

**21. POLLUTION AND HAZARDS**

PART ONE POLICY

**POLICY POL1 - RESTRICTIONS FOR POLLUTING AND HAZARDOUS USES**

**THE LOCAL PLANNING AUTHORITY WILL RESTRICT POTENTIALLY POLLUTING OR HAZARDOUS DEVELOPMENT TO LOCATIONS THAT WILL NOT COMPROMISE PUBLIC SAFETY; RESULT IN LOSS OF AMENITY; OR CAUSE HARM TO THE NATURE CONSERVATION INTEREST, RECREATIONAL VALUE, TOURIST POTENTIAL OR LANDSCAPE QUALITY OF WIRRAL'S COUNTRYSIDE, COAST OR ESTUARIES.**

**THE INTRODUCTION OF NEW DEVELOPMENT OR LAND-USES CLOSE TO EXISTING HAZARDOUS OR POLLUTING ACTIVITIES SHOULD NOT COMPROMISE PUBLIC SAFETY OR THE INTEGRITY OR EFFECTIVENESS OF EXISTING POLLUTION OR HAZARD CONTROLS.**

**POLICY POL1 - REASONED JUSTIFICATION**

- 21.1 The location of potentially polluting or hazardous development can have serious implications for neighbouring land-uses. Uncontrolled, it can also have a detrimental impact on the future environment, on development prospects and on the overall image of Wirral as an attractive place to live and work. Policy POL1, therefore, provides the general strategic criteria which should govern the location and control of such development. In the context of the UDP, pollution can be regarded as the unwanted secondary effects of the development or use of land - the waste substances or surplus energy generated.
- 21.2 Public safety and the protection of the environment are undoubtedly of most concern to local people and these are identified within the Policy POL1 as the main objectives that are to be pursued. Policy POL1 also indicates the aspects of Wirral that are to be specifically protected. The importance of these aspects is reflected within other Sections of the UDP but are re-stated within Policy POL1 for the purpose of clarity.

**Policy PO1 - Potentially Polluting Development**

**Potentially polluting development or land-use will only be permitted when the Local Planning Authority is satisfied that:**

- (i) **the proposed development would not cause harm or nuisance to neighbouring uses, the natural environment or general amenity, as a result of discharges to air, land or water, or from noise, smells, dust, soot, ash, grit or vibration;**
- (ii) **any measures required to comply with pollution control legislation will not lead to an unacceptable loss of amenity by virtue of noise or visual intrusion; and**

- (iii) **the real or perceived risk of a pollution incident occurring and the extent of its potential consequences, would not have unacceptable land-use implications beyond the boundary of the site, including prejudicing the realisation of land-use and other environmental planning objectives set out elsewhere in the Plan.**

