



NOTICE OF APPROVAL OF FULL PLANNING PERMISSION.

The Town and Country Planning Act 1990.

APPLICATION NO:- 08/00449/FUL

To:- Stobart Group
c/o Mr Matthew Stafford
11th Floor, Portland Tower Portland Street Manchester M1 3LF

Particulars of Development:-

Proposed remediation of site and construction of a modern, purpose built distribution centre in two phases. Phase One to include a 38,861sq m distribution centre with associated recycling services unit (RSU), vehicle and car parking, service yards, landscaping and all associated engineering operations including the restoration of Marsh Brook. Phase Two to include a 13,958sq m extension to the distribution centre including the construction of a vehicle maintenance unit (VMU) and all associated engineering operations at

Location:-

Former Tessengerlo Site Desoto Road Widnes Cheshire WA8 0NY

*In pursuance of their powers under the above Act, the Local Planning Authority hereby **PERMITS** the above development to be carried out in accordance with the application and accompanying plans submitted by you, subject to compliance with the condition(s) specified hereunder:-*

REASON FOR THE COUNCIL'S DECISION

The decision to grant permission has been taken having regards to the relevant policies and proposals in the Halton Unitary Development Plan, which are explicitly identified within the individual justification for each condition imposed and to all other material planning considerations.

CONDITIONS RELATING TO THE WHOLE DEVELOPMENT

(1) Unless the Local Planning Authority agree to any varion the development hereby approved shall be carried out in accordance with a detailed phasing strategy submitted to and agreed in writing by the Local Planning Authority. The phasing for the scheme shall relate to the phasing as detailed in the approved plans Phase 1 Site

Signature:- *D. Tierney*

Date:-11.11.2008

for Operational Director – Environmental & Regulatory Services

Environment Directorate

Rutland House, Halton Lea, Runcorn, Cheshire WA7 2GW Telephone: 0151 474 2061 Fax: 0151 471 7314





Plan (Drwg No. 08011 P02 Rev B) and Phase 2 Site Plan (Drwg No. 08011 P03 Rev C) hereinafter called Phase 1 and Phase 2. The phases can be implemented in any order.

Reason:- To define the permission and to ensure that the nature of the description is complied with and secure compliance with BE1 of the Halton Unitary Development Plan.

(2) The development in respect of any phase can commence providing all relevant conditions have been complied with, relating to that phase.

Reason:- To define the permission and to ensure that the nature of the description is complied with and secure compliance with BE1 of the Halton Unitary Development Plan.

(3) This permission shall relate to the application as amended by the plans as detailed in the Drawing Issue Sheet (Planning) last updated and received by the Local Planning Authority on 10.11.2008.

Reason:-To define the permission and secure compliance with Policy BE1 of the Halton Unitary Development Plan..

CONDITIONS RELATING TO PHASE 1

CONDITIONS TO BE COMPLIED WITH DURING THE COURSE OF THE DEVELOPMENT IN RESPECT OF PHASE 1

(4) Unless the Local Planning Authority agree to any variation no development shall take place, other than ground and earth works, until samples of the materials to be used in the construction of the external surfaces (e.g roofs, walls, floors, windows) of the development hereby permitted have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.

Reason:- In the interests of visual amenity, and to comply with Policy BE2 of the Halton Unitary Development Plan.

(5) Unless the Local Planning Authority agree to any variation no development shall take place, other than ground and earth works, until there has been submitted to and approved in writing by the Local Planning Authority, a plan indicating the positions, design, materials and type of boundary treatment to be erected. The boundary treatment shall be completed before occupation or in accordance with a timetable agreed in writing with the Local Planning Authority. Development shall be carried out in accordance with the approved details.

Reason:- In order to secure the satisfactory development of the site in the interests of visual amenity, and to comply with Policy BE22 of the Halton Unitary Development Plan.

(6) Unless the Local Planning Authority agree to any variation, within 21 days of the date of this planning permission details of wheel cleansing facilities for heavy commercial and site vehicles shall be submitted for

Signature:- *D. Tiernay*

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Rutland House, Halton Lea, Runcorn, Cheshire WA7 2GW Telephone: 0151 424 2061 Fax: 0151 471 7314



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the approval of the Local Planning Authority. Such details as are approved shall be implemented, maintained and used throughout the construction period of the development.

Reason:- To ensure that satisfactory measures are in force so as to alleviate any impact dust and dirt may have on the local environment, and to comply with Policy BE1 of the Halton Unitary Development Plan.

(7) Unless the Local Planning Authority agree to any variation no development shall take place, other than ground and earth works, until full details of both hard and soft landscape works have been submitted to and approved in writing by the Local Planning Authority. Those works shall be carried out as approved.

Reason:- In the interests of visual amenity and in accordance with the provisions of Section 197 of the Town and Country Planning Act 1990, and to comply with Policy BE2 of the Halton Unitary Development Plan.

(8) Within 28 days of the date of this planning permission (or such other date or stage in development as may be agreed in writing with the Local Planning Authority), the following components of a scheme to deal with the risks associated with contamination of the site shall each be submitted to and approved, in writing, by the Local Planning Authority:

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

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

Reason:- To ensure a safe form of development that poses no unacceptable risk of pollution in accordance with Planning Policy Statement 23: Planning and Pollution Control and Policy PR14 'Contaminated Land' of the Halton Unitary Development Plan.

Signature:- *D. Tierney*

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for Operational Director – Environmental & Regulatory Services

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(9) Unless the Local Planning Authority agree to any variation no development shall take place, other than ground and earth works, until such time as a detailed surface water drainage scheme has been submitted to, and approved in writing by, the Local Planning Authority. The drainage scheme shall be designed to ensure that flood event exceedence measures are adequately incorporated and that overland surface water flood flow routing is managed in an acceptable manner without exacerbating flood risk to the development itself. The development shall be carried out in full accordance with the agreed scheme.

Reason:- To reduce the risk of flooding to the proposed development and future occupants, in accordance with Policy PR16 'Development and Flood Risk' of the Halton Unitary Development Plan.

(10) Unless the Local Planning Authority agree to any variation no development approved by this permission shall be commenced, other than ground and earth works, until a scheme for the disposal of foul and surface waters has been approved in writing by the Local Planning Authority. Such a scheme shall be constructed and completed in accordance with the approved plans.

Reason : - To ensure a satisfactory means of drainage in accordance with Policy PR5 'Water Quality' of the Halton Unitary Development Plan.

(11) Unless the Local Planning Authority agree to any variation, within 21 days of the date of this planning permission a scheme to protect controlled watercourses from building materials and activities during construction including timetable for implementation shall be submitted to and approved in writing by the Local Planning Authority. Such a scheme as agreed shall be implemented in accordance with the approved plans and timetable.

Reason:- To prevent the pollution of controlled watercourses in accordance with Policy PR5 'Water Quality' of the Halton Unitary Development Plan.

(12) Unless the Local Planning Authority agree to any variation there shall be no construction work or construction deliveries within the application site outside the following hours:

07.30 - 19.00 Monday to Friday
07.30 - 13.00 Saturdays

There shall be no construction work or deliveries within the application site to be carried out on Sundays or Bank Holidays

Reason:- To minimise nuisance caused to nearby residents, and to comply with Policy BE1 of the Halton Unitary Development Plan.

(13) Unless the Local Planning Authority agree to any variation, no development, other than ground and earth works, shall be carried out until full plans of the site showing details of the existing ground levels and

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Rutland House, Halton Lea, Runcorn, Cheshire WA7 2GW Telephone: 0151 424 2061 Fax: 0151 471 7314



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proposed ground and finished floor levels have been submitted to and agreed in writing by the Local Planning Authority. In any case finished floor levels shall be set no lower than 8.32 metres above Ordnance Datum (8.32 metres is the calculated 200-year tidal flood level, including adjustment for climate change plus 0.6 metres additional freeboard). The development shall be carried out in strict accordance with the approved details.

Reason:- The application is deficient with regards to these details, in the interests of visual amenity and to reduce the risk of flooding to the proposed development and future occupants, in accordance with Policy BE1 and PR16 of the Halton Unitary Development Plan.

(14) Unless the Local Planning Authority agree to any variation, no development hereby permitted, other than ground or earthworks, shall be commenced until such time as a detailed watercourse restoration scheme for Marsh Brook, including landscaping, has been submitted to and approved in writing by the Local Planning Authority. The scheme shall be designed to ensure that both effective and best practice land drainage and flood prevention measures are adequately incorporated. Such scheme shall include full details of provision of a bridge and/ or culvert at the crossing of Marsh Brook (as re-designed), the Trans-Pennine Trail and the outfall to the River Mersey. The scheme shall be carried out in full as agreed prior to occupation of any building hereby approved or in accordance with a time-table agreed in writing by the Local Planning Authority.

Reason:- The application is deficient with regards to these details, to ensure a satisfactorily designed watercourse restoration scheme in accordance with Policy PR16 and BE2 of the Halton Unitary Development Plan.

(15) Unless otherwise agreed in writing by the Local Planning Authority, prior to the commencement of installation of any of the following elements hereby approved full details of that element including elevation details and materials shall be submitted to and agreed in writing by the Local Planning Authority:

Vehicle Wash;
Fuel Island;
Substations;
Sprinkler Tanks and Associated Plant/Pumphouse;
Roof Mounted Plant or External Plant.

The development shall be carried out in accordance with the approved details.

Reason:- The application is deficient with regard to those details and in order to comply with Policy BE2 of the Unitary Development Plan.

(16) Unless the Local Planning Authority agree to any variation, within 21 days of the date of this planning permission a scheme for the environmental management of the site during the construction phases shall be submitted to and agreed in writing by the Local Planning Authority. The scheme shall detail the measures proposed to manage and mitigate the main environmental effects of the development. Unless otherwise agreed the scheme shall relate to demolition and construction wastes, pollution prevention, soil resources

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management, noise, vibration, air quality, prevention of nuisance, and ecological protection/ mitigation measures.

