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## **PROPOSAL EM1 - FORMER CAMMEL LAIRD SHIPYARD**

OBJECTIONS: 070/165 GO-M 084/19 Merseyside Development Corporation  
096/1 VSEL plc

COUNTER-OBJECTION: 096/A VSEL plc

### **Summary of Objections**

- 5.1 Reference should be made within Proposal EM1 to the identification of the site on the Proposals Map (070/165). The Proposal is too restrictive; it should provide for a more flexible mix of land uses (084/19, 096/1). The boundary of the site shown on the Proposals Map as being subject to Policy EM1 should be extended to reflect more closely land in the Objector's ownership (096/A).

### **Assessment and Conclusions**

- 5.2 The Council have published a change to Proposal EM1<sup>1</sup> which appears to satisfy the point raised in Objection 070/165 and go a considerable way in extending the range of uses that might be permitted in the redevelopment of the site. Whilst the Proposal might not be as permissive as the Objectors (084, 096) would like, it is in my view reasonable that the Council should wish to see the emphasis on industrial and business uses retained, given the significance of the site in terms of its size and location in the total pool of land for general employment use to be found in Proposals EM1, EM2 and EM3<sup>2</sup>.

- 5.3 Although the Council propose to modify the boundary of the site 'to rectify an error'<sup>3</sup>, this change was made before Counter-objection 096/A was submitted. I take it that the amended site represents all the land, in the ownership of the Objector and others, which the Council understand to be potentially available for redevelopment. The Objector has not given a reason why any further change should be made on this basis, only referring to land ownership considerations. In these circumstances I do not consider that there is a strong case for any further change to the boundary of the site subject to Proposal EM1 beyond that proposed by the Council. If the Objector provided further justification for their case for further change the Council would be able to consider the matter again at the UDP Modifications stage.

### **Inspector's Recommendation**

- 5.4 I recommend that the UDP be modified by the amendment of Proposal EM1 and the Proposals Map in accordance with ALT/EMPLOYMENT/001 and 002, but that no further modification be made in response to Objections 070/165, 084/19 and 096/1 and Counter-objection 096/A.

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<sup>1</sup> ALT/EMPLOYMENT/001 (CD056, p 3).

<sup>2</sup> Proposal EM2 - Conway Park; Proposal EM3 - Land for General Employment Use.

<sup>3</sup> ALT/EMPLOYMENT/002 (CD056, pp 4 & 5).

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**PROPOSAL EM2 - CONWAY PARK**

**OBJECTIONS:** 069/1 McDonald's Restaurants Ltd 070/166 GO-M

**Summary of Objections**

- 5.5 The Proposal should identify uses falling within Use Class A3<sup>1</sup> as acceptable, because of the service such uses would provide to those working on this site (069/1).
- 5.6 Reference should be made in the Proposal to the identification of the subject site on the Proposals Map (070/166).

**Assessment and Conclusions**

- 5.7 The change to Proposal EM2 published by the Council<sup>2</sup> satisfies these Objections.

**Inspector's Recommendation**

- 5.8 I recommend that the UDP be modified by the amendment of Proposal EM2 in accordance with ALT/EMPLOYMENT/003.

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<sup>1</sup> Town and Country Planning (Use Classes) Order 1987 (SI 1987 No. 764) as amended. Use Class A3 - Food and Drink.

<sup>2</sup> ALT/EMPLOYMENT/003 (CD056 p 5).

**PROPOSAL EM3 - LAND FOR GENERAL EMPLOYMENT USE**  
**Land at the Former Tannery Site, Birkenhead**

**OBJECTION:** 070/167 GO-M 084/1 Merseyside Development Corporation

**Summary of Objections**

- 5.9 Reference should be made in the Proposal to the identification of the subject sites/land on the Proposals Map (070/167).
- 5.10 The former British Leather Tannery site, Birkenhead should be allocated under Proposal EM3 as it is available for redevelopment (084/1).

**Assessment and Conclusions**

5.11 Although the Council state that their published change<sup>1</sup> satisfies the point raised in Objection 070/167, I do not understand the Objection, because the UDP's Deposit version includes as part of Proposal EM3 reference to the identification of the EM3 sites on the Proposals Map, and no actual change is made to this wording in the published change. I do not therefore consider that any further amendment needs to be made to Proposal EM3 in response to this Objection.

5.12 I agree with the Council's view that until the outcome of a survey into ground contamination on the former British Tannery site is known, it could be an over-optimistic representation of the early availability of the site for redevelopment to allocate it under Proposal EM3. The site falls within a Primarily Industrial Area and is therefore subject to the presumption in favour of development for purposes within Use Classes B1, B2 or B8<sup>2</sup> by virtue of UDP Policy EM8<sup>3</sup>, subject to the guidance about contaminated land in PPG23 *Planning and Pollution Control*<sup>4</sup>.

**Inspector's Recommendation**

5.13 I recommend that no modification be made to the UDP in response to Objections 070/167 and 084/1.

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<sup>1</sup> ALT/EMPLOYMENT/004 (CD056, p 6).

<sup>2</sup> Town and Country Planning (Use Classes) Order 1987 (SI 1987 No. 764). Class B1 - Business; Class B2 - General Industrial; Class B8 - Storage or Distribution.

<sup>3</sup> Policy EM8 - Development within Primarily Industrial Areas.

<sup>4</sup> PPG23, Annex 10.

## **PROPOSAL EM3/10 - LAND FOR GENERAL EMPLOYMENT USE**

### **Written Statement Paragraph 5.19**

#### **Cross Lane Industrial Estate, Wallasey**

**OBJECTION:** 088/3 Wallasey Civic Society

#### **Summary of Objection**

- 5.14 The Cross Lane industrial Estate should be designated as a business park rather than an industrial estate. This would enable better environmental treatment to be sought for the road frontage. Paragraph 5.19 of the Reasoned Justification incorrectly states that most sites have no significant constraints to development; the implementation of a full landscaping scheme should be a condition of planning permission and this requirement therefore needs specific mention in that paragraph.
- 5.15 The landscaping policy for Cross Lane is inadequate in that reliance on conditions of planning permission results in a very poor environment. Each proposal should have a mature landscape treatment; the area needs to be better designed and landscaped. There are housing areas nearby, and the estate is on a major route.

#### **Assessment and Conclusions**

5.16 It seems to me that the comprehensive exercise of designing and implementing a substantial and common area of landscape treatment may not be possible on an industrial estate which has already been considerably developed. The grant of planning permission is thus the most practicable means of ensuring that individual sites are given a complementary and worthwhile landscape treatment, especially so far as the road frontage is concerned. The Objector's concern that the treatment of sites has been inadequate in the past is therefore something which should be considered in the context of detailed development control policies relating to landscaping and individual negotiations with developers.

5.17 This is a normal feature of the process of seeking planning permission, and does not in my view fall into the 'significant constraint' category referred to in paragraph 5.19. As the Council point out, UDP Policy EM6<sup>1</sup>, EM7<sup>2</sup> and GR5<sup>3</sup> are relevant to the consideration of

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<sup>1</sup> Policy EM6 - General Criteria for New Employment Development. Criterion (v) requires that the siting, design, choice of materials, boundary treatment and landscaping should be of a satisfactory standard and in keeping with neighbouring uses.

<sup>2</sup> Policy EM7 - Environmental Criteria for New Employment Development. Criterion (ii) requires consideration to be given to the extent to which natural features and vegetation have been incorporated into a proposal.

<sup>3</sup> Policy GR5 - Landscaping and New Development. This policy requires *inter alia* full landscaping proposals to be submitted before full planning permission is granted, and contains criteria specifying the content of and approach taken in the design of such proposals.

individual proposals. Paragraph 5.35 of the Reasoned Justification to Policy EM8<sup>4</sup> does however, specifically recognise Cross Lane as one of the areas which would benefit from measures such as landscaping, fencing and security arrangements. The scope and speed of implementation of schemes in these areas in partnership with local businesses and new employers, would be dependent upon the availability of resources.

5.18 The Council appears to be mindful of the needs of Cross Lane, but the extent to which this will result in speedy action is dependent upon resources, the prioritisation of which is a matter for them. PPG12 *Development Plans and Regional Planning Guidance*<sup>5</sup> requires authorities preparing UDPs to have regard to a number of important matters, including the availability of resources. There would be little point in my view of including in the UDP proposals requiring unidentified resources that had little chance of implementation within the Plan period. A change in the designation of the Estate to a business park would do little in my view to change this position. In these circumstances I see little justification for any change to the UDP to address this issue in the manner suggested by the Objector.