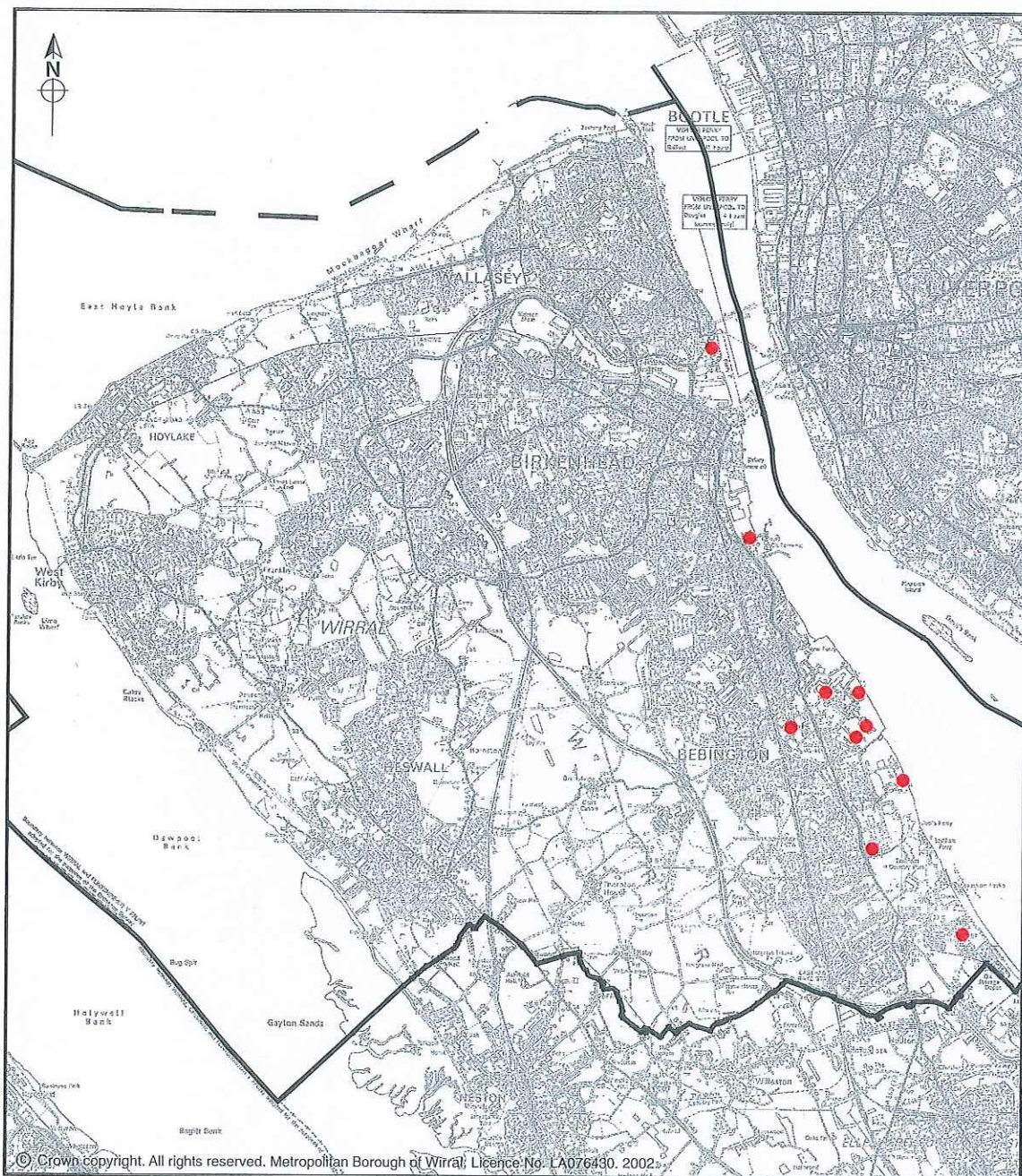
**POLICY PO1 - REASONED JUSTIFICATION**

- 21.3 The potential to pollute continues to be an important consideration when determining planning applications and UDPs are specifically required to include policies designed to control pollution. Particular control needs to be exercised over pollution which may be irreversible, very difficult to undo or which may have significant implications across a wide area.
- 21.4 While other legislation exists to minimise pollution at source, the planning system has an important role in determining the location of potentially polluting development and in ensuring that the site chosen is suitable for the use proposed. As in all types of development, impact on amenity will be an important consideration, including the effect of any measures required to comply with statutory pollution control requirements, such as additional plant or the need to build a chimney stack to a certain height.
- 21.5 It is also important to ensure that where planning and pollution controls overlap, the wider planning objectives for the area, including the protection of the environment are not compromised. For example, although pollution from a proposed activity may be successfully mitigated through statutory powers, the nature of the activity itself or the real or perceived risk of a failure of the pollution control measures may conflict with neighbouring uses or seriously prejudice the realisation of planning objectives for nearby sites identified elsewhere within the UDP. In addition to a pollution incident at the site itself, the Local Planning Authority will also have regard to the potential impact resulting from incidents such as a toxic spillage on access roads to a site.