The development shall be carried out in accordance with the approved details and such details as are agreed shall be implemented in full throughout the course of the development.

Reason:- The application is deficient with regard to these details, in order to minimise potential impacts on neighbours and the environment, and to comply with Policy BE1 of the Halton Unitary Development Plan.

CONDITIONS TO BE COMPLIED WITH BEFORE OCCUPATION /USE COMMENCES IN RESPECT OF PHASE 1

(17) Unless the Local Planning Authority agree to any variation, no building hereby approved shall be occupied until a scheme of highway improvements to include the upgrading of MacDermott Road and the associated roundabout junction between them and to include provision for pedestrian/ cycleway access and the provision of a cycleway along Desoto Road have been submitted to and agreed in writing. Unless the Local Planning Authority agree to any variation the works shall be carried out in accordance with the approved details and completed in full prior to the occupation of any building hereby approved or in accordance with an agreed timetable.

Reason:- To ensure the satisfactory development of the site in the interests of highway safety and to comply with Policy BE1 of the Halton Unitary Development Plan.

(18) Unless the Local Planning Authority agree to any variation, prior to the occupation of the premises hereby approved the vehicle access, service and parking areas relating to Phase 1 shall be laid out and surfaced to the satisfaction of the Local Planning Authority in accordance with the approved plans, and shall be retained at all times thereafter within the curtilage of the site for use exclusively in connection with the development hereby approved unless superseded by any Phase 2 works as approved.

Reason:- To ensure the satisfactory development of the site in the interests of highway safety, and to comply with Policy BE1 of the Halton Unitary Development Plan.

(19) Unless the Local Planning Authority agree to any variation the building hereby approved shall not be occupied until provision has been made for parking of bicycles in accordance with details submitted to and agreed in writing by the Local Planning Authority.

Reason:- To ensure the satisfactory provision for cycle parking within the development, and to comply with Policy TP6 of the Halton Unitary Development Plan.

(20) Unless the Local Planning Authority agree to any variation no part of the development hereby approved shall be brought into operational use until a travel plan detailing the infrastructure and the co-ordination facilities that will be made available to the employees of the application site to encourage sustainable travel

Signature:- *D. Timney*

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Rutland House, Halton-Lea, Runcorn, Cheshire WA7 2GW Telephone: 0151 424 2061 Fax: 0151 471 7314



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has been submitted to and approved in writing by the Local Planning Authority. Such details that are approved shall be implemented in full in accordance with a timescale agreed with the Local Planning Authority.

Reason:- To ensure that a sustainable level of transport is achieved and to comply with Policy TP16 of the Halton Unitary Development Plan.

(21) Prior to any part of the building hereby approved being brought into operational use, a landscape management plan for the Marsh Brook Corridor, including long-term design objectives, management responsibilities and maintenance schedules for all landscaped areas, shall be submitted to and approved in writing by the Local Planning Authority. The landscape management plan shall be carried out as approved and any subsequent variations shall be agreed in writing by the Local Planning Authority.

The scheme shall include the following elements:

- Full details of the planting scheme for the Marsh Brook.
- Detailed cross sections of the proposed Marsh Brook
- Details of the final plans for the Marsh Brook outfall into the River Mersey.

Reasons:- The application is deficient in this regards, to secure opportunities for the enhancement of the nature conservation value of the site, and to comply with Policy BE1 of the Halton Unitary Development Plan.

CONDITIONS TO BE COMPLIED WITH THROUGHOUT THE LIFE OF THE DEVELOPMENT IN RESPECT OF PHASE 1

(22) All external lighting installed shall be designed, installed and maintained in full accordance with the guidance of The Institution of Lighting Engineers 05/03 or any superseding guidance.

Reason:- To avoid potential nuisance caused by light pollution and to comply with Policy PR4 of the Halton Unitary Development Plan.

(23) There shall be no outside storage of any kind other than in full accordance with that detailed on the approved plan (Drawing No. P02 Rev B) without the prior written approval of the Local Planning Authority.

Reason:- To ensure the proper development of the site in the interests of visual amenity, and to comply with Policy E5 of the Halton Unitary Development Plan.

(24) Unless the Local Planning Authority agrees to any variation external storage hereby approved within the Asset Store (Drwg No. P02 Rev B) shall be used for the storage of nested cages only and at no time be stacked or deposited to a height exceeding 2 metres measured from finished ground level.

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Reason:-To ensure the proper development of the site in the interests of visual amenity and to comply with Policy E5 of the Halton Unitary Development Plan.

(25) The Recycling Services Unit shall be contained and connected to foul sewers to prevent the discharge of contaminated drainage to underground strata or controlled waters.

Reason:- To prevent pollution of controlled watercourses and to comply with Policy PR5 'Water Quality' of the Halton Unitary Development Plan.

(26) There shall be no discharge of foul or contaminated drainage from the site into either groundwater or any surface waters, whether direct or via soakaways.

Reason:- To prevent pollution of the water environment in accordance with Policy PR5 'Water Quality' of the Halton Unitary Development Plan.

(27) Prior to being discharged into any watercourse, surface water sewer or soakaway system, all surface water drainage from the development shall be passed through an oil interceptor designed and constructed to have a capacity and details compatible with, the site being drained. Roof water shall not pass through the interceptor.

Reason:- To prevent pollution of controlled watercourses in accordance with Policy PR5 'Water Quality' of the Halton Unitary Development Plan.

CONDITIONS RELATING TO PHASE 2

CONDITIONS TO BE COMPLIED WITH DURING THE COURSE OF THE DEVELOPMENT IN RESPECT OF PHASE 2

(28) The development hereby permitted as Phase 2 shall be begun before the expiration of five years from the date of this permission.

Reason:- In order to comply with Section 91 of the Town and Country Planning Act 1990.

(29) Unless the Local Planning Authority agree to any variation no development shall take place, other than ground and earth works, until samples of the materials to be used in the construction of the external surfaces (e.g roofs, walls, floors, windows) of the development hereby permitted have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.

Reason:- In the interests of visual amenity, and to comply with Policy BE2 of the Halton Unitary Development Plan.

Signature:- *D. Tiernay*

Date:-11.11.2008

for Operational Director – Environmental & Regulatory Services

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Rutland House, Halton-Lea, Runcorn, Cheshire WA7 2GW Telephone: 0151 424 2061 Fax: 0151 471 7314



(30) Unless the Local Planning Authority agree to any variation (which may include agreement in writing that all such works have been implemented as part of Phase 1) no development shall take place, other than ground and earth works, until there has been submitted to and approved in writing by the Local Planning Authority, a plan indicating the positions, design, materials and type of boundary treatment to be erected. The boundary treatment shall be completed before occupation or in accordance with a timetable agreed in writing with the Local Planning Authority. Development shall be carried out in accordance with the approved details.

Reason:- In order to secure the satisfactory development of the site in the interests of visual amenity, and to comply with Policy BE22 of the Halton Unitary Development Plan.

(31) Unless the Local Planning Authority agree to any variation, no part of the development shall take place until details of wheel cleansing facilities for heavy commercial and site vehicles shall be submitted for the approval of the Local Planning Authority. Such details as are approved shall be implemented, maintained and used throughout the construction period of the development.

Reason:- To ensure that satisfactory measures are in force so as to alleviate any impact dust and dirt may have on the local environment, and to comply with Policy BE1 of the Halton Unitary Development Plan..

(32) Unless the Local Planning Authority agree to any variation (which may include agreement in writing that all such works have been implemented as part of Phase 1) no development shall take place, other than ground and earth works, until full details of both hard and soft landscape works have been submitted to and approved in writing by the Local Planning Authority and these works shall be carried out as approved.

Reason:- In the interests of visual amenity and in accordance with the provisions of Section 197 of the Town and Country Planning Act 1990, and to comply with Policy BE2 of the Halton Unitary Development Plan.

(33) Unless the Local Planning Authority agree to any variation, any development associated with the implementation of Phase 2 shall be carried out in full accordance with the remediation strategy approved by condition of the Phase 1 development or any superseding document agreed in writing by the Local Planning Authority.

Reason:- To ensure a safe form of development that poses no unacceptable risk of pollution in accordance with Planning Policy Statement 23: Planning and Pollution Control and Policy PR14 'Contaminated Land' of the Halton Unitary Development Plan.

(34) Unless the Local Planning Authority agree to any variation (which may include agreement in writing that all such works have been implemented as part of Phase 1) no development shall take place, other than ground and earth works, until such time as a detailed surface water drainage scheme has been submitted to, and approved in writing by, the Local Planning Authority. The drainage scheme shall be designed to ensure that flood event exceedence measures are adequately incorporated and that overland surface water flood flow

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Environment Directorate

Rutland House, Halton Lea, Runcorn, Cheshire WA7 2GW Telephone: 0151 424 2051 Fax: 0151 471 7314



routing is managed in an acceptable manner without exacerbating flood risk to the development itself. The development shall be carried out in full accordance with the agreed scheme.

Reason:- To reduce the risk of flooding to the proposed development and future occupants, in accordance with Policy PR16 'Development and Flood Risk' of the Halton Unitary Development Plan.

(35) Unless the Local Planning Authority agree to any variation (which may include agreement in writing that all such works have been implemented as part of Phase 1) no development approved by this permission shall be commenced, other than ground and earth works, until a scheme for the disposal of foul and surface waters has been approved in writing by the Local Planning Authority. Such a scheme shall be constructed and completed in accordance with the approved plans.

Reason : - To ensure a satisfactory means of drainage in accordance with Policy PR5 'Water Quality' of the Halton Unitary Development Plan.

(36) Unless the Local Planning Authority agree to any variation, no development hereby approved shall commence until a scheme to protect controlled watercourses from building materials and activities during construction including timetable for implementation shall be submitted to and approved in writing by the Local Planning Authority. Such a scheme as agreed shall be implemented in accordance with the approved plans and timetable.

Reason:- To prevent the pollution of controlled watercourses in accordance with Policy PR5 'Water Quality' of the Halton Unitary Development Plan.

