

Development Control Committee
Meeting to be held on 13th December 2017

Electoral Division affected:
West Lancashire East

West Lancashire Borough: Application number LCC/2017/0060
Retrospective application for the siting of an enclosure to house a 300kW biomass boiler with a 5.8m high exhaust stack and the provision of an associated fuel silo and ash bin. City Centre Commercials, Tower House, Simonswood Industrial Estate, Stopgate Lane, Simonswood, Kirkby.

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Executive Summary

Application – Planning application for an enclosure to house a 300kW biomass boiler with a 5.8m high exhaust stack and the provision of an associated fuel silo and ash bin. City Centre Commercials, Tower House, Simonswood Industrial Estate, Stopgate Lane, Simonswood, Kirkby.

Recommendation – Summary

That planning permission be **granted** subject to a condition controlling working programme.

Applicant's Proposal

Planning permission is sought for the provision of an enclosure to house a 300kW biomass boiler with an exhaust stack, and the provision of an associated fuel silo and ash bin. The plant is sited on a concrete base. Part of an adjacent earth bund along the site boundary has been removed and a concrete panel retaining structure placed along it to provide the space for the plant. The applicant has advised that the development was completed in May 2017 and hence the application is retrospective.

The concrete base measures 13.9m x 4.5m. The boiler housing measures 9.1m x 2.4m x 2.6m high and has a pre-fabricated steel frame clad with grey steel sheeting. The biomass boiler has a 0.3m diameter stainless steel exhaust stack that protrudes from the top of the housing to an overall height of 5.8m. The fuel silo is a round corrugated steel drum with a diameter of 4m and height of 1.2m. It has tarpaulin weather cover over the top. The ashbin is a metal wheelie bin. The concrete retaining wall measures 19m long x 2.8m high.

The feedstock for the biomass boiler is waste wood that has been imported to the adjacent waste transfer site and then sorted. The wood is chipped in a building on the west side of the site. It is then transported to the biomass boiler building that was

granted planning permission earlier this year, where it is dried. The dried chipped wood is then transferred to the fuel silo the subject of the current application, where the fuel material (waste wood) is automatically agitated into the biomass boiler within the boiler housing. The biomass boiler is connected to both the heating system of the adjacent office block to provide heat for the facility, and also to the site's wheel wash facility where the hot water would provide a more effective cleaning system, especially during the winter months.

The boiler uses approximately 450 tonnes of waste wood per year. Ash produced from the boiler is collected in the metal wheelie bin and removed from the site and also mixed in with the reclaimed aggregate materials stored elsewhere on the site. The boiler only operates during the normal working hours of the site.

Description and Location of Site

The application site is part of an existing waste management site/ waste transfer station and skip business that is located at the eastern end of Simonswood Industrial Estate approximately 800m from the northern edge of Kirkby.

Vehicle access to the industrial estate is from the south side of Stopgate Lane, and then to the application site via the internal road that runs through the industrial estate. The applicant's site has an area of 5.7 hectares and consists of an open yard area used for the storage, sorting, crushing and screening of waste materials. A waste transfer station and an office building are located on the west and north sides of the site, respectively. The site has planted screen mounds along the north and south boundaries of heights 6m and 7.25m, respectively.

Beyond the northern boundary are agricultural fields and then the nearest residential dwellings that are approximately 180m to the north-west of the application site. Beyond the eastern boundary is a company that specializes in the provision of recycled soils. Beyond the southern boundary is the Kirkby to Wigan railway line with agricultural fields beyond. Beyond the western boundary is a vehicle repair, MOT, de-pollution and breaking area for end of life vehicles, and land used for the storage of shipping containers.

The biomass boiler the subject of this application site is in the gap located between the earth bund along the northern boundary and the office building.

Background

The application site forms part of an existing waste management site that has been the subject of a number of planning permissions.

