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Ms K Brindley  
Policy, Planning and Transportation  
Halton Borough Council  
Municipal Building  
Kingsway  
Widnes  
WA8 7QF

9 June 2023

Dear Ms Brindley,

**Your Reference: 22/00423/OUTEIA**

**Site Address: Land at Hale Gate Road, Halebank**

**Proposed Hybrid Planning Application comprising: Full planning permission for the construction of the primary access points, primary internal link road and site enabling works including site levelling and Outline planning permission with all matters reserved except for access, for the construction of up to 500 residential dwellings (Use Class C3), later living units (C2), a new primary school, a local centre (use class E) and associated infrastructure and open space**

We act on behalf of Hale Bank Parish Council (HBPC) and refer to the above referenced hybrid planning application for which the applicant has recently submitted further information. HBPC is a local authority at the level of government closest to the community, representing a population of circa 1800 residents.

There are no substantive changes to the proposals which would change HBPC's views as expressed in our previous letter of representation submitted on 17 October 2022. The purpose of this letter is to respond to the newly submitted information and to maintain HBPC's objections to the proposals which remain unresolved.

In summary, HBPC's main points of objection are as follows:

- The proposals do not constitute a comprehensive, coordinated, well-planned development of Allocated Sites W24 and EDU3 as set out in the DALP Policy RD1.
- Highways, Transportation and Traffic Issues contrary to DALP Policy C1.
- The Road alignment severs the PROW to the detriment of amenity and priority habitat (DALP Policies C1, HE1 & HE5).

- The Siting of School contrary to DALP Policy HC10.
- The encroachment of Proposed School Site into Green Belt land is contrary to DALP Policy GB1.
- Insufficient Open Space Provision and no landscaping proposals contrary to DALP Policies RD4 & HE5
- Removal of Trees and Hedgerows without replacement planting and ecological mitigation (Policies HE1 & HE5).
- No Compensatory Improvements to offset the harmful impact of removing Sites W24 and EDU3 from the Green Belt as required by NPPF ¶142.
- The negative and unquantified impacts arising from the construction period in relation to noise, dust etc and construction traffic.

HBPC's position is that the application proposals are contrary to DALP Policies RD1: Residential Allocations; RD4: Greenspace Provision; C1: Transport Network and Accessibility; HC10: Education; HE1: Natural Environment and Nature Conservation; HE5: Trees and Landscaping and GB1: Control of Development in the Green Belt.

We are therefore of the view that planning permission must not be granted as the proposals demonstrate significant conflict with the development plan, for the reasons explained in this letter.

### Recently Submitted Information

Halton Borough Council (HBC) issued a letter on 12 May 2023, stating that the proposed development **does not accord with the provisions of the development plan**. The development plan is the Halton Delivery and Allocations Plan (DALP). It was recently adopted by the Council on 2 March 2022 further to Examination in Public (EiP) which found the DALP to be legally and procedurally compliant and 'sound' (positively prepared, justified, effective and compliant with national policy) (NPPF ¶135).

HBC's letter of 12 May 2023 invites public comments on the application due to further information having been submitted by the Applicant.

Letters from the applicant's Agent, Avison Young uploaded onto HBC online Planning Public Access Records and dated 28 April and 2 May 2023 respectively confirm the further information to consist of the following documents:

- Appendix I: RAS Risk & Hazard Management Report, responding to the Health and Safety Executive (HSE) Advise Against (AA) position in respect of the proposed development.
- Appendix II: Land Use and Building Heights Parameter Plan (Drawing No. 905-14E)
- Appendix III: Note on Biodiversity Net Gain (BNG)
- Updated Shadow Appropriate Assessment with Outline CEMP and Over-wintering Birds Survey
- Transport and Access Addendum Technical Note including revised plans for primary and secondary access points (Drawing Nos. VN91381-D103 Rev A, VN91381-D104 Rev A and VN91381-D106 Rev A).

We note that the Applicant has also submitted Draft Head of Terms for Section 106 Planning Obligations (dated 15 February 2023). In addition, we have kindly been provided with consultation responses received to date from HSE, Natural England and MEAS.

### Effective Public Consultation

In relation to the efficacy of the current public consultation, we notice that none of the revised plans (Drawing Nos. 905-14E, VN91381-D103 Rev A, VN91381-D104 Rev A and VN91381-D106 Rev A) have been uploaded into the 'Plans' Section of HBC online Planning Public Access Record to indicate whether the previous iterations of these plans are superseded (or otherwise). This is misleading in terms of transparent public consultation and ought to be rectified by HBC as soon as practicable.

