

**Development Control Committee**  
Meeting to be held on 24 April 2024

Electoral Division affected:  
West Lancashire East

**West Lancashire Borough: LCC/2023/0020**

**Change of use of site to storage of inert waste material and product mounds as an extension to the existing waste transfer station. Land between Stopgate Lane and Simonswood Industrial Estate, Simonswood**

Contact for further information:  
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**Brief Summary**

Application - Change of use of site to storage of inert waste material and product mounds as an extension to the existing waste transfer station. Land between Stopgate Lane and Simonswood Industrial Estate, Simonswood.

**Recommendation – Summary**

That the application be **refused** for the following reasons:

- (i) The proposal is inappropriate development in the Green Belt for which no very special circumstances have been demonstrated. The proposal is therefore contrary to Paragraph 155 of the National Planning Policy Framework and Policy GN1 of the West Lancashire Borough Local Plan.
- (ii) The application is located outside the settlement boundary and is not located within the existing Simonswood Industrial Estate or area allocated for employment uses in the West Lancashire Borough Local Plan. The proposal is therefore contrary to the development strategy in Policy EC1 of the Borough Local Plan and the policy relating to the location of inert waste recycling facilities in Policy WM4 of the Lancashire Minerals and Waste Local Plan.
- (iii) The proposed development would result in an irreversible loss of a significant area of best and most versatile agricultural land. The proposal is not for an agricultural use or for a development required to implement other policies of the local plan and is therefore contrary to Policy EC2 of the West Lancashire Borough Local Plan
- (iv) The application site is located with a groundwater source protection zone. The applicant has not demonstrated that the proposed development could be designed and controlled in a way to prevent unacceptable risks to groundwater quality contrary to Policy DM2 of the Lancashire Minerals and Waste Local Plan.
- (v) The applicant has not demonstrated that the ecological impacts of the proposal

can be adequately compensated or mitigated for contrary to Policy DM2 of the Lancashire Minerals and Waste Local Plan.

## **Applicant's Proposal**

The application is for the change of use of approximately 11 hectares of land to use as a storage location for stockpiles of inert waste and processed aggregate materials. It is proposed to stockpile these materials up to nine metres in height. A six metre high screening mound would be constructed around the northern, western, eastern and part of the southern boundaries of the site to provide screening. An existing mound along part of the southern boundary would be removed to provide access to the application site from the applicant's existing waste transfer station.

The hours of operation would be 07.30–18.00 Mondays to Fridays and 07.30–12.00 on Saturdays. The applicant states that the throughput of the application site would be approximately 100,000 tonnes per year.

Access to the application site would be via the applicant's existing waste transfer station which is accessed using a private road leading through the Simonswood Industrial Estate which has a junction with Stopgate Lane.

## **Description and Location of Site**

The application site is an area of agricultural land located immediately to the south of Stopgate Lane approximately 1.6km east of Kirkby. To the south of the application site is the applicant's waste transfer station and recycling site which is located on part of the Simonswood Industrial Estate. Also located immediately to the south and east of the site is another waste processing facility that produces recycled soil materials. To the west of the site are a number of residential properties that are located off Sidings Lane and Stopgate Lane. The closest property is located approximately 40 metres from the site boundary.

The site is flat and is comprised of a single field bounded by hedgerows on its northern and eastern sides. The southern boundary of the site where it adjoins the applicant's existing business is formed by a landscaped bund. Towards the western side of the site is a derelict agricultural barn which is surrounded by bramble scrub.

The site is located in the Green Belt.

## **Detail**

### **History**

A planning application on this site for the change of use of the land to a storage location for recycled materials was submitted in 2021 but was withdrawn before determination (ref LCC/2021/0062).

The applicant's existing waste transfer station to the south has a long history of waste proposals.



## **Planning Policy**

National Planning Policy Framework: The following paragraphs are particularly relevant: 11, 47, 115, 135, 142–155, 168–175, 180-186, 191, 194, 216

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

Policy CS2 – Minimising the need for mineral extraction

Policy CS7 – Managing our waste as a resource

Policy CS8 – Identifying capacity for managing our waste

Joint Lancashire Minerals and Waste Local Plan (JLMWLP)

Policy DM2 – Development Management

Policy WM4 – Inert waste recycling

West Lancashire District Local Plan

Policy SP1 – Sustainable Development Framework for West Lancashire.