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

5.19 I recommend that no modification be made to the UDP in response to Objection 088/3.

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<sup>4</sup> Development within Primarily Industrial Areas.

<sup>5</sup> PPG12, paragraph 5.5.

**PROPOSAL EM3/12 - LAND FOR GENERAL EMPLOYMENT USE  
Former Coal Depot Site, Wallasey Bridge Road, Birkenhead**

**OBJECTION:** 078/1 Friends of Bidston Moss

**Summary of Objection**

- 5.20 The old coal depot site forms part of the redevelopment proposals for the Bidston landfill site as drawn up by the Objector. These proposals show an employment after-use for the old incinerator building, which could be substituted for the coal depot site.

**Assessment and Conclusions**

- 5.21 The Council state that they have not received any plans to redevelop the Bidston Moss landfill site from the Objector. Planning permission has been granted for the development and restoration of that site to a community woodland, a change of use to open space and a car park. The site of the permission does not include the former coal yard.

- 5.22 Given these circumstances and in the absence of any other evidence I find no good reason why the coal yard site should not be allocated for employment purposes in the UDP. The Council confirm that the site of the incinerator could be considered for further employment land should it become available.

**Inspector's Recommendation**

- 5.23 I recommend that no modification be made to the UDP in response to Objection 78/1.

## **PROPOSAL EM3 - LAND FOR GENERAL EMPLOYMENT USE**

### **EM3/1 Twelve Quays, Birkenhead**

### **EM3/15 Land North and South of Shore Road, Birkenhead**

### **Land at South Alfred Dock**

**OBJECTIONS:** 006/2, 006/4 Mersey Docks and Harbour Company  
084/14, 084/18 Merseyside Development Corporation

### **Summary of Objections**

- 5.24 Land within the Objector's ownership at South Alfred Dock is operational land and not therefore available for inclusion within the Twelve Quays development site (006/2, 006/4).
- 5.25 The range of uses allocated for the Twelve Quays site under Proposals EM3/1 and EM3/15 (Classes B1, B2 and B8<sup>1</sup>) is too restrictive, particularly in the case of EM3/15 because when linked with Policy EM9<sup>2</sup> it creates a presumption against residential use. The site should be designated as a special development opportunity to allow for a wider range of uses (084/14, 084/18).

### **Assessment and Conclusions**

5.26 It seems to me that the prime reason for which Objections 006/2 and 006/4 were submitted was not to do with land ownership *per se*, but to safeguard the ongoing operational requirements of Alfred Dock which the Objector states will persist for the remainder of the UDP plan period. I note that the Merseyside Development Corporation declared an intention in 1991 to seek the relocation of the port-related activities on the south side of Alfred Dock<sup>3</sup>. I do not know whether discussions have taken place with the Objector with that objective in mind.

5.27 If some land has to be retained south of the Dock for the loading and unloading of cargo and the 'locking' in and out of ships, then in my view that land should be designated as Dockland on the UDP Proposals Map and excluded from the site of Proposal EM3/1. The extent of the operational land the Objector wishes to see shown as such is indicated on Drawing No 00001724 submitted in support of the Objection. It may be that the extent and boundary of this land could be adjusted if further discussions between the Council, the Merseyside Development Corporation and the Objector secured agreement to such a course of action.

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<sup>1</sup> Town and Country Planning (Use Classes) Order 1987 (SI 1987 No. 764), as amended. Class B1 - Business; Class B2 - General Industrial; Class B8 - Storage or Distribution.

<sup>2</sup> Policy EM9 - Non-employment Uses in Industrial Areas.

<sup>3</sup> Merseyside Development Corporation *Birkenhead Area Strategy* (CD079, p 19).

5.28 The *Birkenhead Area Strategy* describes Twelve Keys as 'a mixed business/residential community'<sup>4</sup>. A subsequent development brief sought development of a Ro-Ro Ferry Terminal north of Wallasey Dock, and a business park, commercial and leisure development in the centre of the site, with quayside housing. Outline planning permission was subsequently granted for such development, including a tourist village and hotel. As the Council point out, this permission is regarded for the purposes of the UDP as a commitment.

5.29 I consider that there is some force in the Council's argument that to allocate the whole of the site of EM3/1 and Site EM3/15 for a broader range of uses including residential use could enable other development packages to be put together that would weaken the prime intention of designating this area for high quality development falling within Use Classes B1, B2 and B8. Accordingly whilst appreciating the Objector's wish to encourage maximum investment in this prominent and centrally located employment area, I am not convinced that such a broadening of the basis for allocation would be in its best planning interests. This would not in my view preclude in principle the consideration of schemes which supported the prime employment allocation but which contained other complementary uses.

#### Inspector's Recommendation

5.30 I recommend -

- (a) that so far as Objections 006/2 and 006/4 are concerned, the UDP be modified by the adjustment on the Proposals Map of the boundary between Site EM3/1 and the area shown as Docklands to the north, to reflect the operational requirements of Alfred Dock as identified in further discussions between the Council, the Merseyside Development Corporation and the Mersey Docks and Harbour Company; and
- (b) that no modification be made in response to Objections 084/14 and 084/18.

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<sup>4</sup> Merseyside Development Corporation *Birkenhead Area Strategy* (CD079, pp 18 and 19).



**PROPOSAL EM3 - LAND FOR GENERAL EMPLOYMENT USE**  
**EM3/9 - Land at Green Lane, Tranmere**

OBJECTION: 084/15 Merseyside Development Corporation

COUNTER-OBJECTION: 070/AA GO-M

**Summary of Objections**

- 5.31 The allocation is too restrictive in that it excludes retail use. The appropriate form of retail development on this site would complement the existing retail provision in the Borough. A recent study undertaken for the Council demonstrates that non-food retail development would not adversely affect the vitality and viability of existing town centres. Such a redevelopment of the site would support the regeneration of Birkenhead and complement other regeneration initiatives in the area (084/15).
- 5.32 There is doubt as to whether the Council's subsequent decision to change the allocation of the Objection site to allow for non-food retail development<sup>1</sup> complies with current policies and objectives as set out in planning policy guidance, notably PPG6 *Town Centres and Retail Developments* and PPG13 *Transport* (070/AA).

**Note**

- 5.33 This Objection and Counter-objection are considered elsewhere in this report, in connection with Proposal SH1a<sup>2</sup>.

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<sup>1</sup> ALT2/EMPLOYMENT/001 (CD057, page 1) and ALT2/SHOPPING/002 (CD057, pages 31-32).

<sup>2</sup> See pages 312-322 of this report.

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**PROPOSAL EM4 - EXPANSION LAND FOR EXISTING BUSINESSES**

**OBJECTION:**           070/168 GO-M

**Summary of Objection**

- 5.34       Reference should be made in the Proposal to the identification of the subject sites/land on the Proposals Map.

**Assessment and Conclusion**

- 5.35       The Council's published change<sup>1</sup> satisfies the point raised by the Objector.

**Inspector's Recommendation**

- 5.36       I recommend that the UDP be modified by the amendment of Proposal EM4 in accordance with ALT/EMPLOYMENT/012.

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<sup>1</sup> ALT/EMPLOYMENT/012 (CDO56, page 15).

**PROPOSAL EM4 - EXPANSION OF LAND FOR EXISTING BUSINESSES  
EM4/1 - Land at the Rear of Arrowebrook Road, Upton**

**OBJECTION:** 129/1 British Telecommunications plc

**Summary of Objection**

- 5.37 The Arrowebrook Telephone Engineering Centre (TEC) has become surplus to the Objector's requirements and is available for disposal. It is therefore inappropriate and restrictive for a parcel of land within the site to be held for the future expansion of the company. Although the UDP states that sites allocated under Policy EM4 can be put to general employment use, other uses including retail use, are more appropriate.

**Note**

- 5.38 This Objection is considered elsewhere in this report, in connection with the consideration of Proposal SH1a<sup>1</sup>.

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<sup>1</sup> See pages 312-322 of this report.

**PROPOSAL EM4 - EXPANSION LAND FOR EXISTING BUSINESSES  
EM4/4 - Land North and South of Oakdale Road, Seacombe**

**OBJECTION:** 073/1 Dalgety plc

**Summary of Objection**

5.39 The boundary of the land allocated under Proposal EM4/4 should be redrawn to form a more logical boundary.

**Assessment and Conclusions**

5.40 The Council's published change<sup>1</sup> appears to satisfy the Objection.

**Inspector's Recommendation**

5.41 I recommend that the UDP be modified by the amendment of the boundary of the site subject to Proposal EM4/4 in accordance with ALT/EMPLOYMENT/013.