**Policy PO2 - Development Near Existing Sources of Pollution**

**Proposals located near existing developments which are authorised or licensed under pollution control legislation, will only be permitted where the Local Planning Authority is satisfied that:**

- (i) **the location or nature of the proposed development would not be vulnerable to pollution from the existing land-use, either that permitted under pollution control authorisations or which might result from a failure in pollution control measures;**
- (ii) **the proposed development would not result in the need for a higher standard of pollution control measures at the existing development or lead to a failure to renew the relevant pollution control authorisations; and**



## Map 10

### Integrated Pollution Control: Registered Sites

(See Policy PO2)

NB: For illustrative purposes only.  
Not to scale.

- (iii) where the proposed development is itself potentially polluting, there is no adverse, cumulative impact resulting from the existing and proposed developments.

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

**POLICY PO2 - REASONED JUSTIFICATION**

21.6 While it is reasonable to protect existing land-uses from potentially polluting development, the principle of separating incompatible uses also applies to other development proposals. Where development subject to pollution control is operating safely, without causing interference or intrusion, it is unreasonable to introduce new development within the area that would either place significant numbers of people at risk or which would unnecessarily render the existing use a nuisance. Policy PO2, therefore, provides for the control of development proposals in locations near existing sources of pollution, especially where the use proposed would be at risk from or sensitive to a pollution incident.

21.7 Her Majesty's Inspectorate of Pollution (HMIP) currently regulates uses which are considered to have the greatest potential to pollute. This includes the following ten sites within Wirral, to which Policy PO2 will in particular apply;

- Chemdal, East Street, Seacombe
- Shell UK, Tranmere
- Unichema Chemicals, Bromborough Pool
- Quest International, Bromborough Pool
- UML Power Station, Bromborough
- Lever Brothers, New Chester Road, Bromborough
- Lubrizol, Dock Road South, Bromborough
- FMC Lithium, Commercial Road, Bromborough
- Morganite Ceramics, Tebay Road, Eastham
- Eastham Refinery, Eastham

21.8 The location of these installations is shown on Map 10.

**Policy PO3 - Noise**

Development will only be permitted where noise arising from the proposal will not cause unacceptable intrusion or persistent nuisance. In considering such proposals, the Local Planning Authority will have particular regard to:

- (i) the location of the proposal in relation to noise-sensitive development or land-uses;
- (ii) the existing overall level of background noise within the locality;

- (iii) the level, tone, duration and regularity of noise likely to be emitted by the proposal, including any subsequent increase that may be expected in the foreseeable future; and
- (iv) the provision made within the proposals for the mitigation or insulation of noise.

Where anticipated noise levels are considered to be within manageable proportions, the Local Planning Authority may grant planning permission subject to conditions related to the siting, screening or enclosure of noise sources; the limitation of operating times, especially outside normal working hours; the restriction of noisy activities to specified areas of the site; and other measures designed to reduce noise levels at source. Where relevant, the Local Planning Authority may specify target noise limits and seek to enforce them by means of legal agreement.

### **POLICY PO3 - REASONED JUSTIFICATION**

- 21.9 Noise can cause considerable disturbance especially when a noisy activity is introduced into an area where normal noise levels are low. While statutory provisions for the control of noise exist within legislation outside the Town and Country Planning Acts, the planning system is still the most appropriate mechanism for tackling potential noise problems from new development, at the outset, by ensuring that noise-generating proposals are located and designed to prevent conflict with neighbouring land-uses.
- 21.10 Residential areas, schools, hospitals and other similar types of use are particularly sensitive to disturbance from noise. However, noise levels need to be considered in relation to local circumstances. Where background noise levels are already high, for example, within an existing industrial zone, busy commercial area, or near an existing major road, the introduction of additional noise may not be so significant. Policy PO3, therefore, specifically provides for the protection of noise-sensitive development but also allows for background noise, the nature and type of noise to be introduced, and the overall increase in noise levels caused by the new development, to be considered in coming to a planning decision.
- 21.11 In many cases, the impact of noise can be reduced through improved design and other restrictions on the use of the site. The Local Planning Authority will normally ensure that measures necessary in order to minimise noise intrusion will be undertaken as a condition of planning consent, providing these are reasonable to apply. Planning permission will only normally be refused where the increase in noise within an area would be unacceptable and it is clear that noise levels could not be kept within tolerable limits.