The Revised Access Plans (Drawing Nos. VN91381-D103 Rev A, VN91381-D104 Rev A and VN91381-D106 Rev A) are particularly obscure, being located at Pages 68-70 of a Document entitled, "ES Addendum Letter Hale Gate 2023 Final compiled". As such, it would be difficult to conclude that Halton Borough Council's Statement of Community Involvement is strictly adhered to in this instance.

There is also ambiguity in the description of development and inconsistency within the submitted documents as to whether full planning permission is sought for the secondary access. We ask that this be clarified and the description of development be amended accordingly.

In addition, and in respect of the newly submitted documents, several appear incomplete. The Technical Note on BNG (Appendix III) refers to a document 12301\_R01BNG Tech Note\_ECG\_CW)21072022, accompanying Defra 3.1 Spreadsheet (Page 1) and an Appendix 1 (Page 2). None of these items are included in the Technical Note and have not been uploaded separately on the HBC's planning records. In addition, the Transport and Access Addendum Technical Note refers to an Appendix A, which is also not included or otherwise uploaded by HBC.

Moreover, we also note that within the online documents for 22/00423/OUTEIA, there is one item entitled, "220615 Summary of Changes requested by HBC to Highways Proposal" which appears to relate to a wholly different application proposal at Sandymoor South/Wherford Farm in Runcorn. Again, HBC ought to clarify that all documents relating both proposals are available in the interests of proper transparent public consultation.

We make the following comments on the further documentation which has been submitted:

### Risk and Hazard Management & HSE

HSE has altered its initial recommendation from 'Advise Against' (AA) to 'Do Not Advise Against' (DAA) based on a reduction in the site area reserved for a school to under 1.4 hectares. The change is reflected in the Parameters Plan (Drawing No. 905-14E).

Whilst HSE's altered position is positive, it raises the question as to whether adequate school provision can be secured by HBC as required by DALP Policy HC10.

DALP Policy HC10 identifies three sites as Educational Allocations, identified on the Policies Map, which:

*will be allocated for education purposes to meet the needs of the residents of Halton, should that need be identified over the plan period.*

DALP Policy HC10 identifies Site EDU3 as 'Land at Halebank' as an Educational Allocation for a Primary School. The DALP Policies Map (extracted below) identifies the school site (red hatching) and its associated school playing fields (green dotted line) as circa 2.7 hectares in extent with frontage to Hale Gate Road.

