

**Lancashire County Council**

**Development Control Committee**

**Wednesday, 7th December, 2022 at 10.30 am in Committee Room 'A' - The Tudor Room, County Hall, Preston**

**Agenda**

**Part I (Open to Press and Public)**

**No. Item**

- 1. Apologies for absence**
- 2. Disclosure of Pecuniary and Non-Pecuniary Interests**  
Members are asked to consider any Pecuniary and Non-Pecuniary Interests they may have to disclose to the meeting in relation to matters under consideration on the Agenda.
- 3. Minutes of the last meeting held on 19 October 2022** (Pages 1 - 8)  
The committee are asked to agree that the Minutes of the last meeting held on 19 October 2022 be confirmed and signed by the Chair.
- 4. Update Sheet**  
The Update Sheet will be considered as part of each related agenda report.
- 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** (Pages 9 - 102)
- 6. Urgent Business**  
An item of urgent business may only be considered under this heading where, by reason of special circumstances to be recorded in the Minutes, the Chairman of the meeting is of the opinion that the item should be considered at the meeting as a matter of



urgency. Wherever possible, the Chief Executive should be given advance warning of any Member's intention to raise a matter under this heading.

**7. Date of Next Meeting**

The next meeting of the Development Control Committee will be held on Wednesday, 21 December 2022 at 10.30 a.m. in Committee Room A - the Tudor Room, County Hall, Preston.

L Sales  
Director of Corporate Services

County Hall  
Preston



**Lancashire County Council**

**Development Control Committee**

**Minutes of the Meeting held on Wednesday, 19 October, 2022 at 10.30 am 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
A Hindle	S Rigby
S Holgate	J Berry
A Kay	D Westley

**1. Apologies for absence and Welcome**

Apologies were received from County Councillor Dad.

County Councillor Westley replaced County Councillor Yates.

County Councillor Berry was welcomed to her first meeting of the Committee.

**2. Disclosure of Pecuniary and Non-Pecuniary Interests**

County Councillor Pattison declared a non-pecuniary interest in Items 5 and 6 as she was a Lancaster City Councillor.

**3. Minutes of the last meeting held on 7 September 2022**

**Resolved:** That the minutes of the last meeting held on Wednesday 7 September 2022 be confirmed and signed by the Chair.

**4. Update Sheet**

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



**5. Lancaster City: application number LCC/2021/0006 Extension of existing leisure fishery, including change of use of existing agricultural land; excavation/formation of two new lakes; formation of a new bund/embankment to the west boundary adjacent to the M6, associated formation of site access roads/paths and landscaping; improvements to existing site access point at north east corner of the site; installation/extension of otter exclusion fence to enclose new site. Land to the north of Clear Water Fisheries, Kellet Lane, Over Kellet, Carnforth**

A report was presented on an application for the extension of the existing leisure fishery on land to the north of Clear Water Fisheries, Kellet Lane, Over Kellet, Carnforth.

The application included a change of use of existing agricultural land; excavation/formation of two new lakes; formation of a new bund/embankment to the west boundary adjacent to the M6, associated formation of site access roads/paths and landscaping; improvements to the existing site access point at the north-east corner of the site and installation/extension of the otter exclusion fence to enclose the new site.

The applicant wished to expand the current business due to high demand. The proposed fishing lakes would increase the capacity of the facility and the extension to the bund would improve the visual and acoustic amenity of the site. It was estimated that the construction period would be 6-8 months.

The report included the views of Lancaster City Council, Borwick Parish Council, Jacobs UK Ltd (Ecology consultation), the Environment Agency, National Highways, LCC Highways Development Control and the Lead Local Flood Authority. No representations had been received.

The Development Management Officer presented a Powerpoint presentation showing a location plan and aerial view of the site, existing fishery and the nearest residential properties. A proposed site location was also presented, together with diagrams of the bund and otter fencing, photographs of the views from Kellet Lane, the temporary northern access and the existing bund.

Committee's attention was drawn to the Update Sheet which contained further clarification from National Highways on the conditions they had requested, the information that would be required in order to satisfy their requirements and the applicants response.

The Development Management Officer answered questions from Committee.

**Resolved:** That planning permission be **granted** subject to conditions controlling screening bund construction, fishing lake construction, landscaping implementation and management, highway safety, ecological mitigation measures, arboricultural matters and surface water drainage, as set out in the Committee report.



**6. Lancaster City: application number LCC/2022/0036 Proposed multi use games area located on secondary field. Morecambe Road School, Morecambe Road, Morecambe**

A report was presented on an application for a proposed multi-use games area located on the secondary field at Morecambe Road School, Morecambe Road, Morecambe.

Morecambe Road School was a community special school for children aged 3-16 years old. There were 192 children on roll. The school catered for pupils with special educational needs including physical difficulties, autism, hearing and visual impairments, speech, language and communication needs and social, emotional and mental health difficulties.

The proposed multi-use games area would measure 36 metres by 23 metres and would be surfaced with artificial grass, and enclosed by a 2 metre high wire fence.

The report included the views of Lancaster City Council, United Utilities, Sport England and County Councillor Edwards. No representations had been received.

The Development Management Officer presented a Powerpoint presentation showing a site location plan, aerial view of the existing playing field where the proposed multi-use games area would be located and the nearest residential properties, proposed elevations and photographs of the views of the site from the north, the view towards the site from the school entrance and the view towards Stanhope Court from the playing field.

Committee's attention was drawn to the Update Sheet which contained further comments from Sport England and the applicant's response.

Sport England had objected to the proposals stating that they were not considered to accord with any of the exceptions to Sport England's Playing Fields Policy, or Paragraph 99 of the National Planning Policy Framework. However, the school had confirmed that the field was unusable for large parts of the year due to drainage issues and that the multi-use games area would provide for sports facilities to be used all year round and that a considerable area of grass would be retained.

Ms Fiona Gill, applicant, addressed the Committee and made the following points:

Morecambe Road School had had an increase in pupils on roll from September 2022, and the majority of pupils were secondary school age. The schools Governing Body had approved the installation of a multi-use games area, in order to increase access to sports facilities as part of curriculum delivery. The school field could not be used for 2 terms out of 3 due to drainage issues and the only other area used for sports was the school hall which was used as a dining area so could not be accessed for sports at breaks and lunchtimes. Only 27% of the school field would be used for the multi-use games area which would provide a safe space for the children outside with a suitable, all year round surface for mobility. The school was a member of Lancaster & Heysham Sports Network and the multi-use games area complied



with the aims and objectives of this group. Many of the pupils did not socialise out of school and had limited access to community sports facilities due to their special needs and/or a lack of social confidence.

Ms Gill highlighted the privilege of working with all of the pupils at Morecambe Road and invited Committee Members to visit the school.

Committee noted that the facility would be funded by the school and available for use by after school clubs, Saturday and holiday clubs and other primary schools in the area who had minimal or no outdoor space. Sufficient car parking was available on the school site as the multi-use games area would not be used by the wider community.

The Development Management Officer answered questions from Committee.

On behalf of the Committee, the Chair expressed thanks to Ms Gill and her colleagues for all their efforts in supporting children with special educational needs and disabilities.

**Resolved:** That subject to the Secretary of State confirming that the application will not be called in for his own determination, that planning permission be **granted** subject to conditions controlling materials, surface water drainage, floodlighting and tree protection, as set out in the Committee report.

**7. South Ribble Borough: application number LCC/2022/0039 Erection of temporary inert waste processing and washing plant with a concrete base and export of recycled materials off-site at Lydiate Quarry, Lydiate Lane, Farington, Lancashire**

A report was presented on an application for the erection of temporary inert waste processing and washing plant with a concrete base, and export of recycled materials off-site at Lydiate Quarry, Lydiate Lane, Farington, Lancashire.

The purpose of the plant would be to enable a proportion of the imported inert waste materials to be washed and processed, to produce a variety of recycled fine and coarse aggregates for resale into the construction market. Residual waste materials and soils would be used for restoration of the worked-out areas of the quarry back to agricultural land. The internal access track would be concreted, and the plant would require an Environmental Permit. Final restoration would be achieved by 2031.

The report included the views of South Ribble Borough Council, Farington Parish Council, the Environment Agency, LCC Highways Development Control and United Utilities. Four representations objecting to the proposal had been received.

The Development Management Officer presented a Powerpoint presentation showing a site location plan and aerial view of the existing sand processing and washing plant and storage areas, nearest residential properties, and location of the new plant. A site layout plan, cross sections, computer generated images of the plant and photographs of the site entrance, properties on Bristol Avenue, site access



towards the office, weighbridge and wheel bath, existing sand and aggregate processing and stockpiles and the application site with existing sand storage were also presented.

Committee were informed that, should the application be approved, a condition was recommended requiring the construction of a concrete track, prior to the commencement of recycling operations.

The Development Management Officer answered questions from Committee.

It was reported that the application had been accompanied by a noise assessment which had concluded that there would be no significant or unacceptable adverse noise impacts as the dominant noise in the area was from the M6 and M65 and other local routes. The distance from the site to residential properties, the bunding and the positioning of the plant within the site would all result in further noise reduction. Any specific controls required would be contained within the Environmental Permit.

**Resolved:** That planning permission be **granted** subject to conditions controlling commencement, time limits, working programme, access track, hours of working, reversing alarms, stockpile heights and restoration, as set out in the Committee report.

- 8. South Ribble Borough: application number LCC/2022/0044 Application for outline planning permission (with all matters reserved save for access from the public highway and strategic green infrastructure/landscaping) for a mixed-use development including the provision of employment use (Use Classes B2/B8/E(g)); retail (Use Class E(a)); food, drink and drive-through restaurant use (Use Class E(b)/Sui Generis drive-through); hotel use (Use Class C1); health, fitness and leisure use (Use Classes E(d)/F(e)/F2(b)); creche/nursery (Use Class E(f)); car showrooms (Use Class Sui Generis Car Showroom); residential use (C3) the provision of associated car parking, access, public open space, landscaping and drainage. Cuerden Strategic Site, East of Stanifield Lane, North of Clayton Farm, West of Wigan Road, Lostock Hall**

A report was presented on an application for outline planning permission (with all matters reserved save for access from the public highway and strategic green infrastructure/landscaping) for a mixed-use development at Cuerden Strategic Site, East of Stanifield Lane, North of Clayton Farm, West of Wigan Road, Lostock Hall.

The application included the provision of employment use, retail, food, drink and drive-through restaurant use, hotel use, health, fitness and leisure use, creche/nursery use, car showrooms, residential use, the provision of associated car parking, access, public open space, landscaping and drainage.

The Development Management Officer presented a Powerpoint presentation showing the application boundary, a site location plan, an aerial view of the site, proposed site parameters and strategic landscaping.



The Development Management Officer answered questions from Committee.

Committee were informed that the application was in a green field site which was predominantly agricultural land, with scattered residential areas around the edge and a major road network infrastructure. It was an allocated site within the South Ribble local plan for such use as indicated in the application.

As the application was for a major development of a green field site which would have a number of significant potential impacts, it was considered that a site visit would provide the Committee with a clearer understanding of the development proposal and the relationship of the site to the surrounding area before determining the application.

**Resolved:** That the Committee visits the site before determining the application.

**9. South Ribble Borough: application number LCC/2022/0048 Proposed cricket facility comprising 2 no. cricket ovals and associated pavilion building and spectator seating, covered cricket nets, access, parking, landscaping and associated works (including temporary event overlay facilities on ticketed match days), and realignment of public rights of way. Land at Woodcock Estate, Stanifield Lane, Farington, Leyland**

A report was presented on an application for a proposed cricket facility on land at Woodcock Estate, Stanifield Lane, Farington, Leyland, comprising 2 cricket ovals, associated pavilion building and spectator seating, covered cricket nets, access, parking, landscaping and associated works (including temporary event overlay facilities on ticketed match days), and realignment of public rights of way.

The proposed cricket facility would be used alongside Lancashire Cricket's existing facility at Emirates Old Trafford stadium in Manchester.

The Development Management Officer presented a Powerpoint presentation showing a site location plan and diagram of the proposed facility and the nearest residential properties.

This was an application for a major new sport and recreation facility on a green field site within Green Belt.

The Development Management Officer answered questions from Committee.

In view of the scale of the development and its location, it was considered that the Committee should visit the site before considering the application. Due to the proximity of the site to the Cuerden Strategic Site (Item 8), it was proposed that the site visits for both applications take place on the same day.

**Resolved:** That the Committee visits the site before determining the application.





**10. Planning decisions taken by the Head of Planning and Environment in accordance with the County Council's Scheme of Delegation**

It was reported that, since the last meeting of the Development Control Committee on 7 September 2022, seven planning applications had been granted planning permission by the Head of Planning and Environment, in accordance with the county council's Scheme of Delegation.

**Resolved:** That the report be noted.

**11. Urgent Business**

There were no items of Urgent Business.

**12. Date of Next Meeting**

**Resolved:** That the next meeting of the Committee be held on Wednesday 7 December 2022, at 10.30am in Committee Room A – The Tudor Room, County Hall, Preston.

L Sales  
Director of Corporate Services

County Hall  
Preston





**Development Control Committee**  
Meeting to be held on 7 December 2022

Electoral Division affected:  
West Lancashire East

**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**  
(Appendices 'A' – 'E' refers)

Contact for further information:  
Jonathan Haine, Tel: (01772) 534130, Head of Development Control  
[DevCon@lancashire.gov.uk](mailto:DevCon@lancashire.gov.uk)

### **Executive Summary**

Application - 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.

