

Lancashire County Council

Development Control Committee

Minutes of the Meeting held on Wednesday, 7th December, 2022 at 10.30am in Committee Room 'A' - The Tudor Room, County Hall, Preston

Present:

County Councillor Matthew Maxwell-Scott (Chair)

County Councillors

P Rigby	M Pattison
S Clarke	E Pope
S Holgate	S Rigby
A Kay	B Yates

1. Apologies for absence

Apologies were received from County Councillor Hindle, County Councillor Dad and County Councillor Berry.

2. Disclosure of Pecuniary and Non-Pecuniary Interests

No pecuniary or non-pecuniary interests were disclosed.

3. Minutes of the last meeting held on 19 October 2022

Resolved: That the minutes of the meeting held on 19 October 2022 be confirmed and signed by the Chair.

4. Update Sheet

The Update Sheet was circulated prior to the meeting (copy attached).

5. West Lancashire Borough: application number LCC/2022/0003 Demolition of existing building and erection of purpose-built building (and ancillary structures) to house high temperature treatment facility for the management of medical waste. Land at Tower House, Simonswood Industrial Park, Stopgate Lane, Simonswood

A report was presented on an application for the demolition of the existing building and erection of a purpose-built building (and ancillary structures) at land at Tower



House, Simonswood Industrial Park, Stopgate Lane, Simonswood, to house a high temperature treatment facility for the management of medical waste.

A report on the planning application had been presented to the Development Control Committee on 7 September 2022. A copy of that report, the PowerPoint presentation and the minutes of that meeting were attached to the agenda papers.

At the Committee's meeting on 7 September 2022, a decision on the planning application had been deferred for the following reasons:

- To allow the full text of the report by Atkins Global Ltd reviewing the applicant's air quality and human health assessment to be reported to the Committee;
- To provide a further explanation of the planning policy position with regards to national policy and the status of the relevant development plan policies and;
- To provide an explanation of the role of different authorities and agencies in monitoring and enforcing environmental controls relating to businesses on the Simonswood Industrial Estate.

Since the September 2022 Committee meeting, consultation responses had been received which were mainly in relation to the additional environmental information submitted by the applicant in July 2022. Responses had been received from the Department for Levelling Up, Housing and Communities, Knowsley Council, St Helen's Council, Simonswood Parish Council and Bickerstaffe Parish Council. In addition, further representations had been received from the Stop the Simonswood Incinerator Community Group, local residents, Merseyside Pensioners Association, Rosie Cooper MP, the Rt Hon Sir George Howarth MP and Bill Esterton MP (Sefton Council). Details of the consultation responses and further representations were included in the Committee report.

Committee's attention was drawn to the Update Sheet which provided a summary of further representations from the Stop the Simonswood Incinerator Action Group and Knowsley Council, the full submissions having been previously circulated to the Committee. In addition, the Update Sheet provided details of the objections from West Lancashire Borough Council and the following additional condition:

'15. No demolition works on the site shall be undertaken between 1 March and 31 July unless the building has first been checked by a qualified ecologist and it has been confirmed that no breeding or nesting birds are present within the building.

Reason: In the interests of ecology and to conform with Policy DM2 of the Joint Lancashire Mineral and Waste Local Plan.'

The Development Management Officer presented a Powerpoint presentation showing a site location plan, aerial view and diagram of the application site including the nearest residential properties, site access, location of aggregate processing/washing plant, waste transfer/processing uses, proposed building, water tanks, exhaust stack and combustion plant. Also presented were elevations diagrams and photographs of the view of the site from the internal access road, view



of the industrial estate access/Stopgate Lane, view of the application site from Stopgate Lane and the view from the nearest properties on Sidings Lane.

Ms Paula Carlyle, a local resident, addressed the Committee and made the following points:

The Committee will hear from the applicant and officer that the incinerator is safe for local residents; they will also hear about a 12% increase in lung cancer. The Crick Report 2012 establishes a clear link between PM 2.5 and lung cancer, together with the World Health Organisation's clear recommendation advising against the use of medical incinerators. The proposal is contrary to the Atkins Report as it does not use the nearest and most relevant monitoring stations and the chromium 6 emissions would still exceed environmental advisory limits. Chromium 6 has long been established as a lung cancer trigger; this puts this application in clear conflict with Policy CS9 (1 and 6). The proposal states that 12 jobs would be created which would be good for the economy but ignores the loss of approximately 200 farm based jobs as a result of the proposal, together with contamination of soil in the surrounding agricultural land and representing clear non-compliance with CS9.6. The applicant states there is a need for this incinerator whilst ignoring approximately 68k tonnes of under-utilised capacity in neighbouring facilities which proves there is no requirement for this proposal. The application is in complete non-compliance with Policy 2 of the National Planning Policy for Waste, and policies WM1, WM2 and WM3 of the Lancashire Minerals and Waste Local Plan. The applicant has stated the re-purposing of energy is sufficient but the heat energy will not be 100% re-purposed, meaning the proposal is also non-compliant with policy WM4. There are persistent and numerous breaches/potentially illegal activities occurring in the area which are likely to continue. The applicant is seeking to use the site as a sales room to peddle wares to hospitals up and down the country to make a profit. These proposals contravene 12 national and local policies. If the application is approved, there will be legal grounds to challenge this decision, based on a complete lack of policy adherence evidence by the Planning Officer and consequently recommended to Committee. What is more important – Culzean's profit or the health and well-being of the people that Committee represents.