(37) Unless the Local Planning Authority agree to any variation there shall be no construction work or construction deliveries within the application site outside the following hours:

07.30 - 19.00 Monday to Friday
07.30 - 13.00 Saturdays

There shall be no construction work or deliveries within the application site to be carried out on Sundays or Bank Holidays

Reason:- To minimise nuisance caused to nearby residents, and to comply with Policy BE1 of the Halton Unitary Development Plan.

(38) Unless the Local Planning Authority agree to any variation no development, other than ground and earth works, shall be carried out until full plans of the site showing details of the existing ground levels and proposed ground and finished floor levels have been submitted to and agreed in writing by the Local Planning Authority. In any case finished floor levels shall be set no lower than 8.32 metres above Ordnance Datum (8.32 metres is the calculated 200-year tidal flood level, including adjustment for climate change plus 0.6 metres additional freeboard). The development shall be carried out in strict accordance with the approved details.

Signature:- *D. Tierney*

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Rugland House, Halton Lea, Runcorn, Cheshire WA7 2GW Telephone: 0151 424 2061 Fax: 0151 471 7314



Reason:- The application is deficient with regards to these details, in the interests of visual amenity and to reduce the risk of flooding to the proposed development and future occupants, in accordance with Policy BE1 and PR16 of the Halton Unitary Development Plan.

(39) Unless otherwise agreed in writing by the Local Planning Authority, prior to the commencement of installation of the Chassis Steam Cleaning Bay associated with the 5 Bay VMU hereby approved, full details of that element including elevation details and materials shall be submitted to and agreed in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.

Reason:- The application is deficient with regard to those details and in order to comply with Policy BE2 of the Unitary Development Plan.

(40) Unless the Local Planning Authority agree to any variation, no development hereby approved shall be commenced until a scheme for the environmental management of the site during the construction phase shall be submitted to and agreed in writing by the Local Planning Authority. The scheme shall detail the measures proposed to manage and mitigate the main environmental effects of the development. Unless otherwise agreed the scheme shall relate to demolition and construction wastes, pollution prevention, soil resources management, noise, vibration, air quality, prevention of nuisance, and ecological protection/ mitigation measures.

The development shall be carried out in accordance with the approved details and such details as are agreed shall be implemented in full throughout the course of the development.

Reason:- The application is deficient with regard to these details, in order to minimise potential impacts on neighbours and the environment, and to comply with Policy BE1 of the Halton Unitary Development Plan.

CONDITIONS TO BE COMPLIED WITH BEFORE OCCUPATION /USE COMMENCES IN RESPECT OF PHASE 2

(41) Unless the Local Planning Authority agree to any variation (which may include agreement in writing that all such works have been implemented as part of Phase 1), prior to the occupation or commencement of operational use of any part of the development hereby approved the vehicle access, service and parking areas relating to that element of Phase 2 shall be laid out and surfaced to the satisfaction of the Local Planning Authority in accordance with the approved plans and shall be retained at all times thereafter within the curtilage of the site for use exclusively in connection with the development hereby approved.

Reason:- To ensure the satisfactory development of the site in the interests of highway safety, and to comply with Policy BE1 of the Halton Unitary Development Plan.

(42) Unless the Local Planning Authority agree to any variation (which may include agreement in writing that all such works have been implemented as part of Phase 1) prior to the occupation or commencement of

Signature:- *D. Tierney*

Date:-11.11.2008

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Environment Directorate

Rudand House, Halton Lea, Runcorn, Cheshire WA7 2GW Telephone: 0151 424 2061 Fax: 0151 471 7314



operational use of any part of the development hereby approved provision shall be made for parking of bicycles in accordance with details submitted to and agreed in writing by the Local Planning Authority.

Reason:- To ensure the satisfactory provision for cycle parking within the development, and to comply with Policy TP6 of the Halton Unitary Development Plan.

(43) Unless the Local Planning Authority agree to any variation no part of the development hereby approved shall be brought into operational use until an updated version of the travel plan submitted and agreed in relation to condition of Phase 1 detailing the infrastructure and the co-ordination facilities that will be made available to the employees of the application site, to encourage sustainable travel, has been submitted to and approved in writing by the Local Planning Authority. Such details that are approved shall be implemented in full in accordance with a timescale agreed with the Local Planning Authority.

Reason:- To ensure that a sustainable level of transport is achieved and to comply with Policy TP16 of the Halton Unitary Development Plan.

CONDITIONS TO BE COMPLIED WITH THROUGHOUT THE LIFE OF THE DEVELOPMENT IN RESPECT OF PHASE 2

(44) All external lighting installed shall be designed, installed and maintained in full accordance with the guidance of The Institution of Lighting Engineers 05/03 or any superseding guidance.

Reason:- To avoid potential nuisance caused by light pollution and to comply with Policy PR4 of the Halton Unitary Development Plan.

(45) There shall be no outside storage other than in accordance with that detailed on the approved plan (Drawing No. P03 Rev C or any superseding plan approved in writing by the Local Planning Authority) without the prior written approval of the Local Planning Authority.

Reason:- To ensure the proper development of the site in the interests of visual amenity, and to comply with Policy E5 of the Halton Unitary Development Plan.

(46) Unless the Local Planning Authority agree to any variation external storage hereby approved within the Asset Store (Drwg No. P03 Rev C or any superseding drawing agreed in writing by the Local Planning Authority) shall be used for the storage of nested cages only and at no time be stacked or deposited to a height exceeding 2 metres measured from finished ground level.

Reason:- To ensure the proper development of the site in the interests of visual amenity and to comply with Policy E5 of the Halton Unitary Development Plan.

(47) The Vehicle Maintenance Unit shall be contained and connected to foul sewers to prevent the discharge of contaminated drainage to underground strata or controlled waters.

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Date:- 11.11.2008

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Reason:- To prevent pollution of controlled watercourses in accordance with Policy PR5 'Water Quality' of the Halton Unitary Development Plan.

(48) There shall be no discharge of foul or contaminated drainage from the site into either groundwater or any surface waters, whether direct or via soakaways.

Reason:- To prevent pollution of the water environment in accordance with Policy PR5 'Water Quality' of the Halton Unitary Development Plan.

(49) Prior to being discharged into any watercourse, surface water sewer or soakaway system, all surface water drainage from the development shall be passed through an oil interceptor designed and constructed to have a capacity and details compatible with, the site being drained. Roof water shall not pass through the interceptor.

Reason:- To prevent pollution of controlled watercourses in accordance with Policy PR5 'Water Quality' of the Halton Unitary Development Plan.

NOTE :

The proposed development lies within a coal mining area. In the circumstances Applicants should take account of any coal mining related hazards to stability in their proposals. Developers must also seek permission from the Authority before undertaking any operations that involves entry into any coal or mines of coal, including coal mine shafts and adits and the implementation of site investigations or other works. Property specific summary information on any past, current and proposed surface and underground coal mining activity to affect the development can be obtained from the Coal Authority. The Coal Authority Mining Reports Service can be contacted on 0845 762 6848 or at www.coal.gov.uk.

The applicants attention is drawn to the comments of the following :-

- United Utilities
- Environment Agency
- National Grid
- Institution of Lighting Engineers

Signature:- *D. Tieme*

Date:-11.11.2008

for Operational Director – Environmental & Regulatory Services

Environment Directorate

Rutland House, Halton Lea, Runcorn, Cheshire WA7 2GW Telephone: 0151 424 2061 Fax: 0151 471 7314



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ACK PC
17.9.08

Please Ack



United Utilities
Lingley Mere Business Park
Lingley Green Avenue
Great Sankey
Warrington WA5 3LP

08 SEP 2008

AA
GM

Telephone 01925 234000
www.uu.co.uk
Direct Line 01925 537258
Direct Fax 01925 537516
Jillian.Walker@uu.co.uk

Glen Henry
Halton Borough Council
Rutland House Halton Lea
Runcorn
WA7 2GW

Your ref 08/00449/FUL
Our ref DC/08/4118
Date 03-SEP-08

Dear Mr Henry,

Location: Former Tessengerlo Site, Desoto Road, Widnes, Cheshire, WA8 0NY
Proposal: Remediation of site and construction of a modern, purpose built distribution centre etc

Thank you for your planning consultation of 14 August 2008.

I must object to the proposal.

A water main crosses the site. As we need access for operating and maintaining it, we will not permit development in close proximity to the main. We will require an access strip of no less than 5 metres wide measuring at least 2.5 metres either side of the centre line of the main.

Any necessary disconnection or diversion required as a result of any development will be carried out at the developer's expense. Under the Water Industry Act 1991, Sections 158 & 159, we have the right to inspect, maintain, adjust, repair or alter our mains. This includes carrying out any works incidental to any of those purposes. Service pipes are not our property and we have no record of them. If a diversion is required the applicant must discuss this at an early stage with our Regional Mains Diversions Team 01925 773444.

A 12" trunk main runs along the Western boundary of the site. The applicant must comply with our standard conditions, a copy of which is enclosed, for work carried out on, or when crossing, aqueducts and easements.

The level of cover to the water mains and sewers must not be compromised either during or after construction.

We can readily supply water for domestic purposes, but for larger quantities we will need further information before we can assess whether the local network can support the extra demand. If the existing local network can not support the demand reinforcement works may be required for which the applicant may be required to pay a capital contribution.

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

Should this application be approved the applicant must contact our water fittings section at Warrington North WwTW, Gatewarth Industrial Estate, off Liverpool Road, Sankey Bridges, Warrington, WA5 2DS.

Public sewers run along the boundaries of this site and also clip the North West of the site this site and we will not permit building over or within the access strip of them. We will require a minimum access strip of no less than 6 metres wide, measuring at least 3 metres either side of the centre line of the sewer, for maintenance or replacement.

If a modification of the site layout, or a diversion of the affected public sewer at the necessary this will be at the applicant's expense. To establish if a sewer diversion is feasible, the applicant must discuss this at an early stage with our Wastewater Adoptions Engineer, Matt Watson (01925 428267) as a lengthy lead in period may be required if a sewer diversion proves to be acceptable. Deep rooted shrubs and trees should not be planted in the vicinity of the public sewer and overflow systems.

