

**PROPOSAL WM1 - LANDFILL WASTE DISPOSAL SITES**

**WM1/1 - Bidston Moss, Birkenhead**

**Written Statement Paragraphs 17.9, 17.11**

**OBJECTION:** 039/1 Mr & Mrs T J Blakley 057/1 Mersey Waste Ltd  
045/2 (part) Merseyside Waste Disposal Authority

**COUNTER-OBJECTION:** 039/A Mr & Mrs T J Blakley

**Summary of Objections**

- 17.1 There should be no more landfill activity at Bidston Moss due to the excessive height of tipping, air pollution, poor television reception and a reduction in property values. Public assurances that such activity would cease have been disregarded (039/1). The Proposals Map should be amended to make it clear that the closure and restoration of the landfill site does not extend to the incinerator site and waste reception centre (057/1).
- 17.2 Paragraphs 17.7 to 17.12 of the Reasoned Justification should be amended more accurately to reflect present circumstances, and reference should be made to the site at Carr Lane Brickworks, Moreton (045/2 (part)).
- 17.3 The proposed amendments to Paragraph 17.9<sup>1</sup> fail to provide a satisfactory response to the concerns expressed in Objection 039/1 (039/A).

**Assessment and Conclusions**

17.4 The published changes to the Paragraph 17.9 of the Reasoned Justification for Proposal WM1 clarify the position with regard to the Bidston Moss Landfill Site, including the 'permitted development' basis on which development has taken place (placing the height of tipping amongst other things outside the control of the Council) and the residual landfill capacity. The text also records a closure date for the landfill activity of 1996; if closure has taken place much of the substance of Objection 039/1 will have been 'overtaken by events'.

17.5 Further published changes<sup>2</sup> amend the detailed information provided about the former clay extraction site at Lingham Lane, Moreton and adds a reference (Paragraph 17.12a) to the site at the Carr Lane Brickworks in Moreton, although this site is not added to the proposal itself for the justifiable reasons mentioned in the paragraph.

17.6 I accept the Council's submission that the Bidston Moss site is accurately represented on the Proposals Map as a waste disposal site (annotated for illustrative purposes) and that this

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<sup>1</sup> ALT/WASTE/004 (CD056, page 254).

<sup>2</sup> ALT/WASTE/005 (CD056, page 255) and ALT/WASTE/006 (CD056, page 256).

does not imply that the whole area is a landfill site. I am satisfied that the notation shown would not in itself compel the Council to grant planning permission for any extension of landfill or any of the other waste disposal activities which take place in the area. The Map also shows the site as carrying the diagonal green hatching indicating that it is or is to be generally (though not necessarily in its entirety) the subject of landscape enhancement proposals.

17.7 As the Council point out, the UDP would be going against national planning guidance if it contained a policy prohibiting incineration anywhere in the Borough<sup>3</sup>. The Council also point out that whilst as local planning authority it would be able to consider the re-use of the incinerator at Bidston Moss in terms of the requirement for planning permission, the control of emissions from the incinerator is properly the responsibility of the Environment Agency. In all these circumstances I do not consider that the provisions of Proposal WM1 and its supporting text need be changed in response to Objection 039/1 beyond the changes already proposed.

#### Inspector's Recommendation

17.8 I recommend that the UDP be modified by the amendment of the Reasoned Justification to Proposal WM1 in accordance with ALT/WASTE/004, 005 and 006, but that no modification be made in response to Objection 039/1 and Counter-objection 039/A.

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<sup>3</sup> PPG23 *Planning and Pollution Control*, paragraph 2.12.

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**POLICY WM2 - CRITERIA FOR LANDFILL WASTE DISPOSAL SITES**  
**Written Statement Paragraphs 17.14, 17.15**

OBJECTIONS:        045/3<sup>1</sup> Merseyside Waste Disposal Authority  
                         052/3 Manchester Ship Canal Company    070/117, 070/163<sup>2</sup> GO-M

**Summary of Objections**

- 17.9        The criteria in Policy WM2 are imprecise and misleading, and should be amended to refer to commercially winnable materials rather than just mineral reserves, to make reference to recreational land only where that land is allocated as such, to recognise that landfill operations have short term effects on the landscape, to refer to conflicts with alternative uses only where those uses are specifically allocated and to clarify the reference to proximity to residential development (052/3).
- 17.10      Paragraph 17.14 of the Reasoned Justification should be amended to bring it more into line with the Merseyside Waste Disposal Plan (045/3).
- 17.11      The word 'normally' should be deleted from the Policy (070/117).