Planning permission for an extension to the existing portal framed shed to house 4 no. biomass boilers with associated fuel silos and drying floor was granted in April 2017 (ref: LCC/2017/0007).

Planning Policy

National Planning Policy Framework (NPPF)

Paragraphs 11 – 14, 17 - 19, 56 - 66, 93 – 98, 123 - 125 are relevant with regard to the requirement for sustainable development, core planning principles, building a strong and competitive economy, the requirement for good design, meeting the challenge of climate change, noise, air quality and light pollution.

National Planning Policy for Waste - Section 7 is relevant in relation to the determination of planning applications.

National Planning Practice Guidance

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

Policy CS7	Managing Our Waste as a Resource
Policy CS9	Achieving Sustainable Waste Management

Joint Lancashire Minerals and Waste Local Plan – Site Allocation and Development Management Policies – Part One (LMWLP)

Policy NPPF 1	Presumption in favour of sustainable development
Policy DM2	Development Management
Policy DM4	Energy from Waste

West Lancashire Local Plan 2012-2027 Development Plan Document (DPD)

Policy GN3	Criteria for Sustainable Development
Policy EC1	The Economy and Employment Land - Other Significant Employment Sites – Allocated Waste Sites
Policy EN1	Low Carbon Development and Energy Infrastructure

Consultations

West Lancashire Borough Council – No objection.

Simonswood Parish Council – No observations received.

Knowsley Metropolitan Borough Council (MBC) – Object as there are concerns about the potential adverse impact of biomass and incineration proposals in the wider area and that the proposal would add to this impact. There are particular concerns as to how biomass and incineration activities are monitored and policed so that they do not impact adversely on the residents of Knowsley.

Environment Agency – No objection. It is commented that an environmental permit will be required for the biomass boiler but it would not be covered by the environmental permit that is in place for the site. Biomass boilers can fall to either the Local Authority or Environment Agency to regulate, depending on the capacity of the plant.

LCC Highways Development Control - No objection.

Representations – The application has been advertised by press and site notice, and neighbouring units within the industrial estate and nearby residents have been notified by letter. No representations have been received.

Advice

Retrospective planning permission is sought for an enclosure to house a 300kW biomass boiler with an exhaust stack, and the provision of an associated fuel silo and ash bin to heat water for use in the heating system of the adjacent office block, and the nearby wheel wash facility. The development is classed as a low carbon energy development.

The main issues associated with the application are the need for the development, the acceptability of the site to be used for this purpose, the visual impact, noise and air quality.

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. In considering the issues that arise from the proposed development, it is not only necessary to take into consideration the relevant policies of the Development Plan but also the planning history of the site and all other material planning considerations. Government policy is a material consideration that should be given appropriate weight in the decision making process. The Development Plan for the site is made up of the Joint Lancashire Minerals and Waste Development Framework Core Strategy DPD (LMWDF), Joint Lancashire Minerals and Waste Local Plan – Site Allocation and Development Management Policies – Part One (LMWLP), and the West Lancashire Local Plan 2012-2027 Development Plan Document (DPD)

National Planning Policy encourages recycling and the re-use of waste to reduce reliance on land filling and requires waste to be managed at the highest level possible within the waste hierarchy.

The NPPF seeks to ensure that the planning system supports and secures sustainable economic growth in order to create jobs and prosperity. The NPPF also states that the planning system plays a key role in securing radical reductions in greenhouse gas emissions, minimising vulnerability and providing reliance to the impacts of climate change, and supporting the delivery of low carbon energy which is central to the economic, social and environmental dimensions of sustainable development. To help increase the use and supply of low carbon energy, the NPPF advises that planning authorities should recognise the responsibility on all communities to contribute to energy generation from low carbon sources. The NPPF states that applicants for energy development should not be required to demonstrate the overall need for low carbon energy and that planning authorities should recognise that even small scale projects provide a valuable contribution to cutting greenhouse gas emissions. The NPPF advises that applications for low carbon energy development should be approved if impacts are (or can be made) acceptable. The use and supply of low carbon energy development at the City

Centre Commercials site meets the above requirements of the NPPF and complies with Policy EN1 of the West Lancashire Local Plan DPD.