### **Policy PO4 - Noise-Sensitive Development**

**In considering proposals for noise-sensitive development, the Local Planning Authority will have particular regard to:**

- (i) the likely level, tone, duration and regularity of noise exposure and any likely increase in the foreseeable future;
- (ii) the existing level of background noise within the locality;
- (iii) the extent to which the effects of noise on the proposal can be mitigated through measures such as alterations to layout, provision of noise insulation or restriction of operating hours; and
- (iv) the noise exposure category of a site for proposed residential development which is near an existing transport-related noise source.

In all cases, noise sensitive development will only be permitted in locations which are not expected to become subject to unacceptably high levels of noise, or where adequate protection against noise can be achieved by means of planning conditions or planning obligations.

#### POLICY PO4 - REASONED JUSTIFICATION

- 21.12 Noise sensitive development is generally accepted as including housing, hospitals and schools. So far as is possible, such uses should be located away from existing or proposed sources of significant noise. These sources include transport, industrial and commercial uses, construction sites and certain recreational and sporting activities. In the case of hospitals and schools which occupy sizable sites, the impact on noise sensitive buildings and activities may be successfully mitigated through careful attention to design and layout.
- 21.13 Proposed residential development requires particular scrutiny in relation to noise generating activities. Four Noise Exposure Categories (NECs) have been identified to assist in the assessment of residential proposals near transport-related noise sources, such as road, rail, air or a combination of these with industrial noise sources. Sites within Category A are unlikely to be significantly affected by noise, while noise mitigation measures are likely to be necessary for sites falling within Category B and Category C. Category D sites are unlikely to be acceptable for residential uses.
- 21.14 Where proximity to transport or mixed noise sources seems likely to be a consideration when assessing a proposal for new residential development, the developer will be required to demonstrate that the site in question falls within noise exposure Category A, Category B or Category C and that adequate protection against noise can be provided through noise mitigation measures.

#### Policy PO5 - Criteria for the Development of Contaminated Land

Development proposals located on land known or suspected to be contaminated will be required to incorporate a detailed ground survey report which clearly identifies:

- (i) the nature, level and extent of contamination on the site and of any surface or groundwater;
- (ii) the implications of that contamination for the future development of the site; and
- (iii) the method of treatment required to bring the site into a safely developable condition for the development proposed.

Where appropriate, planning conditions or a legal agreement will be used to ensure that satisfactory treatment is carried out, either before development takes place, or as part of an agreed phased programme of treatment and development, in accordance with other relevant policies of the Plan.

New uses which are likely to give rise to contamination will be permitted subject to controls designed to prevent or mitigate potential contamination and to secure reinstatement or reclamation when the use has ceased.

#### POLICY PO5 - REASONED JUSTIFICATION

- 21.15 Land contaminated by toxic, corrosive or otherwise harmful substances can pose a serious danger to public safety. It is, therefore, important that such contamination should be removed or treated so as to render the site harmless. Where this can be achieved, together with the redevelopment or otherwise beneficial use of the land, it can offer a major contribution towards urban regeneration.
- 21.16 The Local Planning Authority does not wish to prevent reasonable development taking place. However, Policy PO5 ensures that adequate environmental safeguards are in place before development will be permitted. Where contamination is strongly suspected, the Local Planning Authority will require the applicant to investigate the condition of the site.
- 21.17 Planning permission will only be forthcoming where the investigation shows that the contamination would have no implications for public safety or where satisfactory remedial measures can be taken to remove or contain any potential hazard. Development will not normally be permitted until an adequate investigation and site assessment is complete and planning consent will be subject to conditions related to an agreed regime of treatment being carried out before occupation of the site. These requirements may, where necessary, also be enforced by means of legal agreement.
- 21.18 The disturbance of contaminated land can mobilize pollutants and either cause first time pollution or worsen existing problems. Leachates and drainage from contaminated land sites pose serious risks of major pollution to both rivers and groundwater. Policies in relation to the protection of the Borough's water resources can be found in Section 19 of the UDP.