**Assessment and Conclusions**

17.12      The published change to Policy WM2<sup>3</sup> restructures the wording of the Policy in a way which enables the two references to 'normally' to be omitted. I agree with the Council that it is appropriate in Criterion (i) to consider the presence of mineral reserves as part of a general balance of interest with other important interests mentioned in that criterion. The question as to whether such reserves are winnable is a consideration covered in my view by the more detailed assessment required by the last paragraph of the Policy.

17.13      The Council point out that much of the land referred to in Criterion (i) as 'Country Parks or other land with a recreational potential' is land with a specific designation in the UDP. The exercise of judgement about other land which may have such potential is a matter which would have to be weighed in the balance, which would no doubt include recognition that that land had no formal designation. It may be that in some of the cases where land is recognised as having recreational potential but has no formal designation, the recreational interest should be given less weight than if the land were designated. In these circumstances I do not regard the reference to 'other land with recreational potential' to be unduly restrictive so far as the promotion of development for waste disposal purposes is concerned; indeed, the protection of land with such potential is commended in national planning guidance<sup>4</sup>.

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<sup>1</sup> This Objection insofar as it relates to Supplementary Planning Guidance is considered on page 378 of this report.

<sup>2</sup> See Footnote 1.

<sup>3</sup> ALT/WASTE/007 (CD056, page 257).

<sup>4</sup> PPG17 *Sport and Recreation*, paragraph 13.

17.14 The Council acknowledge that most landfill operations by their very nature have a short term effect on the landscape. However, it is still right that consideration should be given to short term effects, even if a site is capable of being fully restored when operations have ceased. Effect on landscape is only one of a number of potential effects listed under Criterion (ii) of Policy WM2, and should therefore be regarded in that broader context. It will always be for the Council to weigh the benefits of a landfill operation against the disbenefits *in the round*, unless a particular adverse effect is so severe that it outweighs all other considerations. I therefore consider that the reference to 'short term' should remain in Criterion (ii).

17.15 It seems to me that the consideration as to whether any proposed landfill operation should not be permitted because of conflict with an intended alternative use would depend on the circumstances, including the status of the alternative use in terms of the UDP and compliance with other planning policies. The Council statement on this matter considerably narrows the circumstances where it is envisaged that this consideration would apply<sup>5</sup>. As the main concern here appears to be to safeguard the viability of a *long term* use for a particular site, it is possible that the term 'alternative use' may be misconstrued. I therefore consider that the Reasoned Justification (rather than Supplementary planning Guidance Note 44) should be amended to clarify this point, in addition to the amendments already proposed to Paragraph 17.14<sup>6</sup>. Paragraph 17.15 would appear to be an appropriate place to do this.

17.16 I support the Council view that it would be inappropriate to introduce a reference to a 'significant number' of residential properties in Criterion (iii), mainly due to difficulties in defining what a 'significant number' was. In any event, the effect of landfill operations on a single dwelling may be so pronounced that it is a material planning consideration, although the number of dwellings affected may be taken into account. I note that the separation threshold between operations and residential or other sensitive development which would justify consideration of conditions and or/planning obligations is proposed to be relaxed to 250 metres from 200. I consider that no other change to Criterion (iii) need be made in this respect.

### Inspector's Recommendation

17.17 I recommend that the UDP be modified:

- (a) by the amendment of Policy WM2 in accordance with ALT/WASTE/007;
- (b) by the amendment of Paragraph 17.14 of the reasoned Justification in accordance with ALT/WASTE/009 and
- (c) by the amendment of Paragraph 17.15 of the Reasoned Justification to clarify the circumstances in which conflict with alternative uses of a site would be considered relevant.