This site must be drained on a separate system, with only foul drainage connected into the foul sewer. Surface water should discharge to the watercourse/soakaway/surface water sewer and may require the consent of the Environment Agency. If surface water is allowed to be discharged to the public surface water sewerage system we may require the flow to be attenuated to a maximum discharge rate determined by United Utilities. Foul drains must have adequate grease traps. All surface water drains must have adequate oil interceptors.

All fuel and chemical storage tanks must have adequate bund walls without outlets. The bund must be capable of holding more than the largest tank within it.

Discharges from yard storage areas, vehicle washing areas, loading and unloading areas and any other areas likely to be contaminated by spillage should be connected to the foul sewer. They may be regarded as trade effluents and may require the formal consent of this Company.

If this proposal results in a trade effluent discharge to a public sewer, the applicant may need Trade Effluent Consent. The applicant must discuss this with our Regulatory Controller, (Tel No: 0151 906 5234) to determine whether consent would be granted.

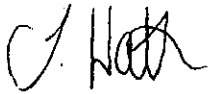
United Utilities access to MacDermott Road Wastewater pumping station must not be compromised at any time.

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

Please note that a copy of these comments has been forwarded to the agent.

Yours Sincerely



Jillian Walker
Asset Protection

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United Utilities North West

Guideline Reference No 90048

Issue 1.2

October 2007

Distribution Manual

**Standard Conditions for Works
Adjacent to Pipelines**

Contents

- 1 Scope
- 2 Definitions
- 3 Guidelines
- 4 Drawings

**Authorised for issue by the Head of
United Utilities North West Board**

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Amendment Summary

| Amendment No. Date | Brief Description and Amending Action | Prepared by: | Authorised by: |
|---------------------------------------|---------------------------------------|-------------------------------|--------------------|
| 1 29/7/03 | First issue in standard format | Phil Hayden / Ian Skilling | Peter Womersley |
| 1.1 7 th August 2007 | Alteration to Guideline number 12 | Paul Gough | Tony Conway |
| 1.2 October 2007 | Alterations into Distribution Manual | Richard Duckett | |

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1. SCOPE

Standard Conditions for work carried out over or adjacent to a Pipeline.

2. DEFINITIONS

| Term | Definition |
|-------------|--|
| Pipeline | Means any Aqueduct, Trunk Main, Distribution Main or Non-potable Main vested in the Company as water undertaker. |
| The Company | Means United Utilities Water plc. |



Term

Definition

Easement Width

Means the easement width specified in any document referred to in section 3 hereof, or where no such width is specified a width of 10 metres being measured 5 metres each side of the Pipeline from the centreline of the Pipeline.

For small single Pipelines of up to and including 300mm diameter a width of 5 metres being measured 2.5 metres each side from the centreline of the Pipeline may be adopted (see Figure 1).

In the case of Aqueducts and Trunk Mains the easement may be off-centre to accommodate access due to local conditions.

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3. GUIDELINES

1. These conditions are issued for the guidance of contractors and others in order to reduce the risk of damage to the Pipeline and the consequent liability for such damage. They do not replace or alter any powers or rights exercisable by, or protection afforded to the Company by virtue of: -
 - a) Its ownership of the Pipeline or any rights or privileges in relation thereto;
 - b) Any Conveyance, Lease, Deed or Grant, Easement, Licence, Wayleave or other legal document relating to the Pipeline;
 - c) Any statutory provision (including any provision in subordinate legislation) including but not limited to: -
 - (i) Water Industry Act 1991 as amended or re-enacted from time to time
 - (ii) Any local statutory provision relating to a Pipeline and to any work of any other body or person which regulate, either generally or in relation to any specific crossing or work, the relations between the Company and such other body or person, including any Agreement or other document referred to in or incorporated with any such statutory provision.

In the event of any inconsistency between the provisions of these conditions and those of any document or statutory provision mentioned above, the latter shall prevail unless capable of variation by agreement and the substitution of the relevant provisions of these Standard Conditions is expressly agreed.

2. The Standard Conditions apply to all Pipelines except those in streets in which case the provisions of the New Roads and Street Works Act 1991 as amended or re-enacted from time to time apply.
3. No work of any description shall take place on or within the Easement Width before full agreement has been reached with the Company regarding the manner in which the work shall be carried out. At least 28 days notice shall be given of any intention to carry out works. In an emergency, contact shall be made immediately with:

UU Operations Response Centre, North Desk Tel: 01925 714810

East Desk Tel: 01925 714807

West Desk Tel: 01925 714812

4. No buildings of any description shall be erected within the Easement unless with the Company's written consent. No service should cross the Pipeline at less than 1 metre in front of a socket face or at less than 300mm behind it.
5. No materials including spoil shall be stored within the Easement Width.
6. Access to and along the Easement Width shall be kept clear and unrestricted at all times.
7. Where construction is adjacent to the Easement Width, foundations shall be designed to ensure the Company has full access to the lowest point of the bedding of existing/proposed Pipeline(s) for maintenance or construction purposes. (The depth of these footings/foundations shall be in accordance with Figure 2: Required depth of footing/foundation adjacent to pipeline easements).
8. Before any tree or shrub planting is carried out written approval must be obtained from the Company. Any approval granted is subject to the Company retaining the right to remove, at any time, all trees or shrubs that in its opinion become a danger to the Pipeline. The following restrictions apply to all easement widths.

- a) The only plants which can be planted directly across the Pipeline are shallow rooting varieties of hedge plants, such as Blackthorn, Broom, Cotoneaster, Elder, Hazel, Laurel Privet, Quickthorn, Snowberry and most ornamental flowering shrubs. These should only be planted for the purpose of screening or to indicate field boundaries. Hedges should be managed and not allowed to develop into sub-trees. Maximum height 1.5 metres.
 - b) Raspberries, Gooseberries and Blackcurrants may be planted within the Easement Width but a 4 metre strip (2 metres each side of the Pipeline) must be left clear at all times.
 - c) Dwarf Apple stocks, shallow rooted shrubs and Christmas trees (subject to Restrictions) may be planted within 3 metres of the Pipeline and maintained as dwarf species (not being allowed to revert to tree size).
 - d) Ash, Beech, Birch, Elm, Horse Chestnut, Lime, Maple, Oak, Sycamore, Apple and Pear trees and those of a similar mature size whether deciduous or evergreen can only be planted as individual specimens or a single row, but not within 6 metres of the Pipeline. Dense mass planting may only be carried out at a distance greater than 10 metres from the Pipeline.
 - e) Poplar and Willow trees are only to be planted further than 20 metres from the Pipeline.
9. Any pipes, drains, electricity cable or sewers crossing over the Pipeline shall be laid in steel conduit or ductile iron pipe and adequately supported so as to be self-supporting over any subsequent excavation which may have to be carried out i.e. they should extend well into the undisturbed ground at each side of the Pipeline trench and shall cross as near as possible to 90 degrees to the Pipeline. In no case shall any crossing be made at an angle of less than 50 degrees. Provided that ground conditions are suitable, pipes crossing below the Pipeline shall be constructed by an approved tunnelling method. A minimum of 300mm of clearance must be given to any crossing above or below the Pipeline. Care should be taken when selecting backfill material for the Pipeline as they may affect or damage it.
10. Prior to general excavation, trial holes shall be dug by hand to determine the precise location of the Pipeline. The Company reserves the right to carry out such excavations. The cost of all such excavations shall be borne by the Promoter.
11. All excavations within the easement shall be by hand or by mechanical excavator under supervision of United Utilities personnel. Excavation within 1 metre of the Pipeline(s) must be carried out by hand and great care exercised to ensure that any protective wrapping is not damaged. Excavations shall be fully supported and shall be backfilled to the satisfaction of the Company. All work shall be carried out during working hours, which shall have been previously agreed. The Company reserves the right to stop all work on or within the Easement Width, which in the opinion of its officers, places the Pipeline at risk. As a consequence of such action, the company will not accept any claims for financial loss.
12. No blasting or piling shall be carried out within 300 metres of the Pipeline without written approval of the company, unless it can be demonstrated that ground vibration from such activities shall not exceed a peak particle velocity of 5mm/s in any plane at the closest point of the Pipeline to the blast.
13. Fences or other boundaries crossing the Easement Width shall be as near as possible to 90 degrees to the line of Pipeline and in no case shall be made at an angle of less than 50 degrees. Proposals for new fence or other boundaries crossings shall be submitted for approval. Where necessary a lockable gate will be provided for the Company for their sole use.
14. No alteration to the existing ground levels or surface use of the Easement Width shall be made without prior permission. Notice shall also be given of any proposal to alter ground levels or the surface of land adjoining the Easement Width.



15. Movement of vehicles and plant of a total weight exceeding 6 tonnes across the unprotected Pipeline is forbidden. The repetitive movement of vehicles or plant of any weight over the unprotected Pipeline in the same position is forbidden. Where temporary access is required at agreed positions, the following protection shall be provided: -

16. Temporary Access.

Each crossing of the Pipeline shall be considered on an individual basis. All crossings shall be made in consultation with United Utilities and work shall not commence without express written approval. The following are provided as guidance:

- a) Use of gross weight vehicles of 6 to 10 tonnes:
Vehicle crossing of the Pipeline shall consist of substantial timber baulks to spread the vehicle weight.
- b) Use of gross weight vehicles of 10 to 15 tonnes:
Vehicle crossing of the Pipeline shall consist of a reinforced concrete raft (see figure 3).
- c) Use of gross weight vehicles over 15 tonnes:
Vehicle crossing of the Pipeline shall consist of a suspended crossing to bridge the Pipeline.