21.19 Policy PO5 also includes a clause intended to provide preventative controls over new proposals which may give rise to contamination

#### **Policy PO6 - Migration of Landfill Gas**

**Development proposals on land liable to be affected by the migration of gas from a nearby landfill waste disposal site will only be permitted if adequate provision has been made for:**

- (i) the on-going gas monitoring of the site; and**
- (ii) a scheme for the exclusion or control of migrating gas related to any buildings proposed.**

**These provisions must be implemented before the development is occupied, and must ensure that suitable precautions are taken in order to prevent migrating gas causing a hazard either during the course of development or during the subsequent use of the site.**

#### **POLICY PO6 - REASONED JUSTIFICATION**

21.20 The danger caused by the migration of harmful gases from landfill waste disposal sites has increasingly been recognised. The possibility of difficulties arising from migrating gas is a material planning consideration and planning permission for development likely to be affected should not be granted unless reliable arrangements can be made to overcome the dangers that may arise.

21.21 The Local Planning Authority is already required to consult the waste disposal authority on all applications involving development falling within 250 metres of land which is, or has within the last thirty years, been used for the deposit of waste or refuse and is likely to emit gas. However, it is recognised that there can be no hard and fast rule about the appropriate distance between landfill sites and other development in relation to the possible migration of gas. Policy PO6, therefore, requires that where land is considered liable to problems from migrating gas, development will only be permitted where steps are taken to ensure that gas cannot migrate into property or accumulate in confined spaces.

#### **Policy PO7 - Development on Unstable Land**

**Where development proposals are on or near land which is suspected or known to be unstable the Local Planning Authority will request additional information from the applicant in order to assess whether the land is suitable for the development proposed and whether any instability can be adequately overcome.**

**Planning consent will be subject to appropriate remedial, preventive or precautionary measures being undertaken before the development proposed is occupied. The Local Planning Authority will need to be satisfied that:**



- (i) the remedial or other measures proposed will provide adequate safeguards;
- (ii) the remedial or other measures proposed are within the control of the applicant; and
- (iii) the remedial and other measures proposed would not seriously harm local amenity, landscape character or a site of importance for nature conservation or earth science.

Applications will be refused where the Local Planning Authority considers that the development would be at serious risk from continued instability or where the development proposed would cause instability to occur on adjacent land, despite the remedial measures proposed.

#### **POLICY PO7 - REASONED JUSTIFICATION**

- 21.22 Unstable land can threaten life and health and cause damage to buildings or structures. Policy PO7, therefore, seeks to ensure that any physical constraints or hazards to public safety, related to the risk of ground movement or the collapse of ground, are fully taken into account where development is proposed on or near land which is suspected to be unstable.
- 21.23 Policy PO7 ensures that planning permission will only be granted where appropriate measures can be taken to protect the development proposed and where adjacent land or premises can also be adequately protected from any increased risk generated by the proposal. There are, however, limits to the acceptability of remedial or precautionary works and this is also provided for within Policy PO7. Where these become intrusive, threaten local amenity or cause significant damage to features of nature conservation or earth science interest, planning permission will normally be refused.
- 21.24 Policies for land subject to instability specifically caused by coastal erosion can be found in Section 20 of the UDP.

#### **Policy PO8 - Hazardous Installations and Substances**

Proposals for (a) new development involving the use, storage, manufacture or processing of notifiable hazardous substances, or (b) applications for Hazardous Substances Consent at existing developments, will only be permitted when the Local Planning Authority is satisfied that the degree of off-site risk resulting from the proposal is within acceptable limits. In assessing this, particular regard will be had to the following criteria:

- (i) the size and nature of the proposed development;
- (ii) the type and volume of hazardous substances involved, both on site and travelling to or from the site;
- (iii) the nature of existing uses within the area, especially the location of residential areas and places where large numbers of people normally congregate;

- (iv) the extent to which the proposal will add to existing levels of risk generated by existing hazardous installations or substances;
- (v) the likelihood of an accident and the extent of its potential consequences;
- (vi) the wider land-use implications of the proposal, beyond the boundary of the site, including the possibility of the proposal prejudicing the realization of the land-use and other environmental planning objectives set out elsewhere in the UDP; and
- (vii) the proximity of surface and ground waters

Hazardous Substances Consent will only be permitted where the resulting consultation zone for the installation or substance involved would not fall across an existing or proposed residential area or place where large numbers of people normally congregate.