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<sup>1</sup> ALT/EMPLOYMENT/013 (CDO57, pages 16 and 17).

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## **PROPOSAL EM5 - LOCATIONS FOR SPECIAL INDUSTRIAL USES**

**OBJECTIONS:**      021/1 Merseywatch      055/1 Eastham Village Preservation Society  
070/169 GO-M      071/3 Ms A Eagle MP      072/4 Frank Field MP  
077/1 Wirral Environmental Protection Group  
079/2 Poulton Community Association  
103/1 Ms P Sykes      111/1 Ms S Howard  
123/1 Friends of Eastham Country Park

### **Summary of Objections**

- 5.42      Current evidence casts doubt on the suitability of incineration as a form of waste disposal because of health risks, including those arising from the release of dioxins into the atmosphere. Evidence suggests that dioxins are carcinogenic, attack the human immune system, cause female infertility and birth defects including neurological damage, low sperm count, endometriosis in women and other changes to the chemical balance of the body. There is no mention in the UDP of arrangements for dealing with concentrated highly toxic ash resulting from the incineration process (021/1, 103/1, 111/1).
- 5.43      There is at present no technology to catch the harmful emissions of dioxins. In Merseyside only Wirral have identified special industrial sites, and this seems to be contrary to the UDP policies on the protection of coastal areas. The special industrial sites would tend to attract municipal, sewage, clinical and chemical waste incinerators. Such 'dirty' sites would have an adverse effect on the regenerational and environmental policies advocated in the UDP, placing unacceptable burdens on local communities. Residents of Eastham are already concerned about the storage of dangerous chemicals and the smells associated with them (055/1, 071/3, 072/4, 077/1, 079/2, 123/1).
- 5.44      Reference should be made to the location of the sites which are the subject of Proposal EM5, on the Proposals Map (070/169).

### **Assessment and Conclusions**

5.45      The Council point out that not all or indeed any of the allocated sites under Proposal EM5 would necessarily be subject to a proposal for an incinerator. In any event, the change published by the Council<sup>1</sup> proposes that deletion of the Proposal and its Reasoned Justification, as Special Industrial Use Classes B4 to B7 were discontinued on 9 March 1995<sup>2</sup>.

### **Inspector's Recommendation**

5.46      I recommend that the UDP be modified by the deletion of Proposal EM5 and its Reasoned Justification in accordance with ALT/EMPLOYMENT/015.

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<sup>1</sup> ALT/EMPLOYMENT/015 (CD056, page 18).

<sup>2</sup> By the Town and Country Planning (Use Classes)(Amendment) Order 1995 (SI 1995 No. 297).

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**PROPOSAL EM5 - LOCATIONS FOR SPECIAL INDUSTRIAL USES**  
**EM5/1 - Dock Road South, Bromborough**

OBJECTION: 087/1 Lubrizol Ltd

**Summary of Objection**

5.47 The Objector seeks assurance that expansion of their production onto the Objection site would be acceptable within Proposal EM5, and that light/general industrial use would be acceptable. The site should be acknowledged as a licensed site. The Objector also wishes to be assured that Policy CO1<sup>1</sup> will not affect the use of this land.

**Assessment and Conclusions.**

5.48 The Council proposal to delete Proposal EM5<sup>2</sup> and to reallocate the Objection site under Proposal EM3 for purposes within Use Classes B1, B2 and B8<sup>3</sup>. This might be a satisfactory way of providing for uses within former Special Industrial Use Classes (SIUCs) B4 to B7. However such an approach does not cater for processes which fall under the former SIUC B3, being works registrable under the Alkali, etc. Works Regulation Act 1906. Such processes do not fall within Use Class B2 and are *sui generis*<sup>4</sup>.

5.49 Paragraph 5.23 of the Reasoned Justification for Proposal EM5 makes it clear that it is necessary to direct new Special Category Industry, *together with those activities excluded from the B4 to B7 Use Classes which could have a comparably serious impact on the environment*, to the separate locations identified in the Proposal. No evidence has been put forward to suggest that the Council's view that such uses could in principle be accommodated on the Objection site has changed. Whilst Proposal EM3 does not expressly preclude any use falling within former Use Class B3, that proposal could be interpreted by implication as excluding former B3 uses.

5.50 The Objector suggests that this difficulty could be overcome by allocating the Objection site under Proposal EM4<sup>5</sup>. This relates to land 'held' for the expansion of existing businesses.

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<sup>1</sup> Development within the Developed Coastal Zone. The policy lays down criteria for the consideration of such development. The Council propose changes to the Policy under ALT/EMPLOYMENT/002 (CD056, p 299) which do not affect the essence of these criteria.

<sup>2</sup> ALT/EMPLOYMENT/015 (CD056, p 18), by reason of the abolition of Use Classes B4 to B7 as a result of the Town and Country Planning (Use Classes)(Amendment) Order 1995 (SI 1995 No. 297).

<sup>3</sup> As Proposal EM3/3a (Land for General Employment Use), under ALT/EMPLOYMENT/004 (CD056, p 6). Use Class B1 - Business; Use Class B2 - General Industry; Use Class B8 - Storage or Distribution.

<sup>4</sup> By virtue of Article 2(1)(b) of the Town and Country Planning (Use Classes)(Amendment) Order 1992 (SI 1992 No. 610).

<sup>5</sup> Proposal EM4 - Expansion Land for Existing Businesses (see also proposed amendment under ALT/EMPLOYMENT/012 (CD056, p 15)).

It is stated that most of the Objection site is held under lease by the Objector for expansion purposes and that planning permissions exist for development which the Objector may wish to carry out on the site. Under these circumstances I accept that the allocation of the Objection site under Proposal EM4 would be an appropriate way of dealing with this need, subject to the amendment of the Proposal to accommodate uses involving registrable processes. For clarity I recommend a new proposal, EM4a.

5.51 There is deemed hazardous substances consent for the storage of chlorine on the company's existing site. Any extension of this operation onto the Objection site would be subject to the criteria in Policy PO7<sup>6</sup>. This in my view is a proper basis for considering such a proposal and reference to hazardous substances need not therefore be made in my recommended Proposal EM4a other than by reference to Policy PO7.

5.52 I cannot see that the criteria in Policy CO1<sup>7</sup> would rule out in principle proposals likely to be advanced by the Objector. They might restrain proposals, but I conclude elsewhere<sup>8</sup> that Policy CO1 as amended strikes a balance between flexibility for developers who may have to develop within the Coastal Zone, and the control necessary to protect important coastal interests. The amended policy also introduces more flexibility for public access. I therefore conclude that so far as this aspect of the consideration of the Objection site is concerned my recommended new Proposal should refer to Policy CO1 as well as Policies EM6, EM7, EM9, PO1 and PO7, all policies referred to in Proposal EM5 which it is proposed to delete.

### **Inspector's Recommendation**

5.53 I recommend that the Objection site be not added to the list of sites under Proposal EM3 and that the UDP be modified

(a) by reallocating the Objection site under a new Proposal EM4a as follows:

**'Proposal EM4a - Land at Dock Road South, Bromborough**

**This area as allocated on the Proposal Map is being held for the expansion of an existing business and is suitable for development in connection with that business or by others for uses within Classes B1, B2 or B8 of the Town and Country Planning (Use Classes) Order 1987 as amended or for processes registrable under the Alkali, etc. Works Regulation Act 1906, subject to Policies EM6, EM7, EM9, CO1, PO1 and PO7' and**

(b) by the amendment of the Proposals Map accordingly.

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<sup>6</sup> Policy PO7 - Hazardous Installations and Substances. The policy contains criteria for the consideration of proposals requiring hazardous substances consent and/or planning permission.

<sup>7</sup> Policy CO1 - Development within the Developed Coastal Zone.

<sup>8</sup> See pages 361-363 of this report.