### **Recommendation – Summary**

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 conditions relating to time limits, working programme, hours of operation, highway matters, combined heat and power controls, water resources and contaminated land.

### **Background**

A report on the above planning application was presented to the Development Control Committee on 7 September 2022. A copy of the report to that meeting is attached as Appendix 'A'. A copy of the PowerPoint (Appendix 'B') is attached and also the minutes (Appendix 'C') to that meeting are attached which summarises the presentations that were made to the Committee under the public speaking procedures.

At the meeting on 7 September 2022, a decision on the planning application was 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;
- 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.

### **Further consultation responses and representations**

Since the report to the 7 September 2022 Committee was prepared, the following consultation responses have been received. These responses are mainly in relation to the additional environmental information that was submitted by the applicant in July 2022.

Department for Levelling Up, Housing and Communities: The Secretary of State has received a request to call in the planning application. The Secretary of State therefore requests that any planning permission is not issued until such time as he has considered whether or not to call in the application for his own determination.

Knowsley Council: Knowsley Council has made further representations via their Chief Executive since the Committee meeting on 7 September 2022 and have made the following comments:

- Knowsley Council is pleased to hear the concerns of Lancashire County Council councillors regarding existing conditions on the industrial estate following their site visit which reflect the views of Knowsley.
- Knowsley Council believe that it is important that all interested parties are given a further opportunity to present their views to a future committee particularly given that the Atkins report was not available at the previous meeting.
- Knowsley Council consider that any future report must provide clear advice as to the status of the relevant development plan policies
- Knowsley Council consider that there is evidence of poor operational practices and non-compliance with the planning and permitting regimes on the industrial estate and that such matters can be given weight in the determination of the planning application.

St Helens Council: Comments were provided in March 2022. St Helens consider that the amendments proposed are not expected to have any highways impacts in St Helens and therefore the previous comments are still applicable. In terms of air quality, the model has not included any sensitive receptors within St Helens so it cannot be known that the proposal will not cause any exceedances within the St Helens area. However, as the site is located approximately 5 km from the borough boundary, it is assumed that St Helens is far enough from the proposed development and is unlikely to have any significant effects. St Helens Council therefore raise no objection subject to a condition requiring a construction environmental management plan.



Simonswood Parish Council: Make the following additional comments: -

- The capacity of the Simonswood Industrial Estate as stated in policy WM2 of the Lancashire Minerals and Waste Local Plan is 130,000 tonnes per year. Current inputs considerably exceed this rate so how can adding more capacity be appropriate especially given existing environmental conditions in the area.
- The Parish Council consider that there is insufficient evidence of need for a facility of this type and that there is currently more than adequate provision.
- West Lancashire Borough Council is committed to the climate emergency and the need to reduce carbon emissions, but this proposal will be producing more carbon.
- All the tests carried out for the safety of this proposal have not used hospital waste and there is no history of any such installations being in use and tested.
- The Borough Council has submitted objections to the application. If they cannot guarantee having the staff and expertise to properly monitor this site, then prevention should be better than cure as any incidents/accidents could result in catastrophic fall outs for residents.
- The Parish Council have also commented on the updated Atkins report. Whilst the Parish appreciate that the Atkins report was commissioned by the County Council, they consider it does not provide sufficient confidence that the proposal will be a safe operation.

A further submission from the Parish Council states that the large wind turbine located close the application site will result in turbulence and 'air meandering' in the wake of the turbine resulting in the emissions plume being distributed in any direction regardless of the wind direction.

Bickerstaff Parish Council: Consider that the proposal does not comply with the policy DM4 of the Joint Lancashire Minerals and Waste Local Plan because the incinerator would operate 24/7 whilst the aggregates washing plant would have much shorter hours of operation. The Parish Council is also concerned that some of the key actions needed to satisfy policy DM4 are being dealt with through planning conditions rather than being assessed as part of the application and that these conditions could be breached or removed entirely through subsequent planning applications. In particular:

- Condition 3 only requires that a cable will be laid to the aggregates washing plant but does not require that it be connected to anything. What would happen if the ownership of one or both of these companies change, and should there be a legal agreement between Lancashire County Council and Culzean that can be enforced against future owners?
- Condition 4 deals with the situation should the aggregates wash plant cease to operate in which case the Parish Council is concerned that the condition would not ensure that the heat would be captured if no suitable alternative purchaser for the electricity can be identified. The Combined Heat and Power (CHP) review should have been submitted with the application.

The Parish Council also disagree that appropriate information has been submitted to demonstrate that impacts have been reduced to an acceptable level. The parish note



that the applicant's human health risk assessment relies on 20-year-old data from municipal waste incinerators and not from medical waste facilities. Medical waste has a different composition from municipal waste.

Representations: Since the report to the 7 September 2022 Committee was prepared a further 64 representations have been received. Some of these representations were included in the update sheet to the 7 September 2022 Committee however are also reproduced below for completeness.

- A letter on behalf of the 3,500+ members of a community group (Stop the Simonswood Incinerator) raising the following issues:
  - The incineration of hazardous medical waste is not the same as municipal waste but is significantly more dangerous to public health and the environment. The group draw attention to the potential impacts on crops grown on the adjacent agricultural land and risks to ground water below the site.
  - The World Health Organisation (WHO) state that even small-scale incinerators should not be located close to residential areas, agricultural land or where livestock is kept. The group draw attention to various health impacts which they state are more common in populations who live close to incineration plants.
  - There is no demonstrable need for this facility based upon current local and national incinerator capacity. There is reference to a study by UK Win (an anti-incineration pressure group) who have found that there is insufficient residual combustible material to supply new incinerators and that high levels of incineration are inconsistent with ambitious recycling rates. The group have pointed to under-utilised capacity at other incineration sites in North Wales and northern England.
  - The application is in conflict with several Lancashire County Council policies.

The other representations are from local residents predominately within the Kirkby area and make the following observations objecting to the application: -

- The World Health Organisation says that incinerators should be stopped
- Organic life and water supply will become toxic
- Emissions including dioxins will occur and are not safe for humans or animals at any level
- The incidence of various forms of cancer on Haven Road in Fazakerley which was close to the incinerator at Aintree Hospital
- Incineration plants are emitters of CO<sub>2</sub>
- Noise disturbance
- The plant would cause cancers as happened at Aintree Hospital and Sonae.
- Impacts on existing health complaints
- Effect on local wildlife
- Effect on property values
- Effects on the growing of fresh produce in the local area
- The site would give rise to dangerous particulates



- Increased heavy goods vehicle (HGV) traffic, illegal use of weight restricted roads, spillage of loads and dangers to road safety
- The incinerator will contribute towards existing background levels of pollutants. The applicant has not properly established what these background levels are.
- There are no adequate monitoring systems in place to independently monitor emissions
- The adjacent site has four biomass boilers which would cause additional pollution issues
- The applicant has not detailed the other processes that are available for dealing with medical wastes
- Will the applicant's vehicle route tracking proposals work properly? A planning condition is needed in relation to a traffic management plan
- The hours of operation for HGVs should be shorter – 07.00 – 18.00 Monday - Fridays and 08.00 – 12.00 on Saturdays
- The site is too near local schools
- The applicant should be more specific about the wastes that would be accepted and the likely concentrations of pollutants at ground level and the stack height
- What other waste management options have been discounted before deciding on the pyrolysis system?
- The operator cannot guarantee that the facility will be well operated
- The applicant should be contributing towards local facilities
- The ash/char should be transported off site in sealed containers
- There is insufficient detail in the application
- The Borough Council will be unable to monitor the air emissions
- Reduction in local economic growth
- The application should be called in due to conflict with the National Planning Policy Framework and National Planning Policy for Waste, the potential for significant effects beyond the immediate locality and significant cross boundary controversy

A representation has been received from the Merseyside Pensioners Association: The representation draws attention to the general health impacts of waste incineration, the impacts of carbon emissions and other pollutants and the particular impacts on the elderly population.

Rosie Cooper MP has contacted the County Council on 17 occasions setting out the concerns of residents to the proposal on a number of matters including air emissions and the proximity to residential areas.

A letter has been received from Rt Hon Sir George Howarth MP (Knowsley) who objects to the proposal due to unacceptable impact on the residents of Knowsley and the close proximity of the site to a large number of residential properties and the nearby Eastcroft Park School. There are also concerns about increased levels of traffic on already busy roads including the use of Shevingtons Lane during early mornings and evenings. Concern is also raised about the visual impact and the emissions from the stack and how the site would be managed (particularly in terms



of the storage of waste). The MP is of the view that the facility is wholly inappropriate for such a densely populated area which already has high levels of health inequalities, a view which is shared by a very large number of his constituents.

A letter has been received from Bill Esterton MP (Sefton Central) who states that he has received letters from a number of constituents and is concerned about health impacts, release of dioxins into the food chain and water supply and that the proposal should be sited well away from residential areas.

One representation supporting the application has been received. The resident states that the standards for modern incinerators greatly reduce the risks to people and the environment in comparison with older models, that society has to take responsibility for these types of waste and that incineration is the least worst option.

## **Advice**

### **1. Atkins Report**

Atkins were asked by the County Council to undertake an independent review of the applicant's Air Quality and Human Health Assessment within their Environmental Statement. Atkins provided comments in relation to the original planning application and Environmental Statement. Atkins then provided further comments following the applicant submitting an updated proposal (including a higher stack height) and amended Environmental Statement. A copy of Atkin's review of the applicant's amended air quality and human health assessments is attached to this report (see Appendix 'D').

The initial Atkins review identified a number of issues which are detailed in the column headed 'Atkins comments'. The action taken by the applicant to address these comments is then detailed in the column headed 'Action taken by applicant' along with Atkins final view on whether the applicant has adequately addressed their comments. Where Atkins have indicated 'Closed', this means that Atkins are satisfied with the applicant's response.

Atkins are of the view that the applicant's air quality and human health assessment has been undertaken to a reasonable standard which is proportionate to the risk. There are a small number of outstanding issues which Atkins identify but which they recognise can be addressed at the permitting stage and do not represent a material concern in relation to air quality matters at the planning stage.

### **2. Planning Policy Position**

Section 38(6) of the Planning and Compulsory Purchase Act requires that applications for planning permission be determined in accordance with the development plan unless material considerations indicate otherwise.

The National Planning Policy Framework is a material consideration along with other national policy documents together with a range of other issues.





Paragraph 11 of the National Planning Policy Framework provides further advice on how the presumption in favour of the development plan should operate. Paragraph 11 requires that decisions should apply a presumption in favour of sustainable development. For decision making this means:

- Approving development proposals that accord with an up-to-date development plan without delay: or
- Where there are no relevant development plan policies or the policies which are most important for determining the application are out of date, granting permission unless;
  - i) The application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed ;or
  - ii) Any adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies in this Framework taken as a whole.

The National Planning Policy for Waste (published in 2014) states that when determining planning applications, waste planning authorities should only expect applicants to demonstrate the quantitative or market need for new or enhanced waste management facilities where proposals are not consistent with an up-to-date Local Plan.

The Development Plan for this site is comprised of the following documents:

- The West Lancashire Borough Local Plan 2012 - 2027The Lancashire Minerals and Waste Core Strategy 2001 - 2021
- The Joint Lancashire Minerals and Waste Plan (Site allocation and development management policies document) 2001 – 2021

In applying section 38(6) and the paragraph 11 guidance it is necessary to consider the policies of the Development Plan as a whole. The policies of the above documents that are relevant to this application were listed in the previous report.

The plan period for the West Lancashire Local Plan is until 2027 and therefore the policies in this plan are considered to be up to date in terms of decision taking. Policy EC1 of the West Lancashire Local Plan states that industrial, business, storage and distribution uses (Classes B1, B2 and B8) will be permitted on a number of industrial estates including the Simonswood Industrial Estate. Whilst a waste incinerator would generally be regarded as a 'sui generis' use not falling within any specific category of use, it would have a general industrial nature and therefore must be considered as a suitable use within an area allocated for Class B2 (general industrial) uses. The proposal is therefore considered to comply with this policy.

In relation to the Joint Lancashire Minerals and Waste Local Plan, policies WM2 and WM3 are particularly relevant to this application. The text of these policies is attached to this report as Appendix 'E'. It should be noted that both policies have a locational element (in terms of steering such development to particular industrial



locations) and a quantitative element (in terms of making provision for a total annual volume of waste processing/treatment capacity and the distribution of that capacity over different areas of Lancashire).

The plan period of the Joint Lancashire Minerals and Waste Local Plan runs until 2021 and therefore policies WM2 and WM3 could be considered out of date. The degree to which these policies are out of date is a matter of judgement having regard to the alignment of the policy with the National Planning Policy Framework and other policy documents such as the National Planning Policy for Waste. In terms of the quantitative aspects to policies WM2 and WM3, the figures in these policies were based upon estimates of waste capacity that were required over the period between 2001 and 2021. It is considered that less weight can therefore now be attached to these elements of policies WM2 and WM3. However, the locational elements of policies WM2 and WM3 in allocating the Simonswood Industrial Estate for waste management development align with policy EC1 of the Borough Local Plan. These elements of the policy also still align with the National Planning Policy for Waste which states that waste planning authorities should '*Consider a broad range of locations including industrial sites looking for opportunities to co-locate waste management facilities together and with complementary activities. Where a low carbon energy recovery facility is considered as an appropriate type of development, waste planning authorities should consider the suitable siting of such facilities to enable the utilisation of the heat produced as an energy source in close proximity to suitable potential heat customers*'. The identification of the Simonswood Industrial Estate within policies WM2 and WM3 as a site suitable for a variety of waste management developments is considered to still be in compliance with the above national policy. Therefore, the locational elements of policies WM2 and WM3 should still be considered as up to date for the purposes of decision making.