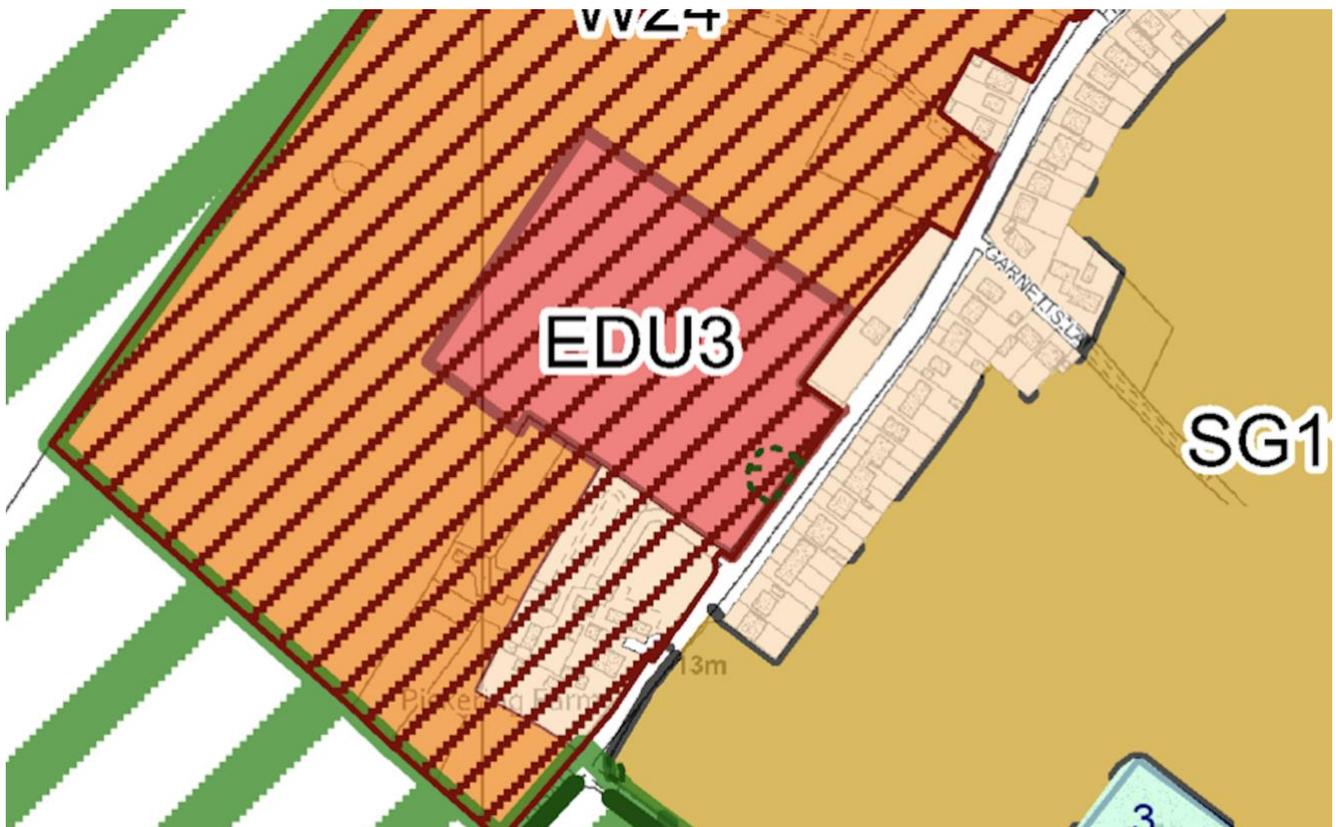


Figure 1: EDU3 and associated School Playfields as identified in the DALP Policy Map (source:halton.gov.uk)

DALP Policy HC10 states that Site EDU3, “will be allocated for education purposes to meet the needs of the residents of Halton” but only, “should that need be identified over the plan period”. The supporting text in ¶11.49 states that “The latest 2016 based population projections do not predict significant increases in the number of school age residents over the Plan period. The Plan does however reserve three sites for future educational use.”. ¶ 11.52 continues to state that the site is reserved, “in case the school age population in Halebank increases sufficiently to warrant additional local educational provision.”

From this we can surmise that the purpose of the educational allocation is not therefore to meet needs specifically attributable to the housing allocation W24, but rather to address the educational needs arising in the surrounding area as a whole. Indeed, there may not be a need for expansion of Primary

School provision in Halebank within the current plan period (2014-2037). It could happen in the subsequent plan period to meet wider local needs, particularly given the significant adjacent safeguarded housing sites, SG11 and SG13 which can come forward at that time (Policy GB2).

Intuitively, the expected function of the educational allocation EDU3 in catering for needs arising in the surrounding area as a whole has implications as to the locational choice of the allocation. Therefore, the intention of the allocation of Site EDU3 under Policy HC10 is to provide a school site with playing fields (if and when it is needed) in a location accessible to the existing community via existing pedestrian, vehicular and bus routes.

The proposed alternative siting as indicated in the Parameter Plan ignores DALP Policy HC10 and instead embeds the proposed school deep within a housing estate where it cannot be delivered in advance of the surrounding houses or internal link road.

Furthermore, the chosen siting of the school as proposed results in unnecessary encroachment into adjacent Green Belt land. The applicant claims that this would not be inappropriate development as the encroachment would be restricted to playing fields. However, this is an oversimplification. The encroachment into the Green Belt would not consist of standalone playing fields. Rather more, this would be a school site and the land associated with the school is its curtilage. The curtilage of a building is previously developed land (as per NPPF glossary). The result would be the creation of a large newly developed school site in the Green Belt.

The construction of schools is not an exception in NPPF or DALP GB1 to the rule that new buildings in the Green Belt are inappropriate development. Very Special Circumstances to outweigh the harm to the Green Belt and another harm arising from inappropriateness have not been demonstrated.

In any event, permission for the school is sought in outline only at present. There are no detailed proposals for the construction of a school at the present time and the purpose of Policy HC10 is to safeguard the necessary land to accommodate a school when it is needed.

For these reasons, HBPC agree with the Conclusion of the RAS Report (Page 26) which suggests that the best solution is to remove the school from the current application proposals altogether. The area to be removed from the development proposals to accommodate the school must be located within Site EDU3 in order to comply with development plan Policy HC10. This would leave the schools site EDU3 safeguarded for use, when necessary, as intended by Policy HC10.

Turning back to safety issues, the RAS Report does not identify the proposed later living units as Level 4 Risk Category. The later living units are referred to in the description of development as Planning Use Class C2 (Residential Institution). Rule 3 of the HSE land use planning methodology (<https://www.hse.gov.uk/landuseplanning/methodology.htm#rule3>) indicates that Institutional Accommodation including nursing homes, old people's homes and sheltered housing is a Level 4 Risk if the total planning application site area is larger than 0.25 hectares.

The reason being that the occupants of places providing an element of care or protection may be more vulnerable to injury from hazardous events owing to age and health reasons resulting in larger societal concern.