Policy GN1 – Settlement Boundaries

Policy GN3 – Criteria for Sustainable Development

Policy EC1 – The Economy and employment land

Policy EC2 – The rural economy

Policy EN2 – Preserving and enhancing West Lancashire's Natural Environment

## **Consultations**

West Lancashire Borough Council: Object to the application for the following reasons:

- The proposed development is to contrary to the National Planning Policy Framework and Policy GN1 of the West Lancashire Local Plan as it is inappropriate development in the Green Belt and no very special circumstances have been demonstrated which would outweigh the harm identified.
- The applicant has not demonstrated that the development of agricultural land is necessary and therefore the proposal is contrary with Paragraph 112 of the National Planning Policy Framework and Policy EN2 of the West Lancashire Local Plan.
- The applicant has failed to demonstrate a market need for the facility.
- The height and scale of the proposed bunds would be harmful to the visual amenity and landscape character of the Green Belt.
- Insufficient information has been submitted to fully assess the impact on the local highway network contrary to Policies GN3 and IF2 of the West Lancashire Local Plan.
- The proposed development conflicts with Paragraph 118 of the National Planning Policy Framework and Policy EN2 of the West Lancashire Local Plan in that insufficient information has been provided to demonstrate that the proposed development would not adversely affect internationally designated sites, their qualifying features and supporting habitat.



- Insufficient information has been submitted in relation to the risks to ground water quality contrary to Policy GN3 of the West Lancashire Local Plan.

Knowsley Council: Strongly object to the application. Knowsley Council believe that the application should be screened to assess whether it should be accompanied by an Environmental Impact Assessment. Knowsley Council also consider that the proposal would have a significant impact on the openness of the Green Belt and would therefore be inappropriate development. Permission should only be granted if the harm caused to the Green Belt and any other harm is clearly outweighed by other considerations.

Knowsley Council also raise the following issues:-

- The amount of storage appears excessive and appears tantamount to a short term landfill.
- The perimeter bunds and storage mounds would be visually intrusive out of keeping with existing landscape character.
- The Lancashire Minerals and Waste Local Plan is out of date and even if the plan were in date, the proposal would not be consistent with Policy WM4.
- Knowsley Council have concerns about operational practices at a number of sites on the industrial estate which is leading to harm to local residents. Knowsley Council are encouraged that Lancashire County Council have signed up to an action plan to address these issues but even if this is successful it would be inappropriate to allow the storage of a further 700,000 tonnes of material on the application site.
- The application is poor quality and contains little information. There is no transport statement, no detail of how the site would operate or explanation of how impacts would be controlled.
- Knowsley Council are concerned that this proposal would lead to further dust impacts contrary to Policy DM2 of the Lancashire Minerals and Waste Local Plan.

Simonswood Parish Council: Object to the application as residents will be affected by noise pollution, air pollution and odour. The Parish Council state that the applicant's existing site needs to reduce their waste storage and then they would not require the additional land. The Parish Council also comment that the site is Grade 1 agricultural land, that the development will be harmful to the visual amenities of the area and the Green Belt, and that the development will lead to more heavy goods vehicles (HGVs) on the road dropping rubble and causing safety issues.

Bickerstaff Parish Council: Object to the application on the following grounds:

- Inappropriate development in the Green Belt.
- The application site falls outside of the areas allocated for waste development in the Lancashire Minerals and Waste Local Plan.
- The proposal would affect Grade 1 agricultural land contrary to Policy EC2 of the West Lancashire Local Plan.
- The development is within a mineral safeguarding area and would result in sterilisation of the mineral resource contrary to Policy M2 of the Lancashire Minerals and Waste Local Plan.
- The noise and dust assessments are incomplete.



- Odour impacts would be harmful to residential amenity.
- The perimeter bunds and stockpiles of inert materials would be harmful to visual amenity.

The parish council also report that the following concerns have been raised by local residents: loss of wildlife habitat, drainage and increased traffic.

Lancashire County Council Ecology Service: Lancashire County Council Ecology Service understand that this proposal has been submitted to address the reasons for refusal of application ref LCC/2021/0062. Minor amendments have been made to the scheme to reduce the footprint and add a car park and boundary hedge. However all the recommendations made in terms of ecology on the previous application should be addressed before the current application is determined. It should also be noted that the current Biodiversity Net Gain Metric is version 4.0.