In terms of applying the National Planning Policy Framework paragraph 11 test, it is not unusual for proposals to conflict wholly or partly with some policies and be in compliance with others in which case a judgement has to be made about compliance with the Development Plan when read as a whole.

In this case it is considered that the policies of the development plan dealing with the location of industrial development, including the location of waste management facilities are considered to be up to date and therefore can be relied upon as a basis for determining this planning application. In addition to the policies dealing with locational matters, there are also policies dealing with general environmental issues (Policy DM2 of the Joint Lancashire Minerals and Waste Plan and Policies GN3, EN1 and EN2 of the West Lancashire Local Plan). The proposal is considered to be in general conformity with these policies also and therefore it is concluded that the application complies with the policies of the Development Plan when considered as a whole. In such a case, there is no requirement within national policy for the applicant to demonstrate a quantitative or market need for the proposed facility.

### 3. Enforcement /Monitoring issues

Besides planning permission, this facility would also require a permit under the Environmental Permitting Regulations 2007. Under this legislation, installations are regulated under a two-tier system. Larger industrial sites are regulated by the Environment Agency under a system called integrated pollution prevention control.



For pollution control purposes, all other sites are regulated by the Borough Councils (in two tier areas) and are called A2 processes. Examples of A2 processes include brickworks, foundries and smaller incineration plants. The throughput of this site at 4000 tonnes per year equates to an hourly level of just over 10 tonnes per hour. It is understood that the threshold of permitting falling to the Environment Agency or the Borough Council is 10 tonnes per hour and therefore the responsible permitting authority for this facility could be the Environment Agency. Regardless of the permitting authority, any permit would contain conditions restricting the emissions and also requiring continuous and intermittent monitoring for a range of pollutants in order to ensure that the conditions of the permit are complied with.

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 the control of processes or 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 the Borough Council) will not apply and enforce their permit controls effectively.

In relation to the other business on the Simonswood Industrial Estate, these are comprised of a number of waste business together with other industrial and storage distribution uses. The County Council is the relevant planning authority for the waste businesses including monitoring and enforcement of planning control at those sites. The Borough Council is the relevant planning authority for all the other uses on the industrial estate. The waste business on the industrial estate will also require a permit from the Environment Agency. The County Council is aware of the concerns that have been raised regarding breaches of planning controls by the waste businesses on the industrial estate and is undertaking a programme of site monitoring including raising issues with operators or taking formal enforcement action where issues are noted. The Environment Agency also carried out a programme of site monitoring to all of the waste related businesses in the area in late October which has resulted in a number of notices being issued to companies who were found to be breaching permit conditions.

Fundamentally, the issues relating to existing businesses are matters which must be addressed separately from the current application and the current proposal must be determined on its own merits. Contrary to the comments provided by Knowsley Council, officers do not consider that perceived issues regarding compliance with existing planning permissions or environmental permits can be used as a reason for refusal of the current planning application.

### **Issues raised in further representations**

Many of the further representations that have been received subsequent to the previous committee report raised issues relating to health and general environmental impacts. These were addressed at length in the previous committee report. In terms of new issues that have been raised the following comments are made:



#### Simonswood Parish Council:

- The Parish Council comment that Policy WM2 of the Joint Lancashire Minerals and Waste Plan restricts the throughput of waste businesses on the industrial estate and this level is already being exceeded. However, this figure is for new capacity added over the plan period and does not include capacity that was added prior to 2001. In any event it is considered that the quantitative elements of Policies WM2 and WM3 are no longer 'in date' for the purposes of decision making and therefore could not be used as a reason for refusal even if there were to be an exceedance of the 130,000 tonnes threshold.
- Impact of the wind turbine on air emissions: The wind turbine was permitted in 2014 and has a height to the tip of the rotor blades of 102 metres. The turbine is located approximately 320 metres north west of the application site. For wind farms with multiple turbines, each turbine is normally separated by at least 5 x the rotor blade diameter to ensure that the effects of wind turbulence does not affect the efficiency of adjacent turbines. In this case there is a distance of around 6 x the rotor blade diameter between the turbine and the proposed stack. In addition, extrapolating a straight line through the proposed stack and the turbine in either direction does not pass over any residential properties within 1.6km of the stack and either direction from the stack does not reflect the prevailing winds.

Bickerstaff Parish Council: Bickerstaff Parish Council have commented on the utilisation of the electricity from the site and compliance with policy DM4. It is understood that a memorandum of understanding exists for the supply of electricity between the applicant and City Centre Commercials Ltd who operate the waste processing site. Having installed the cable to provide a source of electricity, it is considered unlikely that the power would not be used by City Centre Commercials Ltd. In relation to the combined heat and power review, the supporting text to policy DM4 envisages that such a review should be submitted with a planning application in the event that specific users of heat or electricity are not identified at that time. In this case a user of the electricity has been identified and therefore the combined heat and power review is only required should the identified user cease to operate. Condition 4 therefore adequately addresses the requirements of the policy.

#### Stop the Simonswood Incinerator Group:

- The comment in relation to the World Health Organisation is noted with regard to the proximity of incinerator sites to residential areas. However, this requirement is not reflected in planning policy or air pollution controls. Rather than restricting the locations of such development, these controls seek to ensure that the concentrations of air pollutants at any ground level location meet certain health and environmental criteria. The applicant's air quality assessment demonstrates that these criteria are met.
- 'UK Win' are an anti-incineration campaign group. It is understood that their concerns about over capacity in waste incineration relates primarily to plants for the treatment of municipal (household) waste to ensure that an over reliance on incineration is not at the expense of other waste treatment options higher in the waste hierarchy. However, the National Planning Policy for Waste does not require applicants to demonstrate a market need for facilities where applications are in conformity with an up-to-date Development Plan. The nature of the waste



to be managed at the application site gives little scope for other management options and incineration with energy recovery is an acceptable option in terms of the waste hierarchy.

## **Recommendation**

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 no objections being received from Natural England and 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 the following conditions:

## **Time Limits**

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

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

## **Working Programme**

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

a) The Planning Application received by the County Planning Authority on 13 December 2021 as amended by the Planning Statement and Environmental Statement addendum dated 8 July 2022.

b) Submitted Plans and documents:

Plan 2776-008-01B Site location

Plan 2776 -008-O2B Site location

Plan 2776-008-04 Proposed layout plan

Plan 2776-008-07 North and south elevations

Plan 2776-008-08 East and west elevations

Plan 2776 -008-09 Main building floor and roof plan

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

*Reason: For the avoidance of doubt, to enable the County Planning Authority to adequately control the development and to minimise the impact of the development on the amenities of the local area, and to conform with policy DM2 of the Joint Lancashire Minerals and Waste Local Plan and policies GN3, EN1 and EN2 of the West Lancashire Local Plan.*

3. No waste shall be accepted at the site until the Organic Rankine Cycle (ORC) engine has been installed as shown on Plan 2776-008-04 and an electricity



cable has been laid linking the site with the inert waste processing and washing plant at the City Centre Commercials Ltd Waste Transfer Station.

*Reason: To ensure that the development contributes towards the movement of waste up the waste hierarchy as a recovery operation and to comply with Policy DM4 of the Joint Lancashire Minerals and Waste Local Plan.*

4. In the event that the aggregates processing and washing plant on the City Centre Commercials Ltd waste transfer station is removed from the site, a combined heat and power feasibility review shall be submitted to the County Planning Authority within six months of such removal. The review shall investigate the potential for heat and/or electrical energy from the site to be exported to an alternative user and provide a timescale for the implementation of the necessary infrastructure should such an alternative user be identified.

*Reason: In order to ensure the utilisation of energy from the site and to conform with Policy DM4 of the Joint Lancashire Minerals and Waste Local Plan.*

5. No construction activities shall commence until details of the ash/char storage and loading facilities have been submitted to and approved in writing by the County Planning Authority.

The ash/char storage and loading facilities shall be constructed and operated in accordance with the approved details.

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

6. No bins containing waste materials shall be stored outside of the building at any time. Such bins shall only be stored within the areas of the building shown on drawing 2776-008-04 Rev K. Empty bins that have been previously cleaned and disinfected shall only be stored within the areas shown on the drawing.

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

### **Hours of Working**

7. The importation of waste materials to the site shall only take place within the following hours:

07.30 to 18.00 hours, Mondays to Fridays (except Public Holidays)

08.00 to 13.00 hours on Saturdays

No importation of waste shall take place at any time on Sundays or Public Holidays.



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

8. No construction development, delivery or removal of materials shall take place outside the hours of:

07.30 to 18.00 hours Monday to Friday (except Public Holidays),  
08.00 to 13.00 hours on Saturday.

No construction development, delivery or removal of materials shall take place at any time on Sundays or Public Holidays.

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

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

### **Safeguarding of Watercourses and Drainage**

9. Provision shall be made for the collection, treatment and disposal of all water entering or arising on the site to ensure that there shall be no discharge of contaminated or polluted drainage to ground or surface waters.

*Reason: To safeguard local watercourses and drainages and avoid the pollution of any watercourse or groundwater resource or adjacent land and to conform with policy DM2 of the Joint Lancashire Minerals and Waste Local Plan.*

10. All facilities on the site for the storage of foul effluent or wash-water shall be sited on an impervious surface with bund walls; the bunded areas shall be capable of containing 110% of the container or containers' total volume and shall enclose within their curtilage all fill and draw pipes, vents, gauges and sight glasses. There must be no drain through the bund floor or walls.

*Reason: To safeguard local watercourses and drainages and avoid the pollution of any watercourse or groundwater resource or adjacent land and to conform with policy DM2 of the Joint Lancashire Minerals and Waste Local Plan.*

## Highway Matters

11. No development shall commence until a scheme and programme of traffic management measures has been submitted to and approved in writing by the County Planning Authority. The scheme and programme shall contain details of the following:
- a) details of the routes which hauliers will be required to follow when accessing and leaving site
  - b) the mechanisms which will be used to inform hauliers of the approved routes in a) above including written instructions and signage
  - c) details of the measures that will be taken should hauliers not use the approved heavy goods vehicle (HGV) access routes to the site

The traffic management measures contained in the approved scheme and programme shall be implemented at all times during the construction and operation of the development.

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

12. Prior to the development being brought into use, the car parking area shall be surfaced and marked out as shown on drawing 2776-008-004 rev K - Proposed Layout Plan. The car park shall include the disabled spaces, the electric vehicle charging points and the cycle shelter. The car parking, charging points and cycle parking shall be retained in operational condition throughout the duration of the development.

*Reason: In the interests of sustainable transport and to conform with Policy EN1 of the West Lancashire Local Plan.*

13. No development shall commence until a remediation strategy to deal with contaminated land and groundwater risks has been submitted to and approved in writing by the County Planning Authority. The strategy shall include the following:
- a) a risk assessment which identifies previous uses of the site, potential contaminants associated with those uses, a conceptual model identifying sources, pathways and receptors, and risks from contamination at the site including those from construction activities.
  - b) a site investigation scheme based on the risks identified in a) to provide an assessment of the risks to all receptors
  - c) the results of the site investigation and the detailed risk assessment and based on these, an options appraisal and remediation strategy giving full details of remediation measures required and how they will be undertaken
  - d) a verification plan providing details of the data that will be collected in order to demonstrate that the works in the remediation strategy are complete and identifying any requirements for longer term monitoring of pollutant linkages, maintenance and arrangements for contingency action





The provisions of the approved strategy shall be implemented at all times during the construction of the development.

*Reason: In the interests of preventing groundwater pollution and to conform with Policy DM2 of the Lancashire Minerals and Waste Local Plan.*

14. Demolition operations shall not take place between 1st November and 28th February in any year.

*Reason: In the interests of ecology and to conform with Policy EN2 of the West Lancashire Local Plan.*

## **Definitions**

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

## **Notes**

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

## **Local Government (Access to Information) Act 1985 List of Background Papers**

Paper	Date	Contact/Directorate/Ext
LCC/2022/0003	September 2022	Jonathan Haine Planning and Environment 01772 534130

Reason for Inclusion in Part II, if appropriate

N/A





**Development Control Committee**  
Meeting to be held on 7 September 2022

Electoral Division affected:  
West Lancashire East

**West Lancashire Borough: application number LCC/2022/0003**  
**Demolition of existing building followed by erection of 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**

Contact for further information:  
Jonathan Haine, Tel: (01772) 534130, Head of Development Control  
[DevCon@lancashire.gov.uk](mailto:DevCon@lancashire.gov.uk)

### **Brief Summary**

Application – Demolition of existing building followed by erection of building and ancillary structures to house high temperature treatment facility for the management of medical waste. The application is accompanied by an Environmental Statement.

Land at Tower House, Simonswood Industrial Park, Stopgate Lane, Simonswood.

### **Recommendation – Summary**

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 no objections being received from Natural England and 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 conditions relating to time limits, working programme, hours of operation, highway matters, combined heat and power controls, water resources and contaminated land.

### **Applicant's Proposal**

The proposal is for the construction of a high temperature treatment facility for the management of medical waste.

The proposal would include the construction of a new portal framed building measuring 28m x 40m by approximately 11m in height which would house the main thermal treatment plant. The building would also house an office and toilet facilities,



an area for the storage of incoming waste bins, and a bin wash area. The building would operate under negative pressure.

