emissions from the plant and emissions from traffic.

- 13.3 **Plant Emissions** The proposed development has thirteen production lines rather than eight, as provided for in the original planning application, and uses larger air/gas fired furnaces (2x600 tonnes/day capacity) rather than the original oxygen fired furnaces (2x500 tonnes/day capacity). The applicant has listed a number of reasons why an alternative furnace type was selected. These are outlined below:
 - Oxygen-fired furnaces are acceptable for use in operations with little or no variability in output, but are particularly unsuited to start-up situations such as the one anticipated at the proposed development, where output will vary considerably in the first three years;
 - 2 Large air/gas fired furnaces are more widely proven technology than large oxygen-fired furnaces, an estimated four of which have been built in Europe in the last four years. Approximately ten new air/gas fired furnaces have been constructed in the same period, with an average capacity of 600 tonnes/day (compared with 300 tonnes/day capacity of the largest oxygen-fired furnace.

Turning to Stack Height Selection. Using the method detailed in the HMIP Technical Guidance Note (Dispersion) D1, as stack height of 76 metres has been selected for the main furnace and 38 metres for the main boiler.

13.4 The plant will release nitrous oxide (NO) and nitrogen dioxide (NO₂) together referred to as NO_x. In the atmosphere, NO is converted to NO₂.

The plant emissions expressed as grams per second discharge for the main pollutants will be as follows: (The figures in brackets are the discharges for the approved oxy-fuel scheme)

Oxides of Nitrogen (NOx) 41.7 g/s (12.1 g/s) Sulphur Dioxide ((SO₂) 23.8 g/s (3.35 g/s) Particulates 1.49 g/s (0.45 g/s) Hydrogen Chloride 0.89 g/s (0.22 g/s)

Hydrogen Fluoride 0.149 g/s (-)

The emissions from the installation have been modelled using ADMS 3.1. The highest annual mean concentration of NO_2 predicted by the model is 39.42 μ g m³. Although this is close to the air quality standard it is predicted to occur at an uninhabited location where the objective does not apply. In addition the background data used in the model was a figure obtained from the Wirral and monitoring undertaken by the City Council indicates

that a lower background level exists. The results of the monitoring are therefore conservative.

13.5 As the plant is to be fired with natural gas with light diesel oil only being used when there is an interruption in the gas supply the level of sulphur dioxide emitted from the plant will generally be very low. The model therefore predicts ground level concentrations of sulphur dioxide will be within the national air quality objectives.

13.6 Traffic Emissions

13.7 The Air Quality Assessment for the proposed factory took into account emissions from traffic associated with the new factory. The emissions of NOx and particulates from traffic were calculated using the emission factors contained in the Design Manual for Roads and Bridges (DMRB) for urban roads in 2005. These emission factors take account of the anticipated vehicle mix, in terms of age and emissions, in 2005. Emissions of NOx and particulates from road vehicles are extremely variable, depending on factors such as vehicle speed, driving patterns and vehicle maintenance. Vehicle emissions tend to be highest under congested traffic conditions, when vehicles are stopping and starting frequently and generally driving slowly. As noted above, Ash Road is subject to a 30mph speed limit and there is one collector road access point. The traffic light controlled ingress/egress to the site is located adjacent to the railway embankment some 80m from the modified junction of Ash Road and Orchard Park Lane. The lights will be biased in favour of vehicles entering the site and in addition such vehicles have priority over vehicles entering Ash Road from Orchard Park Lane. The applicant estimates (letter dated 1) February 2005) that "at worst case" queuing traffic might extend 75% of the distance from the railway bridge towards this junction. The applicant further advises: As such braking and accelerating of the development traffic will not occur adjacent to Mimosa Close.

The air quality impacts of traffic using Ash Road have been modelled focussing on the concentrations of particulates and nitrogen dioxide that will be generated by the traffic on Ash Road. The model predicts that for nitrogen dioxide the highest predicted 99.7th percentile at a property adjacent to Ash Road is 129µg m³ compared to the air quality standard of 200µg m³. With the annual mean concentration rising by 3 µg m³ over the present annual mean concentration this gives a predicted annual mean concentration of 35 µg m³ compared with the air quality standard of 40 µg m³.

