

Development Control Committee
Meeting to be held on 20th January 2021

Electoral Division affected: West Lancashire East
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West Lancashire Borough: application number. LCC/2020/0062
Erection of a new wash plant facility for processing of reclaimed aggregates.
Tower House, Stopgate Lane, Simonswood.

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Executive Summary

Application - Erection of a new wash plant facility for processing of reclaimed aggregates. Tower House, Stopgate Lane, Simonswood.

Recommendation – Summary

That planning permission be **granted** subject to conditions controlling time limits, working programme, base levels of plant, stockpiles, water controls, lighting, noise and dust.

Applicant's Proposal

The application is for the installation of a new processing plant for the processing and washing of inert wastes to produce a range of aggregate materials.

The plant would have maximum dimensions of 108 metres by 80 metres and would consist of a feed hopper supplying various processing equipment which would supply conveyors forming a variety of stockpiles between 80 – 2mm aggregate size. The plant would also include 6no steel tanks which would hold the water used for washing the aggregates and also a filter press which would be used to extract the fine material from the washing water. The maximum height of the washing plant would be approximately 15 metres. Most of the plant would have a height of around 11 metres.

The new plant would be constructed on a concrete slab with an area of around 2850 sq metres.

Description and Location of Site

The proposed wash plant would be located at an existing waste transfer station on the Simonswood Industrial Estate off Stopgate Lane approximately 3km north east of Kirkby in Merseyside. Simonswood Industrial Estate is comprised of a large number

of industrial uses including waste transfer operations, timber and container storage and haulage.

To the immediate west of the application site are other areas of the applicant's waste processing activities including stockpiles of inert waste and a building used for the sorting of skip waste. To the east is another waste processing business used for the production of soils. To the north are agricultural fields whilst to the south is the Kirkby to Wigan railway line beyond which is further agricultural land. The land to the north and south of the industrial estate is in the Green Belt.

The nearest residential properties are located on Sidings Lane approximately 300 metres to the north west of the site.

Background

History

Planning permission for waste transfer activities on the application site was granted by Knowsley Metropolitan Borough in 1993 ref K/APP/14826.

The applicant's adjacent waste transfer station benefits from many permissions granted by Lancashire County Council for the processing of inert waste and similar activities. These include a permission granted in 2019 (ref LCC/2018/0050) for a similar wash plant to that currently proposed.

Planning Policy

National Planning Policy Framework

The following paragraphs are relevant to the proposal: Paragraphs 8-11 (definition and presumption in favour of sustainable development), 80 (building a strong and competitive economy), 127 (design), 180 (pollution), 183 (relationship between planning and pollution control) and 204 (contribution towards supply of minerals from recyclable materials).

National Planning Policy for Waste

Section 7 is relevant regarding the determination of planning applications

Joint Lancashire Minerals and Waste Development Framework Core Strategy DPD (JLMWDF)

Policy CS2 Minimising the need for mineral extraction

Policy CS3 Meeting the demand for new minerals

Policy CS7 Managing our waste as a resource

Joint Lancashire Minerals and Waste Local Plan (JLMWLP)

Policy DM2 Development Management

West Lancashire Local Plan

Policy SP1 A sustainable development framework for West Lancashire
Policy GN3 Criteria for Sustainable Development
Policy EC1 The Economy and Employment Land

Consultations

West Lancashire Borough Council: No observations received.

Simonswood Parish Council: No observations received.

Environment Agency: No objection. The existing site operations are regulated by the Environment Agency through the Environmental permitting regime. The current permit authorises storage, sorting, crushing and screening of waste at input rates of up to 360,000 tonnes of material per year. The EA have also included comments about the collection of rain water and that any proposal to discharge dirty washing water to the watercourse would require further treatment and a permit for the discharge.

United Utilities: Are currently reviewing the application to understand in more detail the potential impacts on water infrastructure. UU request that the application is not determined until their formal response has been issued.

LCC Highways Development Control: No objection.

Knowsley Metropolitan Borough Council: No objection in principle but raise a number of questions:

- What mitigation is provided to prevent debris being tracked onto the local highway network? Does the site offer any roadsweeping?
- Is there any proposal for controlling the flow of traffic to prevent peaks in traffic and potential queuing?
- It is stated that the traffic volumes will be unchanged - how many vehicles does this equate to? Are there maximum daily limits that would be set?