External to the building would be the following items of plant:

- A stack approximately 26m high for venting of emissions from the plant.
- A flue gas emissions abatement plant.
- A unit measuring 20m x 7m x 6.3m in height which would contain an organic rankine cycle engine which would convert heat from the process into electrical energy. A substation unit measuring 5m x 5m would also be required to allow the export of the electrical energy from the site.
- 4 no. Liquid petroleum tanks to be used as a fuel for initial start-ups of the combustion process.
- Two above ground wastewater storage tanks totalling 45,000 litres storage capacity within a bunded compound. These tanks would be used to contain foul water and process effluent from washing out of skips and waste containers prior to it being transported off site for treatment.
- There would also be two rainwater storage tanks holding a total of 160,000 litres of water, the water being collected from the roof of the building and being used for on-site processes.
- A yard area used for the storage of clean/empty bins and for heavy goods vehicle (HGV) manoeuvring.
- A 12-space car park for staff visitors which would include two disabled spaces and two spaces equipped with electric vehicle (ELV) charging points. A covered cycle shelter would also be provided.

Approximately 4000 tonnes of waste sourced from local health care facilities would be imported per year. These waste types would include 'yellow bag' clinical wastes which may include infectious or potentially infectious materials, swabs and dressings, protective clothing, chemicals or medicines, laboratory specimens or chemically contaminated samples and diagnostic kits. Orange bag waste may also be accepted.

The wastes are collected at the health care facilities in bins or other sealed containers. Heavy goods vehicles (HGVs) carrying these bins would reverse into the building where the bins would be unloaded onto the floor of the building. No full bins containing waste material would be stored outside at any time and no sorting or processing of the waste would be permitted prior to admittance into the combustion process. Bins would be stored for processing for a maximum of 24 hours unless collected on a Friday or Saturday in which case they can be stored for a maximum of 72 hours.

Once the contents of the bins are tipped into the combustion plant, the bins would be washed and disinfected and moved into the external yard area for collection.

The waste would be thermally destructed by a pyrolysis process. The wastes would be heated to a temperature of 850°C in an initial chamber in the absence of oxygen to produce a syngas and char (ash type substance). The syngas is then directed to a second chamber where the gases would be combusted at a maximum temperature

of 1100°C for around seven seconds. The heat from the secondary chamber would be routed around the primary chamber to provide for the initial combustion of the waste.

Exhaust gases would pass through an abatement plant in order to meet the relevant emission limits which are set out in the Industrial Emissions Directive. The abatement system would include solids/dust removal, selective non-catalytic reduction for nitrogen oxides control, gas cooling to provide optimal conditions for sodium bicarbonate reaction and absorption of metals, dioxins and furans into carbon filters and abatement of acid gases. Following abatement the exhaust gases would be routed to the stack where they would be released to atmosphere.

The heat from the process would be used in the organic rankine cycle engine to convert the thermal energy into electrical energy using a steam turbine. The pyrolysis process would generate approximately 2MWth of thermal energy which would be converted into 400 kWe of electrical energy per hour. Some of this energy would be used to provide the power used for the plant with the remainder being exported from the site.

The proposal would generate approximately 24 heavy goods vehicle (HGV) movements per day. The plant would operate continually but the importation of waste material would be restricted to between 06.00 and 20.00 hours.

The development would create 12 new employment positions.

Many of the waste types to be combusted within the plant would be classified as hazardous wastes. Incineration plants for hazardous wastes fall within schedule 1 of the 2017 Environmental Impact Assessment (EIA) Regulations where EIA is mandatory and therefore the proposal is accompanied by an Environmental Statement. This was prepared following an EIA scoping request to the County Council in 2020 and covers the following environmental impacts: traffic and transport, ecology, air quality, human health and climate change, noise, socio-economic, landscape and visual, hydrology and geology and cumulative impacts.

## **Description and Location of Site**

The application site measures approximately 120m x 130m and is an industrial unit within the Simonswood Industrial Estate located off Stopgate Lane, Kirkby. The site is accessed via an internal road within the Simonswood Industrial Estate which links with Stopgate Lane.

The site is currently occupied by a dilapidated storage building. Land to the northern, western and eastern sides of the site is used for timber storage and skip and inert waste transfer and processing operations and a large frozen food warehouse.

To the south is the Kirkby to Wigan railway line beyond which is open agricultural land which is designated as Green Belt.

The nearest residential properties are located on Sidings Lane and Stopgate Lane approximately 300 metres to the north east of the application site. There are

approximately 16 properties in this area. The next nearest areas of residential development are located off Pingwood Lane on the edge of Kirkby approximately 1km to the west of the site.

The Committee have previously resolved to visit the site and the visit has been arranged to take place prior to the meeting.

## **Background**

History: The application site is an existing industrial estate which is used for a variety of storage and distribution and waste processing uses. The County Council has granted a number of planning permissions on adjacent units of the industrial estate for waste processing and recycling activities.

## **Planning Policy**

National Planning Policy Framework (NPPF): The following paragraphs of the NPPF are particularly relevant; 11 (presumption in favour of sustainable development), 84 (economic growth), 110,111 (transport considerations), 130 (design), 158 (low carbon energy), 167 (flooding), 180 (ecology), 183 – 188 (planning and pollution)

National Planning Policy for Waste

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

Policy CS7: Managing waste as a resource

Policy CS8: Identifying capacity for managing waste

Joint Lancashire Minerals and Waste Local Plan (JLMWLP)

Policy DM1: Management of waste and extraction of mineral

Policy DM2: Development Management

Policy DM4: Energy from waste

Policy WM1: Capacity of waste management facilities

Policy WM2: Large Scale Built Waste Management Facilities

Policy WM3: Local Built Waste Management Facilities

West Lancashire Local Plan

Policy SP1: A sustainable development framework for West Lancashire

Policy GN3: Criteria for sustainable development

Policy EC1: The economy and employment land

Policy EN1: Low carbon development and energy infrastructure

Policy EN2: Preserving and enhancing West Lancashire's natural environment



## Consultations

West Lancashire Borough Council: Objects to the application for the following reasons: -

- The size of the proposal means that policy WM3 of the Lancashire Minerals and Waste Local Plan is the relevant policy. However, policy WM3 states that thermal treatment plants will not be permitted on the sites listed in policy WM3 and so the proposal is contrary to this policy.
- Insufficient information is presented to show how the proposal meets the requirements of Policy DM4 of the Lancashire Minerals and Waste Local Plan (LMWLP).
- The Borough Council draw attention to the local amenity impacts of the existing operations on the industrial estate. The Borough Council note the advice in the National Planning Policy Framework (NPPF) that planning authorities should proceed on the basis that permits will be properly enforced. However, given the current issues experienced by local residents, the Borough Council consider that this should be a material consideration in their determination of the application.
- The developer has suggested routes for heavy goods vehicle (HGV) traffic which respect existing restrictions. However, if these are ignored by even a few heavy goods vehicles (HGVs), the impact on residents will be significant.

West Lancashire Borough Council Environmental Health: Noise impacts during the daytime period are unlikely to be significant given the distance to properties and existing daytime noise levels. However, the plant would operate at night when noise levels would be more significant. The Environmental Health Officer (EHO) also comments that the plant would require an environmental permit to operate, and that the Local Planning Authority (LPA) should assume that this control regime will operate effectively and be properly enforced. Planning conditions need not be applied to control the pollution impacts and the Local Planning Authority's (LPA) focus should be on whether the development is an acceptable use of the land.

Knowsley Metropolitan Borough Council (MBC): Strongly objects to the application for the following reasons.

- Policy WM2 of the Lancashire Minerals and Waste Local Plan (LMWLP) supports large scale-built waste management facilities including thermal treatment facilities of a capacity of around 200,000 tonnes per year at sites including Simonswood Industrial Estate. However, the capacity of the proposal is only 4,000 tonnes per year and therefore it would be appropriate to consider it under policy WM3 (local waste management facilities). However, policy WM3 specifically excludes thermal treatment facilities and therefore the proposal is contrary to policies DM1 and WM3.
- Policy DM4 in the Lancashire Minerals and Waste Local Plan (LMWLP) states that all proposals capable of recovering energy from waste will be required to capture and utilise any heat or electricity produced as a by-product of the treatment process. Insufficient detail has been provided that the proposed wood drying facility would properly utilise the heat produced and therefore fails to comply with Policy DM4.

- Knowsley Metropolitan Borough Council (MBC) are concerned about existing dust impacts from the Simonswood Industrial Estate arising from the waste processing operations and from the movement of heavy goods vehicles (HGVs) along Pingwood Lane due to inadequate wheel cleaning. Knowsley Metropolitan Borough Council (MBC) are concerned that the operator of the proposed facility will not comply with the conditions of the permission/permit resulting in emissions being created which cause harm to local residents.
- Knowsley Metropolitan Borough Council (MBC) are concerned that dirty bins would be stored outside.
- There are existing issues of heavy goods vehicles (HGVs) from the industrial estate using roads (Shevington Lane and Headbolt Lane) that are subject to traffic regulation orders (weight restrictions). Knowsley Metropolitan Borough Council (MBC) are concerned that if the applicant's vehicles ignore these restricts, there will be further harm to Knowsley residents.

In a further response to the additional and amended information Knowsley Metropolitan Borough Council (MBC) make the following comments:

- The relevant chapters of the Environmental Impact Assessment (EIA) have not been updated based on the revised assessments of noise and pollution dispersal modelling.
- The air quality modelling stills appears to show that the levels of chromium VI when combined with existing levels would exceed the guidance level.
- The applicant has not submitted a Combined Heat and Power study as required by Policy DM4 to demonstrate that the scheme offers the best practicable use of the energy resource. There is no evidence to demonstrate how much power the washing plant would use, there is no contract in place for the power and to demonstrate that the electricity infrastructure can be developed.
- Knowsley Metropolitan Borough Council (MBC) also draw attention to the National Planning Policy for Waste and the requirement for proposals to demonstrate need where they do not conform with the development plan. Knowsley Metropolitan Borough Council (MBC) consider that the proposal conflicts with the Local Plan and that there is no need for the facility.
- The Metropolitan Borough Council (MBC) also restate their concerns about the impacts of the existing waste processing businesses on the industrial estate.

Knowsley Metropolitan Borough Council (MBC) (Environmental Health): Understand that the proposed development would require an environmental permit for a small waste incineration plant which would be regulated by West Lancashire Borough Council. The incineration process would be subject to stringent monitoring requirements and the emissions must be exposed to a temperature of at least 1100°C for at least two seconds as required by the Industrial Emissions Directive. However, the Environmental Health Officer (EHO) has concerns about the air quality assessment for hydrogen fluoride and chromium VI. The assessment shows that the contribution of the predicted environmental concentration when compared against the environmental standard is over 100% for both these pollutants in West Lancashire and Knowsley. Although it is predicted that the contribution from the process is less than the limit values, the modelling shows that with the background levels there is an exceedance. The exceedance may be due to the background



levels not being accurate or there being no background data. To address this concern, the Environmental Health Officer (EHO) recommends that some real-time background monitoring is carried out and the assessment repeated. The Environmental Health Officer (EHO) also questions why the years 2013 to 2017 were used in the assessment and not more recent data.

In response to the further Environmental Statement addendum, the Environmental Health Officer (EHO) notes that extending the stack to 26 metres in height would improve dispersal of emissions and the officer is now satisfied with the levels of hydrogen fluoride. However, there are still concerns with chromium VI levels. The Environmental Health Officer (EHO) considers that some real time monitoring for this pollutant should be undertaken to obtain an accurate background level for use in the modelling exercise. The Environmental Health Officer (EHO) also states that they have 2019 data which could have been used in the assessment.

St Helens Borough Council: No objection. The heavy goods vehicle (HGV) movements should have little impact on roads within the St Helens Borough Council area. If approved there should be a construction environmental management plan to ensure adherence to the heavy goods vehicle (HGV) routing plan. The results of the air quality assessment are noted particularly for hydrogen fluoride and chromium VI. The model has not included any sensitive receptors in St Helens so it is not possible to know if the development would result in any exceedances within the council area. However, the proposal is 5km from the St Helens from the boundary so is therefore far enough that there would be unlikely to be any significant impacts.

Melling Parish Council: Object on the basis that the proposal has the potential to increase pollution to neighbouring areas.

Simonswood Parish Council: Comment that Lancashire Highways need to visit the area before commenting on the proposal as they do not know the area. The roads in the area are not fit for purpose. Residents in the area are already troubled with smells, noise, heavy goods vehicles (HGVs) and air quality issues and the proposals would potentially be a repeat of the issues which occurred at Sonae. There are also potential groundwater issues and concerns about the existing companies on the industrial estate who are in breach of their planning permissions. The residents would have no relief from this development as it would operate 24 hours/day.

In a further response to the applicant's additional environmental information, the Parish make the following comments:

- The industrial estate is the site of illegal mounds of stored waste. Much waste is imported but very little leaves and it has become a waste storage site.
- The parishes in this area are experiencing excessive heavy goods vehicles (HGVs), dirt, dust and noise on a daily basis and an additional facility will cause additional issues.
- Have the issues relating to hydrological impact raised by United Utilities (UU) and the Environment Agency been resolved?
- The stack was only raised in height following the advice provided from Atkins on behalf of Lancashire County Council (LCC) which draws into question the

applicant's original assessment. The parish are still concerned that the surrounding buildings and bunds will affect fallout from the stack.