In our view, the HSE recommendation in respect of the proposed Institutional Accommodation should be clarified. Alternatively, this form of development could be removed from the development proposals as it is not a requirement of the residential allocation Site W24 and associated Policy RD1.

### Revised Parameters Plan

The application is supported by an Environmental Statement (ES). Although all matters other than access are reserved for subsequent approval, certain layout assumptions have been made for EIA purposes which are reflected in a Parameters Plan submitted with the application.

Revised Land Use and Building Heights Parameter Plan (Drawing No. 905-14E) indicates a reduction in the combined area to be occupied by a school building and its curtilage compared to the previous iteration. The reduced school site area does not result in any consequent reduction of encroachment into the Green Belt. Instead, this area is referred to as open space, landscaping, access, and associated infrastructure.

There is no evidence that this area of open space would be functional or accessible, being located out on a limb in the Green Belt and behind the school. Moreover, there is no justification for any encroachment into the Green Belt to provide open space which ought to be provided onsite within the allocation.

We therefore adhere to the views expressed in our previous correspondence that the Parameters Plan is incapable of approval as the indicated open space provision is inadequate to satisfy the requirements of DALP Policy RE4.

In addition, it remains that the Revised Parameters Plan does not show the primary access points and primary internal link road for which full planning permission are sought. In this respect the parameters plan is equally as deficient as the previous iteration in failing to demonstrate that the proposed highways arrangements would provide access to all parts of the site (as required by DALP Policy C1).

### Biodiversity Net Gain (BNG)

As referred to earlier in this letter, the applicants recently submitted Technical Note on BNG is incomplete as various documents referred to therein are not included. It is not possible to ascertain whether the BNG Assessment is compliant with DALP Policies HE1, HE5 and NPPF.

The Technical Note refers to a BNG Assessment based on the illustrative Masterplan indicating that the proposals would result in the loss of 12.64 Biodiversity Units (BU). Bearing in mind that the Masterplan is submitted for illustrative purposes only and is not for approval, we would question whether this is the appropriate basis for a BNG Assessment.

Notwithstanding, the Technical Note refers to a 4-hectare area of arable land to the to the south of Pickering Farm and in the ownership of the Hesketh Estate. It suggests that this be used to form a neutral meadow grassland mix to mitigate for the loss of lapwing and skylark habitat. Such as proposal would generate 14.08 BU, resulting in a net gain of 1.44 BU which is a 2.54% increase overall (¶10-14).

If the suggested 2.54% increase is acceptable to MEAS and that the land in question is within the applicant's ownership, then this mitigation can be secured by the LPA by planning condition and Section 106 Obligation. However, the application documentation indicates that the Applicant, Howarth Group is not in control/ownership of the land proposed as ecological mitigation.

In addition, The Technical Note includes subsequent Table 1 which provides entirely different figures to those quoted in ¶10-14 and claims that there will be a 10.81% increase in BNG. This is not supported elsewhere in any of the documentation.

On the basis of the information submitted, HBC cannot be satisfied that the proposals are compliant with DALP Policies HE1; HE5 and CS(R)20.

#### Updated Shadow Appropriate Assessment (AA)

The latest MEAS Consultation response dated 23 May 2023 refers to the AA and indicates that its conclusions are acceptable subject to any further Natural England Advice.

HBPC concurs with MEAS position subject to the recommended mitigation measures (¶15) in respect of commuted sum, information leaflets for first-time occupiers and full and detailed CEMP to be secured by Section 106 Agreement and Planning Conditions as applicable.

#### Transport and Access Addendum

As noted earlier in this letter, the Transport and Access Addendum Technical Note omits to provide Appendix A. However, the comments of HBC's Highways Team are otherwise provided and directly responded to in the Technical Note.

Plans for the proposed accesses to Halebank Road and Hale Gate Road (Drawing Nos. VN91381-D103 Rev A, VN91381-D104 Rev A and VN91381-D106 Rev A) have been amended to take account of existing driveways more accurately and to demonstrate that adequate visibility splays can be achieved.

In addition, a 3.0m wide shared footway/cycleway is proposed which will stretch approximately 250m along the southern side of Hale Gate Road (from outside Nos. 87/89 Hale Gate Road) to connect to the National Cycle Network (NCN)/ Trans Pennine Trail. While the land required to facilitate the creation of the proposed foot/cycleway is not within the Applicant's ownership, we would comment that implementation of the foot/cycleway would require a sectional loss of circa 80m of hedgerow (at the southernmost end) for which no ecological mitigation or replacement planting has been proposed.

There are no substantive changes to the previous highways and access arrangements. Full planning permission is only being sought for the primary access points and primary internal link road. Full

planning permission is not sought for any secondary access points, although details have been provided of a secondary access to Hale Gate Road.