Mr Stephen Jones, a local resident, addressed the Committee and made the following points:

The applicant and Planning Officer have presented a wholly misleading and unsubstantiated recommendation to Committee, disregarding life threatening risks associated with medical waste incinerators. On 7th September, the applicant sought to mislead Committee by reporting that the Royal Oldham Hospital medical waste incinerator is a beacon of human safety and completely benign within close proximity to residents. Analytical evaluation of lung cancer occurrence, in isolation, has been applied. This incinerator became operational in 1994; at that time, Oldham lung cancer rates remained comparable with the rest of NW England. Since 1994, Oldham lung cancer occurrence has increased by 12%, whilst the North West overall reduced by 1%. These are national cancer intelligence service statistics, not fabricated inappropriate data and results supporting this planning application. Alarming, the 3 wards closest to this incinerator largely account for the 12% increase, all of which are within a 3 mile radius and reside within the prevailing wind



direction of the incinerator. What could possibly cause this huge divergent with the rest of the North West since 1994 – the only rational explanation is the incinerator and its proximity to residents. To put it into human context, based upon the latest ONS data, available Government led cancer studies and subsequent extrapolated analysis, this will equate to approximately 5 further lung cancer deaths per year in the Kirby region alone. These deaths would be due to any decision made by Committee today. The Planning Officer has conveniently omitted to inform Committee of these facts. Is this Committee prepared to sign the death warrants of 5 people each year by approving this application? In view of such overwhelming evidence and on multiple local and national policy grounds clearly identified and presented by Knowsley Council, how is it possible that this application is being recommended to Committee?

Dr Kerry Dwan, University of York, addressed the Committee and made the following points:

Based on the original and revised Atkins Report, she critiques the company for using inappropriate data for municipal waste incinerators in America from 20 years ago. The company have responded to say it's been done and approved before and it's fine. The data in the modelling approach is inappropriate and already makes many assumptions. The technology has not been used before and therefore this is a testing site and the local residents are guinea pigs. On top of this, levels of PM2.5 should be considered; exposure to this can cause asthma, COPD, coronary heart disease, stroke and lung cancer. There is also evidence that links PM2.5 to low birth weight, diabetes, Alzheimers and Parkinsons disease. The levels set out in the company's report are 11 micrograms per cubic metre. Although this is technically within the accepted range in England (20 micrograms per cubic metre), the Government have been slow to publish revised recommendations in line with Scotland of 10 micrograms per cubic metre; this was supposed to be published by 31st October. The Government website states they are committed to evidence-based policy making and will consider the World Health Organisations annual mean guideline level for PM2.5 which will require action from Government and all parts of society. The World Health Organisation revised their guidance last year to 5 micrograms per cubic metre, therefore the company's levels are more than double this. The World Health Organisation already recommends that incinerators are not built near to where people live or agricultural land. Scotland and Wales have now banned any new incinerators. According to Knowsley Council's profile, levels of deprivation in Kirby are over double that in England and COPD prevalence is over double the England average. With this in mind, the use of inappropriate data and unacceptable levels of PM2.5, this application fails to comply with Policy DM2 – 'demonstrable harm can be eliminated or reduced to acceptable levels'. The application also fails to comply with Policy CS9 (Part 1 & 6) of Lancashire County Council's core strategy document which states that natural resources should be protected from contamination of health, and the safety of the population should be protected. At the previous Committee, comments were made about the poor state of the site and an apology was given to residents for being let down for so long. In addition, Committee specifically asked who was responsible for monitoring the site and, in terms of adherence to planning conditions and stack heights, this is the responsibility of the Planning Officer.



Ms Karen Martindale, Chair of Campaign to Protect Rural England West Lancashire Group, addressed the Committee and made the following points:

Condition 3 was amended at the last meeting to ensure a rankine engine was installed before the waste was brought to the site. Committee is asked to further amend the condition so that no waste shall be accepted until the rankine machine has not only been installed but is operational and connected to the National Grid, in such a way as to export electricity to the grid 24 hours per day, 7 days per week. This was referred to by County Councillor Clarke at the last meeting. It is stated that when the aggregate plant is not operational during the night, the excess power can be exported to the Grid, although the officer stated he assumed there was a cable in situ. The aggregate washing plant does not yet exist and when it does, it will only operate some hours on some days whereas the incinerator will operate all hours on all days. The current proposal does not address what will happen to the energy produced outside of the aggregate washing plant hours of working. This is worrying as the applicant's committal to sustainability is such that their original proposal for heat recovery was to fix a shipping container to the exhaust pipe and dry firewood in it. There is a risk that the rankine machine will be turned off and heat vented, adding to global warming. The whole premise of this novel form of incinerator is that it moves the waste treatment up the hierarchy scale – unfortunately, the applicant has not provided such information to enable robust assessment of where on the hierarchy this facility will be. It is therefore essential that it sits as high up on the hierarchy as possible and that the energy is used and added to the National Grid ensuring none goes to waste. The supply may just be an extension cable – then and only then will the applicant be required to provide a combined heat and power feasibility review. The feasibility review should be provided prior to construction starting. No provision has been made for the hours where power is produced by the incinerator but not used for washing. This is a massive oversight that Committee have the power to fix.

County Councillor Rob Bailey, local councillor representing West Lancashire East covering the Simonswood area, addressed the Committee and made the following points:

Committee are asked to reject the application. Committee are asked to remember visiting the site and the major blot on the landscape of West Lancashire. Enforcement has failed on the site. The Officer referred to TRO weight restrictions to curb HGV movements but had previously reported that these limits have been regularly abused. The project is experimental with nothing to draw a comparison to. The applicants have had to re-design the incinerator including parts of the stack. The revised Atkins Report adds very little but highlights the fact that guidance around incinerators is based on industrial scale household waste and waste of a different type to that proposed at Simonswood. The report attempts to draw comparisons within a flawed framework and concludes that, in certain circumstances, it could be feasible although this was not certain. If an experimental facility is being built with unknown and potentially harmful emissions, next to a large housing estate and within one mile of several schools is not the place to site one. As a Chartered Electrical Engineer by profession, this makes a mockery against attempts to greenwash the output of the incinerator plant. Electricity cannot be stored in any meaningful way on this scale – the output either needs to be fed back into the Grid or sold to a client



with a constant load. Facilities of this type should be co-located near or next to an intended customer and not a stone washing plant in Simonswood. I have recently been appointed as Chair of the Environment, Economic Growth and Transport Scrutiny Committee tasked with overseeing the Council's progress and plans in its quest to attain Net Zero carbon emissions by 2035. Having read evidence from Knowsley Council, it would appear that Lancashire's planning guidance is not only out of date but contains several inconsistencies. Whatever Committee's decision is today, this needs rectifying as a matter of urgency. A major part of the council's environmental policy has been found wanting and this situation cannot be allowed to continue.