For particulates a rise in the annual mean concentration of 0.5 µg m³ is predicted by the model. This compares to the annual mean air quality objective of 40 µg m³.

- 13.8 In conclusion both the traffic and stack emission associated with the proposed plant are not predicted to cause any breaches of air quality objectives in the vicinity of Ash Road, even if pessimistic background concentrations are assumed.
- 13.9 As already indicated above, a plant of this scale also requires a separate consent under the IPPC (Integrated Pollution Prevention and Control) procedures and cannot operate unless such consent has been granted. The relationship between the planning process and the IPPC regime is set out in detail in PPS 23 which makes it clear that the planning system should focus on whether the development itself is an acceptable use of land and the impacts of these uses rather than the control of processes or emissions themselves. Planning authorities should work on the assumption that the relevant pollution control regime will be properly applied and enforced. They should act to complement but not to duplicate it.

13.10 For the majority of activities subject to IPPC, as in this case, there is no statutory requirement on an operator to obtain planning approval before a pollution control authorisation can be issued, or *vice versa*. However, it is generally recommended that since it could save time and money, consideration should be given by the developer/operator to submitting applications for planning permission and under pollution control permit in parallel. Any conditions that are likely to be imposed under the pollution controls, such as chimney height, can then be taken into account in the planning application. This allows a Local Planning Authority to be able to address any conflict and potential duplication between the pollution control authorisation and the planning requirements.

As already indicated, PPS 23 advises that the planning system should focus on whether the development itself is an acceptable use of the land, and the impact of those uses. The acceptability of the use of the land is of course dealt with in this report. The application is accompanied by an Environmental Statement and this report examines the impact of the use on the locality, including the quality of land, air and water. Members must decide if the impact, taking into account representations and measures of mitigation, is acceptable.

13.11 The applicant has submitted an IPPC application for a permit to discharge emissions to air, water and land. Chester City Council is the regulating authority for the determination of such an application. As indicated above, PPS 23 makes it clear that the planning and pollution control systems are separate but complementary and there should be close co-ordination between the planning authority and the pollution control regulator. In this instance it is the Council itself through its Environmental Management (E.M) Service which is the regulatory body responsible for ensuring that the relevant pollution control regime will be properly applied and enforced. It will be seen from this report that there has been the co-ordination between the planning authority and the pollution control authority expected by PPS 23. As a result of discussions between the E.M service and the applicant, the applicant has revised downward emission figures for No_x and Particulate emissions. E.M Service are now satisfied that subject to conditions and satisfactory air dispersal modelling, a positive recommendation may be given to issue a permit for the discharge of No_x and Particulate emissions.

As the plant is to be fired with natural gas with light diesel oil only being used when there is an interruption in the gas supply the level of sulphur dioxide emitted from the plant will generally be very low. The model therefore predicts ground level concentrations of sulphur dioxide will be within the national air quality objectives.

13.12 Environmental Management Service have also examined the air quality impacts of traffic using Ash Road. They conclude (paragraph 13.8), that both the traffic and stack emission associated with the proposed plant are not predicted to cause any breaches of air quality objectives in the vicinity of Ash Road, even if pessimistic background concentrations are assumed. PPS 23 also refers to the need for close co-operation with other pollution control authorities and such bodies as English Nature, Drainage Boards and water and sewerage undertakers. The response of such consultees are set out in Appendix Five and summarised elsewhere in this report. It will be seen that there are no objections to the land use itself and that conditions are recommended, should the development be granted.

14 CONCLUSION

This is a major development proposal on a strategic employment site within the district which will, when fully operational, create over 500 new jobs. The Environmental Statement that accompanies the planning application identifies a number of key impacts associated

with the development proposals. These impacts have been assessed in detail throughout this report and it is considered that these are capable of mitigation either by the use of planning conditions or planning obligations that will regulate the development.