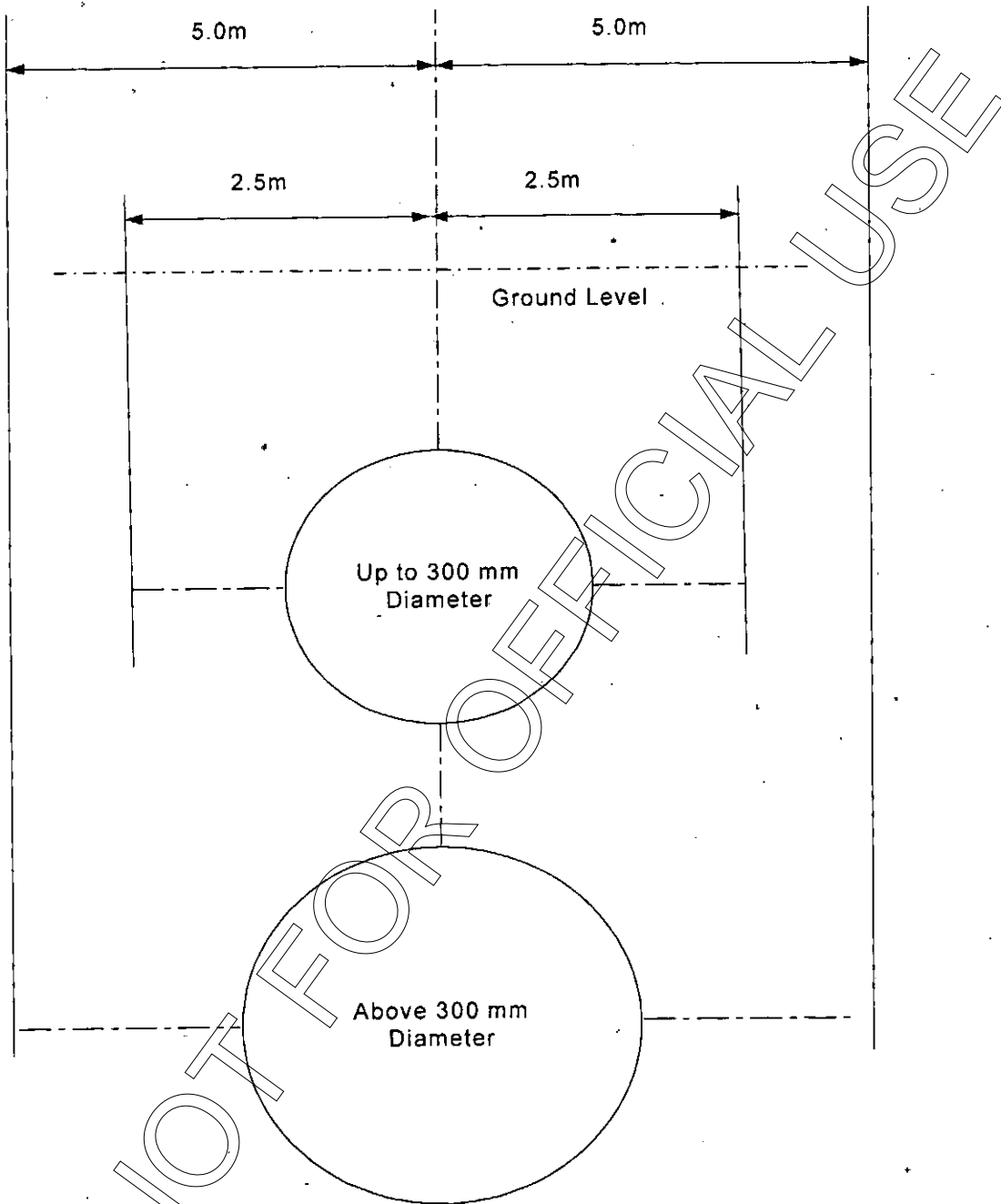
17. Permanent Access.

Each crossing of the Pipeline shall be considered on an individual basis. Any permanent access crossing the Easement Width shall be designed and constructed to prevent any damage to the Pipeline. All crossings shall be made in consultation with United Utilities and work shall not commence without express written approval.

18. Where cathodic protection is proposed for the Promoter's works or where it exists in connection with the Company's Pipeline, the Promoter shall take all necessary steps to ensure that the integrity of the system is maintained during the construction of the works. Where cathodic protection exists on the Company's Pipeline or is to be installed by the Promoter on his apparatus, then interference tests shall be carried out on completion of the works at the Promoter's expense. Where such tests indicate that the Company's Pipeline may be at risk, then the Promoter, at his own expense, must install suitable remedial measures, to be agreed by the Company. The Company must be consulted in the case of installation of electric tramways over pipelines.
19. Adequate sanitary arrangements to the approval of the Company shall be provided for persons working on or within the Easement Width. Precautions will be taken to avoid spillage of fuels, oils, paints, solvents or any other substance, which may damage the Pipeline or its protection.
20. The Company reserves the right to supervise any work carried out on or within the Easement Width and to recover the costs incurred.
21. Persons or their contractors working on or within the Easement Width will be required to indemnify the Company for the full cost of any damage caused to its Pipelines and for any costs, charges and expenses resulting from these operations.

4. DRAWINGS

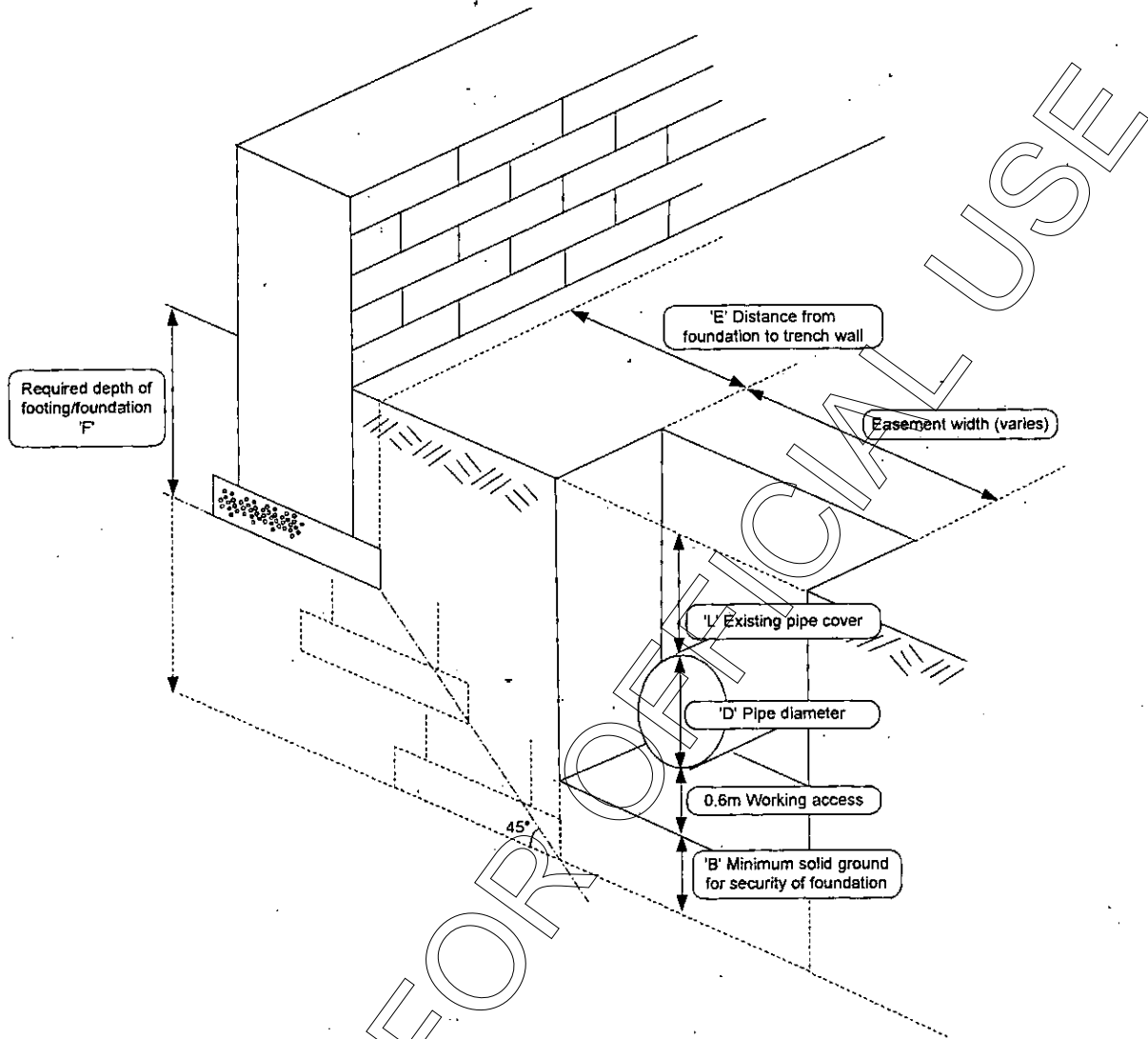
Figure 1: Easement widths for single pipes



Note: This sketch is issued for guidance only.

In the case of Aqueducts and Trunk Mains the easement may be offset to accommodate access due to local conditions e.g. 7.0m one side and 3.0m on the other side.