Councillor Susan Smith, Simonswood Parish Council, addressed the Committee and made the following points:

With reference to the documents submitted by Simonswood Parish Council in relation to the wind turbine, the following is outlined:

At the proposed site, the prevailing wind direction is predominantly north westerly. The contaminated air within the turbine vortex ring can be steadily displaced over a vast area, independent of the current wind direction. The ground effect can compress the air, causing it to disperse at will in any direction. The application does not comply with Policy CS9 (1,3 and 6) of the Lancashire County Council's core strategy document, Policy DM2 and Policy 2 National Planning Policy for Waste, and WM2 and WM3 of the Joint Lancashire Minerals and Waste local plan are out of date. WM2 states 130k tonnes for the Simonswood site; this has already been exceeded and the site is not fit for purpose. West Lancashire Borough Council is committed to the climate emergency and needs to reduce carbon emissions by 2030, in line with Government recommendations, but this proposal will be producing more carbon thus making it a non-viable proposition. There is no mention of a site risk assessment in relation to possible fires, explosions or HGV accidents which can cause contamination over a vast area. Have the emergency services been notified of this application? The incinerator is very close to a nature conservation site and other sites of local importance in Simonswood. Many youths trespass on the railway line and have caused many fires and incidences over the years. There is no demonstrable need for this incinerator; there are others within 71 miles, none of which are working to full capacity.

Mr Steven Faulkner, Planning Services Manager, West Lancashire Borough Council, addressed the Committee and made the following points:

The latest Committee report takes the view that policies from the waste local plan are up to date which is not the case. The plan period runs to 2021 and the explanation of the policy and interpretation presented is a selective one, dismissive of those aspects that would mandate and, in principle, object to the proposals. In such instances, the provision of National Planning Policy clearly requires operators to demonstrate the need for their proposals. This need is not explained in the Committee report and it ignores existing available capacity for this waste. There is non-compliance with Paragraph 7 of the National Waste Policy 2014. The report suggests that parts of WM2 and WM3 do carry weight in the determination of the application. Policy WM2 refers to large scale projects with a minimum capacity of



50k tonnes and the proposed tonnage for Simonswood is considerably less. WM3 specifically excludes thermal processing plants from consideration; a process reliant on pyrolysis in processing medical waste is a thermal processing plant and is therefore not supported by WM3. West Lancashire Borough Council is concerned about the continuing failure in enforcement by Lancashire County Council in the locality; these are ongoing concerns and represent a significant material consideration for permitting further facilities at the Simonswood site. There are ongoing instances of operators acting outside their planning conditions, spoil heights exceeding those permitted and HGVs repeatedly flouting restrictions. It is unclear what condition 11 relating to traffic management will achieve or how it will be enforced. This absence of enforcement inspires no confidence and residents will likely find their living conditions worsening as time passes. The stack height is almost double that originally proposed and the visual impact is misleading. In view of the failure to properly scope this through an Environmental Impact Assessment and the resulting distortion brought by the failure to consider unauthorised spoil heights, these combined issues adversely impact upon the wider environment and living conditions of local residents. There is no indication of the source of the waste and no evidence of a lack of existing facilities, raising questions over the various environmental and transport reports seeking to explain the various impacts of the proposals. Condition 3 requires cabling to the adjacent plant but this is not required to be retained or operational, or to be sent to the Grid. There is no evidence of an agreement to take recovered energy. Condition 4 requires a combined heat and energy feasibility study within 6 months of any removal of the aggregate processing and washing plant and not the de-commissioning of the plant which further prejudices the guarantee of energy recovery being secured. Such an analysis should already be in place and be publicly available and signed up to. Given these various issues raised – visual impact, impact on residents, traffic impacts and a selective approach taken to relevant planning policies, West Lancashire Borough Council respectfully requests that the application be refused.

Mr Dale Milburn, Executive Director for Regeneration & Economic Development at Knowsley Metropolitan Borough Council, addressed the Committee and made the following points:

It is noted that officers have now changed their view on the policy context supposedly supporting this application. The September Committee report referenced policies WM2 and WM3 with officers stating that these were no longer up to date and that less weight should be attached to them. Today's report suggests there are now 2 aspects to those policies; to identify suitable locations and the quantum of waste to be processed. Officers are suggesting that the location aspect remains up to date for decision making purposes and that only the quantum element is out of date. The Policy states that Simonswood is suitable for large scale waste processing facilities, provided the aggregate annual processing capacity over a 15 year plan period does not exceed 130k tonnes. This is a single Policy – you cannot pick parts of a Policy to suit and disregard others; the whole Policy is either up to date or not. The Officer has suggested that at least half of the Policy is out of date – I would argue that the whole Policy is. I may have had some sympathy with the Officers view if the tonnage quantum for the plan period had not have been reached but, in this case, Lancashire County Council's own monitoring report shows that identified need has been exceeded by almost 700k tonnes. In determining the suitability of a waste site



location, regard must be had for existing capacity and its impact on locality. If capacity was irrelevant, there would be no limit on tonnage nor would the plan time expire. The limit is there to stop areas being overburdened. Unfortunately, it has catastrophically failed to do that in West Lancashire. Officers are still suggesting that Simonswood remains an appropriate location. The plan expired last year and there has been no further assessment undertaken; a conclusion can only be reached once a robust assessment has been completed on impacts and need. If policies are out of date, the plan is out of date and National Planning Policy which dictates need must be taken into consideration; there is no need for this development. The applicant has referenced Aintree Hospital; I have spoken with the hospital who have no knowledge of the applicant, the proposal, or a need for this facility in the North West. As there is no needs assessment, the application must be refused.