- There are concerns regarding the types of waste that would be accepted and security of the site.
- What would be the catchment area for the wastes? The applicant has stated 25 miles but how could this be assured?
- The hours of operation for the site are too long and would set a precedent for other operations on the industrial estate.
- The applicant's impact assessment says that there are no protected nature sites within 2km. However, there is a woodland protected by a tree preservation order (TPO) and Simonswood Moss is a Natura 2000 site.
- How will the waste volumes and pollution impacts be monitored?
- The existing building is a nesting site for seagulls which are a protected species – this should be investigated before any work commences.

Bickerstaff Parish Council: Is concerned about the proposal for the following reasons:

- Road safety is already an issue due to the volume of heavy goods vehicles (HGVs) accessing the area through weight restricted zones. The route through Bickerstaff is unsuitable for heavy goods vehicles (HGVs) with a primary school, church, residential properties and a playing field along with slow moving farm vehicles, horse and cyclists. The lanes are too narrow for heavy goods vehicles (HGVs).
- There is housing downwind of the site and therefore its location is unsuitable with regard to air quality from vehicle and incinerator exhaust fumes.
- An incinerator would increase CO<sub>2</sub> emissions in the areas when the Borough Council is working towards zero carbon emissions. The carbon footprint caused by transportation of medical waste would exacerbate this problem.
- The proposal is in a rural area surrounded by green belt – the site is in danger of becoming a heavily industrialised site out of keeping with the landscape of the area.

Rainford Parish Council: Object as they consider that waste incineration produces air pollution including particulate matter, carbon monoxide, acid gases, nitrogen oxides and cancer-causing dioxins. In general 85% of medical waste is the same as household waste and the remaining 15% is defined as infectious and must be sterilised before disposal. Of that only 0.3% has to be disposed of by incineration because it is difficult to sterilise. The Parish Council also consider that the incinerator is not essential in this location, and it should be constructed elsewhere close to the point of waste production. They also comment on the practices of the existing waste management businesses on the industrial estate, the impacts on the aquifer and consuming fish within local fishing lakes. The Parish Council also note World Health Organisation (WHO) guidance which states that incinerators should not be constructed where food is grown or where animals are raised which is a concern given the arable land in the vicinity. Those residents living close to the site will be exposed to dioxins and the impacts on local schools have not been properly considered. There would also be an impact on wildlife which the applicant has failed to properly assess and there are discrepancies in the information on traffic volumes.

Environment Agency: No objection but comment that the application states that effluents and wastewater will be collected in below ground holding tanks. Such tanks create potential pollution risks due the difficulty of leak detection. The groundwater in this area is particularly sensitive as it is a principal aquifer. A condition must therefore be applied to any permission requiring details of the underground tanks to be submitted for approval by the Local Planning Authority (LPA).

The Environment Agency (EA) also comment on whether the air emission impacts of the plant would be regulated by themselves or by West Lancashire Borough Council.

In their response to amended proposals, the Environment Agency (EA) note that wastewater would now be stored in above ground tanks. The Environment Agency (EA) have no objection to this approach subject to the tanks being designed taking into account their guidance for such installations.

Natural England: No observations received.

Health and Safety Executive (HSE): No safety issues would arise where they would advise against the granting of planning permission.

Lancashire County Council (LCC) Highways Development Control: The site access is of a good standard and there does not appear to be any accidents associated with the existing site use. The proposals should therefore have a negligible impact of highway safety and capacity in the vicinity of the site. Comments are made regarding existing issues of heavy goods vehicles (HGVs) ignoring weight restrictions on surrounding roads and that improved signage could be investigated as a means to address these issues. Comment is also made about wheel cleaning and the condition of the access roads.

Ecology Service: It is unlikely that the proposal would have any significant ecological impacts provided that conditions are imposed regarding the timing of demolition of the existing building and control of external lighting. In relation to biodiversity net gain, the scale and nature of losses and the lack of any statutory requirement to provide gain will mean that requiring net gain on this site is unnecessary. Bat and bird boxes as proposed by the applicant's ecologist could be installed but the location of the site does not appear ideal for such facilities to be utilised.

United Utilities (UU): The site overlies a sandstone aquifer at shallow depth. A hydrological risk assessment is required to assess the risks of contamination during the construction and operational phases from reaching the aquifer and polluting the public water supply. United Utilities (UU) request that a condition is attached requiring such a risk assessment. United Utilities (UU) also request a condition dealing with operational management issues such as storage of oils and fuels, parking of vehicles and a condition relating to sustainable drainage and foul drainage measures. In their response to the further information submitted by the applicant, United Utilities (UU) state that they are disappointed that none of the requested information in their response of 18 February 2022 has been submitted and wish to remind Lancashire County Council (LCC) and the applicant that this information is critical to ensure the protection of the public water supply.

Lead Local Flood Authority: No comments received.

Campaign for the Protection of Rural England (CPRE): Strongly object for the following reasons:

- The site and proposed building would be prominent in the flat countryside and would harm the openness of the Green Belt without any exceptional circumstances being demonstrated.
- The land is grade 1 and 2 farmland which should be retained for future generations.
- The proposal would also generate additional heavy goods vehicle (HGV) movements and there is a concern about highway safety.
- There is also ecology of rarity close to the site such as bats and farm bird populations.
- Noise, dust and emissions including smells would occur degrading the local environment. The carbon impacts of incineration are also an issue due to the climate emergency.
- The Campaign for the Protection of Rural England (CPRE) consider that the proposal is not an allocated site in the Lancashire Minerals and Waste Local Plan (LMWLP) and is contrary to a number of the policies in the West Lancashire Local Plan (GN3, EC1 and EN1).

Representations – The application has been advertised by press and site notice, and neighbouring residents informed by individual letter. 1384 representations objecting to the proposal have been received the majority of which are from addresses in Kirkby and other adjacent areas of Liverpool. The representations raise the following issues.

- Increased traffic on Stopgate Lane which is already at saturation point. There would also be an increased in traffic on Sinacre Lane and through Barrow Nook and Bickerstaff. The weight restrictions on these roads are ignored by heavy goods vehicles (HGVs) regularly and appear to be unenforceable.
- Traffic impacts on Headbolt Lane and Shevington Lane in Kirkby.
- The existing heavy goods vehicle (HGV) traffic in the area results in dust issues.
- Have the Council actually surveyed the numbers of heavy goods vehicles (HGVs) which visit the Simonswood Industrial Estate?
- The hours of operation are excessive.
- Detriment to residents of Stopgate Lane.
- The proposals to use the waste heat to dry wood does not offset the impact of the plant.
- The proposal is contrary to European, national and local planning policies and to World Health Organisation (WHO) guidance on the operation of incinerators.
- The site is too close to a number of primary schools.
- The stack will be imposing and will severely impact visual amenity.
- The ash from the facility will be very harmful and effective controls are needed for the storage and transportation of this material to protect health.
- The existing waste transfer stations on the industrial estate are in breach of their planning permissions.

- Incineration does not encourage recycling and waste reduction.
- Harm to pupils of two infant schools, a playing field, to users of the new train station and to the occupiers of existing and new housing estates.
- Harm to agricultural activities including livestock.
- The development is close to a tier 1 Control of Major Accident Hazards (COMAH) site on Knowsley industrial park.
- The waste to be accepted is classified as infectious and biohazardous and has the potential to spread disease. If the waste contains needles and sharps this is very worrying for the area.
- Health impacts including dangerous pollutants and smells. The local area already has one of the lowest life expectancies in the country and an incinerator would add to the problem. Knowsley Clinical Commissioning Group (CCG) has the highest rate of admission for respiratory diseases in England.
- The emissions from the plant would contain acid gases, dioxins, furans, particulates, heavy metals and nitrogen oxides which are poisonous to the environment and can cause cancer.
- Local people contracted cancer which was linked with the medical waste incinerator that used to operate at Fazakerley hospital.
- The development is irresponsible at a time when we should be reducing emissions and addressing climate change.
- There has been insufficient time to assess the health impacts arising from newer incineration technologies and therefore it cannot be said that they are safer than older plants.
- The proposal is contrary to policies EN1, EN2 and GN3 of the Local Plan.
- The surrounding fields are used for the growing of produce which will be contaminated by the emissions from the plant. Policy recommends that these plants should be sited away from areas of food production. The arable use of the surrounding fields will expose more people to the health impacts of this development.
- The proposed building is an inappropriate design and would impact upon Simonswood Hall which is Grade II listed.
- There will be an impact on the mental health and quality of life of residents.
- There would be a repeat of the health and amenity issues that were caused by the Sonae factory.
- The proposal would go against regeneration initiatives in Kirkby.
- There is conflicting information on the numbers of heavy goods vehicles (HGVs) bringing waste to the site and those associated with the export of ash and wastewater.
- The traffic regulation orders in this area are regularly being breached and the council has not been able to find a solution to the 200+ heavy goods vehicles (HGVs) that use these roads illegally. This proposal would increase the numbers of heavy goods vehicles (HGVs) that use these roads leading to more noise, fumes and vibration.
- A legally binding agreement or condition should be required so that heavy goods vehicles (HGVs) follow the authorised routes. The applicant should be funding improved signage regarding the correct routes and cameras to identify transgressors.

- The heavy goods vehicle (HGV) hours should be restricted to 08.00-18.00 Monday to Friday and 08.00-12.00 on Saturdays with no access on Sundays or public holidays – this would give better protection to residents from traffic noise and would avoid setting a precedent for other operators.
- Can the applicant be asked to provide some funding for improved signage to properly direct heavy goods vehicles (HGVs)?
- The proposal would present a risk to the visitors and animals at the nearby Acorn Farm site.
- There should be no contamination of farmland or water courses or groundwater that feeds into the aquifer that is abstracted from the pumping station on Stopgate Lane.
- The economic benefits of the development are overstated – if the climate benefits are so important the incinerator should be sited on the medical sites where the waste is generated. The 12 jobs that would be created is only a small number.
- There should be a proposal to use the excess heat generated elsewhere on the industrial estate – using the heat to dry wood is not an efficient use of the energy.
- The air emissions will deposit on the ground having a detrimental impact on the surrounding landscape.
- Impacts on property values.
- The site is too close to the Liverpool FC training ground.
- The proposed plant type causes cancer, birth defects, infertility and endocrine damage.
- There is a site close to the junction of the M58 and the Rainford Bypass that could be used. It used to be Bickerstaff coal mine and is remote from sensitive receptors but close to the major road network.
- The fumes are known to release micro-organisms causing bad health and sickness to local residents. The fall out (fumes, smoke and debris) will be close to a housing estate, two schools and a very populated area.
- There are local experiences with plants of a similar type – the local Sonae plant caused 100's of residents to become ill.
- The existing stockpiles on Simonswood Industrial Estate are already a concern to local residents.
- Noise impacts – the noise from the existing waste processing sites is unacceptable.
- There will be impacts on the local water supply and on groundwater.
- The land around the site is supposed to be Green Belt.
- There will be impacts on local wildlife – there is a variety of wildlife in the area all of which would be affected.
- There are other suitable sites further from locations where residents reside.
- Insufficient consultation with residents.

A petition has been received signed by 1770 residents who object to the application due to early morning and late-night noise, traffic issues and environmental impact on local residents.

A second petition organised by Knowsley Labour Party has also been received containing 4909 signatures objecting to the application.

Two representations supporting the proposal have been received.

## **Advice**

The proposal is for the construction of an incineration plant for the disposal of waste arising from medical care facilities and other similar establishments. The main issues arising from the proposal include the policy context (in terms of national waste policy and the policies of the Development Plan), pollution issues including health impacts, traffic and water. Issues such as the visual and landscape impact of the proposal, ecology and historic environment are also relevant.

### National Waste Policy

The National Planning Policy for Waste (2014) sets out the Government's ambition to work towards a more sustainable and efficient approach to resource use and management. The Government considers that positive planning plays an important role in delivering the country's waste ambitions by delivery of modern waste infrastructure, driving waste management up the waste hierarchy and providing a framework in which communities and business take more responsibility for their own waste including by enabling waste to be disposed of in line with the proximity principle. The policy also aims to help to secure the re-use, recovery or disposal of waste without endangering human health and without harming the environment.

For the planning application stage, the National Planning Policy for Waste states that waste planning authorities should only expect applicants to demonstrate the quantitative or market need where proposals are not consistent with an up-to-date local plan. It also advises that proposals for facilities such as incinerators can give rise to justifiable frustration in local communities and that it should be ensured that proposals for facilities not in line with the local plan will not undermine objectives such as prejudicing movement up the waste hierarchy.

The proposal would provide disposal capacity for a relatively small quantity of waste sourced from medical facilities. Waste produced from National Health Service facilities is managed in accordance with a policy document published by the Department of Health in 2013 (Health Technical Memorandum 07 - 01 – Safe Management of Healthcare Waste). This document sets out NHS policy for the safe management and disposal of healthcare wastes including opportunities for cost savings, safe working practices and reducing carbon emissions.

Healthcare facilities produce a wide variety of waste types all of which can be categorised separately using European Waste Codes which separately identify waste types which are classed as hazardous and non-hazardous wastes. The policy provides for waste minimisation and segregation through a colour coding system where different health care wastes are separated at the point of generation into bags of different colours. The colour coding system is to ensure health and safety, to minimise waste and to ensure correct disposal methods. The main waste type that the applicant proposes to accept is 'yellow bag' waste. These would contain clinical or potentially infectious wastes or containing chemicals from human or animal healthcare. The NHS policy sets out that such wastes can only be managed by disposal through incineration. Smaller quantities of orange bag waste (containing

infectious waste but not any chemical or medicinal contamination) would also be accepted which under the policy may be suitable for alternative treatment or incineration.