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<sup>5</sup> See Council statement WMBC/W/WAST/6, paragraph 2.5 (page 4).

<sup>6</sup> ALT/WASTE/009 (CD056, page 259).

**POLICY WM3 - RESTORATION AND AFTERCARE OF LANDFILL WASTE DISPOSAL SITES**

**OBJECTION:** 045/4 Merseyside Waste Disposal Authority

**Summary of Objection**

17.18 The Reasoned Justification for Policy WM3 should refer to the complementary role of waste management licensing.

**Assessment and Conclusions**

17.19 The Council accept this point and have published a change accordingly, introducing a new paragraph, 17.16a<sup>1</sup>.

**Inspector's Recommendation**

17.20 I recommend that the UDP be modified by the expansion of the Reasoned Justification for Policy WM3 in accordance with ALT/WASTE/010.

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<sup>1</sup> ALT/WASTE/010 (CD056, page 260).

## **POLICY WM4 - PROVISION OF RECYCLING COLLECTION AREAS**

### **Written Statement Paragraph 17.23**

**OBJECTIONS:** 045/6 Merseyside Waste Disposal Authority 212/2 Tesco Stores Ltd

### **Summary of Objections**

17.21 The 25 % target for the recycling of household waste referred to in Paragraph 17.23 is not a statutory duty. The Council as Waste Collection Authority have a duty to prepare a Recycling Plan. The paragraph should acknowledge these matters (045/6). The word 'require' in the first line of Policy WM4 should be replaced by 'seek'<sup>1</sup>. Provision of recycling collection areas in supermarket and superstore car parks is not always practical and appropriate, and could conflict with policies on noise (212/2).

### **Assessment and Conclusions**

17.22 The published change to Paragraph 17.23<sup>2</sup> appears to deal with the matters raised in Objection 045/6. So far as recycling facilities at freestanding superstores or supermarkets are concerned, the Council have rejected the suggestion in the original Objection 212/2 that the words 'where appropriate' be inserted, as failing to comply with national planning policies. I note that these words are used in PPG23 *Planning and Pollution Control*<sup>3</sup> in the context of local planning authorities being able to require particular developments to make provision for recycling facilities. Nevertheless, I accept that the use of 'where appropriate' would introduce an element of uncertainty into Policy WM4, and therefore I do not favour its use.

17.23 The Council reject the Objector's claim that it would not be possible to make provision for recycling facilities on every site. I consider that in the main, a freestanding store of the type referred to in Policy WM4 should be on a site of sufficient size to make the provision of recycling facilities a practical proposition. Should there exceptionally be a site where there are such practical difficulties, then I would expect those circumstances to be recognised. Insofar therefore as PPG23 enables local planning authorities to 'require' such facilities in appropriate circumstances I do not consider that Policy WM4 needs any amendment to take account of exceptional circumstances where this may not be practicable.

### **Inspector's Recommendation**

17.24 I recommend that the UDP be modified by the amendment of the Reasoned Justification for Policy WM4 in accordance with ALT/WASTE/016, but that no modification be made in response to Objection 212/2.

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<sup>1</sup> The use of the word 'seek' was suggested by the Objector after receiving the Council's rebuttal statement WMBC/W/WAST/12. The original representation made by the Objector sought the insertion of 'where appropriate' between 'will' and 'require'.

<sup>2</sup> ALT/WASTE/015 (CD056, page 265).

<sup>3</sup> PPG23, paragraph 3.25.

**POLICY WM5 - CRITERIA FOR WASTE RECEPTION CENTRES**

Written Statement Paragraphs 17.25 and 17.26

**POLICY WM6 - CRITERIA FOR WASTE TRANSFER STATIONS**

OBJECTIONS: 045/7, 045/8 Merseyside Waste Disposal Authority 070/119 GO-M

**Summary of Objections**

- 17.25 The Policy referred to in Paragraph 17.25 of the Reasoned Justification for Policy WM5 was adopted by the Merseyside Waste Disposal Authority in the Merseyside Waste Disposal Plan, and is not a Merseyside Waste Regulation Authority (now Environment Agency) function. The paragraph should therefore be amended (045/7). The word 'normally' should be deleted from Policy WM6 (070/119). The term 'close proximity' in Policy WM6 should be defined (045/8).