Councillor Jane Taylor, Bickerstaffe Parish Council, addressed the Committee and made the following points:

Bickerstaffe is the adjoining parish to Simonswood whose residents share the same concerns as those of Simonswood and Kirby. DM2 requires appropriate information to show that impacts can be eliminated or reduced. The second Atkins Report does not confirm that the data used in the risk assessment is acceptable, which questions the suitability of data from municipal waste for determining emissions from medical waste. Atkins do not feel they can challenge this and suggest this can be tested with monitoring data, once the plant is running. This would class it as an experiment without the consent of local people. What happens if the emissions data does not support the assumptions about municipal vs medical waste? Planning permission could not be un-granted. It has been stated that similar plants have been approved but if regulators have not caught up with the latest technology, residents should not pay the price. A lack of consideration has been given to farmers and people who grow their own food, who have a much greater risk of inhaling and ingesting toxins. There is no mention of the regular occurrence in West Lancashire where tons of soil are displaced from fields by the wind and accumulate in gardens and homes which may contain toxins. DM2 states that the proposal will reduce carbon emissions and the length and number of journeys made. It is true that this facility will be the only one west of the M6 and north of the Mersey but what matters is road miles. There can be no guarantee that the medical waste at Simonswood will originate from the local area and this is not an issue that planning can control. The plant could contribute to an increase in carbon emissions. Despite objections, conditions 3 and 4 remain the same as in the previous report. To comply with Policy DM4, a cable is to be laid to a neighbouring site – there is no requirement to produce a combined heat and power review before commissioning. This key aspect will not be scrutinised by Councillors and interested parties. There is a lack of enforcement at the site which does not inspire confidence that a breach of these conditions will be dealt with and this will lead to an increase in carbon emissions. The proposal does not comply with Policy DM2 and DM4 and it is respectfully requested that Committee refuse the application. We wish to thank Committee for their concern about the poor state of the site. Residents have long complained about waste piles, uncovered vehicles, lack of wheel washing and development without consent. We welcome the statement from the council that they will tackle these problems and look forward to effective action.



Ms Louise Croft, a local resident, addressed the Committee and made the following points:

In 2022, the UK Without Incineration Campaign Group reported that the UK could see incinerator overcapacity of over 14m tonnes – unused capacity that cannot be filled with waste. Within a 71 mile radius of Stopgate Lane, there is up to 68k tonnes of unused incinerator capacity. This data is across 6 incineration sites (Ellesmere Port, Stoke, Oldham, Wrexham, Bolton and Yorkshire). Ellesmere Port is just 32 miles from Simonswood and its capacity is 100k tonnes but is currently only accepting 50k tonnes of waste – is this because feedstock has been decreasing since 2017 so demand for incineration is not required? This information is only based on medical waste, not municipal waste. The National Planning Policy states that waste planning authorities should only expect applicants to demonstrate market need for new or enhanced facilities when proposals are not consistent with the local plan. In such cases, the waste planning authorities should consider the extent to which the capacity of existing operational facilities would satisfy identified need. This example shows we already have ample capacity and there is therefore no identified need for even more. Through and during the application process, I have seen no evidence that the applicant, the Committee or local planning authorities have liaised with other planning authorities. However, National Planning Policy states that waste planning authorities should work jointly with other waste planning authorities to collect and share data on waste arisings, taking account of that in neighbouring areas. There has been no such collaboration in this case. If this had happened, it would have shown that there is more than enough capacity to supply demand and that the Stopgate Lane site could fit into Ellesmere Port surplus capacity 12½ times over. In allowing more incinerators to be built, it will allow waste planning authorities to fill them, while the emphasis should be on recycling. I would like to ask that surplus capacity that already exists is considered in surrounding incinerators, and whether it is worth compromising public health and our environment for another incinerator when capacity already exists locally.

Mr Neill Dunne, a local resident, addressed the Committee and made the following points:

In the interest of protecting and safeguarding human health and the environment, the application does not comply with Policy DM2; the location is unsuitable. West Lancashire has some of the best organic growing land – no assurances have been given that crops will not be affected or assurance to farmers who may lose their recognised standards due to contamination of land that these proposals would cause. This is a beautiful area that needs to be protected which residents are proud to call home. As outlined in Policy DM2, there must be a balance of social, economic and environmental factors. People in the area are scarred from previous experiences and the mental health impact should not be overlooked. In terms of protecting the water source, it is unsound that the hydrology assessment was scoped out in the initial planning. DM2 states that water pollution must be prevented and a risk assessment undertaken – is Committee certain they are not agreeing to contaminate water supplies? In the worst case scenario and referring to National Planning Policy, if there were to be an accident, it would be a health and environmental disaster. The Core Strategy 9(1) requires that natural resources (air, water, soil and biodiversity) are protected from waste contamination. CS9(3) states the character and quality of



landscape should be protected from harm and enhanced – in what way does this proposal protect and enhance the area? I hope with this in mind, you will carefully consider the application and refuse it to be allowed on the doorsteps of those having harmful facilities so close to their homes, workplaces and, most importantly, children and schools. 800 people in Merseyside die each year from pollution – the area in question already exceeds the recommended limits and the incinerator will increase that number. The application must be rejected due to the startling effects of chromium on the human body. Lancashire County Council claims to protect the environment and people of Lancashire in light of the climate emergency declared – would this still be the case if permission was granted to this application? Regulation of the environmental issues on this site is non-existent and the burned down building needs to be demolished. The NHS is in crisis and this proposal will add to these problems with a guarantee of more throat, heart and chest problems. I urge you to consider the effect your decision will have on the whole area and its constituents.