Environment Agency: Object to the application because the risks to groundwater are unacceptable. The applicant has not demonstrated that the risks to groundwater can be satisfactorily managed. The groundwater in this location is particularly sensitive because it is within a source protection zone, in close proximity to a borehole used for the supply of potable water and other licenced abstractions, is located upon a principle aquifer and groundwater is potentially shallow within the superficial deposits. The applicant should provide more information on the areas of the site which will be contained and areas where infiltration is being considered. Direct discharges to groundwater such as may occur to the underlying sand deposits are likely to be prohibited.

Lancashire County Council Highways Development Control: Request further details of the proposal in terms of expected traffic generation, site access, staffing levels and parking/operational requirements

Lead Local Flood Authority: No objection subject to the imposition of conditions relating to the submitted Flood Risk Assessment, submission of a final surface water drainage strategy and a construction surface water management plan.

Network Rail: Have placed a holding objection pending Network Rail consideration of the impacts.

Representations – The application has been advertised by press and site notice, and neighbouring residents informed by individual letter. Twenty one representations objecting to the application have been received raising the following issues:-

- The site is in close proximity to resident's properties.
- The applicant's existing site is a mess, and the stockpiles are much higher than six metres.
- The heavy goods vehicles (HGVs) breach the Traffic Regulation Orders and the noise from these lorries causes issues for residents. If this proposal is approved, it will increase these impacts.
- The site is in the Green Belt and will result in an encroachment into the Green Belt for which no very special circumstances have been demonstrated.
- The land is not allocated for an extension to the industrial estate.



- The proposal would be a health hazard.
- The heavy goods vehicles (HGVs) from the industrial estate start as early as 6am.
- Damage to road surfaces.
- Heavy goods vehicles (HGVs) on the local roads constantly drop debris which causes amenity and highway safety issues for local residents.
- The proposal will harm wildlife.
- The development will give rise to noise and dust issues.
- Loss of prime agricultural land.
- The site currently acts as a buffer between the road and the existing waste site.
- Approval of this application would mean that the houses on Stopgate Lane would virtually be surrounded by waste management companies.
- Impact on groundwater and surface water. There are no proposals to show how surface water run off would be managed.
- The site is not allocated for waste uses in the Lancashire Minerals and Waste Local Plan.
- There is no economic case for the development.
- The stockpiles elsewhere on the industrial estate are really landfill as they are in place for so long.

Representations have been submitted by the three ward councillors for the Shevington ward within Knowsley (Councillors Brennand, Rowe and Wright). They object to the application on the following grounds:

- The noise and dust implications for Knowsley residents resulting from the waste processing operations on the industrial estate.
- The impacts on the local highway network.
- The volumes of waste capacity that the county council has authorised on the Simonswood Industrial Estate are way above the levels envisaged in the Lancashire Minerals and Waste Local Plan.
- The unacceptable harm that would be caused to the amenities of local residents contrary to Policy DM2 of the Lancashire Minerals and Waste Local Plan and Policy GN1 of the West Lancashire Local Plan.
- The visual impacts of the stockpiles would have a significantly detrimental impact on the character and appearance of the local area.
- The proposal would be harmful to the Green Belt for which no very special circumstances have been demonstrated.
- The proposal is not supported by any demonstration of need which shows that there is no capacity for waste elsewhere contrary to Policies WM1 and WM4 of the Lancashire Minerals and Waste Local Plan.

A letter of objection has also been received from the Rt Hon Sir George Howarth, MP for Knowsley, raising the following issues:

- The site is in the Green Belt and should not be allowed unless the harm is clearly outweighed by other considerations.
- The stockpiles will lead to dust impacts for surrounding residents.
- There is no evidence of need for this development contrary to Policies WM1 and WM4 of the Lancashire Minerals and Waste Local Plan.



## Advice

The applicant operates a large waste transfer station on land immediately to the south of the application site. Inert wastes from demolition and site clearance operations are imported to the site and are crushed and screened to produce a range of recycled materials. The applicant received planning permission in 2018 for a fixed screening and washing plant in order to improve the quality and range of recycled aggregate products that can be produced from the site. This plant is now operational.

The application proposes the change of use of an area of agricultural land immediately to the north of the applicant's existing waste processing site to use as a location for the storage of waste and processed materials. The applicant states that more land is required to store imported waste materials and processed aggregates once the waste materials have passed through the new processing plant. The applicant states that the minimum additional land required is five hectares.