In the absence of a detailed layout, it remains the case that the proposed access and road alignment do not adequately demonstrate that access to all parts of the allocated sites will be achieved by the current proposals. This applies equally to vehicles, pedestrians, and cycles.

This is particularly relevant when considering the site of the proposed school. The intention of the DALP in locating the school on Hale Gate Road is that it would be accessible via the existing road network and existing public transport and walking routes.

The proposed Parameter Plan indicates the school to be sited in the housing area and adjacent Green Belt. The proposed access arrangements do not give any consideration to the school site in respect of connectivity, access and accessibility for pedestrian and cycle routes, parking and pick-up/drop off provision. The acute congestion and obstructive parking issues associated with the school run are well-documented.

It would not be appropriate for access arrangements for the proposed school to be left for consideration at reserve matters stage, particularly as the school is not sited in accordance with the DALP Policy Map and because full planning permission for primary access and the road alignment is sought now.

Overall, HBPC retains its previous views that the proposed primary access points and primary link road do not adequately address the access requirements of Allocated Sites W24 and EDU3. The areas of Site W24 which are excluded from the application site are not catered for at all in terms of the proposed access arrangements and will be sterilised from future residential development for which they have been allocated in the development plan.

This is helpfully illustrated below by overlaying the applicant's Master Plan and the DALP Proposals Map. Significant areas totalling circa 3.3 hectares of allocated residential land at Pickering's Farm, Hope Farm and in the northwest corner of the site adjacent to Halebank Road are within the allocated Site W24 and are not demonstrably accessible via the proposed primary access points and Primary link road.



Figure 2: DALP Proposals Map Laid Over Applicant's Master Plan (source: halton.gov.uk)

This means that the proposals are not in accordance with DALP Policy C1 Part 2 for not being accessible to all parts of the site.

We also find the proposals to conflict with Part 1 of Policy C1 by prejudicing the quality, convenience and enjoyment of the PROW which will be severed by the primary link road. In addition, there has been no assessment of the impact of construction traffic on the existing highway network meaning that the proposals are also in conflict with Part 16 of DALP Policy C1.

This concludes HBPC's comments on the additional information which has been submitted by the applicant. The Parish Council previous and unresolved objections to the proposals are now summarised for the avoidance of doubt.

### Comprehensive Development of Allocated Sites W24 and EDU3

The application proposals jeopardise the delivery of a comprehensive development of allocated sites W24 and EDU3.

In relation to Site W24, the Inspector's Report following the EiP of the DALP commented that:

*Parcel W24 is in single ownership and being promoted by the Harworth Group who has undertaken a significant amount of technical work. Based on the known infrastructural requirements and residential*

*capacity, the promotor has confirmed that the site is viable. It is anticipated that development would commence in 2023/24 with an output of 30 dwellings followed by 60-70 dwellings per annum thereafter.*

The residential allocation of Site W24 was therefore predicated on single ownership, meaning a comprehensive development as well as a promise of early delivery. The application proposal does not meet any of these aspirations and simply seeks planning permission for a through road with no timescale for delivery of market housing and affordable housing for which W24 is allocated or for the primary school required on adjacent allocated site EDU3.

In addition, the proposal does not provide access to, and will likely sterilise 3.3 hectares of land within Site W24 which are excluded from the application site. It is therefore inexcusable that the applicant seeks to annexe further land which remains in the Green Belt in accordance with the adopted policies of the DALP.

The application does not provide any evidence (in the form of a layout) which demonstrates that the quantum of housing for which approval is sought can be accommodated in site planning terms. In addition to the notional capacity for Site W24 in the DALP (484 dwellings), the applicant is overloading the application site by seeking outline permission for a 100-bed Residential Institution and a Local Centre which were not anticipated in the allocation.

It seems unlikely that the overall quantum of development can be accommodated as the application site excludes areas which are allocated for residential development, includes excessive road infrastructure (which reduces the net developable area) and includes insufficient open space.

For these reasons, HBPC find the proposal to conflict with DALP Policies RD1, C1 and RD4.

### Highways, Access, and Traffic Impacts

HBPC objects to the proposed access arrangements and link road configuration which are contrary to DALP the following Parts of Policy C1: Part 1 by prejudicing the quality, convenience, and enjoyment of the PROW; Part 2 for not being accessible to all (parts of the site); Part 16- No assessment of the impact of Construction Traffic required to construct the proposed road and Part 17 as no Travel Plan has been provided within the application submission.