Mr Tommy Rowe, a local resident and Knowsley Councillor, addressed the Committee and made the following points:

It is requested that Committee take the time to fully consider Knowsley Council's objection which sets out full details of why this application is strongly opposed, both on behalf of the Council and as a local Kirby Councillor. The development proposed is totally unacceptable. Policy WM2 says the total aggregate waste capacity for West Lancashire is 130k tonnes yet the monitoring report says that, since 2009, planning permission has been granted for 828k tonnes including 6k tonnes on the Simonswood site – this is over 6 times the identified need in Policy WM2. If the redevelopment of existing sites is included, this figure increases to 1.178m tonnes with over 940k tonnes on Simonswood (10 times the identified need). West Lancashire and Simonswood in particular is a dumping ground for Lancashire overall which is only made worse when you consider the lack of management and enforcement at Simonswood. WM2 and DM1 do not support this application. Simonswood already has a massive negative impact on Kirby residents. This application will simply add to the already 6-fold increase in permitted volumes of waste, with operators already working outside planning and permit requirements or without having these in place at all. No-one knows exactly how much waste is being processed at Simonswood; despite this, officers consider it's fine to allow more. There may only be 4k tonnes processed per year but this is too much. It is clear that a large amount of waste related to the development was never envisaged when the plan was adopted. As a result, any application for waste development in West Lancashire would conflict with policies in the county council's waste plan. Given the above, Committee is urged to refuse this application.

Ms Aimee Wright, a local resident and Knowsley Councillor, addressed the Committee and made the following points:

I am genuinely worried that if approved, the proposal would significantly harm the health and wellbeing of local people, in the context of problems already caused by businesses on the Simonswood Industrial Estate who are in violation of planning and permit conditions. At the September meeting, Members voiced concerns over the poor conditions on site, with one Member suggesting no further consent be issued until improvements were made. Three months have now passed and there has been



no improvement. In fact, conditions have worsened but council officers have proposed to support the addition of a further waste operation which will only add to issues currently facing Knowsley residents. Simonswood Industrial Estate has become a dumping ground for uses not welcome elsewhere. The processing of up to 10 tonnes of medical waste per day and extra HGV movements would cause emissions, odours, disturbance and would only harm the health of constituents living nearby. The evidence officers are depending on including the Atkins Report should not, in Knowsley Council's view, be relied upon. Knowsley Council's Environmental Health Team are greatly concerned about the air quality monitoring information and have repeatedly raised these concerns. The application document shows that the environmental advisory limit in Knowsley would be exceeded, even without the proposed development in place. The main reason for this is that the predicted background level is already high and higher than the environmental advisory limit so no matter what is added into the environment, it will further increase exceedance. The applicant attempts to justify that the background reading is not representative because the data they had to use was from Runcorn. The applicant's should have provided their own local monitoring information to back up this assertion but have chosen not to do so, such is the concern they have for local residents. Unless the modelling is updated, we do not believe that Lancashire County Council have sufficient information to determine the application and respectfully suggest it is refused, as it has been shown that the proposed development environmental impacts which would be harmful, can be eliminated or reduced to acceptable levels. For these reasons, and as detailed in comments from Knowsley Council, we respectfully ask that the application is refused.

Mr Tony Brennan, a local resident and Knowsley Councillor, addressed the Committee and made the following points:

I am the local Councillor for the Shevington Ward and Kirby and the Regeneration and Economic Development Cabinet Member for Knowsley Council. Like many Kirby residents, I am entirely opposed to this application. Referring to Knowsley Council's detailed objections, I will focus on one element of significant concern. It is acknowledged that National Planning Policy advises that you should assume that controls be put in place through planning conditions and permit controls. However, I must take issue with the officer's statement that there is no basis to assume that the permitting authority will not apply and enforce permit controls effectively. To make such a statement is staggering, especially when concerns have been raised about site management following the Committee's site visit. The condition and management of the site was an issue identified by the Planning Inspector nine years ago. Knowsley Council has raised concerns over the planning and enforcement regime for several years to no avail. In the summer, Knowsley wrote to the Chief Executives of Lancashire County Council and the Environment Agency highlighting several planning and environmental issues. It was acknowledged by Lancashire County Council that several businesses including waste operators were either operating without planning permission or those controls ignored. One suggestion has been that illegal stockpile heights could be regularised by granting planning permission – under no circumstances would this be acceptable as Simonswood already has six times more waste than allowed without consenting more. Knowsley Council has been assured that action will be taken, sadly we have no confidence – only one issue that had been raised three years ago has only just been referred to



the Magistrate's Court. National Planning Policy says 'should' not 'shall' meaning that planning authorities are not always required to follow this assumption. This is a relevant planning consideration as it is evident that more breaches will go unnoticed, resulting in harm to local residents' health and amenity. I would therefore ask that Committee consider these issues, alongside the detailed formal objection from Knowsley Council, and that the application is refused.

Ms Jayne Aston, a local resident and Knowsley Councillor, addressed the Committee and made the following points:

The officers report desperately tries to justify approval of this application. Policy EC1 of West Lancashire's local plan states that planning uses B1, B2 and B8 will be permitted at Simonswood. However, there is no reference to incineration facilities. Officers state that incineration use would have a general industrial nature and therefore must be considered suitable in areas allocated for B2 uses. If that were the case, why is an incinerator not classed as B2 use or why are incinerators not included in the policy – it is safe to assume that the application does not comply with Policy EC1. Policy WM3 of the waste plan specifically excludes incinerators and is therefore not relevant. Policy WM2 is for large scale facilities yet officers are suggesting that, if a site is suitable for large scale incineration, then it must be suitable for small scale and in policy terms, that is not the case. WM2 is out of date given the quantum of waste already on site. The National Planning Policy for Waste states that 'planning decisions should assume enforcement regimes operate effectively'. The county council's Chief Executive has acknowledged the shortcomings on site in a letter to Knowsley Council but, despite this, officers are suggesting that no regard be had to the current position on the ground, contrary to Policy DM2. Policy DM4 requires a combined heat and power review to be provided with this application – the applicant has not provided one. The application states that 'the emissions limit has been set using established background data' – the applicant has shown to be already in breach of this without this development. No 'need' has been established in the report for this facility and no evidence submitted by the applicant. It is therefore respectfully requested that the planning application be refused.