A planning application was previously submitted in 2021 for a very similar development to that currently proposed. The application formed part of the agenda to the meeting of the Development Control Committee on 27 April 2022. The recommendation was that planning permission should be refused for the following reasons:-

- 1. The proposal is inappropriate development in the Green Belt for which no very special circumstances have been demonstrated. The proposal is therefore contrary to Paragraph 147 of the National Planning Policy Framework and Policy GN1 of the West Lancashire Borough Local Plan.*
- 2. The application is located outside the settlement boundary and is not located within the existing Simonswood Industrial Estate or area allocated for employment uses in the West Lancashire Borough Local Plan. The proposal is therefore contrary to the development strategy in Policy EC1 of the Borough Local Plan and the policy relating to the location of inert waste recycling facilities in Policy WM4 of the Lancashire Minerals and Waste Local Plan.*
- 3. The proposed development would result in an irreversible loss of a significant area of best and most versatile agricultural land. The proposal is not for an agricultural use or for a development required to implement other policies of the local plan and is therefore contrary to Policy EC2 of the West Lancashire Borough Local Plan*
- 4. The application site is located with a groundwater source protection zone. The applicant has not demonstrated that the proposed development could be designed and controlled in a way to prevent unacceptable risks to groundwater quality contrary to Policy DM2 of the Lancashire Minerals and Waste Local Plan.*
- 5. The applicant has not demonstrated that the ecological impacts of the proposal can be adequately compensated or mitigated for contrary to Policy DM2 of the Lancashire Minerals and Waste Local Plan.*

However, the application was withdrawn before it was considered by the Committee.

The current planning application has been submitted in order to address the issues that were raised in the previous committee report. The proposal covers the same



area as the previous planning application, but more details have been provided of a separate car parking area and access off Stopgate Lane together with a sequential test assessment which the applicant has submitted to address the issues relating to Green Belt, and the allocated employment and waste management locations in the West Lancashire Local Plan and Lancashire Minerals and Waste Local Plan.

Section 38 (6) of the Planning and Compulsory Purchase Act 2004 requires planning applications to be determined in accordance with the Development Plan, unless material considerations indicate otherwise.

The Development Plan for the site is made up of the Joint Lancashire Minerals and Waste Development Framework Core Strategy Development Plan Document, the Joint Lancashire Minerals and Waste Local Plan – Site Allocation and Development Management Policies – Part One, and the West Lancashire Local Plan 2012-2027 Development Plan Document. The relevant policies are the same as those when the previous application was submitted.

Paragraph 11 of the National Planning Policy Framework states that proposals that accord with an up to date development plan should be approved without delay. Where there are no relevant policies or where the policies which are most important for determining the application are out of date, planning permission should be granted:

- unless the policies in the National Planning Policy Framework that protect areas or assets of particular importance provide a clear reason for refusal
- any adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies of the National Planning Policy Framework as a whole.

The plan period for the Lancashire Minerals and Waste Core Strategy and Minerals and Waste Local Plan is from 2001 until 2021. Certain of the policies in these documents (CS8 and WM3) provide for a quantum of waste processing capacity to be provided over the plan period and therefore in accordance with Paragraph 11 of the National Planning Policy Framework it is now considered that less weight can now be attached to those policies. Given the nature of this application, it is debatable whether these policies are the most important for determining this application but in any event, it is considered that the policies of the Lancashire Minerals and Waste Local Plan to which greatest weight should be attached when determining this application are those relating to the assessment of local environmental impacts and allocation of sites for inert waste recycling proposals. These are Policies DM2 and WM4. Whilst these policies are contained in a Plan which has now time expired, they are considered to accord with the current edition of the National Planning Policy Framework and therefore can still be relied upon for decision making purposes.

The proposal would assist in providing capacity for the recycling of inert wastes which assists in reducing the need to use primary (quarried) aggregate materials in construction works. The proposal would therefore assist in meeting Government and development plan policy targets for such materials and moving the management of such wastes up the waste hierarchy.