In view of the types of waste proposed to be managed at the facility and the health and safety considerations associated with these waste types, it considered that there are very limited possibilities for recycling or reuse options and that disposal through incineration is the only waste management option for these wastes at present.

Policy DM4 of the Lancashire Minerals and Waste Local Plan requires that proposals capable of recovering energy from waste will be required to include measures to capture any heat or electricity produced from the development and use it on site or export it to the national grid or a local energy or heat consumer.

The original application proposed that the waste heat from the incineration process would be used to dry wood products. However, it was considered that this did not properly address the requirements of Policy DM4. The applicant therefore amended the proposal to include the organic rankine cycle engine to ensure the more efficient capture of the energy generated by the incineration process. The organic rankine cycle plant will convert the thermal outputs of the process into electrical power. Some of this would be used to supply the electrical power demands of the site itself whilst the remainder would be exported from the site. The owner of the application site is also the operator and landowner of the adjacent waste recycling and aggregate processing facility. Planning permission was granted on this site in 2021 for a recycled aggregates processing and washing plant to convert imported inert waste into a range of recycled construction products. It is proposed that the excess electrical power would be used to supplement the electrical demands of the processing and washing plant.

Knowsley Metropolitan Borough Council (MBC) have commented that the proposal would conflict with Policy DM4 as no Combined Heat and Power Study has been submitted. It should be noted that this requirement is not within the policy itself but within the supporting text. In any event the applicant has already identified a user for all of the excess electrical power from the site and has signed a Memorandum of Understanding (MoU) with the operator of the waste business for the supply of the energy. The land between the application site and the waste processing plant is in the control of the waste operator and therefore there are no impediments that would prevent the installation of an underground cable linking the two sites.

The processing and washing plant, which is currently being constructed, would have a power demand of around 1MWh. This demand exceeds the power supplied from the proposed incinerator site. The electricity would be supplied via a new underground cable. It is considered that the proposed use of the electrical energy from the site would ensure the proper utilisation of the waste heat and would address the requirements of Policy DM4. It would also provide for the capture of energy from the waste stream thereby enabling a move up the waste hierarchy as required by the National Planning Policy for Waste. Conditions should be imposed requiring the electricity supply cable between the application site and the waste recycling operation to be installed before any waste is accepted onto the site and also to



require a review of electricity utilisation should the inert waste recycling operation cease at any time.

### Local Development Plan Policy

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 West Lancashire Local Plan, the Joint Lancashire Minerals and Waste Development Framework (JLMWDF) Core Strategy Development Plan Document, and the Joint Lancashire Minerals and Waste Local Plan (LMWLP) – Site Allocation and Development Management Policies – Part One.

Paragraph 11 of the National Planning Policy Framework (NPPF) 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 (NPPF) 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 (NPPF) as a whole.

The plan period of the West Lancashire Local Plan is until 2027. However, the plan period for the Lancashire Minerals and Waste Core Strategy and Minerals and Waste Local Plan is only until 2021. Certain of the policies in these documents (CS7, CS8, WM1, WM2 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 (NPPF) it is now considered that less weight can now be attached to those policies.

Simonswood Industrial Estate is allocated as an employment site (B1, B2 and B8 uses) in Policy EC1 of the West Lancashire Local Plan. The proposed development is therefore considered to accord generally with Policy EC1 subject to it being demonstrated that the proposal would not harm the amenities of nearby occupants or cause unacceptable adverse environmental impacts on the surrounding area.

Policy CS8 of the Core Strategy sets out the general waste management capacity requirements up until 2020. Policy DM1 of the Lancashire Minerals and Waste Local Plan provides that development to provide a network of new waste management facilities based on strategic locations and local sites will be supported subject to the developments not exceeding the overall capacity as set out in the Core Strategy and for the individual catchment areas as set out in Policy WM1.

Policy WM1 states that development will be supported for waste management facilities to provide for the Plan area. For industrial and commercial waste (which would include the waste types proposed to be accepted at the application site) the annual residual waste volumes per year in the period between 2016 and 2020 are estimated at 535,000 tonnes.

Policies WM2 and WM3 of the Lancashire Minerals and Waste Local Plan (LMWLP) provide further guidance on the location and capacity on large and smaller scale waste management facilities that are required to meet the anticipated needs set out in Policy WM1.

Policy WM2 relates to large scale-built waste management facilities of around 200,000 tonnes per year capacity and states that such facilities (including for thermal treatment) will be supported on a number of existing industrial locations including the Simonswood Industrial Estate. Policy WM3 relates to local built waste management facilities of around 50,000 tonnes capacity per year and states that proposals for recycling, transfer and materials recovery (excluding thermal treatment) will be supported at the strategic sites listed in policy WM2 and at a number of other industrial locations. In West Lancashire, the other locations listed are the Pimbo and Burscough Industrial Estates and the Hillhouse wastewater treatment works site (but does not include the Simonswood Industrial Estate).

Knowsley Metropolitan Borough Council (MBC) and West Lancashire Borough Council have raised objection to the application as they consider the proposal does not comply with the policies of the Lancashire Minerals and Waste Local Plan (LMWLP). They consider that the proposal (which would treat up to 4,000 tonnes of waste per year) is considerably short of the 200,000 tonnes per year figure stated in Policy WM2 and is therefore not supported under this policy. They also consider that whilst policy WM3 may be relevant to the scale of development proposed, Policy WM3 specifically excludes thermal treatment facilities. They consider that a thermal treatment facility of only 4,000 tonnes per year is not appropriate either on the strategic sites in Policy WM2 (including Simonswood) or the local sites listed in WM3.

The objections of both Councils are noted. However, the total capacity requirements and the distribution of this requirement within policies WM2 and WM3 are based upon data for the period up until 2020. Accordingly, it is considered that these policies are no longer up to date and less weight should now be attached to these particular policies. Even if they did still carry full weight, the purpose of policy WM2 is to identify sites, including the Simonswood Industrial Estate, that would be suitable for large scale waste developments including thermal treatment plants. The policy does not specifically exclude smaller scale development. If a site is considered suitable for large scale plants, it must also be considered suitable for thermal treatment plants of considerably smaller scale where the environmental impacts would be considerably reduced. The policy objections of the Borough Councils are therefore not supported.

One representation states that the facility would be better located on a former coal mine site at the junction of the M58 and Rainford Bypass. However, that site is located in the Green Belt and is therefore not considered to be a realistic alternative.

In conclusion, the proposal is considered to comply with policy EC1 of the Borough Local Plan. The proposal is also considered to be acceptable in relation to Policy WM2 of the Lancashire Minerals and Waste Local Plan. The proposal would provide a facility for the management of medical wastes produced in the local area and would therefore satisfy the proximity principle and would not prejudice the movement of waste up the waste hierarchy.

### Local Environmental Impacts

Although the proposal is relatively small scale on an existing industrial estate, it would have the potential to generate several environmental impacts including highways/traffic, visual/landscape, air quality/health concerns, noise and ecology.

Policy DM2 of the Lancashire Minerals and Waste Local Plan deals with the assessment of social, economic or environmental impacts and states that development will be supported where it can be demonstrated that such impacts which would cause demonstrable harm can be eliminated or reduced to acceptable levels.

Policy EN2 of the West Lancashire Local Plan sets out policy for the consideration of ecological and landscape impacts.

The local environmental impacts of the proposal are discussed below: -

### Highways/Traffic

The applicant estimates that the proposal would generate approximately 24 heavy goods vehicle (HGV) movements (in and out) per day. The majority of these would be associated with the importation of waste materials and only very minor heavy goods vehicle (HGV) flows would be required to remove the ash/char and the process washing water.

Paragraph 111 of the National Planning Policy Framework (NPPF) states that development should only be prevented or refused on highway ground if there would be unacceptable impact on highway safety or the residual cumulative impacts on the road network would be severe.

The Simonswood Industrial Estate is served off Stopgate Lane, a C class road linking Kirkby with Bickerstaff. The access into the industrial estate is via a wide T junction which leads to a spine road serving the majority of industrial units on the estate. All heavy goods vehicle (HGV) traffic to and from the industrial estate is required to travel to/from the site using Pingwood Lane and the North Perimeter Road to link with the A5208 and A580 East Lancs Road due to all the other possible roads to the industrial estate from the primary road network being subject to traffic regulation orders (weight restrictions). These include Headbolt Lane and Shevington Lane in Knowsley and Stopgate Lane/Sinacre Lane/Ben Lane in Lancashire.



The site has an existing established use for B8 (storage and distribution) uses and therefore there will be an existing level of heavy goods vehicle (HGV) traffic associated with such a use. If the site were to be used for inert waste recycling operations, similar to other adjacent areas of the industrial estate it is likely that heavy goods vehicle (HGV) movements would be very similar. The heavy goods vehicle (HGV) traffic would be a relatively small proportion of the overall numbers of heavy goods vehicles (HGVs) on Stopgate Lane and Pingwood Lane that arise from other businesses on the industrial estate. It will be noted that Lancashire County Council (LCC) Highways have no objection to the application.

Many of the representations have raised concerns about existing issues of heavy goods vehicle (HGV) traffic from the industrial estate breaching the various traffic regulation orders in this area. These concerns are understood, and the police have recently carried out some enforcement activity on Headbolt Lane and Shevington Lane in Knowsley. In addition, the county council is currently redrafting the traffic regulation order relating to Stopgate Lane and Sinacre Lane to enable more effective enforcement of the Order within Lancashire.

The traffic associated with the proposal will be subject to these road traffic regulations and there is no reason to conclude that the development would lead to an increase in heavy goods vehicles (HGVs) using weight restricted highways. However, the concerns of residents are noted, and the applicant is willing to accept a condition that would require the submission of a traffic management plan. This should require heavy goods vehicle (HGV) drivers to be issued with instructions regarding the approved routes to use with disciplinary action to be taken should heavy goods vehicles (HGVs) associated with the site use routes subject to traffic regulation orders.

The internal access road through the industrial estate is in poor condition in a number of locations which contributes to issues of mud and debris being deposited on the public highway. The parts of the access road of concern are not in the applicant's ownership and therefore any requirements for the maintenance and repair of those sections would have to be the subject of a section 106 agreement.

In view of the concerns regarding heavy goods vehicle (HGV) traffic in this area, the county council is currently progressing a scheme to improve highway signage in the area. The applicant is willing to contribute towards the costs of such signage. Any contribution towards the costs of a signage scheme can be included within a section 106 agreement. With the conditions and other planning controls described above together with controls relating to on-site parking including the provision of electric vehicle (ELV) charging points and disabled and cycle parking, the proposal is considered acceptable in relation to paragraph 111 of the National Planning Policy Framework (NPPF).

### Ecology

The site is currently a semi derelict industrial unit including an ageing building. The site has very little ecological value and its redevelopment including demolition of the existing building would have no unacceptable ecological impacts. The Lancashire County Council (LCC) Ecologist agrees with the applicant's assessment of impacts.

The agricultural land surrounding the site will have value for a variety of farm and over wintering birds and other wildlife. Some of the bird species using these areas may be associated with the coastal European level nature conservation designations. However, those areas are located at some distance from the site and are separated by the railway line and other areas of the industrial estate. Given the scale of the proposal, and subject to no objections being received from Natural England, it is considered that the ecological impacts would be acceptable.

The applicant proposes to provide for biodiversity net gain by providing bird and bat boxes on the sides of the proposed building. The Lancashire County Council (LCC) Ecologist considers that it is unlikely that such facilities would be used given the location of the building. At present there is no legal requirement to provide any set level of net gain and given the existing biodiversity value of the site and the applicant's proposed mitigation measures, it is considered that the proposals are considered acceptable.

### Landscape/Visual

The site is on an existing major industrial estate and is currently occupied by a large industrial building which would be demolished and replaced with the portal framed building housing the incineration plant. Directly to the north of the site is another large storage building used for timber distribution whilst to the south is a railway line with a vegetated screen embankment along its northern edge. The proposed building would have a maximum height of 11 metres which would be a similar height to the other large buildings elsewhere on the adjacent parts of the industrial estate. The nearest residential properties are located on Sidings Lane and Stopgate Lane approximately 320 metres north east of the site. However, the land between these houses and the application site is occupied by the timber storage building and the proposed building would not be visible from these properties.

The development would incorporate a stack for the venting of emissions. In the initial application the flue was proposed at a height of 14 metres but has since been revised to an increased height of 26 metres in order to improve dispersion of emissions. The increased height will be more visible in the landscape as it would be significantly higher than the majority of adjacent industrial buildings. However, the stack would be a relatively slim feature and therefore its landscape and visual impact would not be significant.

In terms of visual considerations, the building would be a portal framed construction clad in grey metal sheeting. These materials are similar to those used on other buildings in the locality are considered appropriate on this site. The visual impacts of the proposal are therefore considered acceptable in terms of Policy EN2 of the West Lancashire Local Plan.

### Water and hydrology matters

The site is not located in a designated flood zone. Due to the location of the site and the development being less than one hectare in area, no flood risk assessment is required. The proposal would not be at risk of flooding and due to its previously developed nature would not increase flood risk elsewhere.