Mr Nick Kennedy, applicant, addressed the Committee and made the following points:

We have heard a lot today about dioxins and particulate matter emissions and yet the fact remains that residential burning of solid fuels accounts for over 50% of PM2.5 emissions, and is the single largest contributor to dioxin emissions in the UK (more than double the next largest), as confirmed by official statistics of the National Atmospheric Emissions Inventory. The claims that incineration of medical waste are a major contribution to dioxin emissions in the UK is nonsense, given that it represents approximately 0.51% of the annual dioxin emissions for the last decade. In Policy WM2, Lancashire County Council allocated Simonswood Industrial Estate as the only available waste management site for thermal treatment in West Lancashire – by selecting this location, we have followed county council guidance. Policy WM2 allows for new capacity of up to 130k tonnes per annum of waste by thermal treatment; our process will have a capacity of less than 3% of that tonnage. No sensible and honest argument can be made that if a site is suitable for



processing almost 400 tonnes a day, that a process that will handle less than 10 tonnes a day, is unsuitable. Policy WM3 was raised as a counter, on the basis that it is appropriate for smaller facilities of circa 50k tonnes, but actually states a capacity limit of 100k tonnes per annum for sites in 3 locations in West Lancashire, but excludes thermal treatment. If we were proposing this plant for Pimbo, Burscough or Heyhouse, the reference to WM3 would be understood but we are proposing it at the site specifically allocated under WM2 so WM3 does not apply. It was entirely disingenuous of Knowsley Council to claim that WM2 does not support plans for a capacity of less than 50k tonnes per annum but that WM3 does, when the wording on capacity, in both cases being capacity of around X tonnes, is identical. At the September Committee, the test for whether the policy was out of date was raised several times. Officers informed Committee on numerous occasions that, even if the relevant period may have passed, it was still consistent with national policy (which WM2 is), not considered to be out of date and is therefore the relevant policy for making a decision. In summary, we have followed the county council's own plan for selecting the site and proposing a plant that only accounts for 3% of the stated capacity for that site. WM2 remains consistent with National Planning Policy and therefore is the most appropriate policy to use in determining this application. Officers have confirmed we are in line with Policy WM2 and therefore recommend that the application be approved. I therefore trust Committee will take this advice and make the right decision.

Dr David Young, agent for the applicant, addressed the Committee and made the following points:

I have over 20 years' experience in the air quality field, am a Member of the Institute of Air Quality Management and have provided the air quality assessments for the application. There have been concerns raised over the impact of fine particulate matter, in particular, PM2.5. Government guidance is clear that if the contribution of a plant to a long term air quality standard is less than 1%, impacts can be concluded to be insignificant with no further assessment required. The worst case precautionary modelling has demonstrated that the contribution from the plant will be insignificant, amounting to 0.12% of the annual mean air quality standard for PM2.5. The World Health Organisation have issued new guidance on air quality, which includes a more stringent standard for PM2.5 than is adopted in the UK. The plant will contribute 0.48% to the World Health Organisation guideline value for PM2.5 and therefore the impacts are demonstrated to be insignificant, using even the most stringent global criteria (which has not been adopted in the UK). Furthermore, these predictions are a conservative over-estimation of the potential impact – this is since it was assumed that the plant will emit continuously at the maximum allowed dust emission level. You will note later from Dr Peacocke that, in reality, the total dust emission levels from the plant are likely to be less than 1% of the regulatory limit, given the use of the best available technology for dust control - as such, confidence is high in the predictions made. We note that Knowsley Council have maintained their objection in relation to chromium 6 – as pointed out at September Committee, this objection is inconsistent with Government permitting risk guidance. The process contribution to long term environmental standards for chromium 6 is predicted to be less than 1% and therefore the impacts are demonstrated to be insignificant in accordance with Government guidance. There has been an erroneous suggestion that we have relied upon the conclusions from studies previously undertaken by



Public Health England, in concluding there are no significant health impacts from the plant. This is categorically not the case – the human health risk assessment undertaken as part of the application was a site-specific assessment using established models and incorporated highly conservative assumptions, and accords with Government regulatory requirements. As you will be aware, the air quality assessments have been independently reviewed by experienced air quality consultants who have confirmed the assessments have been suitably robust and accord with accepted regulatory practice. Overall, the proposed development, subject to the appropriate conditions, is considered by officers to fully accord with national and local planning policies and there are no grounds for refusal. Given this, I would respectfully request that you grant permission for the proposed development, in accordance with the officer's recommendation.

Mr Peter Eaton, supporter for the applicant, addressed the Committee and made the following points:

Any resident of Kirby and its surrounding areas automatic response to the planning application would be 'I am 100% totally against the application' – this is a natural response from anyone if they were to believe the propaganda presented by the protestors to this application, without questioning it. In the latest document and referred to at this meeting by the protest group, it infers that the Oldham medical waste incinerator is the cause of cancer in wards such as Medlock Vale and Alexandra and draws comparisons to the areas of Saddleworth South and North. What they fail to include is that Medlock Vale and Alexandra are areas of the highest proportion of population of smokers in the Oldham area, compared to both Saddleworth wards having the lowest. Alexandra is the highest of all 20 wards with Saddleworth South being the lowest. The statement in the initial leaflet posted through letterboxes of the majority of homes in Kirby says the World Health Organisation is against incinerators; this is paraphrased and badly. The leaflet quotes 'the World Health Organisation is completely against incineration of medical waste', missing the key word 'open', which is a pile of waste with petrol thrown onto it before lighting. They also claim it should be stopped across the globe due to, as yet unknown health implications and environmental concerns. The World Health Organisation statement on their website continues to say ..'only modern incinerators operating at 850-1100 degrees centigrade and fitted with special gas cleaning equipment are able to comply with international emission standards for dioxins and flourines' – this is the process to be used in this application. The leaflet states the organic life and water supply within a 10k radius of the proposed plant will become toxic and carcinogenic with dioxide, and is a sick case of protestors using the public's sad plight with a variety of cancers for their own benefit, without presenting all the facts. In an independent medical study, it was proven without a doubt that the local medical waste incinerator was not to blame, but this crucial piece of evidence was left out of the leaflet, as was the fact that this was 1970's technology that would not meet today's standards. The propaganda produced by protestors has had a single cause – to whip the local population into a frenzy, which it clearly has. When you consider that local councillors went along with the majority of the protestors statements, it shows the level of bias against the proper control and processing of medical waste at Simonswood.