## **POLICY EM6 - GENERAL CRITERIA FOR NEW EMPLOYMENT DEVELOPMENT**

### **Written Statement Paragraph 5.26**

OBJECTIONS: 070/1 GO-M 071/4 Ms A Eagle MP 072/10 Frank Field MP  
079/1 Poulton Community Association  
122/6 Rural Development Commission

### **Summary of Objections**

- 5.54 The word 'normally' should be deleted from Policy EM6 (070/1).
- 5.55 Policy EM6 suggests support for incinerators within the area designated for Special Industrial Uses. Any toxins released through incineration or leaching from residual ash poses a threat to public health. The views of the community should be considered in this respect, and appropriate community benefits sought to offset any harm (071/4, 072/10).
- 5.56 Uses within Special Industrial Use Classes B4 to B7 and those within groups (B) and (C) of the definition of 'Employment Development' in Policy EM6<sup>1</sup> should be deleted from that definition, as they would have an adverse effect in a compact urban area such as the Wirral (079/1).
- 5.57 The UDP in general and Policy EM6 in particular does not deal adequately with the issues of supporting and diversifying the rural economy (122/6).

### **Assessment and Conclusions**

5.58 Policy EM6 as proposed to be amended<sup>2</sup> is a general one. Whilst it would be relevant to the consideration of any planning application for an incinerator, it could not in my view be construed as encouraging incinerators. No doubt appropriate publicity would be given to any application for proposals under the Policy, which would enable the decision maker to consider the views of the community in the context of the wide ranging criteria laid down in the Policy. Community benefit could also be considered through Planning Obligations<sup>3</sup>.

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<sup>1</sup> Group (B) covers scrapyards, or yards used for the storage or distribution of minerals or the breaking of motor vehicles. Group (C) covers uses involving the manufacture, processing, keeping or use of a hazardous substance above its controlled quantity.

<sup>2</sup> By ALT/EMPLOYMENT/028 (CD056 Errata).

<sup>3</sup> Under Section 106 of the Town and Country Planning Act 1990 (as amended).



5.59 Although Policy EM6 refers to Use Classes B1 to B8, Classes B3 to B7 have already been discontinued<sup>4</sup>. The Council may receive planning applications for uses within groups (B) and (C) of the definition of 'Employment Development', even if such uses were excluded from the Policy. I support the Council's view that the omission of references to these uses could have the opposite effect to that claimed in Objection 079/1, by divorcing them from the set of criteria by which they should be assessed. I therefore favour retention of Groups (B) and (C) in the Policy.

5.60 I interpret Objection 122/6 as advocating express reference to the objectives of encouraging rural enterprise in Policy EM6. Given the central urban regeneration theme in the UDP and the close knit between the urban and rural areas in the Wirral I do not consider this necessary, especially as the Policy is positively framed. I accept that the UDP's Urban Regeneration Strategy does constrain rural areas<sup>5</sup>, but this recognises the objective of maintaining the quality of the Borough's environment and heritage. The UDP does not impose an embargo on employment development outside land allocated for such purposes or in primarily industrial areas. Policy EM11 as amended<sup>6</sup> merely excludes those types of economic development likely to cause harm. Much countryside is Green Belt where restrictive policies apply. Other area designations protect interests like open space, landscape or ecology.

5.61 Nevertheless, Policy AG7 as amended<sup>7</sup> supports farm diversification and Policy GB3 as amended<sup>8</sup> the re-use of buildings in the Green Belt. Policies LA5 and TL10 as amended<sup>9</sup> relate to tourism in the Green Belt and recreation. Improvements in public transport for which appropriate provision is made in the Transport Section should benefit those living and working in the rural and urban areas of the Borough. The amended Policy EM6 omits 'normally'. In these circumstances I do not consider that any further change to the Policy is necessary.

### **Inspector's Recommendation**

5.62 I recommend that the UDP be modified by the amendment of Policy EM6 in accordance with ALT/EMPLOYMENT/028, but that no other modification be made in response to Objections 071/4, 072/10, 079/1 and 122/6.

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<sup>4</sup> By the Town and Country Planning (Use Classes)(Amendment) Order 1992 (SI 1992 No. 610) and the Town and Country Planning (Use Classes)(Amendment) Order 1995 (SI 1995 No. 297).

<sup>5</sup> Written Statement, paragraph 4.2.

<sup>6</sup> Policy EM11 - Employment Development in Primarily Residential Areas, ALT/EMPLOYMENT/024 (CD056, p 27).

<sup>7</sup> Policy AG7 - Agricultural and Horticultural Retailing, ALT2/AGRICULTURE/004 (CD057, p 21).

<sup>8</sup> Policy GB3 - Re-use of Buildings in the Green Belt, ALT2/GREEN BELT/002 (CD057, p 6).

<sup>9</sup> Policy TL10 - Criteria for Tourism Development in the Green Belt, ALT/TOURISM/008 (CD056, p 121); Policy LA5 - Criteria for Horse Shelters and Stables, ALT/LANDSCAPE/009 (CD056, p 190).

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## **POLICY EM7 - ENVIRONMENTAL CRITERIA FOR NEW EMPLOYMENT DEVELOPMENT**

OBJECTIONS: 070/27 GO-M 071/5 Ms A Eagle MP 072/11 Frank Field MP  
080/6 Cheshire Wildlife Trust 122/7 Rural Development Commission

### **Summary of Objections**

- 5.63 The word 'normally' should be deleted from Policy EM7 (070/27).
- 5.64 Policy EM7 suggests support for incinerators within the area designated for Special Industrial Uses. Any toxins released through incineration or leaching from residual ash pose a threat to public health. The views of the community should be considered in this respect, and appropriate community benefits sought to offset any harm (071.5, 072/11).
- 5.65 Criterion (ii) of the Policy<sup>1</sup> should include protection for relevant fauna and flora. Criterion (iii)<sup>2</sup> should be applied to non-designated sites with ecological interest (080/6).
- 5.66 The UDP in general and Policy EM7 in particular does not deal adequately with the issues of supporting and diversifying the rural economy (122/7).

### **Assessment and Conclusions**

5.67 A published change to Policy EM7 omits 'normally'<sup>3</sup>. The policy refers to environmental criteria, but has to be considered alongside Policy EM6 as amended<sup>4</sup>. I do not see Policy EM7 as in itself encouraging incineration in 'Special Industrial Areas', especially as such areas will no longer exist upon the proposed deletion of Policy EM5<sup>5</sup>. No doubt appropriate publicity would be given to any application for proposals to be considered under Policy EM7, which would enable the decision maker to consider the views of the community against the criteria laid down in the Policy, and in others. Community benefit could be considered, for example through Planning Obligations<sup>6</sup>.

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<sup>1</sup> The extent to which existing natural features and vegetation have been incorporated into the proposal.

<sup>2</sup> The impact of the proposal on site (*sic*) carrying nature conservation designations.

<sup>3</sup> ALT/EMPLOYMENT/029 (CD056, Errata).

<sup>4</sup> ALT/EMPLOYMENT/028 (CD056 Errata).

<sup>5</sup> ALT/EMPLOYMENT/015 (CD056, p 18).

<sup>6</sup> Under Section 106 of the Town and Country Planning Act 1990 (as amended).

5.68 As the Council point out, ecological protection for designated sites is afforded by Policies NC3 and NC5<sup>7</sup>. Whilst PPG9 *Nature Conservation* emphasises the importance of both designated and non-designated sites for nature conservation, the non-statutory sites referred to in the PPG<sup>8</sup> are those of local importance, and they appear to me to be adequately provided for in Policy NC5. In my view this provision satisfies the guidance in the PPG about the protection of sites of local interest in UDP Part IIs<sup>9</sup>, and no further changes are needed to be made to Policy EM7 in this context.

5.69 The issues raised in Objection 122/7 are discussed at some length elsewhere in this report in relation to Policy EM6<sup>10</sup>, and my conclusions in that regard apply equally to Policy EM7.

5.70 An opportunity should be taken at the UDP Modifications stage to correct a small error in the second line of criterion (ii) of Policy EM7 ('HGVS's' should be 'HGVs').

#### Inspector's Recommendation

5.71 I recommend that the UDP be modified by the amendment of Policy EM7 in accordance with ALT/EMPLOYMENT/029 subject to the replacement of 'HGVS's' by 'HGVs' in the second line of criterion (ii), but that no other modification be made in response to Objections 071/5, 072/11, 080/6 and 122/7.

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<sup>7</sup> Policy NC3 - The Protection of Sites of National Importance for Nature Conservation. Policy NC5 - The Protection of Sites of Local Importance for Nature Conservation.

<sup>8</sup> PPG9, paragraphs 14 and 15.

<sup>9</sup> PPG9, paragraphs 24 to 26.

<sup>10</sup> See pages 79-80 of this report.