The main issue with this proposal relates to the location of the site and there are a number of development plan policies which are relevant to this issue:

- Policy WM4 of the Lancashire Minerals and Waste Local Plan states that developments for aggregate recycling facilities will be supported at operational quarries and landfill sites where they do not compromise the long term after use of the site, and on industrial estates including the Simonswood Industrial Estate.
- Policy GN1 of the West Lancashire Borough Local Plan relates to settlement boundaries and states that development outside settlement boundaries within the Green Belt will be assessed against national policy and any relevant local plan policies.
- Policy EC1 of the West Lancashire Borough Local Plan relates to the provision of employment land and allocates an additional 75 hectares of land for employment purposes between 2012 and 2027. Seven hectares of this provision is by way of an extension to Simonswood Industrial Estate.
- Policy EC2 of the West Lancashire Borough Local Plan relates to the rural economy and states that the irreversible development of open agricultural land will not be permitted where it would result in the loss of best and most versatile agricultural land except where necessary to deliver development allocated within the local plan or strategic infrastructure or development associated with agriculture.

The application site is located immediately north of the existing Simonswood Industrial Estate. The applicant has selected this site as it is immediately to the north of their existing waste transfer/waste processing site and there would be certain operational advantages to expanding the stockpiling operations onto the application site. There are very limited locations immediately adjacent to the applicant's existing site that could be used for the stockpiling activity as the railway is to the south and adjacent areas of the industrial estate are occupied by other businesses.

However, the application site is not within the area of the existing industrial estate or the allocated area for an extension to the industrial estate under Policy EC1 of the Local Plan. It is an area of Grade 1 agricultural land which is located within the Green Belt and outside of the settlement boundary. The proposal is therefore contrary to the development strategy for employment uses as set out in Policy EC1 of the Local Plan and is also not within a location considered acceptable for waste recycling uses within Policy WM4 of the Lancashire Minerals and Waste Local Plan. The proposal is also contrary to Policy EC2 given that it would lead to the irreversible loss of a significant area of best and most versatile agricultural land which is not for agricultural purposes or necessary to deliver other development allocated in the local plan.

In relation to Green Belt issues, Paragraph 142 of the National Planning Policy Framework states that the Government attaches great importance to Green Belts. The fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open. The essential characteristics of Green Belts are their openness and their permanence. Paragraph 143 of the National Planning Policy Framework explains that the purposes of including land in Green Belt include checking the unrestricted sprawl of large built up areas, preventing towns merging into one another, assisting in safeguarding the countryside from encroachment, preserving



the setting and special character of historic towns, and assisting in urban regeneration.

Paragraph 152 of the National Planning Policy Framework states that inappropriate development is by definition harmful to the Green Belt and should not be approved except in very special circumstances. Paragraph 153 advises that when considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt. Very special circumstances will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations.

Paragraph 155 states that certain forms of development including engineering operations and material changes in the use of land are also not inappropriate provided that they preserve its openness and do not conflict with the purposes of including land within it.

The proposal would be a change of use of land and would also include elements such as the creation of six metre high earth bunds around the perimeter of the site that would normally be considered as engineering operations. In relation to Green Belt policy, a judgement therefore needs to be made as to whether the proposal would preserve openness and not conflict with the purpose of including land within the Green Belt. If it would fail to pass these policy tests, the proposal will only be acceptable if very special circumstances are demonstrated to outweigh the harm.

The applicant considers that the harm to openness would not be substantial and that the harm would be outweighed by the positive benefits of the scheme. In particular, the applicant considers that the site is well related to and is seen as part of the industrial estate. However, the site is a large agricultural field separated from Stopgate Lane by a hedge and set against the backdrop of Simonswood Industrial Estate to the south. The proposed six metre high screen mounds would provide a sense of enclosure around the site and due to their height and gradients would be intrusive features that would remove the open nature of this area. The applicant proposes to stockpile materials within the site to a height of nine metres which would not be screened fully by the perimeter screen mounds. The overall effect of the development would be a further encroachment by industrial development into the countryside and would substantially expand the existing industrial estate further into the Green Belt. It is therefore considered that the proposal would have a significant impact on openness of the Green Belt.

The applicant has not produced any significant evidence to demonstrate very special circumstances beyond the general benefits of recycling of waste. However, those benefits could occur on any alternative site and do not amount to very special circumstances to justify development within the Green Belt especially where other sites may exist for the location of the development. The applicant has said that there are no other sites of suitable size that are available to accommodate the development. However, there remains a significant area of land allocated for an extension of the Simonswood Industrial Estate under Policy EC1 of the local plan that has not yet been developed therefore providing scope for the expansion of existing businesses without harming the Green Belt. Taking into account these factors, the development is considered to be contrary to the Green Belt policy set out



in the National Planning Policy Framework and Policy GN1 of the West Lancashire Local Plan.