#### **POLICY PO8 - REASONED JUSTIFICATION**

- 21.25 Policy PO8 sets out the criteria the Local Planning Authority will apply for the control of hazardous substances and developments. While sites generally considered to be suitable locations for such development are identified within Section 5 of the UDP, it is Policy PO8 that will determine the acceptability of new proposals.
- 21.26 The development of a hazardous installation or the introduction of a hazardous substance into an area can have serious implications for existing and future land uses. Policy PO8, therefore, ensures that these implications are fully taken into account and particularly that new proposals are compatible with the existing pattern of land-use.
- 21.27 While the hazards arising from such proposals are subject to extensive regulation under health and safety legislation, even after measures to ensure compliance with these requirements have been taken, there remains a residual risk of an accident. The Health and Safety Executive is able to advise on the potential risks involved and is automatically consulted on every application for Hazardous Substances Consent. However, responsibility for the final decision remains with the Local Planning Authority. Policy PO8, therefore, indicates those matters which are likely to be of direct concern.

#### **Policy PO9 - Criteria for Development Near Notifiable Hazards**

Proposals falling within the consultation zone of a hazardous installation or where toxic, highly reactive, explosive or flammable substances are present, will only be permitted where the Local Planning Authority is satisfied that the level of risk resulting from proximity to the hazardous installation is within acceptable limits. In assessing this, particular regard will be had to the following criteria:

- (i) the size and nature of the development proposed, including its compatibility with the existing installation;
- (ii) whether the proposal would lead to a material increase in the numbers of people working within or visiting the consultation zone;
- (iii) the vulnerability of those people, in terms of ease of evacuation and other emergency procedures; and
- (iv) the nature of the hazard to which those people would be exposed.

Proposals will only be permitted which would not expose significant numbers of people to unacceptable levels of risk or require the modification or revocation of an existing Hazardous Substances Consent.