**POLICY EM8 - DEVELOPMENT WITHIN PRIMARILY INDUSTRIAL AREAS**  
**POLICY EM9 - NON-EMPLOYMENT USES IN INDUSTRIAL AREAS**  
**POLICY EM11 - EMPLOYMENT DEVELOPMENT IN PRIMARILY RESIDENTIAL AREAS**

OBJECTIONS: 070/28, 070/29 GO-M 095/2 B & Q plc 096/2 VSEL plc  
129/3 British Telecommunications plc

COUNTER-OBJECTIONS: 069/A McDonald's Restaurants Ltd  
084/A Merseyside Development Corporation  
129/A, 129/AA British Telecommunications plc

**Summary of Objections**

- 5.72 The word 'normally' should be deleted from Policies EM8 and EM11 (070/28, 070/29).
- 5.73 Policy EM9 seeks to resist retail development on land allocated for employment purposes or within Primarily Industrial Areas. The Policy is inflexible and neglects the benefits that can result from retail development on 'traditional' employment land, especially where there is a land surplus. Retail development can assist economic regeneration and employment creation. Policy EM9 is therefore contrary to the UDP's economic objectives. The UDP should acknowledge that alternative forms of development can be appropriate and bring with it significant advantages. The Policy should be amended to permit alternative development proposals in such areas to be considered on their own merits (095/2, 096/2).
- 5.74 The site characteristics of retail warehousing are comparable and complementary to modern industrial development. Both types of use have similar impact, and retail warehouses can be efficient users of land in terms of employment. A policy similar to Draft Policy ED10 of the Alnwick Local Plan<sup>1</sup> should be inserted into the UDP (129/3).
- 5.75 Residential development can be acceptable in industrial areas when properly integrated, subject to environmental and amenity safeguards. Policy EM9 should be redrafted along the lines of Policy E2 of the Liverpool UDP Draft for Consultation<sup>2</sup> (096/2).

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<sup>1</sup> This draft policy states that the development of retail units within sites identified as suitable for industrial or employment development where the type of goods would require an element of processing, necessitate delivery or collection by large vehicles or would attract volumes of customer traffic which would be detrimental to the character and operation of the traditional retail areas.

<sup>2</sup> This policy states 'Land and sites identified on the Proposals Map for industry and business use will be protected against redevelopment for other purposes, except where such a change of use is included as part of proposals for the comprehensive redevelopment of an area, implementation of which would result in an overall improvement in

- 5.76 The principle of 'food and drink' (Class A3) uses should be acceptable under Policy EM9, as it is in revised Proposal EM2 (Conway Park)<sup>3</sup>. Policy EM9 has been made more inflexible by the omission of the word 'normally' in its amended form<sup>4</sup> (069/A).
- 5.77 Policy EM9 as amended does not refer to land within Primarily Industrial Areas. It is assumed that it is the intention that the Policy will only relate to land allocated for employment purposes under Proposals EM3 and EM4<sup>5</sup>. Policy EM9 requires further clarification to clearly distinguish between these two separate areas, to accord with guidance in PPG12 *Development Plans and Regional Planning Guidance*<sup>6</sup>. This could be achieved by amending the text of the Reasoned Justification, to permit the relationship between Policy EM9 and Proposals EM3 and EM4 to be made clearer and ensure consistency with Policies SH9 and SH10<sup>7</sup> (129/A).
- 5.78 Policy EM9 and its Reasoned Justification at paragraph 5.36 as revised<sup>8</sup> should be further amended clearly to state that the policy only applies to land allocated for employment purposes under Policies EM3 and EM4<sup>9</sup>. (129/AA). Policy EM9 as amended does not allow for the possibility of mixed use development incorporating, say retail or residential uses on appropriate sites (084/A).

### **Assessment and Conclusions**

5.79 The Council maintain that the main objective of Policy EM9 is in association with Proposals EM3 and EM4 is to enable an adequate portfolio of employment land to be maintained in the Borough to ensure that employment initiatives are not frustrated by the lack of suitable development land. I support this clear and firm approach. PPG4 *Industrial and Commercial*

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the environment for industrial and business activity in the area, and subject to the protection of amenity and other relevant policies in the Plan'.

<sup>3</sup> ALT/EMPLOYMENT/003 (CD056, p 5).

<sup>4</sup> ALT/EMPLOYMENT/017 (CD056, p 20).

<sup>5</sup> Proposal EM3 - Land for General Employment Use. Proposal EM4 - Expansion Land for Existing Businesses.

<sup>6</sup> PPG12, paragraph 7.11.

<sup>7</sup> Policy SH9 - Criteria for Out-of-Centre Retail Development. Policy SH10 - Design and Location of Out-of-Centre Retail Development.

<sup>8</sup> ALT/EMPLOYMENT/017 (CD056, p 20) AND ALT2/EMPLOYMENT/002 (CD057, p 3).

<sup>9</sup> Proposal EM3 as amended by ALT/EMPLOYMENT/004 (CD056, p 6); Proposal EM4 as amended by ALT/EMPLOYMENT/012 (CD056, p 15).

*Development and Small Firms*<sup>10</sup> states that local authorities should be realistic in their assessments of the needs of business, and should aim to ensure that there is sufficient land which is available and readily capable of development and well served by infrastructure, and to ensure that there is a variety of sites available to meet differing needs.

5.80 PPG6 *Town Centres and Retail Developments*<sup>11</sup> states that planning applications for retail development should not normally be allowed on land designated for other uses, including industry and employment, in an approved development plan. I see Policy EM9 in its amended form as being consistent with that guidance. As no evidence has been put forward as to whether the circumstances which gave rise to the Alnwick Local Plan policy referred to in Objection 129/3 were similar to those pertaining in the Wirral, I have considerable doubts about using that earlier drafted policy to justify a change to Policy EM9.

5.81 However, there are important employment sites in the Wirral which have been given a more flexible approach. In particular, Proposals EM1 and EM2 as amended<sup>12</sup> establish more varied options for the redevelopment of the Cammel Laird site and land at Conway Park respectively. Yet to extend such flexibility to all the land allocated for employment purposes in the UDP and in particular to permit general retail uses under Policy EM9 would to my mind result in a less reliable pool of employment land. Such an approach would also make it more difficult for the Council to maintain a coherent strategy for retail development in line with the current guidance in PPG6<sup>13</sup>.

5.82 The principle of safeguarding the basic supply of employment land as such applies also in my view to whether housing could be permitted on land allocated for employment purposes. Whilst Objection 096/2 does not advocate explicit reference to permitting residential development under Policy EM9, a policy such as that from Liverpool might enable mixed developments having a housing component to be permitted on allocated employment land. However in circumstances in which the Council is seeking to safeguard a clearly identified pool of allocated employment land I consider their approach to identify the scope for mixed developments on specific sites to be a valid one, and the Liverpool policy may not therefore be appropriate.

5.83 The proposed changes to Proposals EM1 and EM2 would extend the range of uses which could be permitted on the Cammel Laird and Conway Park sites to include 'food and drink' uses. However, there is no equivalent change proposed for land allocated under Proposal

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<sup>10</sup> PPG4, paragraph 6.

<sup>11</sup> Revised PPG6 (June 1996), paragraph 3.23.

<sup>12</sup> ALT/EMPLOYMENT/001 (CD056, p 3) and ALT/EMPLOYMENT/003 (CD056, p 5).

<sup>13</sup> See in particular PPG6 (1996), Section 1 (paragraphs 1.1 to 1.17).

EM3, or within Primarily Industrial Areas, by further amendment of Policies EM8<sup>14</sup> or EM9. I accept that the omission of the word 'normally' in the amended Policy EM9 reduces the flexibility of the Policy in this respect. A small 'food and drink' facility catering mostly for the needs of those working on an allocated employment site might be capable of consideration as an exception to Policy EM9, although opportunities for such uses may also occur close to such sites. Any larger facility which attracted custom in its own right would be subject to the considerations of retail development strategy mentioned in the last foregoing paragraph. I am therefore satisfied that the Council is justified in not permitting Class A3 uses in Policy EM9.

5.84 The Council propose to delete reference to Primarily Industrial Areas from Policy EM9<sup>15</sup>. In response to Counter-objection 129/A they also propose to amend Paragraph 5.36 of the Reasoned Justification to make it clear that the policy applies only to land allocated under Proposals EM3 and EM4<sup>16</sup>. Whilst no express reference is made to the Policy not applying to land within Primarily Industrial Areas, I consider the inference to be clear enough to satisfy the requirement in PPG12 that the policy be clearly and unambiguously expressed.