Knowsley MBC consider that a clearer understanding of the traffic impacts is required for full support to be offered.

Representations – The application has been advertised by press and site notice, and neighbouring residents informed by individual letter. One representation has been received raising the following issues:

- Residents already suffer from large numbers of HGV movements that pass properties some of which are in breach of the 7.5 tonne weight limit on Stopgate Lane and there is concern that further development on the industrial estate will exacerbate these problems. The weight limit is routinely ignored and the police are unable to enforce.
- The lack of objection from LCC Highways is surprising as residents have been in correspondence with them about the local traffic issues and Highways could

at least have drawn attention to the need to manage HGV access through the planning process.

- The means of access to the site needs to be clarified as there is conflicting information within the planning application.
- A traffic management plan condition was attached to a similar development on the current applicants other site which appears to have been successful in preventing the applicant's own vehicles from breaching the weight restriction.
- Conditions on opening and processing hours should be imposed to protect resident's amenity.

Advice

The applicant operates a large waste transfer station at a site called Tower House on the Simonswood Industrial Estate. This site includes a large inert waste washing plant similar to that proposed in the current planning application that was approved by the County Council in 2019 ref LCC/2018/0050.

The applicant has recently acquired ownership of a further 1.4 hectare area of land immediately to the east of the Tower House site. This area benefits from a planning permission granted by Knowsley Borough Council in 1993 for use as a construction materials recycling centre. The site is currently occupied by stockpiles of inert waste such as demolition rubble and excavation waste.

At present inert wastes on the application site are dry screened using mobile crushing and screening plant. In order to produce a higher quality of finished product, the applicant wishes to install a fixed processing and washing plant. This plant would use water to remove the fine material from the waste leaving only larger sizes of clean aggregate materials which can be used for a much wider range of building and construction applications compared to the dry screened material. The washing water would be passed through a press leaving a clay / soil material which can be sold or sent for final disposal.

Paragraph 204 of the National Planning Policy Framework states that planning policies for the sustainable supply of minerals should take account of the contribution that recycled materials would make to the supply of construction materials. Policy CS3 of the Lancashire Minerals and Waste Core Strategy sets out the provision for extraction of aggregate materials but aims to maximise the contribution from recycled sources. Policy CS7 sets targets for the recycling of construction and demolition waste. The proposal would allow higher quality aggregate products to be produced from inert waste which would better compete with primary (quarried) materials and would also reduce the amount of construction and demolition waste sent to landfill securing a move up the waste hierarchy for these materials. The proposal therefore meets with the objectives of Government and local policy regarding the supply of construction materials and management of waste.

Simonswood Industrial Estate is allocated for B2 (general industrial) uses in Policy EC1 of the West Lancashire Local Plan. The application site also already benefits from a planning permission for the recycling of construction wastes and therefore the principle of the development on this site is acceptable.

In relation to local environmental impacts, Policy DM2 of the Lancashire Minerals and Waste Local Plan states that development for minerals or waste management operations will be supported where it can be demonstrated that all environmental impacts that would cause demonstrable harm can be eliminated or reduced to acceptable levels. Policy GN3 sets out that development proposals will be assessed against a number of criteria including design, retaining reasonable levels of amenity, landscape impact and minimising impacts on air quality and all types of pollution.

The nearest residential properties to the proposed plant are located approximately 300 metres to the north west on Sidings Lane. The recycling activities which have historically been undertaken on the site have utilised mobile crushing and screening plant to process the inert waste materials that have been imported and therefore the environmental impacts of the proposed plant in terms of noise, dust and traffic have to be seen in that context.

In terms of noise, there is already a permission for a wash plant on the applicant's nearby Tower House site (permission LCC/2018/0050). Both plants could operate at the same time and therefore the cumulative noise impacts have to be considered. A noise assessment was submitted with application LCC/2018/0050 which concluded that the resultant noise level at the nearest properties would be considerably below the background noise. The proposed wash plant would be located approximately 120 metres further from the properties and would benefit from the 5.5 metre high landscape mounding that is present along the northern side of the site. Whilst there may be some further noise if both plants were to operate at the same time it is unlikely that this would be substantially greater than the noise that would be generated from the Tower House wash plant operating in tandem with mobile crushing and screening plants on the application site. Provided that conditions are imposed regarding noise levels and the use of white noise reversing alarms, it is considered that the noise impacts would be acceptable. The 1993 planning permission for this site already includes a condition limiting hours of operation and it is considered that the same hours of operation should be applied to the proposed wash plant.