Policy CS7 of the Lancashire Minerals and Waste Core Strategy DPD seeks to manage our waste as a resource. The development allows the use of waste wood as a fuel resource to heat water for use in the heating system of the applicant's offices and the nearby wheel wash facility. The proposal therefore allows the recovery of energy from waste wood and complies with Policy DM4 of the LMWLP.

The site is located within Simonswood Industrial Estate that is subject to Policy EC1 of the West Lancashire Local Plan. This policy supports a mix of industrial, business, and storage and distribution uses within the allocated area. The proposed use has an industrial character due to its size and hence conforms with Policy EC1 of the West Lancashire Local Plan DPD.

The development is small in scale and is of a size and location necessary for its intended purpose. The design, materials and colour are acceptable. There is no visual impact associated with the development due to its location in the gap between the earth bund along the northern boundary and the office building.

West Lancashire Borough Council originally objected to the application as they considered that a noise assessment should be submitted for appraisal to ensure that the biomass boiler will not cause disturbance to the nearest residential premises, if operated at night. Upon receipt of a noise assessment, the Borough Council withdrew their objection as they were satisfied that the boiler can operate day and night without any noise impact on nearby residential premises.

Knowsley MBC also object on the grounds that insufficient information has been made available to establish that there would not be unacceptable air quality impacts risks to residents within the borough of Knowsley. They remain concerned about the potential adverse impact of biomass and incineration proposals in the wider area and that the proposal would add to this impact. Knowsley MBC is particularly concerned with how biomass and incineration activities are monitored and policed so that they do not impact adversely on the residents of Knowsley.

In response to Knowsley MBC, matters relating to emissions (smoke) from the biomass boiler would form a part of the Environmental Permit (EP) application to be considered by West Lancashire BC. There is no evidence that emissions from the proposed plant could not be controlled to acceptable levels and given the considerable distance to the nearest residential properties, Knowsley MBC's objection cannot be supported.

There are no highway impacts associated with the development.

It is therefore considered that the development accords with the requirements of the NPPF and the Development Plan. A note should also be attached to any permission to advise that the applicant is required to apply for the relevant EP for the biomass boiler from West Lancashire BC.

In view of the nature, location and purpose of the proposal it is considered that no Convention Rights as set out in the Human Rights Act would be affected.

Recommendation

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

Working Programme

1. The development shall be carried out in accordance with the following documents:
 - a) The Planning Application validated by the County Planning Authority on 13 July 2017.
 - b) Submitted Plans and documents received by the County Planning Authority on 13 July 2017:

Drawing No. P159_200 - Site Location Plan

Drawing No. P159_203 - Block Plan

Drawing No. P159_204 - Proposed Site Plan

Drawing No. P159_205A - Proposed Plans and Elevations

Drawing No. P159_206A - Proposed Site Section

Reason: For the avoidance of doubt, to enable the County Planning Authority to adequately control the development and to minimise the impact of the development on the amenities of the local area, and to conform with Policies CS7 and CS9 of the Joint Lancashire Minerals and Waste Development Framework Core Strategy DPD, Policies NPPF 1, DM2 and DM4 of the Joint Lancashire Minerals and Waste Local Plan – Site Allocation and Development Management Policies – Part One, and Policies GN3, EC1 and EN1 of the West Lancashire Local Plan 2012-2027 Development Plan Document.

Notes

The applicant is required to apply for the relevant permit for the biomass boiler to West Lancashire Borough Council's Environmental Health Department.

Local Government (Access to Information) Act 1985

List of Background Papers

Paper	Date	Contact/Directorate/Ext
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LCC/2017/0060	13 July 2017	Rob Jones/534128
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Reason for Inclusion in Part II, if appropriate

N/A