In relation to specific environmental impacts, Policy DM2 of the Lancashire Minerals and Waste states that development for minerals or waste management operations will be supported where it can be demonstrated that all material environmental impacts that would cause demonstrable harm can be eliminated or reduced to acceptable levels. Policy GN3 of the West Lancashire Borough Local Plan (Criteria for Sustainable Development) sets out a policy framework for the environmental effects of development including a requirement for high quality design and landscaping, protection of amenity, reduction of flood risk and addressing any ecological impacts.

The following environmental issues are raised by this proposal:

- **Ground water/surface water protection:** The development would include the storage of waste and processed materials on the ground surface. Although the materials would be inert, there is still a need to ensure that such operations are controlled and appropriately designed to ensure that the risks to ground and surface water resources are properly managed. This is particularly the case at this site where the geological strata beneath the site contains groundwater that is highly sensitive to pollution. The Environment Agency in their response to this proposal have drawn attention to the location of the development being located upon a principal aquifer which is at shallow depth and where there is a nearby borehole used for the supply of potable water. The applicant has not detailed any form of hard surfacing or other control measures within the site which could be used to protect the quality of groundwater resources from contamination. The applicant has therefore not demonstrated how the risks to groundwater can be acceptably managed contrary to the requirements of Policy DM2 of the Lancashire Minerals and Waste Local Plan.
- **Proximity of residential property:** The nearest properties are located on Sidings Lane to the west of the site and on Stopgate Lane to the north. There are approximately 12 properties within 170 metres of the site, the nearest of which is only 35 metres from the site boundary. The applicant has not proposed that any processing plant would be used on the site, but the proposal would still have the potential to generate noise and particularly dust through the movement of plant and loading/unloading of heavy goods vehicles (HGVs).

Paragraph 191 of the National Planning Policy Framework states that decisions should ensure that new development is appropriate for its location taking into account the likely effects (including cumulative effects) of pollution on health, living conditions and the natural environment, as well as the potential sensitivity of the site or the wider area to impacts that could arise from the development. New development should mitigate and reduce to a minimum the potential adverse impacts resulting from noise and avoid noise giving rise to significant adverse impacts on health and the quality of life.

The application is accompanied by a noise assessment; however, this does not include a noise survey to establish existing background noise levels or any assessment of the degree to which the proposed operations would raise noise



levels above the background level. The noise assessment has simply concluded that noise levels would not exceed 55 dB(A) which could still represent a significant increase above existing levels therefore being harmful to local amenity.

In relation to dust, there is no information on how vehicle circulation areas would be surfaced or how dust emissions would be controlled. Several representations from the nearest houses have described how they are already affected by dust from the existing operations and the proposed site would be significantly closer to those properties where there would be potential impacts from dust emissions given the nature of the proposed operations.

In relation to local amenity issues, the applicant has therefore not demonstrated through submission of appropriate information or mitigation measures that the potential noise and dust impacts on local residents could be controlled to acceptable levels. The proposal is therefore contrary to Policy DM2 of the Lancashire Minerals and Waste Local Plan and Policy GN3 of the Borough Local Plan.

- Ecology: The proposed site is a single agricultural field used for arable crops with a small area of rough grassland and scrub to the west which includes a former farm building. The proposal would not require the removal of any trees or hedgerows apart from a plantation on the screening bund forming the northern side of the existing industrial estate. Part of this bund would be removed in order to allow access between the proposed site and the applicant's existing waste transfer station. The applicant has undertaken an ecological study of the site which includes a phase 1 habitat survey to identify broad habitat types and likely presence of protected species.

West Lancashire Borough Council have objected to the application on the basis that the applicant has not submitted information to allow an assessment on the effects on pink footed geese. This species is associated with the various coastal European level wildlife sites in this area. Whilst no information has been submitted on the use of the site for over wintering bird species, it is considered unlikely that pink footed geese would use the application site due to disturbance from the adjacent industrial estate and traffic on Stopgate Lane and the lack of this information is not necessarily considered to be critical to the application.