**Assessment and Conclusions**

- 17.26 A published change to Paragraph 17.25<sup>1</sup> corrects the inaccuracies referred to in Objection 045/7, and there is a further consequential change to Paragraph 17.26<sup>2</sup>. I accept that the term 'close proximity' in Policy WM6 has its shortcomings, but the alternative prescription of a set distance would in my view be unduly rigid. I therefore favour no change to the Policy on this account. The Council propose to omit 'normally' from Policy WM6<sup>3</sup>.

**Inspector's Recommendation**

- 17.27 I recommend that the UDP be modified by the amendment of the Reasoned Justification in accordance with ALT/WASTE/016 and 017 and of Policy WM6 in accordance with ALT/WASTE/018, but that no modification be made in response to Objection 045/8.

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<sup>1</sup> ALT/WASTE/016 (CD056, page 266).

<sup>2</sup> ALT/WASTE/017 (CD056, page 267).

<sup>3</sup> ALT/WASTE/018 (CD056, page 268).

## **POLICY WM7 - CRITERIA FOR CLINICAL AND CHEMICAL WASTE INCINERATORS; Written Statement Paragraphs 17.29 and 17.31**

**OBJECTION:** 021/2 Merseywatch 045/9 Merseyside Waste Disposal Authority  
052/4 Manchester Ship Canal Company 070/171 GO-M 071/6 Angela Eagle MP  
072/12 Frank Field MP 077/2 Wirral Environmental Protection Group  
079/3 Poulton Community Association 103/2 Ms P Sykes  
111/2 Ms S Howard 123/3 Friends of Eastham Country Park

### **Summary of Objections**

- 17.28 The UDP should have a 'no incineration' policy because of dioxin health risks (021/2, 103/2, 111/2). Incineration may confer some economic benefits, but no net benefit on communities bearing the health costs (071/6, 079/3). Community views must therefore be sought (079/3). There is evidence of no safe level for dioxins. Emissions from incineration would have unacceptable environmental effects on neighbouring uses (077/2). There should be no incineration of chemical/clinical waste in Wirral (123/3).
- 17.29 Waste incineration will be attracted to Special Industrial Use locations, especially where adjoining planning authorities make no provision in their areas. Toxins released from the incineration of chemical/clinical waste are a health risk (072/12).
- 17.30 Policy WM7 could be cross-referenced to Proposal EM5<sup>1</sup>. It is not clear whether the Policy is to discourage on-site incineration, and to encourage more distant disposal. Paragraph 17.29 should take into account that some emission standards come under local authority control. Paragraph 17.31 should state that incinerators will be closed if they do not meet greatly improved emission standards (045/9). Criterion (ii) should be deleted, as responsibility for emissions does not lie with the local planning authority and is covered by other legislation as acknowledged by Paragraph 17.29 (052/4).
- 17.31 It should be made clear that references in the UDP to pollution control concern land use and development. The distinction between land use and development policies in Structure and Waste Local Plans and pollution control and regulation issues dealt with in the Waste Regulation Authority's Waste Disposal Plan is not always made clear. The distinction is explained in PPG23 *Planning and Pollution Control*<sup>2</sup> (070/171).
- 17.32 If the Policy is retained, Criterion (ii)<sup>3</sup> should require the local planning authority to satisfy itself that the proposal represents the Best practical Environmental Option (BPEO) in the light of the most recent medical and scientific information on the human health effects of the pollutants that would be omitted (077/2).

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<sup>1</sup> Proposal EM5 - Locations for Special Industrial Uses (proposed for deletion under ALT/EMPLOYMENT/015 (CD056, page 18).

<sup>2</sup> PPG23, Section 2.

<sup>3</sup> This becomes Criterion (i) in the proposed amendment to the Policy - see footnote 11 below.