The application has attracted a large number of letters/petitions making representations that raise issues that are material considerations. Those in support refer to the advantages of a single occupancy modern factory on a brown field site that will attract long term employment. Those that raise objection do so primarily on issues regarding the size of the plant, atmospheric and noise emissions resultant from the plant and the additional traffic on Ash Road. These matters have also been examined in detail and it is considered that all issues raised throughout the consultation process can be satisfactorily dealt with either by the imposition of conditions or the provisions of the proposed Section 106 Agreement.

15 Recommendation

15.1 In view of the foregoing, the planning application is recommended for approval subject to clearance by Government Office North West that the Secretary of State does not wish to intervene in the granting of planning permission and to the prior completion of an agreement under Section 106 of the Town and Country Planning Act 1990 substantially in the form of the draft at Appendix Seventeen and to conditions substantially in the form referred to at Appendix Eighteen

16 Reasons for recommendation

16.1 The decision to grant planning permission is made having regard to the following policies and proposals set out in the development Plan. The relevant policies are summarised below;

Regional Planning Guidance Note: RPG 13 North West Region

Policy EC2 Manufacturing Industry.

Policy EC7 Warehousing and Distribution

Policy EQ2 Air Quality

Cheshire 2011 Replacement Structure Plan:

Sustainable Development GEN1 GEN3 General requirements for all development Mersey Forest initiative GEN6 **Environmental** pollution GEN7 R4 Use of previously developed land Site part of 130ha of B1, B2 and B8 employment land within Chester District IND1 IND2 Criteria for allocating employment land IND3 Protection of allocated employment sites IND4 Locate uses near rail, waterway, pipeline and principal road network Siting alongside alternative modes of transport and where practical limiting T6 use of unsuitable roads subject to maintaining access.

T7 Car and secure cycle parking

In addition the Council has taken into account the following policies which although not part of the development plan represent the most up to date statement on the planning policy for the District.

Deposit Draft Chester District Local Plan - Proposed Modifications:

EC 5 Protection of employment land

EC 8	B1, B2 and B8 uses on the site will be permitted subject to safeguarding criteria being met
ENV 1	Sustainable development
ENV 21-22	Integrate healthy trees and high quality new landscaping
ENV24	development in rural areas in respect of key features
ENV 27	Nature Conservation Value Features
ENV 37	Development affecting the setting of a Conservation Area
ENV59	pollution control
TR 1	Reducing dependence on cars
TR 2	Traffic Management
TR 13	Parking Standards
TR 19	Development producing additional traffic
GE 3	Residential amenities

Water and sewerage supply

16.2 The development is recommended for approval because it accords with the development plan policies, summarised above and represents an opportunity to secure the development of a previously developed vacant site allocated for employment by the provision of a modern factory that will generate employment in the district.

It is considered that the principle of development on this site is supported through its allocation as a strategic employment site in the Structure Plan and Draft Local Plan and it is also considered that the scale, mass and form of the development in this location is acceptable and will not cause harm to the landscape or the character of the area. Any adverse impacts that have been identified through the Environmental Statement or through the consultation process are capable of mitigation through the use of appropriate conditions or through the proposed Section 106 Agreement and will be adequately addressed and controlled through these mechanisms.

In addition the Council is satisfied that the volume of traffic generated by the development as controlled by the conditions and planning obligations will not have an adverse effect on highway safety, the free flow of traffic or on the amenity of local residents in the vicinity of the site or Ash Road.

In addition the Council is also satisfied that the development will not have an adverse effect on the air quality as a result of emissions from the plant or from traffic associated with the use and will not result in unacceptable harm having regard to other environmental factors identified in the Environmental Statement. Other material considerations have also been examined in detail in this report including issues raised by those who are opposed to the development. However none are considered to have sufficient weight to outweigh the strong support for the development accorded by the development plan policies and other material considerations.

Background papers.

GF 5

Planning application 00/00605/FUL Planning Application 04/01404/FUL

BRIAN HUGHES

DEVELOPMENT CO-ORDINATION MANAGER

FEBRUARY 2005