However, the proposal would have a number of other ecological impacts including the loss of around 11 hectares of agricultural land which may be habitat for hares, the impacts on the existing screen mound and plantation (which would impact upon breeding birds), the loss of an agricultural barn (barn owl habitat) and other potential impacts on species that would be likely to use the site such as amphibians and hedgehogs. The applicant has not demonstrated through provision of landscaping or other mitigation details that these impacts could be adequately mitigated for and that a net gain in biodiversity could be delivered. The proposal is therefore contrary to Policy DM2 of the Lancashire Minerals and Waste Local Plan and Policy GN3 of the Borough Local Plan.

- A number of local residents have raised issues in relation to traffic and heavy goods vehicles (HGVs) from various sites on the Simonswood Industrial Estate



using roads that are subject to traffic regulation (weight restriction) orders. These issues have been investigated by the county council and the police and the residents' concerns are acknowledged. However, the application proposes to access the stockpiling area via the existing waste transfer station and the main entrance to Simonswood Industrial Estate which is capable of accommodating any additional traffic that could be generated by the proposal. In any event, the routing of heavy goods vehicles (HGVs) in this area is controlled by separate road traffic regulations in order to ensure that such vehicles do not use unsuitable roads and the planning process must proceed on the basis that such controls will be enforced by the relevant agencies. Lancashire County Council Highways have not provided final comments on the application as the applicant has not provided information on the traffic generation of the proposal. The applicant has not provided any further information on this matter but as all heavy goods vehicle (HGV) traffic to the site would access via the main industrial estate access, it is considered unlikely that there would be any fundamental objections in terms of highway capacity or safety.

To conclude, this proposal is for an additional stockpiling location for inert waste and processed aggregate materials. Whilst the proposal would provide further capacity for the supply of recycled aggregate materials and is supported by certain national and local policies, the location of the development conflicts with several national and local development plan policies as it would be inappropriate development within the Green Belt for which no special circumstances have been demonstrated and is outside of the area allocated for existing and proposed employment uses in the Borough Local Plan. The applicant has also not demonstrated that the potential impacts on groundwater or local amenity are acceptable or that the impacts on ecology can be adequately mitigated for. The proposal is therefore considered to conflict with several policies of the National Planning Policy Framework, Policies WM4 and DM2 of the Lancashire Minerals and Waste Local Plan and Policies GN1, GN3, EC1 and EC2 of the West Lancashire Borough Local Plan.

Refusal of planning permission would affect the Convention Rights of the applicant as set out in the Human Rights Act 1998. These rights include those relating to the freedom to use land and possessions without interference. However, these rights have to be balanced against the rights and freedoms of others to enjoy and reasonable standard of amenity and to ensure that the use of land is properly controlled in order to protect the Green Belt, the open countryside and groundwater resources. The interference in the rights of the applicant is therefore considered to be in the public interest and to secure compliance with the policies of the Development Plan.

## **Recommendation**

That planning permission be **refused** for the following reasons:

- (i) The proposal is inappropriate development in the Green Belt for which no very special circumstances have been demonstrated. The proposal is therefore contrary to Paragraphs 152 and 153 of the National Planning Policy Framework and Policy GN1 of the West Lancashire Borough Local Plan.
- (ii) The application is located outside the settlement boundary and is not located within the existing Simonswood Industrial Estate or area allocated for



employment uses in the West Lancashire Borough Local Plan. The proposal is therefore contrary to the development strategy in Policy EC1 of the Borough Local Plan and the policy relating to the location of inert waste recycling facilities in Policy WM4 of the Lancashire Minerals and Waste Local Plan.

- (iii) The proposed development would result in an irreversible loss of a significant area of best and most versatile agricultural land. The proposal is not for an agricultural use or for a development required to implement other policies of the local plan and is therefore contrary to Policy EC2 of the West Lancashire Borough Local Plan.
- (iv) The application site is located with a groundwater source protection zone. The applicant has not demonstrated that the proposed development could be designed and controlled in a way to prevent unacceptable risks to groundwater quality contrary to Policy DM2 of the Lancashire Minerals and Waste Local Plan.
- (v) The applicant has not demonstrated that the ecological impacts of the proposal can be adequately compensated or mitigated for contrary to Policy DM2 of the Lancashire Minerals and Waste Local Plan.

### **Local Government (Access to Information) Act 1985**

#### **List of Background papers**

Paper	Date	Contact/Tel
LCC/2023/0020	April 2024	Jonathan Haine Planning and Environment 01772 534130

#### **Reason for inclusion in Part II, if appropriate**

N/A