## Assessment and Conclusions

17.33 I acknowledge the informed nature of the general and detailed evidence put forward by Objectors in this matter, including that submitted to and heard at the UDP inquiry, about the effects of toxins. The Council do not accept all the assumptions made by Objectors about the conclusions to be reached from such evidence, especially research findings. It is worth stating at the outset that the purpose of this part of my report is not to resolve what appears to be an ongoing debate about the legitimacy of incineration as a means of disposing of chemical and clinical waste (even if that were possible in the report), but to make a recommendation to the Council as to what planning policy provision should be made in the UDP in regard to this matter.

17.34 In this context it would be appropriate to review the current national *planning* guidance on the disposal of chemical and clinical waste, in the context of development plans such as the UDP. This is found in PPG23 *Planning and Pollution Control*. A key point is that the control of emissions from incinerators is not a function of planning control, but of the Environmental Protection Act 1990 (EPA)<sup>4</sup>. The Council has no power to prevent planning applications for incinerators from being submitted<sup>5</sup>, and has a duty to consider them, after carrying out the appropriate public and technical consultations.

17.35 PPG23 specifies matters that planning authorities should take into account when considering such applications. They are visual impact, noise, storage facilities, traffic considerations and transport requirements (a factor directly linked to and influencing the location of proposals)<sup>6</sup>. The 'control' of emissions as such is not a planning matter. The potential impact of emissions on the environment should only be taken account by planning authorities to the extent that they have land use implications, and are not controlled by the appropriate pollution control authority. In the light of the new emission standards, it is considered unlikely that such a consideration by the planning authority will be necessary<sup>7</sup>. However insofar as the effects of emissions do have land use implications, I see no objection to the presence of this consideration in Policy WM7 as Criterion (ii).

17.36 PPG23 also advises about the role of development plans. It commends policies and proposals which will enable planning authorities to make realistic provision for processes which may be detrimental to amenity or conservation interests, or a potential source of pollution. However, plans should not exclude all provision in plans for potentially polluting development

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<sup>4</sup> See paragraph 5.16 and Annexes 1 and 2 of PPG23. The EPA has introduced what the PPG describes as stringent new pollution control standards for incinerators. The PPG significantly points out that such standards and changes in technology, together with the recognition of the importance of the energy recovery potential of waste incineration, is likely to increase the role of incineration and may lead to a significant increase in the demand for new incinerators.

<sup>5</sup> See also PPG23, paragraph 2.12.

<sup>6</sup> PPG23, paragraph 5.17.

<sup>7</sup> PPG23, paragraph 5.18.

projects including waste management facilities. This effectively rules out the possibility of the UDP containing a policy which would prohibit incinerators within the Borough, and the Council would in my view therefore be misguided to include any such provision<sup>8</sup>.

17.37 It is therefore in my view right that the UDP should contain a policy such as WM7 to lay down the criteria against which development proposals for the management or disposal of clinical and chemical waste, including incinerators, will be considered. The Policy does not in my view suggest 'support' for incinerators; it is cast in neutral terms. I recommend elsewhere<sup>9</sup> that Proposal EM5 should be deleted. Therefore, the cross-referencing of Policy WM7 to that Proposal would be inappropriate. Accordingly published changes to the UDP remove references to the Special Industrial Use Classes<sup>10</sup> in Policy WM7 and in Paragraph 17.30 of the supporting text<sup>11</sup>.

17.38 The disposal of ash from incineration may have land use implications. However this is mainly the responsibility of the Environment Agency (formerly the Waste Regulation Authority) under the site licensing procedures. The Council confirm that there is no site within the Borough licensed for such purposes and any planning application for such a use would need to be considered on its merits, quite apart from the licence considerations. It would be difficult in my view to represent in the UDP any means of dealing with the balance between economic benefits of incineration and the health cost to the community; whilst this deserves to be given serious attention as part of the broader debate about incineration, I regard it as going beyond land use considerations which are the substance of the UDP.

17.39 A further published change to Paragraph 17.31 of the Reasoned Justification for Policy WM7<sup>12</sup> refers to the enhancement of emission standards as requested in Objection 045/9. In my view the amended provisions explain clearly the relationship between the roles of the local planning authority and the Environment Agency as the body which deals with licensing and the control of emissions.