Run-off water from the roof of the building would be captured and used in on site operations such as bin washing. The captured water will first flow to a rainwater harvesting tank and then via a non-return valve to a larger above-ground attenuation tank. Overflow from the attenuation tank would discharge onto the ground surface but at a reduced rate compared to the existing situation due to the usage of the captured water in on site washing operations.

All washing water would be captured and transferred into a 35,000 litre capacity storage tank. In the initial proposal the storage tank was to have been constructed underground. However, following the comments from United Utilities and the Environment Agency regarding the sensitivities of the local groundwater and the difficulties of leak detection from an underground tank, washing water would now be stored in an above ground tank surrounded by bund walls to contain any spillage. Foul water would be collected in a separate above ground tank which would also be banded. The contents of both tanks would have to be removed off site for treatment as the site has no mains sewerage connection. The revised means of managing foul and contaminated water from the site would address any concerns about aquifer protection.

In their further consultation response, the Environment Agency (EA) note the change to the proposal and confirm that they have no objection to the water storage proposals subject to the tank and bunding complying with their waste disposal regulations. The Environment Agency (EA) also comment that due to the groundwater sensitivities and the historical use of this site for industrial activities, the development will only be acceptable if any permission is subject to a condition dealing with site investigation and remediation to ensure that groundwater quality is not affected by construction operations.

### Air Quality/Pollution

Paragraph 185 of the National Planning Policy Framework (NPPF) states that planning policies and 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.

Paragraph 188 of the National Planning Policy Framework (NPPF) states that the focus of planning decisions should be on whether the proposed development is an acceptable use of the land rather than the control of processes or emissions (where these are subject to separate pollution control regimes). Planning decisions should assume that these regimes will operate effectively.

The proposed development would incorporate a stack for the venting of emissions. Before any exhaust emissions are vented through the stack, they would be passed through an abatement plant which would incorporate a range of treatment techniques to achieve the emissions standards specified in legislation. The plant would be classified as a small incineration plant and would require an Environmental

Permit for which West Lancashire Borough Council would be the determining authority.

Issues of air quality and associated health concerns are the subject of concerns in most of the representations that have been received to this application. The majority of these representations are from the urban areas of Kirkby and other areas of the Merseyside conurbation. The closest residential areas in these locations are around 1km to the west of the application site. These residents are concerned about the health impacts of the proposal and that the emissions would worsen existing health problems in the area.

Many residents are concerned that their experiences with the Sonae factory would be repeated. Sonae was a chipboard manufacturer based on the Knowsley Industrial Estate. The factory closed in 2012 following a fire. During its operation there were concerns from local residents in Knowsley regarding the impacts of Sonae on their health. However, this site was a completely different type of operation and would be subject to different permitting requirements and therefore it is considered that it is not possible to make any direct comparisons between Sonae and the application site.

The applicant's Environmental Statement includes a chapter considering the impacts on air quality. A Human Health Risk Assessment has also been undertaken which considers the risks from dioxins and furans arising from the combustion process. This assessment predicts the ground level pollutant concentrations and compares them to the relevant Air Quality Limit Values and other air quality standards. The values used for the assessment relate to both human health and levels used for the protection of vegetation of ecology. The assessment has considered existing background monitoring results for a wide range of pollutants that are available from existing monitoring stations, and which are considered to be appropriate or to over estimate the levels that are experienced at the receptors to the proposed development. The resultant pollution levels (background + development) have then been modelled at 30 locations around the application site including the properties at Stopgate/Sidings Lane and also properties to the west within Knowsley. The modelling has been undertaken using techniques approved by the Environment Agency. The modelling exercise includes consideration of local meteorological data, the effects of other buildings and structures in the local area that could impact upon dispersion of the plume from the stack and the effects of other local developments that might produce pollutants.

In view of the level of public interest in this application, the county council commissioned an environmental consultancy (Atkins Global Ltd) to undertake an independent review of the applicant's air quality and human health assessments. Although the applicant considered that the original stack height of 14 metres allowed for acceptable dispersal of emissions, Atkins were concerned that the stack height had not been fully optimised for dispersal and to account for the 'downwash' effects of surrounding buildings.

The applicant has updated the Emissions Modelling Assessment and Human Health Risk Assessment within the Environmental Statement to address the issues that were raised by Atkins and the Borough Council Environmental Health Officers. The applicant also proposes to increase the stack height to 26 metres which the applicant

states will improve dispersal although increasing construction costs. The revised modelling assessment shows a significant reduction in nitrogen oxide concentrations arising from the increase in stack height from 14 to 26 metres. On the basis of the modelling undertaken the applicant concludes that the proposal will not generate any significant adverse impacts on local air quality with impacts predicted to be insignificant at all human and ecological receptors.

Atkins consider that the applicant's assessment of stack emissions was generally found to have been calculated in line with appropriate guidance using reasonable assumptions to give confidence in the conclusions that are made. The results have been compared to relevant health criteria and the results of the dispersion modelling indicate that the air quality contributions and resulting environmental concentrations of all pollutants considered are not significant. This is largely because of the relatively small scale of the facility. The increase in stack height will add further weight to these conclusions. Atkins did identify some issues such as the choice of background data on pollutant levels and composition of waste. However, they do not expect the conclusions of the assessment to change following clarification on those issues.

Upon review of the applicant's Environmental Statement Addendum and revised Human Health Assessment, Atkins advise that most areas identified for further clarification including calculation of stack parameters, the choice and calculation of background concentrations and the calculation of deposition have now been adequately addressed. The outstanding issues relate to the suitability of using data for older municipal waste/waste wood incineration plants to determine emission values for medical waste incinerators. However, Atkins accept the applicants view that this is an approach which is used by the Environment Agency (EA) for assessment of larger scale incineration plants. Atkins also note that percentiles have been used to reflect air quality objectives instead of maximum modelled concentration for relevant pollutants. However, Atkins consider that this approach is acceptable but that contours plots of the maximum hourly NO<sub>2</sub> process contributions would be useful. Atkins also note that the applicant has maintained a 1 km search radius for other point source emissions which might have a cumulative impact and that if other sources are present these should be assessed. It is not considered that there are any other current significant sources of air pollution that should be considered. Lastly, Atkins note that the applicant does not refer to the monitoring of emissions and performance of the abatement plant and that the county council may wish to address such matters with the applicant to ensure that the environmental limit values are not exceeded.

There will be a number of potential pollution emissions from the proposed plant. However, these emissions will need to comply with the emission limit values set out in Annex VI of the Industrial Emissions Directive. If these limits cannot be achieved, the proposed development will not be granted a permit by West Lancashire Borough Council. Any permit will contain a requirement for continuous and periodic monitoring of emissions to ensure that the levels in the permit are being achieved. The guidance in the National Planning Policy Framework (NPPF) is that planning authorities should proceed on the basis that pollution control authorities (in this case West Lancashire Borough Council) will properly apply and enforce the controls available through other legislation. In this case, the applicant has demonstrated that



there is no fundamental concern regarding the health or amenity impacts of air emissions from the proposed facility and the development is therefore acceptable in terms of Policy DM2 of the Lancashire Minerals and Waste Local Plan (LMWLP).

### Other amenity impacts

The application site is located around 300 metres from the nearest residential properties on Sidings Lane. The applicant's Environmental Statement includes a noise assessment at these properties and also at another location to the south. The noise assessment has been updated to take account of the noise impacts arising from the addition of the organic rankine cycle engine. The noise generating elements of the plant would be at or close to ground level and therefore from the nearest properties there would be high level of screening by the large industrial unit lying between the application site and the properties on Sidings Lane.

The noise assessment involved undertaking a survey of background noise during the night time period at these properties. The proposed plant would operate during the night and whilst noise impacts would be free of any impulsive crashes or bangs, it is likely that there would be a tonal element to any noise arising from fans and motors. A penalty has therefore been applied to the noise from the site to take account of this element of the site noise. The assessment shows that the calculated rating level of noise from the site would be considerably below the existing background level at both locations. A planning condition should be attached to any permission limiting the hours at which waste materials can be imported to the site.

In relation to odour impacts, deliveries to the site would unload within the building which would operate under negative pressure with air being drawn into the building. All bins would be cleaned within the building before transfer to the external yard area. It is therefore considered that the potential for odour to cause harm to amenity is low given the control practices that would be in place and also the distance to the nearest properties. The storage of skips and bins is a matter that can be controlled through planning conditions. The local amenity impacts are therefore considered to be acceptable in terms of policy DM2 of the Lancashire Minerals and Waste Local Plan (LMWLP).

### Heritage

The site is located on an existing industrial estate where there are no existing heritage designations. Several local residents have commented on the possible impacts on Simonswood Hall which is listed Grade II\*. However, the application site is 1.6km from the listed building and therefore neither the building nor its setting would be adversely affected.

### Greenhouse Gas Emissions

The combustion of the waste material would give rise to CO<sup>2</sup> emissions. A number of representations to the application have commented that the proposal would increase such emissions which would be contrary to measures to combat climate change.

Government policy is that it is not for the planning system to set limits on greenhouse emissions from individual developments. As described above, the treatment methods for clinical waste are very limited being restricted to incineration with limited opportunity for other treatment options that might have lower CO<sup>2</sup> emissions. The applicant states that the proposed facility would provide a treatment site for clinical waste produced from the local area which would enable reduce transportation distances for this waste. It is not known whether the existing treatment sites include facilities for recovering energy from the waste but the applicant's proposal to generate electricity from the waste is likely to at least match any recovery that is currently taking place. Therefore, the climate change impacts of the development are considered acceptable.

### Conclusions

The proposal is to construct a waste incineration plant specifically to deal with a relatively small volume of specialist waste types arising from health care facilities. The proposal would provide a local facility for these wastes which cannot presently be managed using options at a higher level in the waste hierarchy. The facility would incorporate facilities for the recovery of energy from the incineration process which would be used to support another adjacent waste management process. It is therefore considered that the proposal complies with the National Planning Policy for Waste.

The proposal is located on an existing large scale industrial estate that is allocated for waste activities within the Lancashire Minerals and Waste Local Plan (LMWLP). The air emissions from the site would be subject to an Environmental Permit and there are no fundamental reasons why a permit cannot be issued for this proposal. The development is also considered acceptable in terms of highways, landscape and ecology, drainage and hydrology. Subject to the conditions appended to the report it is therefore concluded that the proposal complies with the policies of the Development Plan.

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

### **Recommendation**

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 no objections being received from Natural England and 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 the following conditions:

### **Time Limits**

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



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

## **Working Programme**

2. The development shall be carried out, except where modified by the conditions to this permission, in accordance with the following documents:
  - a) The Planning Application received by the County Planning Authority on 13 December 2021 as amended by the Planning Statement and Environmental Statement addendum dated 8 July 2022
  - b) Submitted Plans and documents:
    - Plan 2776-008-01B Site location
    - Plan 2776 -008-O2B Site location
    - Plan 2776-008-04 Proposed layout plan
    - Plan 2776-008-07 North and south elevations
    - Plan 2776-008-08 East and west elevations
    - Plan 2776 -008-09 Main building floor and roof plan
  - c) All schemes and programmes approved in accordance with this permission.

*Reason: For the avoidance of doubt, to enable the County Planning Authority to adequately control the development and to minimise the impact of the development on the amenities of the local area, and to conform with policy DM2 of the Lancashire Minerals and Waste Local Plan (LMWLP) and policies GN3, EN1 and EN2 of the West Lancashire Local Plan.*

3. No waste shall be accepted at the site until an electricity cable has been laid linking the site with the inert waste processing and washing plant at the City Centre Commercials Ltd Waste Transfer Station.

*Reason: To ensure that the development contributes towards the movement of waste up the waste hierarchy as a recovery operation and to comply with Policy DM4 of the Lancashire Minerals and Waste Local Plan (LMWLP).*

4. In the event that the aggregates processing and washing plant on the City Centre Commercials waste transfer station is removed from the site, a combined heat and power feasibility review shall be submitted to the County Planning Authority within six months of such removal. The review shall investigate the potential for heat and/or electrical energy from the site to be exported to an alternative user and provide a timescale for the implementation of the necessary infrastructure should such an alternative user be identified.

*Reason: In order to ensure the utilisation of energy from the site and to conform with Policy DM4 of the Lancashire Minerals and Waste Local Plan (LMWLP).*

5. No construction activities shall commence until details of the ash / char storage and loading facilities have been submitted to and approved in writing by the County Planning Authority.

The ash/char storage and loading facilities shall be constructed and operated in accordance with the approved details.

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

6. No full waste bins shall be stored outside of the building at any time. Such bins shall only be stored within the areas of the building shown on drawing 2776-008-04 Rev K. Empty bins that have been previously cleaned and disinfected shall only be stored within the areas shown on the drawing

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

### **Hours of Working**

7. The importation of waste materials to the site shall only take place within the following hours:

06.00 to 18.00 hours, Mondays to Fridays (except Public Holidays)

08.00 to 13.00 hours on Saturdays

No importation of waste shall take place at any time on Sundays or Public Holidays.

*Reason: To safeguard the amenity of local residents and adjacent properties/landowners and land users and to conform with Policy DM2 of the Lancashire Minerals and Waste Local Plan (LMWLP).*

8. No construction development, delivery or removal of materials shall take place outside the hours of:

07.00 to 18.00 hours Monday to Friday (except Public Holidays),

08.00 to 13.00 hours on Saturday.

No construction development, delivery or removal of materials shall take place at any time on Sundays or Public Holidays.