#### POLICY PO9 - REASONED JUSTIFICATION

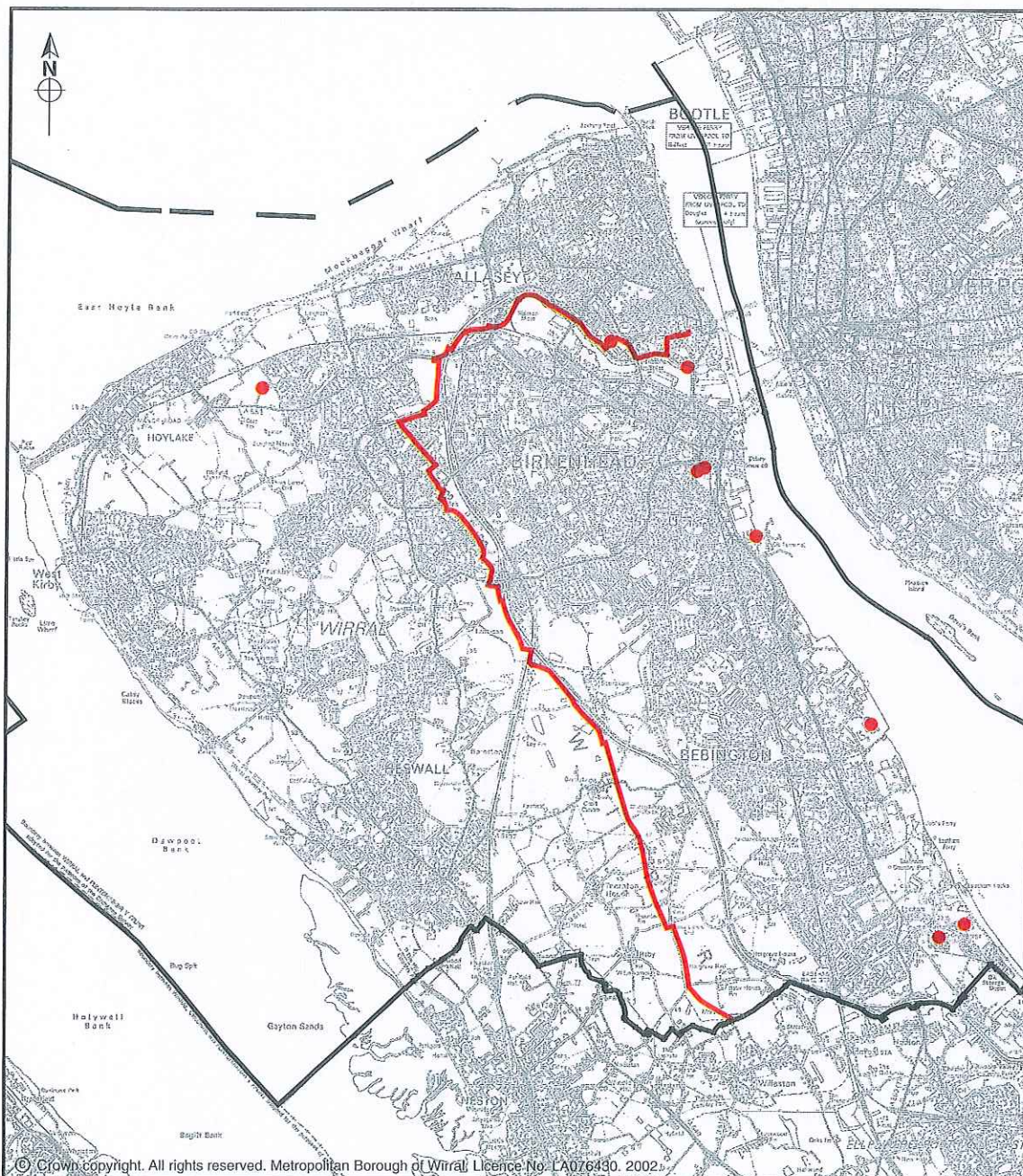
21.28 The Health and Safety Executive is responsible for notifying the Local Planning Authority of "consultation zones" around hazardous sites. Land and property falling within such a zone are considered to be most directly at risk were an accident to occur. It is, therefore, particularly important that new development within a consultation zone is carefully controlled in the interests of public safety.

21.29 Planning regulations allow for the Health and Safety Executive to advise the Local Planning Authority on the nature and severity of the risks involved to people and property located within such areas. However, the responsibility for the final decision remains with the Local Planning Authority. Policy PO9, therefore, sets out the criteria that the Local Planning Authority will apply in considering development proposals within areas at risk.

21.30 There are currently eleven "consultation zones" notified to the Local Planning Authority, to which Policy PO9 will apply, in the vicinity of the following installations:

- Barker and Briscoe, Carr Lane, Moreton
- AVC International, Dock Road Seacombe
- British Gas, Dock Road, Poulton
- British Gas High Pressure Gas Pipeline, M53/Wallasey Dock Road
- British Gas, Hind Street, Tranmere
- Samson Welding, Thomas Street, Tranmere
- Shell UK Terminal Tranmere
- Lubrizol, Dock Road South, Bromborough
- Shell UK, Tank Farm Road, Eastham
- GATX Terminals, Bankfield Drive, Eastham

21.31 The location of these installations is shown on Map 11.



## Map 11

### Hazardous Installations

(See Policy PO8)

NB: For illustrative purposes only.  
Not to scale.

21.32 Where the Health and Safety Executive clearly indicates that a development should be refused in the interests of the safety of the existing installation or of the safety of people likely to be attracted by the proposal, planning permission will not normally be granted.