17.40 The amendment to Criterion (i) in the Policy as proposed to be amended suggested in Objection 077/2 appears to require the Council as planning authority to 'shadow' the consideration required of the authority responsible for the control of the emissions. This in my view would take the planning authority beyond its proper role. The requirement to have regard to the 'most recent' medical and scientific information would further distort the planning authority's role; it could possibly lead the Council in directions which went beyond, or were

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<sup>8</sup> PPG23, paragraph 2.12.

<sup>9</sup> See page 76 of this report.

<sup>10</sup> Classes B4 to B7 of the Town and Country Planning (Use Classes) Order 1987 (SI 1987 No. 764), which were deleted from the Order by virtue of the Town and Country Planning (Use Classes) (Amendment) Order 1995 (SI 1995 No. 297).

<sup>11</sup> ALT/WASTE/019 (CD056, page 269) and ALT/WASTE/020 (CD056, page 270).

<sup>12</sup> ALT/WASTE/021 (CD056, page 271).

even contrary to, the national planning guidance which forms a key material consideration in the decision making process. For these reasons I do not favour the suggested amendment to the Policy. In conclusion I consider that in the light of all the foregoing, no further changes to the Policy or supporting text are justified beyond those already proposed by the Council.

**Inspector's Recommendation**

17.41 I recommend that the UDP be modified by the amendment of Policy WM7 and its Reasoned Justification in accordance with ALT/WASTE/019, 020 and 021, but that no further modification be made in response to Objections 021/2, 052/4, 070/171, 071/6, 072/12, 077/2, 079/3, 103/2, 111/2 and 123/3.

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## POLICY WM8 - CRITERIA FOR SEWAGE TREATMENT FACILITIES

### Written Statement - Paragraph 17.34

OBJECTIONS: 082/1, 082/11 North West Water Ltd 103/3 Ms P Sykes<sup>1</sup>  
111/3 Ms S Howard<sup>2</sup> 123/4 Friends of Eastham Country Park<sup>3</sup>

### Summary of Objections

17.42 Policy WM8 does not give the support for water industry infrastructure recommended in Circular 17/91<sup>4</sup>. A Policy should be inserted emphasising the importance of water/sewerage operational land, applying a presumption in favour of development to meet development objectives, statutory obligations or environmental standards (082/11). Paragraph 17.34 should refer to the need to replace the pumping station at Carr Lane, Meols with a primary treatment works (082/1).

### Assessment and Conclusions

17.43 A published change to Paragraph 17.34 updates the Objector's capital programme as requested in Objection 082/1<sup>5</sup>. PPG23 *Planning and Pollution Control* states that the supply of water and sewage disposal should be considered in development plans<sup>6</sup>. I agree with the Council that it is not however essential to introduce a specific policy to the UDP to support the expectations of water/sewerage undertakings of carrying out operational development. There is the indication that the declared programme of sewage treatment facilities listed in the amended Paragraph 17.34 will be taken into account, with support from Paragraph 17.35. The Council is unaware of proposals for water treatment plants before the end of the Plan period.

### Inspector's Recommendation

17.44 I recommend that the UDP be modified by the amendment of the reasoned Justification for Policy WM8 in accordance with ALT/WASTE/022, but that no modification be made in response to Objection 082/11.

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<sup>1</sup> I cannot find any specific point of objection in the Objector's representations, either in terms of criticism of Policy WM8 or in suggestions as to how it might be changed.

<sup>2</sup> The same comments apply to this Objection as to Objection 103/3.

<sup>3</sup> The same comments apply to this Objection as to Objection 103/3.

<sup>4</sup> Circular 17/91 - *Water Industry Investment: Planning Considerations*. The circular gives guidance about the planning implications of investment undertaken by the water industry to comply with national and European law.

<sup>5</sup> ALT/WASTE/022 (CD056, page 272).

<sup>6</sup> PPG23, Annex 3, paragraph 17.