In terms of dust, the plant would use water to wash the inert waste materials and therefore the outputs from the plant would be wet and would be very unlikely to generate substantial quantities of dust. Some dust impacts might be possible from the initial loading of raw materials into the plant but it is considered that the plant should produce a considerable reduction in dust emissions compared to the existing situation where all materials are dry screened. A condition can be imposed requiring general dust mitigation measures to be employed.

The site is generally well screened by the landscaped screening mounds to the north of the site. The majority of the elements of the plant would be considerably below the level of the landscaping and the nearest viewpoint from Stopgate Lane to the north is a considerable distance from the site. Provided that a condition is attached relating to the base levels of the plant, it is considered that the visual impacts would be acceptable.

Knowsley Borough Council and a local resident have raised several issues in relation to traffic impacts. In relation to traffic volumes and wheel cleaning, the existing permission for this site does not include any limitation on the numbers of HGVs that

can access the site. The site is accessed via an internal road within the industrial estate with a distance of around 1km between the public highway at Stopgate Lane and the site itself giving more than adequate queuing capacity. The site does include wheel cleaning measures and the considerable length of surfaced internal road within the industrial estate provides scope for any residual debris or dirty water to be removed from HGVs before they reach Stopgate Lane.

The issues raised by the local resident regarding HGVs breaching the traffic regulation order on Stopgate Lane are acknowledged. However during inspections by officers, it has been noted that the applicant's own vehicles do generally turn west from the industrial estate access and travel via the North Perimeter Road which is not subject to any weight restriction. Legally enforceable measures already exist in the form of weight restrictions to ensure that HGV traffic from this industrial estate use suitable roads and therefore further planning conditions to cover this issue should not be necessary. However on a recent planning application for an additional stockpiling area on the applicant's Tower House site, a condition regarding traffic management was imposed requiring all hauliers to be issued with a notification advising them of the approved routes and details of the action that would be taken should hauliers not follow the approved routes. It is considered that such a condition has some merit in ensuring that all drivers are advised of the correct routes to follow and of the consequences that would follow should they be observed using other roads. On that basis and subject also to conditions relating to HGV sheeting, the highway impacts are considered acceptable.

With regard to the comments from United Utilities, no objections were raised on the original application for waste transfer activities on this site in relation to impacts on water infrastructure. The further comments of United Utilities will be reported via the update sheet.

In conclusion, this proposal would allow inert waste materials to be recycled into a range of high quality construction products which would reduce demand on primary quarried materials and would also increase rates of waste recycling. The proposal would be on a site that already benefits from a planning permission for inert waste recycling and subject to the application of conditions, the proposed development would not have any unacceptable impacts. The proposal is therefore acceptable in relation to the policies of the Development Plan.

In view of the scale, location and design of the development, it is considered that no Convention Rights set out in the Human Rights Act 1998 would be affected.

Recommendation

That planning permission be **Granted** subject to the following conditions:

Time Limits

1. The development shall commence not later than 3 years from the date of this permission.

Reason: Imposed pursuant to Section 91 (1)(a) of the Town and Country Planning Act 1990.

Working Programme

2. The development shall be carried out, (except where modified by the conditions to this permission), in accordance with the following documents:

a) The Planning Application received by the County Planning Authority on 12th February 2020

b) Submitted Plans and documents:

Plan 200 Rev B - Location

Plan 202 Rev D - Proposed site plan

Plan 203 Rev A - Proposed Plan

Plan 204 Rev D - Existing and proposed site sections

Plan 205 Rev A - Proposed drainage plan

c) All schemes and programmes approved in accordance with this permission.

Reason: For the avoidance of doubt, to enable the County Planning Authority to adequately control the development] and to minimise the impact of the development on the amenities of the local area, and to conform with policy DM2 of the Lancashire Minerals and Waste Local Plan and policy GN3 of the West Lancashire Local Plan.

3. The base levels (top of the concrete base) of the processing and washing plant shall not exceed 39.6 m AOD.

Reason : In the interests of the visual amenities of the area and to conform with Policy DM2 of the Lancashire Minerals and Waste Local Plan and Policy GN3 of the West Lancashire Local Plan.