5.85 Published changes to Policies EM8 and EM11 omit 'normally'<sup>17</sup>.

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

5.86 I recommend that the UDP be modified by the amendment of Policies EM8 and EM11 in accordance with ALT/EMPLOYMENT/016 and 024 and of Policy EM9 and Paragraph 5.36 of its Reasoned Justification in accordance with ALT/EMPLOYMENT/017 and ALT2/EMPLOYMENT/002, but that no other modification be made in response to Objections 095/2 , 096/2 and 129/3 and Counter-objections 069/A, 084/A, 129/A and 129/AA.

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<sup>14</sup> Policy EM8 as amended by ALT/EMPLOYMENT/016 (CD056, p 19) - Development within Primarily Industrial Areas.

<sup>15</sup> ALT/EMPLOYMENT/017 (CD056, p 20).

<sup>16</sup> ALT2/EMPLOYMENT/002 (CD057, p 3).

<sup>17</sup> ALT/EMPLOYMENT/016 (CD056, page 19) and ALT/EMPLOYMENT/024 (CD056, page 27).

## **POLICY EM8 - DEVELOPMENT WITHIN PRIMARILY INDUSTRIAL AREAS**

### **Proposals Map**

#### **\* Wallasey Dock**

#### **\* Land at Prenton Dell**

**OBJECTIONS:** 006/1 Mersey Docks and Harbour Company  
221/2 National Grid Company plc

### **Summary of Objections**

- 5.87 The land at Wallasey Dock should be designated as 'Docklands' rather than as 'Primarily Industrial Area' (006/1).
- 5.88 Confirmation is sought that a future extension of the Objector's operations at Prenton Dell to the south of the area designated 'Primarily Industrial Area' would be acceptable in principle (221/2).

### **Assessment and Conclusions**

#### ***Wallasey Dock***

5.89 It seems to me that the issue as to whether the Wallasey Dock should be designated as part of a 'Primarily Industrial Area' or as 'Docklands', is of little practical significance. The Dock effectively forms part of the Twelve Quays development site. It has an ongoing operational function in relation to the dock impounding system, protected by a clause of the freehold conveyance of the land underneath the Dock to the Merseyside Development Corporation. Yet it is not in other operational respects so obviously central to the overall Birkenhead Dock system as is Alfred Dock.

5.90 Whilst 'Primarily Industrial Area' is a designation which suggests the existing use of an area, changing the designation to 'Docklands' may appear confusing to those who enquire about or become involved in the further development of the Twelve Quays site. I therefore consider that no change should be made to the designation of the Wallasey Dock on the Proposals Map.

#### ***Land at Prenton Dell***

5.91 As the Council point out, any southerly extension of the Objectors' operations amounting to development requiring planning permission and extending into land which already forms part of the statutory Green Belt, would be subject to the presumption against inappropriate development in the Green Belt as set out in the UDP and in national planning guidance in PPG2



*Part II: Policy EM8 and Proposals Map -  
Development within Primarily Industrial Areas  
\* Wallasey Dock  
\* Land at Prenton Dell*

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*Green Belts*<sup>1</sup>. Policies GB2 and GB3<sup>2</sup> and PPG2<sup>3</sup> specify what types of development are considered appropriate in the Green Belt. If the proposed development put forward by the Objector were inappropriate, then very special circumstances would need to be shown to outweigh the harm done to the purposes of the Green Belt.

5.92 In the circumstances described above there could be a severe restriction on the Objector's prospects of extending operations to the south, as utilities is not one of the types of development specified as appropriate. The Objection does not however request consideration to be given to any change to the boundary of the Green Belt in this area, and even if there were such a request, no firm evidence is available to me which might justify a change. I therefore consider that there is no case for altering the 'Primarily Industrial Area' or Green Belt designation boundaries in the Prenton Dell area.

**Inspector's Recommendation**

5.93 I recommend that no modification be made to the UDP in response to Objections 006/1 and 221/2.

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<sup>1</sup> PPG2, paragraph 3.1.

<sup>2</sup> Policy GB2 (as proposed to be amended by ALT/GREEN BELTS/001 (CD056, p 47) and ALT2/GREEN BELTS/001 (CD057, p 5)) - Guidelines for Development in the Green Belt. Policy GB3 (as proposed to be amended by ALT/GREEN BELTS/003 (CD056, p 49) and ALT2/GREEN BELTS/002 (CD057, p 6)) - Re-use of Buildings in the Green Belt.

<sup>3</sup> PPG2, paragraphs 3.4 to 3.8.

*Part II: Proposals Map Primarily Industrial Area Notation*

*(Proposal GR2 - The Protection of Greenspace within the Urban Area)*

- 1 Port Sunlight area*
  - 2 Land at St Andrews Road, Spital*
  - 3 Land at Pool Lane, Bromborough*
  - 4 Land adjoining Bromborough Road, from Skew Bridge to Spital Dam*
  - 5 Land adjacent to the Lever Brothers Factory Entrance, Bromborough*
  - 6 Former Power Station, 'Slackwood' and Girling's Meadow, Bromborough*
  - 7 Land at Ivy Street/Pilgrim Street, Birkenhead*
  - 8 Land at Price Street/Brook Street, Birkenhead*
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**PROPOSALS MAP PRIMARILY INDUSTRIAL AREA NOTATION;  
(PROPOSAL GR2) - THE PROTECTION OF GREENSPACE WITHIN  
THE URBAN AREA**

- 1 Port Sunlight area**
- 2 Land at St Andrews Road, Spital**
- 3 Land at Pool Lane, Bromborough**
- 4 Land adjoining Bromborough Road, from Skew Bridge to Spital Dam**
- 5 Land adjacent to the Lever Brothers Factory Entrance, Bromborough**
- 6 Former Power Station, 'Slackwood' and Girlings Meadow, Cow Pasture Wood and Slack Wood, Bromborough**
- 7 Land at Ivy Street/Pilgrim Street, Birkenhead**
- 8 Land at Price Street/Brook Street, Birkenhead**

**OBJECTIONS:** 012/1 (part) Mr R T Carribine 035/2, 035/3 The Bromborough Society  
068/3-068/5, 068/10, 068/15 UML Ltd  
084/2, 084/5 Merseyside Development Corporation  
123/2, 123/5 Friends of Eastham Country Park  
127/1, 127/28 Wirral Wildlife 215/2, 215/29 Wirral Green Belt Council

**Summary of Objections**

- 5.94 The general area of the Lever Brothers factory should be shown on the Proposals map as a Primarily Residential Area (PRA) rather than a Primarily Industrial Area (PIA) (012/1).
- 5.95 Land adjoining the Unilever Research Laboratory forming part of a PIA should include a small triangle of land near St Andrews Road (68/10).
- 5.96 Land fronting the A41 adjacent to the Objector's main factory entrance and at Pool Lane should be allocated for commercial purposes (such as B1, leisure or showroom uses), rather than being part of a PIA (068/3, 068/5<sup>1</sup>).

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<sup>1</sup> The Objection 068/5 made during the statutory deposit period requested allocation of land adjoining the Lever Brothers' main entrance for commercial development rather than the designation of this land as a PIA. Comments received from the Objector in response to the Council's rebuttal statement indicated that the Objection was not to the PIA designation as such but a proposal that an additional criterion (iii) should be added to Policy EM8 (Development within Primarily Industrial Areas) permitting commercial uses such as car showrooms, petrol filling stations, public houses/restaurants and hotels, subject to such uses being ancillary to the predominantly industrial nature of the PIA. In my view the Objector's post-rebuttal representations which request the amendment of a

**Part II: Proposals Map Primarily Industrial Area Notation**

*(Proposal GR2 - The Protection of Greenspace within the Urban Area)*

*1 Port Sunlight area*

*2 Land at St Andrews Road, Spital*

*3 Land at Pool Lane, Bromborough*

*4 Land adjoining Bromborough Road, from Skew Bridge to Spital Dam*

*5 Land adjacent to the Lever Brothers Factory Entrance, Bromborough*

*6 Former Power Station, 'Slackwood' and Girling's Meadow, Bromborough*

*7 Land at Ivy Street/Pilgrim Street, Birkenhead*

*8 Land at Price Street/Brook Street, Birkenhead*

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- 5.97 Land at Bromborough Road, from the Skew Bridge to the Spital Dam, should be allocated for residential use rather than being part of a PIA (068/4, 068/15).
- 5.98 The site of the former Bromborough Power Station, of 'Slackwood' and land at Girling's Meadow would if allocated for employment purposes or forming part of a PIA, have an adverse effect on the Eastham Country Park within the Green Belt. Proposed development in this area may threaten woodland (35/2, 123/2, 127/1, 215/2)
- 5.99 The boundary between land forming part of a PRA and a PIA between Ivy Street and Pilgrim Street should be adjusted to incorporate land to the north and south of Pilgrim Street as part of the PIA (084/2).
- 5.100 Land at Brook Street/Price Street should be designated as part of a PIA rather than a PIA (084/5).