## **POLICY WM9 - CRITERIA FOR SEWAGE SLUDGE DISPOSAL**

### **Written Statement Paragraph 17.37**

OBJECTION: 021/3 Merseywatch 071/7 Angela Eagle MP 072/13 Frank Field MP  
077/3 Wirral Environmental Protection Group  
079/4 Poulton Community Association  
082/2, 082/3 North West Water Ltd 103/1 (part) Ms P Sykes<sup>1</sup>  
111/3 (part) Ms S Howard<sup>2</sup>

### **Summary of Objections**

- 17.45 No sites should be identified in the Borough for sewage sludge incineration (103/1, 111/3). Such incineration would spread dioxins into the air harmful to health (021/3). It would encourage 'dirty' industries to come into the area with consequent harm to the environmental, economic and health well-being of the local population (079/4). Whilst such incineration might confer some economic benefits, there would be no net benefit on communities asked to bear the health costs of the process (071/7). The wishes of the community should be sought in this regard (072/13). There is evidence that there is no safe level from dioxins. Emissions from the incineration of sewage sludge would have unacceptable environmental effects on neighbouring uses. The UDP should not advocate such a process (077/3).
- 17.46 The incineration of sewage sludge will be attracted to Special Industrial Use locations, particularly where adjoining local planning authorities make no provision in their areas. Toxins released from the incineration of sewage sludge are a health risk (072/13). It is unnecessary for sewage sludge facilities to be located in 'special' industrial areas. The disposal of sludge falls within general Industrial Use Class B2. The word 'special' should therefore be deleted from Policy WM9 (082/2, 082/3<sup>3</sup>).

### **Assessment and Conclusions**

17.47 I discuss at some length the issue of incineration, including national guidance and the separate systems of planning control and emission control presently in force, the abolition of the Special Industrial Use Classes and consequent proposal to delete Proposal EM5<sup>4</sup>, elsewhere<sup>5</sup>. The issues relating to the incineration of sewage sludge and the effect of those operations on the

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<sup>1</sup> Although this Objection makes no express reference to Policy WM9, it does advocate that no sites should be identified in the Borough for sewage sludge incinerators.

<sup>2</sup> The same comments apply to this Objection as to Objection 103/1.

<sup>3</sup> This Objection refers to Paragraph 17.37 of the Reasoned Justification for Policy WM9, but requests that the word 'special' be deleted from the Policy itself. This word is not found in Paragraph 17.37.

<sup>4</sup> Proposal EM5 - Locations for Special Industrial Uses.

<sup>5</sup> See pages 345-348 of this report.

local community are in my view almost entirely covered by that assessment, which I therefore do not propose to repeat here. My conclusions in relation to sewage sludge incineration, including the feasibility of a 'no incineration' policy, are similar. The Council are not the agency statutorily responsible for the disposal of sewage sludge. Policy WM9 of course covers a much broader range of waste disposal operations than just incineration, as is confirmed by Paragraph 17.37 of the Reasoned Justification.

17.48 In any event, the Council propose to amend Policy WM9 and Paragraph 17.38 of the Reasoned Justification<sup>6</sup> by making express reference to sewage sludge incinerators in the context of current national guidance in PPG23 *Planning and Pollution Control*<sup>7</sup>. There is cross-referencing to the supporting text to Policy WM7<sup>8</sup>. WM9 is a criteria-based policy, designed to assist in the determination of any planning applications for such operations, a statutory duty of the Council. Reference to special industrial uses has been omitted; I accept that no change to Paragraph 17.37 is necessary.

#### **Inspector's Recommendation**

17.49 I recommend that the UDP be modified by the amendment of Policy WM9 and its Reasoned Justification in accordance with ALT/WASTE/0023 and 024, but that no other modification take place in response to Objections 021/3, 071/7, 072/13, 077/3, 079/4, 082/2, 082/3, 103/1 and 111/3.

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<sup>6</sup> ALT/WASTE/023 (CD056, page 273) and ALT/WASTE/024 (CD056, page 274).

<sup>7</sup> Criterion (ii) of the amended Policy draws upon the guidance in Section 2 of PPG23.

<sup>8</sup> Policy WM7 - Criteria for Clinical and Chemical Waste Incinerators.