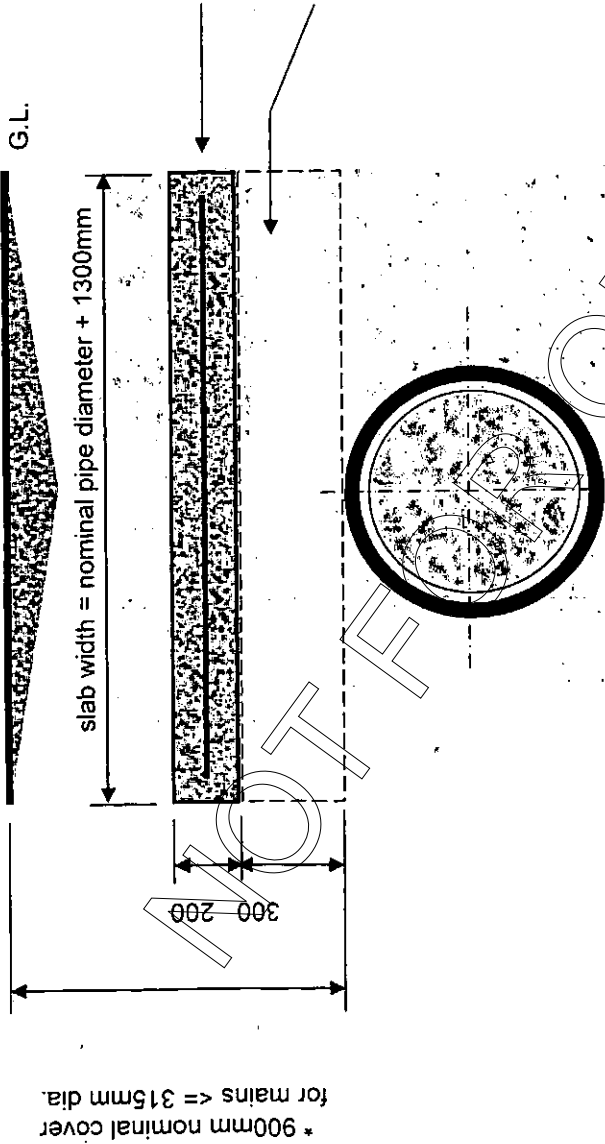
Figure 2: Required depth of footing/foundation adjacent to pipeline easements



'E' is the distance from the edge of easement to the foundation edge of proposed construction.

The required depth below normal working access 'B' equals $(L + D + 0.6)/3$ or 1.0 m, whichever is the greatest.

The minimum required depth of footing/foundation 'F' equals $L + D + 0.6 + B - E$.



Grade C35 concrete protective slab, with 1 layer A142 mesh reinforcement.

Area of excavated material between water main and slab MUST be replaced with granular material 803X (0-10mm fines)

NOTE(1) Maximum length of main to be exposed for construction of slab is 3 metres.

* 900mm nominal cover for mains \leq 315mm dia.

- * Mains are generally laid at 900mm nominal cover, but this may vary to suit site conditions and/or larger pipe diameters. ** Therefore, all water mains and apparatus should be located by hand digging prior to the use of mechanical excavation.
- ** Please follow this company's General Conditions & Precautions when excavating near to our water mains and apparatus. (Information leaflet available on request)

| | | | |
|--|--|----------------|------------|
| CONCRETE SLAB PROTECTION FOR WATER MAINS (up to and including 315mm) | | | |
| Drawing Title: | WMD/001 | Version: 1 | Scale: NTS |
| Drawing Number: | I.Cole | Date: 18/11/03 | |
| Designer: | This drawing or its content must not be reproduced for any purpose without written permission. | | |

United Utilities North West
 Haweswater House
 Lingley Mere Business Park
 Warrington WA5 3LP
 Telephone No. 01925 234000



22. Easement Infringements

It is company policy not to allow any building over mains. Any such building would compromise UU obligation to maintain a constant water supply, and in particular would obstruct UU ability to respond in the event of a failure of the pipeline. Building over mains also has potential risks to the health and safety of anyone who might be affected by a failure, not least the occupants of the building.

The company acknowledges that there are situations where structures have been erected either directly above the pipeline, or within the easement. These encroachments should be assessed and recorded and appropriate actions taken. The assessment will consider the potential risks to both the company's asset and the structure upon it.

The options available to the company are:-

- a) Notify owner of risks
- b) Notify owner and consider mains diversion at owners cost
- c) Mains diversion, or removal of property at owners cost

The key factors to be considered when selecting one of these options are:-

- a) Security of supply
- b) Health & safety
- c) Cost benefit
- d) Company reputation
- e) Probability of failure and likely consequences. These will vary with pipeline material, Diameter, Depth below foundation, ground conditions and operating regime of the pipeline.

The notification given to the owner of the building will state that, notwithstanding our Statutory Rights and those contained in any deed, UU will not be liable for any costs whatsoever if damage is occasioned to the structure whilst carrying out our works.

23. Mains Adjacent buildings and in streets

Water Mains may be laid in a Street (see def) or an easement. Sometimes this is immediately adjacent to a building.

In the case of an Easement, new buildings, including their foundations, may not be built within 2.5m of an existing water main (3m for mains > 300mm). This is to facilitate repair & maintenance.

Similarly, a new main in an easement should not be laid nearer than 2.5m from the building.

Where the main is in a Street, and the street is immediately adjacent to a building, the main may be installed as near as 600mm to the building/foundation, provided there is still a total 5m working width for access. (This would typically be the width of the pavement, plus part of the carriageway, as required.)

For small dia pipes, typically 63mm, and for short lengths, requests will be considered for a reduced working width, provided the section of pipe is without joints, fittings, or service connections. Under no circumstances should the main be closer than 400mm to the building/foundation.

If the pipework is private, then the requirements of Water Regs and BSEN 805 will apply. Briefly, the pipe should be at least 400mm from the building/foundation, and at least 400mm from other cables/pipes. Vertical separation at crossings should be minimum 200mm. The concepts of Street and Easement are not applicable to private pipes, but there is still a requirement for reasonable access.

24. Stopping Up Orders

Water Mains & Services

UU has no objection to a stopping-up order, provided that there remains access for repair and maintenance of the network within the area affected.

If the proposed development will impede clear access, then the water main must be abandoned or diverted at the applicants cost.

Typically, there would be no objection if the water main remains within a street to which there is vehicular access sufficient for UU to perform its statutory duties. It is not necessarily a problem if the street is within a gated enclosure. Eg AlleyGates are not a problem.

If the main does not remain within a street, the developer must provide an easement according to UU standard conditions. (Detailed info available)

Specifically not permitted.

- any alteration to ground level which leaves the water main at a depth less than 900mm (750mm for PE pipes), or more than 1200mm.
- Any building over the main, or within the easement width, or such that an excavation of the main would threaten the stability of the building.
- Planting of large trees (detailed info available).

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Dec 29 10 08 54

creating a better place

HALTON BOROUGH COUNCIL
 ENVIRONMENT AND DEVELOPMENT DIRECTORATE
 RECEIVED 29 OCT 2008
 AT 61
 FOR ATTENTION OF



Environment Agency

Halton Borough Council
 Environmental and Regulatory Services
 Department
 Rutland House
 Halton Lea
 Runcorn
 Cheshire WA7 2GW

Our ref: SO/2008/103864/02-L01
Your ref: 08/00449/FUL
Date: 24 October 2008

FAO Glen Henry

Dear Glen

REMEDICATION OF SITE AND CONSTRUCTION OF A MODERN, PURPOSE BUILT DISTRIBUTION CENTRE IN TWO PHASES. PHASE ONE TO INCLUDE A 38,361 SQ M DISTRIBUTION CENTRE WITH ASSOCIATED RECYCLING SERVICES UNIT (RSU), VEHICLE AND CAR PARKING, SERVICE YARDS, LANDSCAPING AND ALL ASSOCIATED ENGINEERING OPERATIONS INCLUDING THE RESTORATION OF MARSH BROOK. PHASE TWO TO INCLUDE A 13,958SQ M EXTENSION TO THE DISTRIBUTION CENTRE INCLUDING THE CONSTRUCTION OF A VEHICLE MAINTENANCE UNIT (VMU) AND ALL ASSOCIATED ENGINEERING OPERATIONS FORMER TESSENDERLO SITE, DESOTO ROAD, WIDNES

We are in receipt of additional information to the Flood Risk Assessment (FRA), (August 2008, Environ, 67-C13641), direct from Steve Rowan of Environ, received 13th October 2008.

We have reviewed the additional information submitted for the above site and we can confirm that the information sufficiently addresses concerns raised in our previous letter (Our Ref: SO/2008/103864/01-L02). We therefore **withdraw our objection** subject to any approval containing appropriate conditions.

Flood Risk

We note that as part of the submitted planning application, Appendix 4 of the Written Statement contains plans detailing the diversion of Stewards Brook into Marsh Brook (14th January 2008, Environ, Plan No. 73390/015). It is our understanding that the diversion will no longer be implemented as part of the planning permission for 07/00815/FUL (22/08/2008, Matthew Stafford, W.A.Fairhurst & Partners, Letter Ref: MS/76976/0005). The Council should note that this has been a significant factor during our review of the FRA.

Paragraph 3 of Policy PR16 'Development and Flood Risk' of the Halton Unitary

Environment Agency
 Appleton House (430) Birchwood Boulevard, Birchwood, Warrington, WA3 7WD.
 Customer services line: 08708 506 506
 Email: enquiries@environment-agency.gov.uk
www.environment-agency.gov.uk

Cont/d..



Development Plan (UDP) states that where development is allowed, mitigation methods derived from the FRA should be included as part of the development proposals to alleviate flood risk, both on and off the site. Therefore the following conditions would seem appropriate:

Condition

The development hereby permitted shall not be commenced until such time as a scheme to ensure finished floor levels are set no lower than 8.32 metres above Ordnance Datum (8.32 metres is the calculated 200-year tidal flood level, including adjustment for climate change plus 0.6 metres additional freeboard) has been submitted to, and approved in writing by, the Local Planning Authority.

Reason

To reduce the risk of flooding to the proposed development and future occupants in accordance with Policy PR16 'Development and Flood Risk' of the Halton UDP.

Condition

The development hereby permitted shall not be commenced until such time as a detailed surface water drainage scheme has been submitted to, and approved in writing by, the Local Planning Authority. The drainage scheme shall be designed to ensure that flood event exceedance measures are adequately incorporated and that overland surface water flood flow routing is managed in an acceptable manner without exacerbating flood risk to the development itself.

Reason

To reduce the risk of flooding to the proposed development and future occupants in accordance with Policy PR16 'Development and Flood Risk' of the Halton UDP.