Mr Michael Eaton, supporter for the applicant, addressed the Committee and made the following points:

I have travelled approximately 270 miles to be here to give full support to this planning application. That is the approximate distance that 49 tonnes of potentially hazardous infectious waste from the North West in 2020, a similar quantity in 2021 and no doubt similar in 2022 when records become available, travelled and continues to travel, to be processed at a high temperature incinerator near my home in Southampton. This is a long way. The fact that waste is not being treated in your back yard and my back yard does not seem to bother those against the application. It would appear that objectors consider it fine to have the waste produced where they live, but not allow a facility to be built where they live that would process the waste. I have recently had cancer surgically removed, had to receive treatment and specialist care, all of which produced yellow bag waste – the same type of waste that is to be burned at Simonswood. Under Government legislation, Health Technical Memorandum 07-01, all this type of waste has to be processed by thermal destruction at 1100 degrees C, therefore, if there were no such plants to process this waste, my operation would not have been possible. I would argue that some of the people present in this room would be in the same situation. Stand Up To Cancer states that one in two people will contract cancer of some form in their lifetime. This would mean those patients would potentially produce medical waste that has to be processed in a high temperature incinerator. To summarise, I believe there are no such incineration plants north of the M62 and west of the M6 and this plant would be the first in your back yard. Why should I have your waste treated in my back yard? Transporting this waste at a significant distance would produce risk – reducing road miles reduces risk. Considering the risk associated with transporting medical waste and the carbon footprint of transportation, you have no option but to grant approval of this planning application.

Ms Cherri Rimmer, supporter for the applicant, addressed the Committee and made the following points:

I am here today to give my support for the high temperature medical waste treatment facility proposed to create energy from waste at Simonswood. I have been resident in the North West for 25 years with my family and utilising medical facilities, hospitals etc within the area. I, like people I have discussed the proposal with, had assumed that the medical waste we create in the North West was treated in the North West. I was shocked to learn the distances involved with the current processing of such waste. Having watched the previous meeting at which this application was discussed, I remember that it was clarified that the proposal was there to have a determination purely on planning policy and not permitting. As the meeting progressed, I became increasingly concerned that Committee kept on making references to permitting and the duties of the permitting office, even when reminded by the Chair that these were permitting issues. By attempting to make the permitting issues a planning decision, as a layperson, I believe that the lines of the planning Committee are and were being blurred. There is a clear difference between the responsibility of a planning Committee and a permitting authority. During the September meeting, the council's legal advisor made it clear that the determination of Committee is to be based on planning policy and not those areas covered by the permitting authority; which in this case would be West Lancashire Borough Council.



This decision was deferred so three different elements of information could be reviewed; WM2 Planning Policy, the Atkins Report, and to more fully understand permit enforcement and responsibility for that site. I do not see how this is relevant to this decision on the planning application before Committee. A quote from the officer's latest planning report which Committee has received states 'Paragraph 188 of the National Planning Policy Framework requires that the focus of planning policies and decisions should be on whether a proposed development is an acceptable use of land, rather than control of processes of emissions, where these are subject to separate pollution control regimes'. It states that 'planning decisions should assume that these regimes will operate effectively'. There is no basis to assume that the permitting authority, whether that is the Environment Agency or Borough Council, will not apply and enforce their permit controls effectively.

Mr Neil Turner, supporter for the applicant, addressed the Committee and made the following points:

I am here today to address the issues surrounding Policy DM4 which sets out the requirement for energy recovery from our process. During the September meeting, concerns were raised that we had heads of terms as opposed to a binding contract for the sale of power. It would have been irresponsible of the Directors to sign a binding contract without the necessary permissions to build the plant, hence the heads of terms was the first step. In each and every project we are undertaking, we have a clear power offtake hierarchy which we apply in all cases, to maximise the efficiency of energy capture, financial viability and environmental impact. The hierarchy sets out the order of preference for power use; (1) Generation plant to promote self-sustainability (2) local private wire offtake (3) export to the National Grid. These three steps have been applied to this project, with the plant itself taking power 24 hours per day and the nearby aggregate washing plant taking the power for circa 12 hours per day. We are seeking agreement from other industrial users in the area to take the balance of the power when the washing plant is not in operation. This will not be a G100 insulation and, as such, export to the National Grid was and always will be the fallback from any power generated and not utilised internally by the local user via private wire. The notion raised in September that when the washing plant is not in operation, all the power will be wasted shows a lack of understanding of how energy generation works.

Mr Stuart Caley, supporter for the applicant, addressed the Committee and made the following points:

One of the statements that's been alluded to is where you're using new technology, it's a trial technology and experimental – this is not true. Where our kit has been for military use on a warship for 7 years now, the kiln is the same kiln we're going to be using hopefully at the Simonswood site. It's a pyrolysis process, not an incineration process. A facility we already have in Avonmouth has been running for a year, testing various different types of feedstocks. One of the applications we're going to be using our kit on is a carbon neutral heating system in the 7Y project which is Government funded. In France and Germany, pyrolysis has been used for over 100 years; the reason why it's not being used in the UK is that incineration is being used instead. The beauty of pyrolysis is we do capture 50% of carbon within the by-product (char). With char, we are currently going through a number of trials for use



within the building industry, aggregates etc, as part of the Net Zero journey. It's the environmentally friendly use of incineration although it's technically not incinerating. The kit has 2 filtration systems; a cyclone filter so it captures the particles (PMs) before it goes into heat exchange and the ceramic (secondary) filtration system. All the heat will be utilised on site via an ORC and will hopefully link into the heating system to sterilise the bins afterwards. It is definitely not new or experimental equipment.