The proposed Internal Link Road will provide vehicular access from Halebank Road to Hale Gate Road. It is noted from the applicant's Planning Statement (¶13.18) that the proposed junctions have been designed to accommodate additional traffic (not originating from the site) using the new link road to avoid the existing Halebank Road/ Hale Gate Road/ Hale Road junction. In HBPC's view, the level of road infrastructure proposed through the site is excessive, seeks to redress existing highway deficiencies which are not the responsibility of the applicant and will have a negative urbanising impact on the character and appearance of Halebank.

The proposed access points and link road will sever the PROW (contrary to DALP C1) and result in significant tree and hedgerow loss for which no mitigation is proposed (contrary to DALP HE1 and HE5).

In addition, the proposed access from Hale Gate Road is incorrectly sited within the area reserved for a school (EDU3, contrary to DALP Policy HC10).

The applicant's AIA confirms that the proposed access and link road require linear loss of 200m of hedgerows with frontage to Halebank Road and Hale Gate Road. In addition, a sectional loss of 62m of trees is required in the centre of the site. The Ecological Chapter of the EIA confirms that there is bat activity and bat roost potential within the trees at the centre of the site (Tree Group G2). HBPC objects to the loss of trees and hedgerows for which no replacement planting or ecological mitigation is proposed contrary to DALP Policies HE1 and HE5.

It is not satisfactory to suggest that arboriculture and ecological mitigation be provided within a reserve matters application which could emerge at an indeterminate point in the future, by which time the valuable amenity and habitat will have been lost forever. In addition, HBPC questions whether it is necessary to sever the PROW which is a historic route (apparent on first OS Map of 1849) and has a high level of local amenity value as a high-quality walking route.

Moreover, the proposed link road alignment does not adequately address the access requirements for Site W24 as a whole. This is contrary to DALP Policy C1 Part 2. As already stated, approximately 3.3 hectares of Site W24 are excluded from the application site. As a consequence, site W24 will not deliver its notional capacity (a reduction of potentially of 70 dwellings) contrary to DALP Policy RD1.

In the alternative, the residual land could come forward for development in a piecemeal fashion, proposals, resulting in multiple point of access, undermining comprehensive development. We also note that the access route as proposed does provide adequate vehicular access to the primary school (Illustrative Masterplan Drawing No. 905-13F).

In addition, the proposed access and road alignment from Hale Gate Road drives through EDU3 which is land reserved to accommodate a primary school. At the EiP of the DALP, the applicants presented a Masterplan with the school site appropriately sited with frontage to Hale Gate Road in order to be accessible to the existing community of Halebank and in accordance with the adopted plan.

As a final comment on Traffic Impacts, Highways and Access, there has been no assessment of the impact of the construction traffic (in relation to the construction of the road) contrary to Part 16 of DALP Policy C1.

### Green Belt Encroachment

This letter has already highlighted that the allocation of Site EDU3 is predetermined by the DALP which has been subject to Examination in Public (EiP) and is legally and procedurally compliant and 'sound' (positively prepared, justified, effective and compliant with national policy) (NPPF ¶135).

In addition, the applicant proposes an incursion of circa 1.2 hectares into adjacent Green Belt land where there is a presumption against inappropriate development. Notwithstanding the claim that this area will be used for playing fields (which is not proven in the absence of a detailed scheme), there will be a significant impact on the openness of the Green Belt arising from fence enclosures and play

equipment. In addition, as the curtilage of the school building, the entire school site would constitute previously developed land in accordance with the accepted definition of the term provided in NPPF.

The construction of schools is not an exception in NPPF or DALP GB1 to the rule that new buildings in the Green Belt are inappropriate development. Very Special Circumstances to outweigh the harm to the Green Belt and other harm arising from inappropriateness have not been demonstrated.

Clearly, the annexation of additional Green Belt land in this location is unacceptable as Sites W24 and EDU3 have been removed from the Green Belt in the DALP in order to accommodate both housing and a school. Indeed, the applicant demonstrates that not all of W24 is required by virtue of having excluded approximately 3.3 hectares from the application proposal.

For the avoidance of doubt, the Parameters Plan (Drawing No. 905-14D) is not compliant with DALP Policies HC10 and GB1 and therefore, ought not to be approved by HBC.