## **Assessment and Conclusions**

### ***1 Port Sunlight area***

5.101 The Proposals Map does not show the whole of Port Sunlight Village as being within the PIA as inferred by the Objector. The general area of the Lever Brothers Factory is in my view appropriately designated as such, but the main residential area of the village is shown as within the PRA. I therefore consider that so far as that part of Objection 012/1 which relates to this matter is concerned, no change to the Proposals Map is justified<sup>2</sup>.

### ***2 Land at St Andrews Road, Spital***

5.102 A change published by the Council<sup>3</sup> incorporates this land, which forms part of the Research Laboratory car park, into the PIA.

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general policy are substantially different to those made during the Deposit period which relate to a specific site, to the extent that I consider the post-rebuttal representations not to have been 'duly made'.

<sup>2</sup> Objection 12/2, which advocates the designation of certain parts of Port Sunlight as Urban Greenspace under Proposal GR2, is considered on page 224 of this report.

<sup>3</sup> ALT/EMPLOYMENT/027(CD056, p 30).

**Part II: *Proposals Map Primarily Industrial Area Notation***

*(Proposal GR2 - The Protection of Greenspace within the Urban Area)*

*1 Port Sunlight area*

*2 Land at St Andrews Road, Spital*

*3 Land at Pool Lane, Bromborough*

*4 Land adjoining Bromborough Road, from Skew Bridge to Spital Dam*

*5 Land adjacent to the Lever Brothers Factory Entrance, Bromborough*

*6 Former Power Station, 'Slackwood' and Girling's Meadow, Bromborough*

*7 Land at Ivy Street/Pilgrim Street, Birkenhead*

*8 Land at Price Street/Brook Street, Birkenhead*

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***3 Land at Pool Lane, Bromborough***

5.103 The Council refer to the proposed change to Policy CH24<sup>4</sup> as imposing a considerable restriction upon this site's development potential as to render inappropriate allocation of the site for development as suggested by the Objector. Although I have no detailed information as to the nature and extent of the archaeological remains which occupy this site, my impression from a visual inspection is that the remains could influence the site's development prospects. I therefore support the view expressed by the Council and in the absence of any alternative suggestion as to the allocation or designation of the site, see no strong case for altering the proposed designation as part of a PIA.

***4 Land adjoining Bromborough Road, from Skew Bridge to Spital Dam***

5.104 The Council intend to grant planning permission for the development of this site for housing purposes, subject to the completion of an agreement under Section 106 of the Town and Country Planning Act 1990 (as amended). The Council have accordingly published a change to the UDP<sup>5</sup> the effect of which is to amend the PRA north of Bromborough Road to encompass the Objection site. This appears to satisfy Objections 068/4 although it falls short of the request in Objection 068/15 that the land be allocated as a housing site. However if the Council do as seems likely before the adoption of the UDP determine the application and grant planning permission, allocation would be inappropriate as the site will then have become a housing 'commitment'.

***5 Land adjacent to the Lever Brothers Factory Entrance, Bromborough***

5.105 As the Council point out, one of the forms of development favoured by the Objector for this land is already compatible with UDP Policy EM8<sup>6</sup>. Objection 068/5 also refers to the suitability of the Objection site for leisure or showroom use. These uses fall outside Policy EM8. Any other possible uses for the site, not mentioned in the Objection, are outside the scope of this part of this report. Current national planning guidance favours the same general approach towards showroom or leisure uses as it does towards retail uses - namely the

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<sup>4</sup> ALT/HERITAGE/028 (CD056, p 156).

<sup>5</sup> ALT/HOUSING/015 (CD056, p 46).

<sup>6</sup> Policy EM8 (Development within Primarily Industrial Areas) as amended by ALT/EMPLOYMENT/016 (CD056 p 19) permits uses including those falling within Use Class B1 (Business).

**Part II: Proposals Map Primarily Industrial Area Notation**

**(Proposal GR2 - The Protection of Greenspace within the Urban Area)**

**1 Port Sunlight area**

**2 Land at St Andrews Road, Spital**

**3 Land at Pool Lane, Bromborough**

**4 Land adjoining Bromborough Road, from Skew Bridge to Spital Dam**

**5 Land adjacent to the Lever Brothers Factory Entrance, Bromborough**

**6 Former Power Station, 'Slackwood' and Girling's Meadow, Bromborough**

**7 Land at Ivy Street/Pilgrim Street, Birkenhead**

**8 Land at Price Street/Brook Street, Birkenhead**

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'sequential approach' of seeking town centre sites and edge-of-centre sites for such uses before out-of-centre sites are considered<sup>7</sup>. The Objector has provided no firm evidence as to why leisure or showroom development should be provided for on this site in the light of this policy context. I therefore conclude that there is no justifiable case for changing the proposed status of this site from that of designation within a PIA.

**6 Former Power Station, 'Slackwood' and Girling's Meadow, Cow Pasture Wood and Slack Wood, Bromborough**

5.106 The site of the former Bromborough Power Station is allocated in part for general employment purposes under Proposal EM3<sup>8</sup>. The Council confirm that the remainder of that site has been made available as an extension of the Eastham Country Park, and this land is to be protected as Urban Green space under Proposal GR2/93<sup>9</sup>. This seems to me to be an equitable land use approach in which a significant area of land is made available to supplement the land stocks in the strategically important Wirral International Business Park, and a locally significant open space is also enlarged.

5.107 I note that Girling's Meadow has for some time been represented as an employment site and is the subject of a planning permission for employment purposes. In these circumstances and where the Council has been able to show that there is not a shortage of urban open space in the area, the fact that the site may be of some (not formally recognised) ecological interest is not in my view sufficient to outweigh the benefits which I am satisfied the site could provide for employment development at the southern end of the Business Park.

5.108 PPG2 *Green Belts* states that detailed Green Belt boundaries defined in adopted local plans should be altered only exceptionally<sup>10</sup>. RPG13 *Regional Planning Guidance for the North West* refers to very strong justification being required for any changes to Green Belt boundaries other than in the context of a Regional review<sup>11</sup>. The boundary of the Green Belt as defined

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<sup>7</sup> PPG6 Revised (June 1996) *Town Centres and Retail Developments*, especially key feature (i) and paragraph 1.15.

<sup>8</sup> Proposal EM3 - Land for General Employment Use.

<sup>9</sup> Proposal GR2 - The Protection of Greenspace within the Urban Area.

<sup>10</sup> PPG2, paragraph 2.6.

<sup>11</sup> RPG13, paragraph 3.10.

**Part II: *Proposals Map Primarily Industrial Area Notation***

*(Proposal GR2 - The Protection of Greenspace within the Urban Area)*

*1 Port Sunlight area*

*2 Land at St Andrews Road, Spital*

*3 Land at Pool Lane, Bromborough*

*4 Land adjoining Bromborough Road, from Skew Bridge to Spital Dam*

*5 Land adjacent to the Lever Brothers Factory Entrance, Bromborough*

*6 Former Power Station, 'Slackwood' and Girling's Meadow, Bromborough*

*7 Land at Ivy Street/Pilgrim Street, Birkenhead*

*8 Land at Price Street/Brook Street, Birkenhead*

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in the Merseyside Green Belt Local Plan runs along the southern extremity of the Objection site. It appears to me to be clearly defined to follow identifiable features on the ground, consistent with the guidance in PPG2<sup>12</sup>. In these circumstances and those described in the last paragraph there is in my view no basis on which the Green Belt should reasonably be extended to incorporate the Objection land.

5.109 There are areas of woodland in the south Bromborough area. Some are within areas designated for open space purposes or protected for their ecological importance<sup>13</sup>. Others, such as Slack Wood and Cow Pasture Wood, are within areas allocated for employment use under Proposal EM3<sup>14</sup>. Whilst it can be argued that the development of these sites could be a potential threat to the areas of woodland they contain, development proposals would be expected to satisfy the appropriate criteria of Policy EM7<sup>15</sup>. This includes consideration of the extent to which natural features and vegetation have been incorporated. Whilst the merits of retaining some or all of the woodland within the proposed employment development should be considered, this could in my view be achieved with the UDP provisions proposed by the Council.