It has recently come to our attention that the restoration scheme for Marsh Brook may have significantly changed to those proposed within the submitted planning application. Within the FRA Marsh Brook has been identified as a receptor for surface water drainage from the site. Therefore we request that the following condition be applied to the approval to clarify the final restoration scheme of Marsh Brook:

Condition

The development hereby permitted shall not be commenced until such time as a detailed watercourse restoration scheme for Marsh Brook has been submitted to, and approved in writing by, the Local Planning Authority in consultation with the Environment Agency. The scheme shall be designed to ensure that both effective and best practice land drainage and flood prevention measures are adequately incorporated.

Reason

To ensure a satisfactorily designed watercourse restoration scheme in accordance with Policy PR16 'Development and Flood Risk' of the Halton UDP.

The Supporting Statement identifies that Marsh Brook no longer has a flow of water as the outfall to the River Mersey has collapsed and is in need of restoration. Further work undertaken on Marsh Brook by the developer has discovered that there is indeed a flow into Marsh Brook, and therefore this statement would now be considered incorrect.

Landscaping & Planting Scheme for Marsh Brook

The restoration and landscaping of Marsh Brook will provide environmental and social benefits for the future occupants of the site and users of the Trans Pennine Trail. Furthermore, landscaping will significantly improve the visual quality of the immediate coastal area.

A landscaping scheme for Marsh Brook has been submitted as part of the application (04/07/2008, Fairhurst, Drawing No. 76919/00501). This scheme reflects onsite discussions between the developer and consultants and our ecologists. However, as discussed above, the restoration scheme for Marsh Brook may have now significantly changed. Any changes to the restoration scheme could mean proposed landscaping schemes submitted as part of the planning application are no longer feasible.

The Remediation Strategy – Key Issues Summary (September 2008, Stobart Group, Ref: 67-C12665) received in this office on the 15 September 2008, agrees that the re-engineering and rehabilitation of Marsh Brook to create a flowing ecologically diverse water course will take place as part of the full scheme.

We welcome the restoration of Marsh Brook and the benefits it will bring, however, the final landscaping plan as part of the restoration scheme should be confirmed. The restoration scheme and landscape plan should be complimentary of each other.

Condition

Prior to the commencement of development a landscape management plan for the Marsh Brook Corridor, including long-term design objectives, management responsibilities and maintenance schedules for all landscaped areas, shall be submitted to and approved in writing by the Local Planning Authority, in consultation with the Environment Agency. The landscape management plan shall be carried out as approved and any subsequent variations shall be agreed in writing by the Local Planning Authority, in consultation with the Environment Agency.

The scheme shall include the following elements:

- Full details of the planting scheme for the Marsh Brook.
- Detailed cross sections of the proposed Marsh Brook
- Details of the final plans for the Marsh Brook outfall into the River Mersey.

Reasons

This condition is necessary to secure opportunities for the enhancement of the nature conservation value of the site in line with national planning policy.

Planning Policy Statement 9 (PPS9) requires that planning decisions should prevent harm to biodiversity interests (PPS9 : Key Principles) and should also seek to enhance and expand biodiversity interests where possible. Article 10 of the Habitats Directive, and PPS9 (paragraph 12) stress the importance of natural networks of linked corridors to allow movement of species between suitable habitats, and promote the expansion of biodiversity. Such networks may also help wildlife adapt to climate change.

Contaminated Land

We have concerns with regards to the previous historic contaminative uses of the site, and the associated risks and potential impacts on controlled waters. We have advised the developer and consultants on the submission of their environmental statement for the wider site area that a substantial amount of further site investigation and risk assessment works would be required to demonstrate that the risks to controlled waters are acceptable. The remediation strategy must be robustly supported by this additional information.

We understand that the applicant will be providing an amended site investigation that will fully address our concerns. To date we are yet to receive such documentation.

To ensure that the development proceeds in accordance with local and national planning policy the following condition would seem appropriate:

Condition

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

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

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

Reason

To ensure a safe form of development that poses no unacceptable risk of pollution in accordance with Planning Policy Statement 23: Planning and Pollution Control and Policy PR14 'Contaminated Land' of the Halton UDP.

Furthermore, we understand that materials from an adjacent area are to be placed on the site as part of the remediation for the wider site. Until all risks have been addressed, any placement of materials on the former Tessengerlo site is undertaken

at the risk of the developer and we advise that we are unable to give any assurances that:

- future remedial works will not be required at the site,
- the site will not be regulated in the future under Part IIa of the Environment Protection Act 1990 or any other relevant legislation in force at that time,
- enforcement action either by us or any other regulator will not be taken in respect of the site.

We also recommend that developers should:

- 1) Follow the risk management framework provided in CLR11, Model Procedures for the Management of Land Contamination, when dealing with land affected by contamination.
- 2) Refer to the Environment Agency Guidance on Requirements for Land Contamination Reports for the type of information that we require in order to assess risks to controlled waters from the site. The Local Authority can advise on risk to other receptors, e.g. human health.
- 3) Refer to our website at www.environment-agency.gov.uk for more information.

Water Quality

We have concerns with regards to the potential run-off from the site, both during and after construction. Paragraph 4, Policy PR5 'Water Quality' of the Halton UDP identifies the prevention of various sources of pollution to water, some of which are relevant to this development.

Only uncontaminated surface waters can be discharged to any watercourse. Wash waters from both the vehicle maintenance unit and recycling services unit must be conveyed to a foul sewer (with the permission of the water undertaker). If no foul sewer is available then wash water must be conveyed to a sealed, recirculation system with no overflow, or to a sealed tank for off site disposal. Wash water must not be discharged to any watercourse or soakaway.

Surface water from yard storage areas, washing areas, loading and unloading areas and any other areas likely to be contaminated by spillage should be connected to the foul sewer (with the permission of the water undertaker). In the absence of a sewerage system, such drainage must go to a tank(s) with no discharge to watercourse.

All foul drainage, including contaminated surface water run-off, must be disposed of in such a way as to prevent any discharge to any borehole, well, spring, soakaway or watercourse including dry ditches with connection to a watercourse.

The site must be drained by a separate system of foul and surface water drainage, with all clean roof and surface water being kept separate from foul water. Furthermore, no rainwater contaminated with silt / soil from disturbed ground during construction, must drain to the surface water sewer or watercourse without sufficient settlement.

To ensure the above points are adhered to, we request the following conditions be applied to the decision notice.

Condition

The Recycling Services Unit shall be contained and connected to foul sewers to prevent the discharge of contaminated drainage to underground strata or controlled waters.

Reason

To prevent pollution of controlled watercourses in accordance with Policy PR5 'Water Quality' of the Halton UDP.

Condition

The Vehicle Maintenance Unit shall be contained and connected to foul sewers to prevent the discharge of contaminated drainage to underground strata or controlled waters.

Reason

To prevent pollution of controlled watercourses in accordance with Policy PR5 'Water Quality' of the Halton UDP.

Condition

No development approved by this permission shall be commenced until a scheme for the disposal of foul and surface waters has been approved in writing by the Local Planning Authority. Such a scheme shall be constructed and completed in accordance with the approved plans.

Reason

To ensure a satisfactory means of drainage in accordance with Policy PR5 'Water Quality' of the Halton UDP.

Condition

There shall be no discharge of foul or contaminated drainage from the site into either groundwater or any surface waters, whether direct or via soakaways.

Reason

To prevent pollution of the water environment in accordance with Policy PR5 'Water Quality' of the Halton UDP.

Condition

Prior to being discharged into any watercourse, surface water sewer or soakaway system, all surface water drainage from the development shall be passed through an oil interceptor designed and constructed to have a capacity and details compatible with, the site being drained. Roof water shall not pass through the interceptor.

Reason

To prevent pollution of controlled watercourses in accordance with Policy PR5 'Water Quality' of the Halton UDP.

Note:- Detergents entering oil interceptors may render them ineffective.

Condition

No development approved by this permission shall be commenced until a scheme to protect controlled watercourses from building materials during construction has been approved by the Local Planning Authority. Such a scheme

shall be implemented in accordance with the approved plans.

Reason

To prevent the pollution of controlled watercourses in accordance with Policy PR5 'Water Quality' of the Halton Unitary Development Plan.

Waste

A mobile licence will be required to carry out waste treatment operations as part of the development. The subsequent re-use of treated waste on-site will only be permitted in accordance with our published remediation position statement guidance relating to the remediation of contaminated land, relevant exemptions or an environmental permit.

If the developer is importing waste to the site for levelling or land raising purposes for example, hardcore, rubble, demolition waste, excavated soil/sub-soil, this may require to be registered with us as exempt from the need for an environmental permit, under the Environmental Permitting Regulations 2007.

Informatives

Under the terms of the Water Resources Act 1991 and the Land Drainage Byelaws, the prior written consent of the Agency is required for any proposed works or structures in, under, over or within 8 metres of the top of the bank of a 'main river'.

Under the terms of the Water Resources Act 1991, the prior written Consent of the Environment Agency may be required for any discharge of sewage or trade effluent into water, including groundwater via soakaways, and may be required for any discharge of surface water liable to contamination of such controlled waters or for any discharge of sewage or trade effluent from buildings or fixed plant or into waters which are not controlled waters. Such Consents must comply with the requirements of the Groundwater Regulations 1998 including prior investigation, technical precautions and requisite surveillance and may be withheld. (Controlled waters include rivers, streams, groundwater, reservoirs, estuaries and coastal waters).

The applicant should refer to Pollution Prevention Guidelines 1, 2, 3, 4, 5, 6, 7, 8, 13, 18, 20, 21, 23, 26, 27 which can be found at:

<http://www.netregs.gov.uk/netregs/resources/278006/277807/>.

Facilities should be provided within the site drainage systems for the interception and storage of contaminated water used in fire fighting. Advice on suitable means will be given by the Agency in conjunction with the Fire Authority.

Please forward a copy of this letter to the applicant.