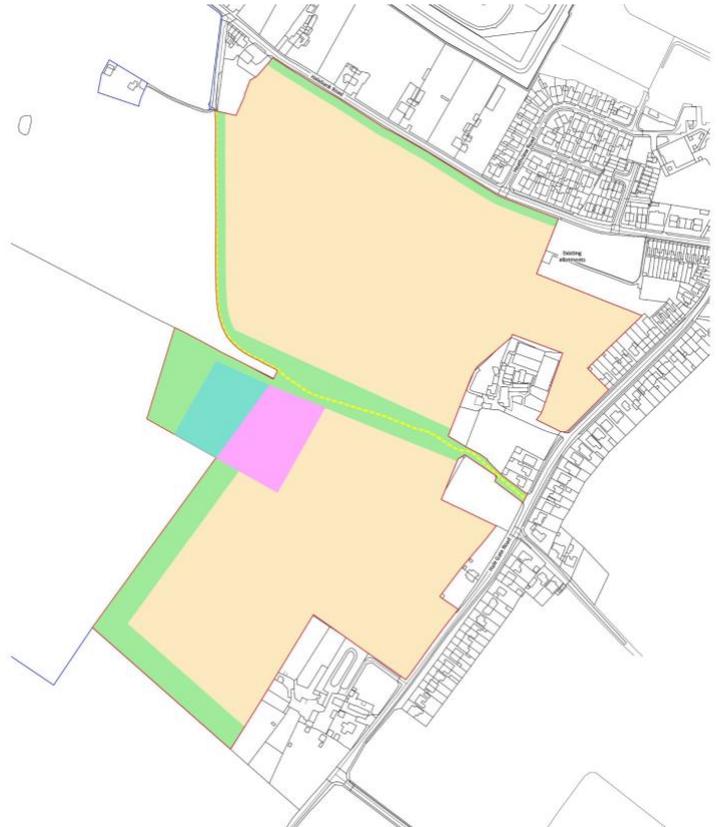
### Insufficient Open Space Provision

The Applicant's Design and Access Statement (DAS) states that the decision to site to primary school in the proposed location rather than on site EDU3 was taken, in part, in order to enable more extensive areas of open space to be provided within the areas to be development for housing.

This claim however does not stand up to scrutiny as the applicant's estimated provision of 6.63 hectares of open space is deficient. The Planning Statement ¶6.5 and DAS Page 5 suggest the proposed open space provision is based 500 dwellings with a resultant population of 1,250 people. This is a correct estimate only if the entire allocation provides one and two-bedroom dwellings. The reality is that a broader housing mix is more likely on a site of this size and therefore the estimated provision is inadequate (in accordance with DALP Policy RE4) as the number of people living on the site will be higher.

On a separate, but related matter, we note that Parameter Plan (Drawing No. 905-14E) indicates very limited areas of green infrastructure and open space adjacent to the site boundaries (except for Hale Gate Road). In addition, it includes an area of open space to the rear of the school site for which there are accessibility issues and difficulty to see a functional purpose. Given that this would be a planned school site, the juxtaposition of isolated open space in proximity is undesirable for security and safeguarding reasons.

Moreover, there is no justification for any encroachment into the Green Belt to provide open space which ought to be provided onsite within the allocation. Overall, the proposed level of open space provision is in any event deficient.



*Figure 3: Revised Parameter Plan with isolated, inaccessible and unfunctional open space which also encroaches into the Green Belt (source: halton.gov.uk)*

In our view, the Parameter Plan is not capable of being approved by HBC due to conflict with DALP Policy HE4. In addition, the open space indicated in the Parameters Plan is comprised by and contradicted by the road layout (Drawing Nos. VN91381-D108 and 3311-002-P2), which indicate that the Internal Link Road would traverse the areas indicated as open space.

#### Tree, Hedgerow and Habitat Loss

HBPC strongly objects to the proposals for significant tree, hedgerow, and habitat loss for which no mitigation is proposed. Merseyside Environment Advisory Service (MEAS) has commented that mitigation for the loss of priority habitat is required prior to determination of this application.

As already referred to, the applicant's AIA confirms that the proposed accesses and link road require linear loss of 200 m of hedgerows with frontage to Halebank Road and Hale Gate Road. In addition, a sectional loss of 62m of trees is required in the centre of the site. The Ecological Chapter of the EIA confirms that there is bat activity and bat roost potential within the trees at the centre of the site (Tree Group G2). HBPC objects to the loss of trees and hedgerows for which no replacement planting or ecological mitigation is proposed contrary to DALP Policies HE1 and HE5.

In addition, a combined foot and cycleway with a width of 3.0m and length of circa 250m is now proposed on the southern side of Hale Gate Road. This will require a sectional loss of approximately

80m of hedgerow for which no replacement planting or ecological mitigation has been proposed contrary to DALP Policies HE1 and HE5.

It is not satisfactory to suggest that arboriculture and ecological mitigation be provided within a reserve matters application which will emerge at an indeterminate point in the future, by which time the valuable amenity and habitat will have been lost forever. In addition, HBPC questions whether it is necessary to sever the PROW which would be contrary to DALP C1 as it is a historic route (apparent on first OS Map of 1849) and has a high level of local amenity value as a high-quality walking route.