4. Measures shall be taken at all times to minimise the generation of dust from the processing and washing plant. Such measures shall include the fitting of dust suppression equipment to the feed hopper and conveyor outfall points and the watering of all stockpiles of aggregate materials in dry weather conditions.

Reason : In the interests of local amenity and to conform with Policy DM2 of the Lancashire Minerals and Waste Local Plan and Policy GN3 of the West Lancashire Local Plan.

5. Stockpiles of raw and processed material associated with the operation of the wash plant shall not exceed 5.5 metres in height.

Reason: To safeguard the visual amenity and the amenity of local residents and adjacent properties/landowners and land users and to conform with Policy DM2 of the Joint Lancashire Minerals and Waste Local Plan, and Policy GN3 of the West Lancashire Local Plan.

6. All mobile plant utilised in the operation of the processing and washing plant shall be fitted with and utilised white noise reversing alarms. No reversing beepers shall be used on such plant.

Reason: In the interests of local amenity and to conform with Policy DM2 of the Lancashire Minerals and Waste Local Plan.

7. The wash plant facility shall not be used outside the hours of:

0730 to 1800 hours, Mondays to Fridays
0730 to 1200 hours, Saturdays

The wash plant shall not be used at any time on Sundays or Public Holidays.

This condition shall not, however, operate so as to prevent the carrying out, outside these hours, of essential repairs to plant and machinery used on site.

Reason: To safeguard the amenity of local residents and adjacent properties/landowners and land users and to conform Policy DM2 of the Joint Lancashire Minerals and Waste Local Plan and Policy GN3 of the West Lancashire Local Plan.

8. All rain water collected from the wash plant facility shall be discharged to the existing drainage system as shown on drawing P270.3 -205A or collected for use in the washing plant. No surface water shall be allowed to discharge either directly or indirectly into the public sewer.

Reason: In the interests of safeguarding local water courses and drainages to conform with Policy DM2 of the Lancashire Minerals and Waste Local Plan and Policy GN3 of the West Lancashire Local Plan.

9. No external lighting and floodlighting shall be erected to illuminate the processing and wash plant unless it is in accordance with a scheme and programme, which has first been submitted to and approved in writing by the County Planning Authority. The scheme and programme shall contain details of the following:

- a) The location and design of any lighting columns
- b) The number, power and orientation of lighting units
- c) Light spread diagrams showing lux levels at the site boundary and calculation of the impact of these on adjacent properties

Thereafter the lighting and floodlighting shall be erected and operated in accordance with the approved scheme and programme.

Reason: To safeguard the amenity of local residents and adjacent properties/landowners and land users and to reduce light pollution and to conform with Policy DM2 of the Joint Lancashire Minerals and Waste Local Plan and Policy GN3 of the West Lancashire Local Plan.

Highway Matters

10. All vehicles transporting recycled aggregate materials from the site shall be securely sheeted.

Reason: In the interests of highway safety and to safeguard the amenity of local residents and adjacent properties/landowners and land users and to conform with Policy DM2 of the Joint Lancashire Minerals and Waste Local Plan and Policy GN3 of the West Lancashire Local Plan.

11. The wheel cleaning measures installed within the area of planning permission ref K/APP/14826 shall be used by all HGVs leaving the site to ensure that no mud, dust or other debris is deposited on the public highway by HGVs leaving the site.

Reason : In the interests of highway safety and to conform with Policy DM2 of the Lancashire Minerals and Waste Local Plan and Policy GN3 of the West Lancashire Local Plan.

12. The traffic management measures contained in the scheme and programme approved under condition 13 of planning permission LCC/2020/0007 shall apply to all HGV movements associated with the transportation of recycled aggregate materials produced by the proposed processing and washing plant.

Reason : In the interests of local amenity and to conform with Policy DM2 of the Lancashire Minerals and Waste Local Plan and Policy GN3 of the West Lancashire Local Plan.

Definitions

Heavy Goods Vehicle: A vehicle of more than 7.5 tonnes gross weight.

Notes

The grant of planning permission does not remove the need to obtain the relevant statutory consents/licences from the Environment Agency.

Local Government (Access to Information) Act 1985

List of Background Papers

None

Reason for Inclusion in Part II, if appropriate:

N/A