Yours faithfully



Mr Stephen Sayce
Planning Liaison Officer

NOT FOR OFFICIAL USE

Direct dial 01925 543360

Direct fax 01925 852260

Direct e-mail stephen.sayce@environment-agency.gov.uk

NOT FOR OFFICIAL USE

NOT FOR OFFICIAL USE

End

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Our Ref: NW/21.08.08./gw144/188049/PA9948
Your Ref: 08/00449/FUL

Date: 21 August 2008

Glen Henry
Halton Borough Council
Rutland House
Halton
Lea
Runcorn
Cheshire
WA7 2GW

Dear Sirs

Planning Application At: Former Tessengerlo Site, Desoto Road, Widnes, Cheshire, WA8 0NY.

National Grid acknowledges receipt of the notice for the planning application at the above location:

Please note the presence of our low pressure mains crossing the proposed site. It can be requested that the affected main be diverted or isolated, these works will be fully chargeable. Please send through development plans so that we can send off to our diversion team to issue the budget estimate for any necessary works.

Enclosed is an extract from our mains records in the location of the area covered by your proposals, together with a comprehensive list of precautions for your guidance. This plan shows only those pipes owned by National Grid in its role as a Licensed Gas Transporter (GT). Gas pipes owned by other GTs and also privately owned may be present in this area. Information with regard to such pipes should be obtained from owners. The information shown on this plan is given without obligation, or warranty, the accuracy thereof cannot be guaranteed. Service pipes, valves, siphons, stub connections, etc, are not shown but their presence should be anticipated.

Your attention is drawn to the information and disclaimer on these plans. The information included on the enclosed plan should not be referred to beyond a period of 28 days from the date of issue.

Please do not hesitate to contact me if you have any further enquiries.

Yours faithfully

Gillian Wilkins
Plant Protection Team
0800 688 588

Listed below are some easy ways to reduce the problems of unnecessary, obtrusive light:

[A1] Do not "over" light. This is a major cause of light pollution and is a waste of money. There are published Standards for most lighting tasks. Organisations from which full details of these standards can be obtained are given on the last page of this leaflet.

[A2] Switch off lights when not required for safety, security or enhancement of the night-time scene. In this respect one can introduce the concept of a curfew, i.e. a period in which more restrictive controls are applied to obtrusive light. In all new developments there is scope for Local Planning Authorities (LPA's) to impose conditions relating to curfew hours in determining planning applications. For instance, the LPA may determine that non-essential lighting, such as decorative floodlighting, should be switched off between 23.00 hours and dawn. In the case of new non-residential developments, LPA's are encouraged to impose such curfews. In determining applications for illuminated advertisements, it is recommended that LPA's impose similar curfew hours. The attachment of domestic security and decorative lighting to residential buildings often does not require planning permission. However, as the floodlights are operational throughout the night it is considered that the after curfew levels of lighting control shown in Table 1 should be used at all times.

[A3] Use specifically designed lighting equipment that minimises the upward spread of light near to, or above the horizontal. Care should be taken when selecting luminaires to ensure that the units chosen will reduce spill light and glare to a minimum. The use of luminaires with double-



asymmetric beams designed so that the front glazing is kept at or near parallel to the surface being lit will assist in the reduction of glare provided the units are correctly aimed. Similarly, modern well-controlled projector type luminaires, which can be aimed very precisely, can give an excellent cut-off beyond the lit area so reducing spill light and glare.

[A4] Keep glare to a minimum by ensuring that the main beam angle of all lights directed towards any potential observer is kept below 70°. Higher mounting heights allow lower main beam angles, which can assist in reducing glare. In areas with low ambient lighting levels, glare can be very obtrusive and extra care should be taken when positioning and aiming lighting equipment. When lighting vertical structures such as advertising signs direct light downwards, wherever possible, to illuminate them not upwards. If there is no alternative to up lighting, then the use of shields, baffles and louvres will help reduce spill light around and over the structure to a minimum.



When lighting vertical structures such as advertising signs direct light downwards, wherever possible, to illuminate them not upwards. If there is no alternative to up lighting, then the use of shields, baffles and louvres will help reduce spill light around and over the structure to a minimum.

[A5] For road lighting installations, light near to and above the horizontal should be minimised to reduce glare and visual intrusion (Note ULRs in Table 1). The use of full horizontal cut off luminaires installed at 0° uplift will minimise visual intrusion within the landscape as well as upward light. However in many urban locations luminaires fitted with a shallow bowl providing good control of light near to and above the horizontal can provide a satisfactory solution whilst maximising the spacing of the luminaires.

ENVIRONMENTAL ZONES:

It is recommended that in their Development Plans, Local Planning Authorities specify the following environmental zones for exterior lighting control.

- Category**
- E1: Intrinsically dark areas**
 - E2: Low district brightness areas**
 - E3: Medium district brightness areas**
 - E4: High district brightness areas**

Examples

- National Parks, Areas of Outstanding Natural Beauty, etc
- Rural or small village locations
- Small town centres or urban locations
- Town/city centres with high levels of night-time activity

Where an area to be lit lies on the boundary of two zones or can be observed from another zone, the obtrusive light limitation values used should be those applicable to the most rigorous zone.

| Environmental Zone | Sky Glow ULR [Max %] | Light into Windows E_v [Lux] (1) | | Source Intensity I [kcd] (2) | | Building Luminance Before curfew (3) | |
|--------------------|----------------------|------------------------------------|--------------|--------------------------------|--------------|--------------------------------------|--------------------------|
| | | Before curfew | After curfew | Before curfew | After curfew | Average, L [cd/m^2] | Maximum L [cd/m^2] |
| E1 | 0 | 2 | 1* | 0 | 0 | 0 | 0 |
| E2 | 2.5 | 5 | 1 | 20 | 0.5 | 5 | 10 |
| E3 | 5.0 | 10 | 2 | 30 | 1.0 | 10 | 60 |
| E4 | 15.0 | 25 | 5 | 30 | 2.5 | 25 | 150 |

- Where:
- ULR** = Upward Light Ratio of the Installation and is the maximum permitted percentage of luminaire flux for the total installation that goes directly into the sky. (formerly UWLR)
 - E_v** = Vertical Illuminance in Lux normal to glazing
 - I** = Light Intensity in Candelas
 - L** = Luminance in Candelas per Square Metre

Notes:

(1) Light Into Windows - These values are suggested maximums and need to take account of existing light trespass at the point of measurement.

* Acceptable from public road lighting installations ONLY.

(2) Source Intensity - This applies to each source in the potentially obtrusive direction, *outside* of the area being lit. The figures given are for general guidance only and for some large sports lighting applications with limited mounting heights, may be difficult to achieve. If the aforementioned recommendations are followed then it should be possible to further lower these figures.

(3) Building Luminance - This should be limited to avoid over lighting, and relate to the general district brightness. In this reference building luminance is applicable to buildings directly illuminated as a night-time feature as against the illumination of a building caused by spill light from adjacent floodlights or floodlights fixed to the building but used to light an adjacent area.

These limitations may be supplemented by a Local Planning Authorities own planning guidance for exterior lighting installations and you are therefore recommended to check with the Local Planning Authority before designing or installing any exterior lighting.

RELEVANT PUBLICATIONS AND STANDARDS:

| | | |
|----------------------------|---------|---|
| British Standards: | BS 5489 | Road Lighting. |
| Countryside Commission/DOE | | Lighting in the Countryside: Towards good practice (1997) (<i>Out of Print</i>) |
| CIBSE Lighting Guides: | LC1 | Code for interior lighting (1994) |
| | LG1 | The Industrial Environment (1989) |
| | LG4 | Sports (1990) |
| | LG6 | The Exterior Environment (1992) |
| CIE Publications: | 01 | Guide lines for minimizing Urban Sky Glow near Astronomical Observatories (1980) |
| | 83 | Guide for the lighting of sports events for colour television and film systems (1989) |
| | 92 | Guide for floodlighting (1992) |
| | 115 | Recommendations for the lighting of roads for motor and pedestrian traffic (1995) |
| | 126 | Guidelines for minimizing Skyglow (1997) |
| | 129 | Guide for lighting exterior work areas (1998) |
| | 136 | Guide to the lighting of urban areas (2000) |
| Department of Transport | | Road Lighting and the Environment (1993) (<i>Out of Print</i>) |
| ILE Technical Reports: | TR 5 | Brightness of Illuminated Advertisements (1991) |
| | CP 2 | Lasers, Festival and Entertainment Lighting Code (1995) |
| | TR24 | A Practical Guide to the Development of a Public Lighting Policy for Local Authorities (1999) |
| | | Domestic Security Lighting, Friend or Foe |
| ILE/CIBSE | | Lighting the Environment - A guide to good urban lighting |

USEFUL ADDRESSES:

British Astronomical Association (BAA)
Burlington House
Piccadilly
London, W1V 9AG
Tel: 020 7734 4145

English Heritage
23 Savile Row
London, W1X 1AB
Tel: 020 7973 3000

Society of Light and Lighting
222 Balham High Road,
London, SW12 9BS
Tel: 020 8675 5211,
Fax: 020 8675 5449

British Standards Institution (BSI)
389 Chiswick High Road
London, W4 4AL
Tel: 020 8996 9001
Fax: 020 8996 7001

International Commission on
Illumination (CIE)
Central Bureau
Kegelgasse 27
A-1030 Wien, AUSTRIA
Tel: (001) 431 714 3187
Fax: (001) 431 713 0838

Sports England
16 Upper Woburn Place
London, WC1H 0QP
Tel: 020 7273 1500

Commission for Architecture
and the Built Environment (CABE)
The Tower Block, 16th Floor
11 York Road,
London, SE1 7NX
Tel: 020 7960 2400

Lighting Industry Federation (LIF)
207 Balham High Road,
London, SW17 7BQ
Tel: 020 8675 5432
Fax: 020 8673 5880

The Countryside Agency
Dacre House, 19 Dacre Street
London, SW1H 0DH
Tel: 020 7340 2900
Fax: 020 7340 2911

Council for the Protection of
Rural England (CPRE)
Warwick House
25 Buckingham Palace Road
London, SW1W 0PP
Tel: 020 7976 6433
Fax: 020 7976 6373

Royal Town Planning Institute (RTPI)
41 Botolph Lane,
London, EC3R 8DL
Tel: 020 7636 9107

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