The structure of open space as indicated in the Parameters Plan does not provide habitat connectivity as there is a significant gap where the school is proposed and no provision of open space, green infrastructure or planting adjacent to the eastern site boundaries along Hale Gate Road.

Finally, HBPC notes that NPPF ¶131 states that, *“Planning policies and decisions should ensure that new streets are tree-lined (unless, in specific cases, there are clear, justifiable, and compelling reasons why this would not be appropriate) ... and that appropriate measures are in place to secure the long-term maintenance of newly planted trees, and that existing trees are retained. Applicants and local planning authorities should work with highways officers and tree officers to ensure that the right trees are planted in the right places, and solutions are found that are compatible with highways standards and the needs of different users.”*

The applicant’s proposal which seeks access without landscaping is therefore fundamentally incompatible with the requirements of NPPF, which not only seeks tree-lined streets, but also to secure long term maintenance via planning conditions and obligations as appropriate. The applicant’s approach would leave the requirement to landscape/line the road with trees, and subsequent future maintenance to a subsequent developer, contrary to the provisions of NPPF and DALP Policies HE1 and HE5.

### Compensatory Improvements to land within the Green Belt

The applications proposals do not include compensatory improvements to land remaining in the Green Belt, contrary to Part 3 of DALP Policy RD1 and NPPF ¶ 142. DALP Policy RD1 reiterates this requirement, stating that strategic locations including Halebank, having been removed from the Green Belt, are subject to the requirement to, *“provide appropriate mitigation for the loss of green belt land in line with NPPF requirements.”*

This means that the application proposals are deficient in two respects. Not only is there no mitigation for the loss of Green Belt land within Allocated Sites W24 and EDU3 (totalling some 25.76 hectares), but the proposals seek to annexe further adjacent Green Belt land to accommodate a school site which is already catered for within the allocated area.

There is a lack of compensatory measures to mitigate the loss of land from the Green Belt in terms of the allocations and further encroachment and harm to openness arising from inappropriate development. The proposals are therefore contrary to DALP Policies RD1 and GB1 as well as the provisions of NPPF.

## Planning Balance

The ostensible benefits of development alluded to in the Applicant's Planning Statement and letter of 28 April 2023 include the delivery of housing; the creation of a high quality, sustainable, viable development; provision of open space; construction job creation; new planting along the western site edge to form a defensible boundary with the Green Belt and not resulting in significant environmental impacts such as flood risk, air quality and land contamination.

All of these are generic factors attributable to the allocation of land within W24 and EDU3 by virtue of the DALP. However, as an outline scheme with access only and all other matters reserved, the application proposals will not deliver any of the stated benefits in any tangible or measurable form.

We therefore do not find that there are any tangible or measurable benefits arising from the application proposals which would constitute material considerations to outweigh or justify a departure from the adopted policies of the development plan.

## Conclusion

HBPC is strongly opposed to the application proposals which do not deliver a comprehensive, high quality, well-designed, sustainable residential development envisaged in Policy RD1 of the Halton Delivery and Allocations Local Plan (DALP). For this reason, HBPC request that planning permission for the application proposals should not be granted.

In summary, HBPC objects to the application proposal because it does not accord with the recently adopted development plan, the DALP which has been subject to Examination in Public (EiP) and is legally and procedurally compliant and 'sound' (positively prepared, justified, effective and compliant with national policy) (NPPF ¶135).

There is no justification for a departure from the development plan, which carries full weight in the decision-making process and is so recently adopted.

The application proposals are contrary to the development plan and NPPF in respect of the following issues and corresponding policies:

- The lack of co-ordinated approach to the allocated site as a whole, undermining the prospect of a comprehensive development and delivery of the notional capacity of Site W24 (DALP Policy RD1)
- Highways, Access, and Traffic Impacts (DALP Policy C1 & NPPF §9)
- Proposed siting of School facility contrary to the development plan (DALP Policy HC10)
- Encroachment into adjacent Green Belt (DALP Policy GB1 & NPPF §13)
- Insufficient Open Space Provision (DALP Policy HE4 & NPPF §8)
- Removal of Trees and Hedgerows without replacement planting or ecological mitigation (DALP Policies HE1 and HE5 and NPPF §15)

- Lack of Compensatory Improvements to land remaining the Green Belt (DALP Policy RD1 & NPPF §13)
- The negative and unquantified impacts arising from the construction period in relation to noise, dust etc and construction traffic.

For all the reasons set out in this letter, it is clear that planning permission cannot be granted for the proposal in its current format. Any contrary decision made by the LPA would potentially be open to legal challenge.

I would ask that these representations are taken into account in HBC's consideration of the application. I would be grateful to be notified if additional information is submitted by the applicant and if the application is to be presented to Planning Committee we would wish to attend. Thank you.

Yours sincerely,

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