Dr Cordner Peacocke, Chief Technology Officer at Pyrocore, supporter for the applicant, addressed the Committee and made the following points:

I specialise in chemical engineering and have been working in the high temperature conversion field all over the world for 32 years. I have a long track record of working in pyrolysis and Pyrocore has a commitment to produce environmentally compliant technology. Pyrolysis is not a new technology and has been in operation in some locations in Germany for over 120 years. The process is also environmentally compliant; we use commercially available gas technology which has a proven track record going back 50 years, compliant with IED emission limits. The technology we use to remove dust and contaminants from combusted gas is well established and we have carved out our own trials over the past few years in Heybridge; we confidently met dust requirements measuring typically 0mg and our current commercial plant is at 0.1mg. PM2.5 cannot pass through the filtration system and therefore the discussion around PM2.5 emissions from our processes are spurious and not proven. We are well under IED emission limits; if the application is approved we must comply with emission requirements and we have the track record to show that that is feasible and comfortably under limits for contaminants.

The Chair reassured all parties involved that Committee had taken all comments seriously, a site visit had taken place and that all materials in relation to the application had been read carefully.

Officers answered questions from Committee and provided the following information:

In view of the amount of concern around permitting and controls on the site, Committee were reminded of the permitting process and where this fitted into the application.

It was clarified that the process at Simonswood was on the cusp of 10 tonnes per hour, so the permit could either be determined by the Environment Agency or West Lancashire Borough Council; however, it was irrelevant who the determining authority was as the same controls would apply – what mattered is what came out of the stack and how that was controlled. The role of Committee was to consider whether the application was appropriate in terms of land use and that they needed to be satisfied that permitting controls would operate effectively; it was not in Committee's remit to become involved in the precise detail of emissions and controls. Although Committee had heard statements that some were not satisfied the permitting controls would operate effectively, the advice from officers was that these processes could be relied upon, they are working and in terms of the site generally (not emissions), enforcement processes were underway.



In relation to comments around Simonswood accepting 6 times the amount of waste than should be allowed, it was reported that these calculations were not correct; the figure took into account of the inert waste recycling on site. Paragraph 3.1.1 of the Minerals and Waste local plan states that inert waste recycling should not be included as part of that generic figure that has been referred to. In relation to the applicability of the policy and claims that it is out of date, Committee were informed that case law was very clear in that a policy was not considered to be out of date simply because it was in a time expired plan. The report addresses that there are 2 parts to the policy; the numeric part (considered to be out of date - figures are old although if they were to be renewed they would likely say that more capacity was needed in the future, particularly around this site) and the locational part (considered to be in date – the plan takes into account all the waste that arises in the county and disaggregates it to various sub-regions so that the waste is managed). Once the waste is in that sub-region, 2 sorts of sites are identified - small and bigger; Simonswood is one of the bigger sites. The aim of WM3 that deals with smaller sites is to prevent the big waste facilities ending up on these smaller sites, either because of HGV impacts or dust, noise etc. As the plan tries to direct big waste management facilities to bigger sites, that is where Policy DM2 comes in. Within the policy justification, it states that for the big sites, it would be appropriate to have facilities in between 50 and 200k tonnes, although it does not prevent smaller operations at those sites. To argue that only big facilities are allowed on these strategic sites is not within the spirit of the Policy. For these reasons, it is believed that WM2 is the correct policy because:

- Simonswood would still comply with National Policy;
- The site is consistent with the local plan policy – West Lancashire Borough Council have zoned this site for industrial uses which would involve noise, dust, emissions;
- The characteristics of the site in relation to non-inert waste have not changed since the site was zoned in the plan.

The locational aspects of Policy WM2 are still valid and therefore it is considered that WM2 is the correct policy to judge this application.

It was clarified to Committee that Policy DM4 did not require a connection to the National Grid. DM4 required energy to be captured and for it to either be used on site, exported to another user or for it to be connected to the National Grid. Officers had seen the Memorandum of Agreement between the applicant and end user and were satisfied that the energy was going to be used on site and therefore it was compliant with Policy DM4. The application could not, therefore, be refused on these grounds and could not be justified should the applicant go through the appeals process.

In relation to over-capacity, this only becomes an issue when a proposal is not in accordance with the development plan. Officers consider that WM2 is the correct policy and that the application complies with it; there is, therefore, no departure from the local plan and therefore no need to consider the over-capacity issue. The application could not, therefore, be refused on these grounds and could not be justified should the applicant go through the appeals process.



It was reported that the applicant would install an OCR engine to ensure compliance with DM4 and therefore moving the management of the waste up the hierarchy so it is not disposed of but recovered and the energy re-used. The applicant will use the energy to heat water, clean bins and power the site itself, and the excess will be exported either to the adjacent aggregate washing plant or to the National Grid. Providing a local facility will reduce transportation costs and is complementary in terms of Climate Change objectives. The re-use of energy is covered under condition 3 of the planning permission which states that no waste should be accepted until the OCR engine has been installed and a cable laid.

In relation to enforcement issues on the Simonswood site, Committee were informed that the county council had a live court action with one of the operators on site and that enforcement was taking place with others. The Environment Agency had recently visited all sites and were in the process of serving notices or taking appropriate action.

In relation to comments around Aintree Hospital, officers were unable to confirm whether the hospital was unaware of the possibility of the proposal to treat their medical waste and it was confirmed that this should not be a key factor in the consideration of this application.

Resolved:

That, after first taking into consideration the environmental information, as defined in the Town and Country Planning (Environmental Impact Assessment) Regulations 2017, and subject to the applicant first entering into a section 106 agreement relating to repair of the internal site access road, and a contribution towards the cost of highway signage, planning permission be **granted** subject to:

- (i) conditions relating to time limits, working programme, hours of operation, highway matters, combined heat and power controls, water resources and contaminated land, as set out in the Committee report.
- (ii) An additional condition as follows:

'No demolition works on the site shall be undertaken between 1 March and 31 July unless the building has first been checked by a qualified ecologist and it has been confirmed that no breeding or nesting birds are present within the building.'

Reason: In the interests of ecology and to conform with Policy DM2 of the Joint Lancashire Mineral and Waste Local Plan.'

6. Urgent Business

There were no items of Urgent Business.

7. Date of Next Meeting



Resolved: That the next meeting of the Committee be held on Wednesday 21st December 2022, at 10.30am in Committee Room A – The Tudor Room, County Hall, Preston.

L Sales
Director of Corporate Services

County Hall
Preston