***7 Land at Ivy Street/Pilgrim Street, Birkenhead***

***8 Land at Price Street/Brook Street, Birkenhead***

5.110 The Council's published changes<sup>16</sup> appear to satisfy Objections 084/2 and 084/5.

**Inspector's Recommendations**

5.111 I recommend that the UDP be modified by the amendment of its provisions relating to Primarily Industrial Areas in accordance with ALT/EMPLOYMENT/025, ALT/EMPLOYMENT/026 and ALT/EMPLOYMENT/027 and ALT/HOUSING/015, but that no modification be made in response to Objections 012/1 (part), 035/2, 035/3, 068/3, 068/5, 127/28 and 127/29.

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<sup>12</sup> PPG2, paragraph 2.9.

<sup>13</sup> Such as Old Hall Road Woods, identified as a site of Biological Importance under UDP Proposal NC6/51.

<sup>14</sup> Land for General Employment Use - Cow Pasture Wood falls within EM3/2 (Croft Business Park, Bromborough), and Slack Wood within EM3/6 (Slackwood, Plantation Road, Bromborough).

<sup>15</sup> Policy EM7 - Environmental Criteria for New Employment Development.

<sup>16</sup> ALT/EMPLOYMENT/025 (CD056, p 28) and ALT/EMPLOYMENT/026 (CD056, p 29).

**PROPOSALS MAP PRIMARILY INDUSTRIAL AREA NOTATION;  
Land at the Queensway Tunnel Approaches, Birkenhead**

**OBJECTION:** 084/3 Merseyside Development Corporation

**Summary of Objection**

5.112 Land at the Queensway Tunnel Approaches ('the Objection land') should be redesignated on the Proposals Map from Primarily Industrial Area (PIA) to Primarily Commercial Area (PCA). The land was identified in the Birkenhead Area Strategy<sup>1</sup>, a document supported by the Council, as having potential for a major office scheme with adjoining areas suitable for commercial uses such as car showrooms. The realignment of the tunnel approaches and the removal of a section of the Tunnel Approach Flyover Road have improved the linkages between the Objection land and Hamilton Square to the north. Flyovers to the south effectively constitute a physical barrier between the Objection land and the industrial sites to the south. It is now possible to refocus the land northwards towards the commercial core of the town. B2 and B8 uses<sup>2</sup> would not be appropriate and would not serve to strengthen linkages with the Hamilton Quarter business area.

**Assessment and Conclusions**

5.113 Because of its PIA status the Objection land is subject to the provisions of UDP Policy EM8<sup>3</sup>. This would in principle permit uses falling within Use Classes B1<sup>4</sup> (including offices), B2 or B8, and the Council confirm that car showrooms would also be an acceptable use. The PCA designation favoured by the Objector would bring the land under Policy SH6<sup>5</sup>, considerably extending the range of possible uses to include Classes A1, A2, A3 and D1<sup>6</sup> as well as B1. The Council consider that giving the Objection land PCA status would allow for

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<sup>1</sup> Birkenhead Area Strategy, Merseyside Development Corporation, February 1991 (CD079), paragraph 16.5.5 (page 27).

<sup>2</sup> Uses falling within Classes in Part B of the Schedule to the Town and Country Planning (Use Classes) Order 1987 (SI 1987 No. 764) as amended; Class B2 - General Industrial, Class B8 - Storage and Distribution.

<sup>3</sup> Policy EM8 - Development within Primarily Industrial Areas, as proposed to be amended by ALT/EMPLOYMENT/016 (CD056, page 19).

<sup>4</sup> Class B1 - Business.

<sup>5</sup> Policy SH6 - Development within Primarily Commercial Areas, as proposed to be amended under ALT/SHOPPING/007 (CD056, page 226).

<sup>6</sup> Class A1, - Shops; Class A2 - Financial and Professional Services; Class A3 - Food and Drink; Class D1 - Non-residential Institutions.

the possibility of retail development which might undermine the chances of securing retail development on land at Green Lane, Tranmere<sup>7</sup>.

5.114 It seems to me that in terms of the character of the Objection land, designation either as part of a PIA or PCA would be appropriate. I do not accept that development for purposes within Use Classes B2 or B8 would in principle be unsuitable in this location close to the town centre; each proposal should be considered on its merits having regard to Policy EM8 and other relevant policies of the Plan. These factors, as well as the likelihood that planning permission would be forthcoming for the office and showroom uses mentioned in the Birkenhead Area Strategy, would support the case for maintaining the PIA designation as proposed in the Deposit UDP, especially as the land does not fall within the Hamilton Quarter SRB<sup>8</sup> project area. However in locational terms the Objector's argument about the close association of the Objection land with the Birkenhead Town Centre has some merit.

5.115 I do not find the Council's submission that PCA designation might prejudice retail development on the Green Lane site with harmful consequences very persuasive, as it seems to me that having regard to the 'sequential test' laid down in PPG6 *Town Centres and Retail Developments*<sup>9</sup>, the Objection land might be no less favourably regarded in its proximity to the town centre than is Green Lane. I accept however the Council's submission that the linkages between the Objection land and the town centre are not good. All the same, the Council's claim of prejudice to the Green Lane site is not supported by any substantive evidence, for example, about whether the Objection land could accommodate a development of the size and disposition permitted at Green Lane.

5.116 In my view the argument in favour of retaining the Objection land within a PIA and that favouring its change in designation to become part of a PCA are finely balanced. However I do not regard the case for changing the Deposit UDP designation to be a compelling one, especially as a PIA designation would appear to allow for the fulfilment of the development objectives mentioned for this area in the Birkenhead Area Strategy. I therefore consider that no modification should be made to this provision of the UDP.

### **Inspector's Recommendation**

5.117 I recommend that no modification be made to the UDP in response to Objection 084/3.

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<sup>7</sup> I consider the Green Lane site on pages 311-321 of this report. It is the subject of a proposed allocation for non-food retail purposes (Proposal SH1a); however following the grant of planning permission by the Secretary of State for the Environment for non-food retail development in November 1996 I recommend that Proposal SH1a be not incorporated into the UDP.

<sup>8</sup> Single Regeneration Budget.

<sup>9</sup> PPG6 (1996), paragraph 1.10.



**PROPOSALS MAP DOCKLANDS NOTATION;**  
**Land between East Float and Tower Road, Birkenhead**

**OBJECTION:** 084/6 Merseyside Development Corporation

**Summary of Objection**

5.118 The Development Strategy for Birkenhead identified the potential of this narrow frontage for non-port related business, commercial or leisure uses<sup>1</sup>. The Proposals Map should recognise this, reflecting recent business development at Tower Quays.

**Assessment and Conclusions**

5.119 The Objection site comprises three small, narrow pieces of land to the west of Tower Road. The sites appear to have a dockland operational function. Although the Objectors acknowledge that any development of the land for non-port related purposes would require review and adjustment of the operational role of the land, I have no evidence that such a review is under way or that it would result in a modification of dockland operational requirements sufficient to enable the land to be developed in the manner suggested.

5.120 The Council state that the Docklands notation is not in itself an obstacle to non-port related development, and accept that there is a need to improve the environment of this and other parts of the dock system. I agree with the Council's view that there would be no great advantage in changing the Proposals Map notation to that of 'Primarily Industrial Area' as suggested by the Objector as both Policies EM8 and (by cross-reference to EM8) EM10 provide for the use of land for purposes within Use Classes B1, B2 or B8<sup>2</sup>.

5.121 The Objection site may have development potential. However on the basis of the evidence before me it does not seem likely that conditions favourable for development will arise in the immediate future. Bearing this in mind and also having regard to the limited life the UDP will have when it has been adopted it is in my view reasonable that the Proposals Map should reflect the existing function of the land. Any change in this position could be considered upon review of the UDP. I do not therefore consider that there is a strong case for changing the UDP at present.

**Inspector's Recommendation**

5.122 I recommend that no modification be made to the UDP in response to Objection 084/6.

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<sup>1</sup> Merseyside Development Corporation *Birkenhead Area Strategy* (CD079), pp 18 and 19 (paragraph 14.2).

<sup>2</sup> Policy EM8 - Development within Primarily Industrial Areas. Policy EM10 - Birkenhead and Eastham Dock Estates. Use Class B1 - Business; Class B2 - General Industry; Class B8 - Storage or Distribution.