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

*Reason: To safeguard the amenity of local residents and adjacent properties/landowners and land users and to conform with Policy DM2 of the Lancashire Minerals and Waste Local Plan (LMWLP).*

## Safeguarding of Watercourses and Drainage

9. Provision shall be made for the collection, treatment and disposal of all water entering or arising on the site to ensure that there shall be no discharge of contaminated or polluted drainage to ground or surface waters.

*Reason: To safeguard local watercourses and drainages and avoid the pollution of any watercourse or groundwater resource or adjacent land and to conform with policy DM2 of the Lancashire Minerals and Waste Local Plan (LMWLP).*

10. All facilities on the site for the storage of foul effluent or washwater shall be sited on an impervious surface with bund walls; the bunded areas shall be capable of containing 110% of the container or containers' total volume and shall enclose within their curtilage all fill and draw pipes, vents, gauges and sight glasses. There must be no drain through the bund floor or walls.

*Reason: To safeguard local watercourses and drainages and avoid the pollution of any watercourse or groundwater resource or adjacent land and to conform with policy DM2 of the Lancashire Minerals and Waste Local Plan (LMWLP).*

## Highway Matters

11. No development shall commence until a scheme and programme of traffic management measures has been submitted to and approved in writing by the County Planning Authority. The scheme and programme shall contain details of the following:
- Details of the routes which hauliers will be required to follow when accessing and leaving site.
  - The mechanisms which will be used to inform hauliers of the approved routes in a) above including written instructions and signage.
  - Details of the measures that will be taken should hauliers not use the approved heavy goods vehicle (HGV) access routes to the site.

The traffic management measures contained in the approved scheme and programme shall be implemented at all times during the construction and operation of the development.

*Reason: In the interests of local amenity and highway safety and to conform with Policy DM2 of the Lancashire Minerals and Waste Local Plan (LMWLP).*

12. Prior to the development being brought into use, the car parking area shall be surfaced and marked out as shown on drawing 2776-008-004 Rev K - Proposed Layout Plan. The car park shall include the disabled spaces, the electric vehicle charging points and the cycle shelter. The car parking, charging points and cycle parking shall be retained in operational condition throughout the duration of the development.



*Reason: In the interests of sustainable transport and to conform with Policy EN1 of the West Lancashire Local Plan.*

13. No development shall commence until a remediation strategy to deal with contaminated land risks has been submitted to and approved in writing by the County Planning Authority. The strategy shall include the following:
- a) A risk assessment which identifies previous uses of the site, potential contaminants associated with those uses, a conceptual model identifying sources, pathways and receptors, and risks from contamination at the site.
  - b) A site investigation scheme based on the risks identified in a) to provide an assessment of the risks to all receptors.
  - c) The results of the site investigation and the detailed risk assessment and based on these, an options appraisal and remediation strategy giving full details of remediation measures required and how they will be undertaken.
  - d) A verification plan providing details of the data that will be collected in order to demonstrate that the works in the remediation strategy are complete and identifying any requirements for longer term monitoring of pollutant linkages, maintenance and arrangements for contingency action.

The provisions of the approved strategy shall be implemented at all times during the construction of the development.

*Reason: In the interests of preventing groundwater pollution and to conform with Policy DM2 of the Lancashire Minerals and Waste Local Plan (LMWLP).*

## **Definitions**

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

## **Notes**

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

## **Local Government (Access to Information) Act 1985 List of Background Papers**

Paper	Date	Contact/Directorate/Ext
LCC/2022/0003	September 2022	Jonathan Haine Planning and Environment (01772) 534130

Reason for Inclusion in Part II, if appropriate  
N/A



# Planning Application LCC/2022/0003

**Demolition of existing buildings and erection of building and ancillary structures to house high temperature treatment facility for the management of medical waste.**

**Land at Simonswood Industrial Estate, Stopgate Lane, Kirkby**

Appendix B

# Application LCC/2022/0003 – Site location



Ben Lane

Sinacre Lane

Stopgate Lane

North Perimeter Road

Application site

Shevingtons Lane

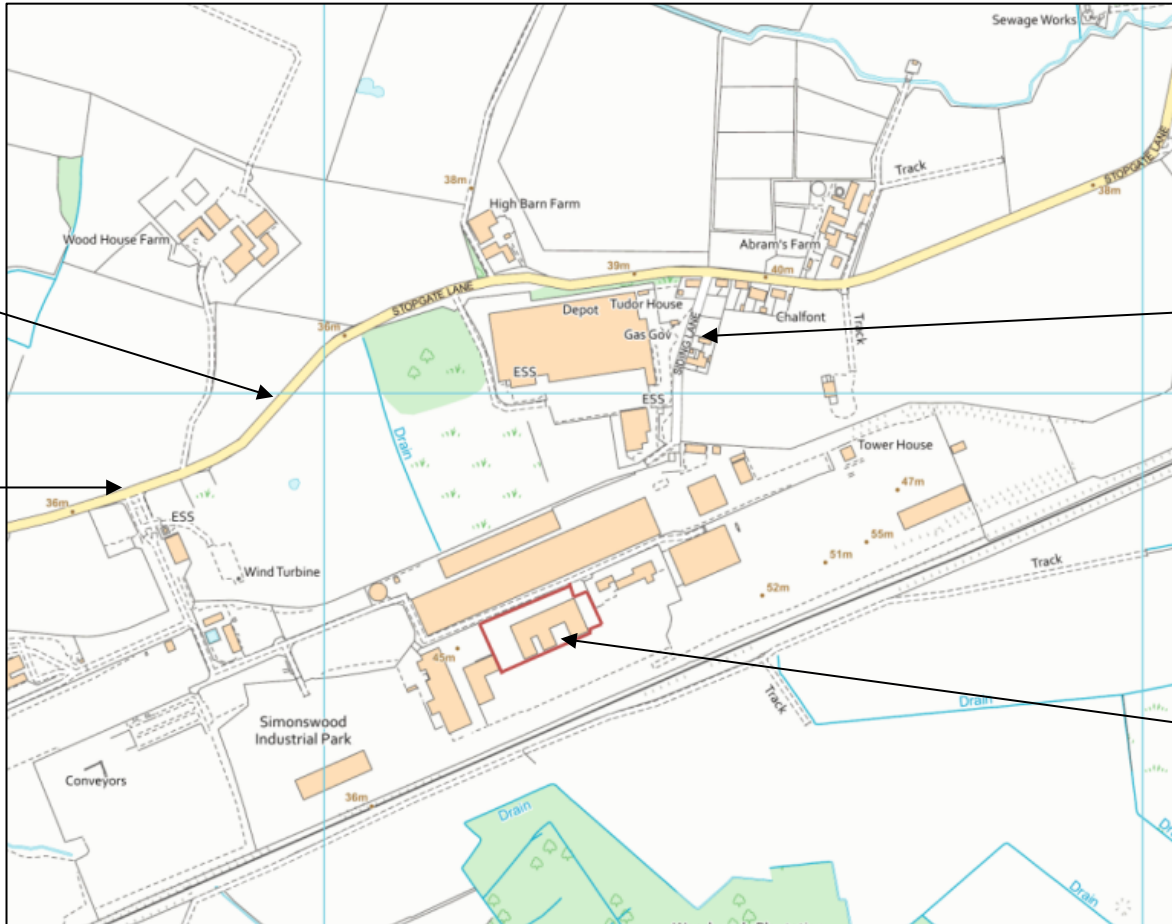
Headbolt Lane

Kirkby

Page 54



# Application LCC/2022/0003



Stopgate Lane

Nearest properties on Sidings Lane

Access to Industrial Estate

Application site

# Application LCC/2022/0003



Industrial estate  
access  
on Stopgate  
Lane

Nearest  
Properties on  
Stopgate  
and Sidings  
Lane

Location of  
aggregate  
processing /  
washing plant

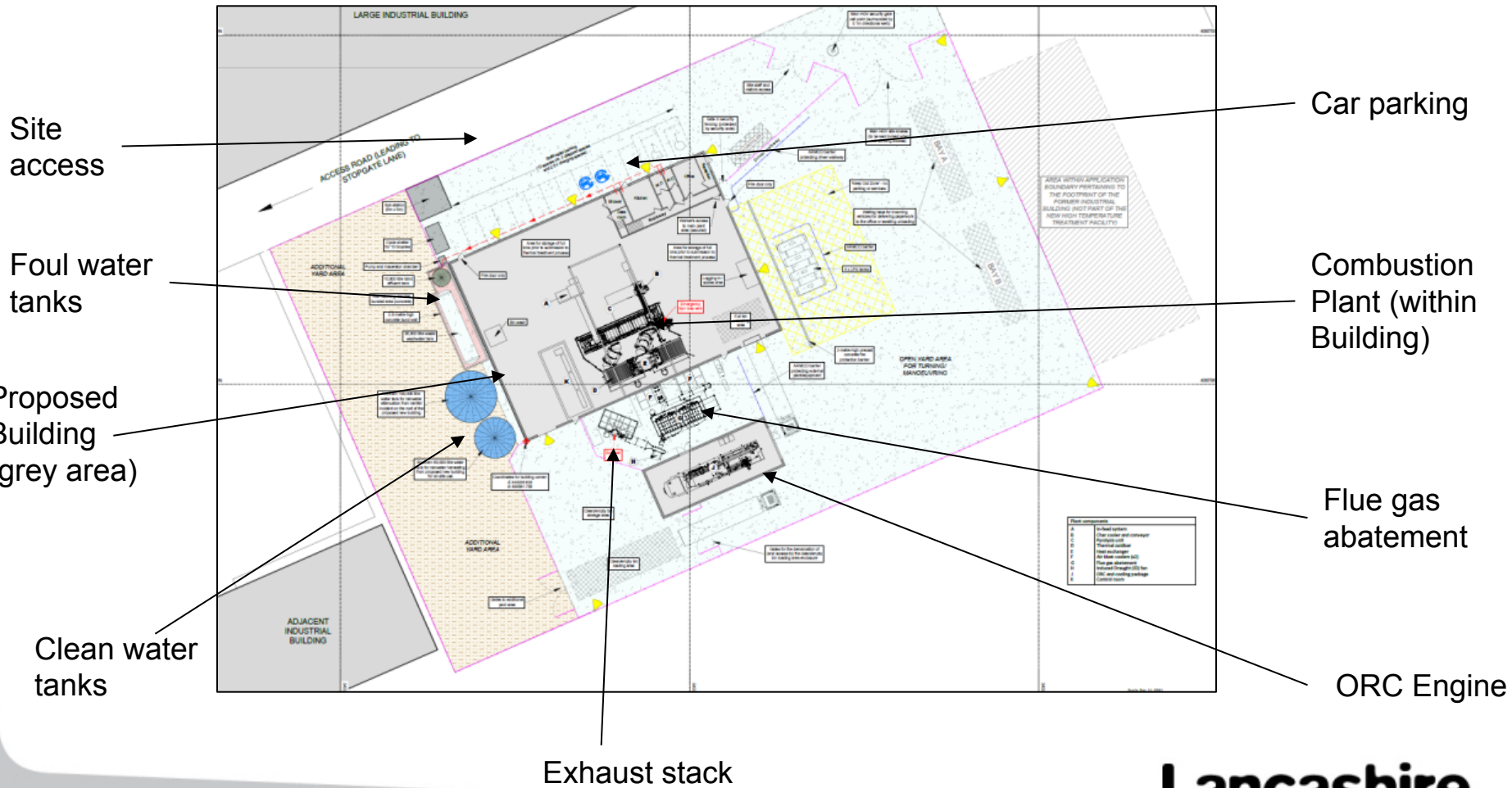
Waste transfer/  
processing uses

Application  
site

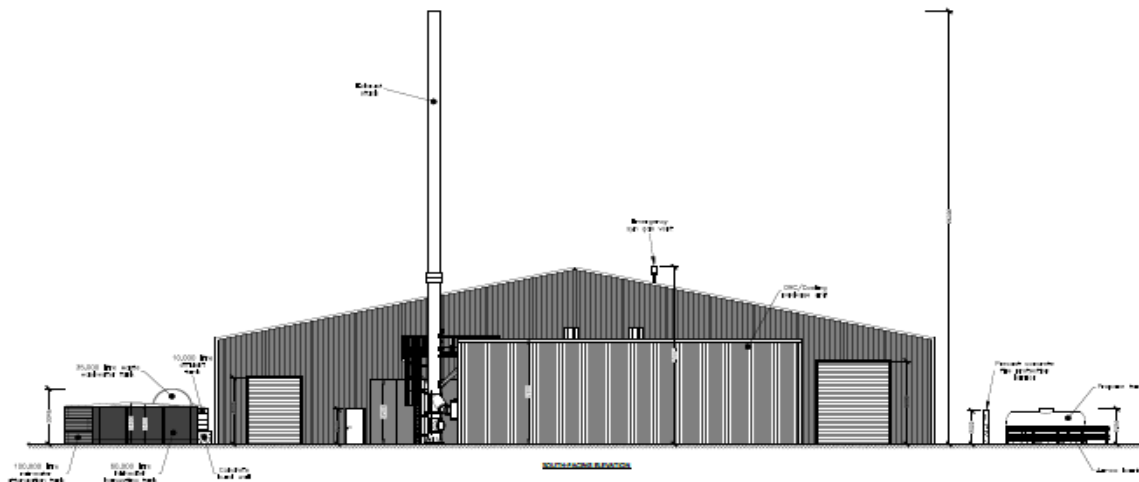
Timber  
Storage  
use

# Planning application LCC/2022/0003 – Proposed Development

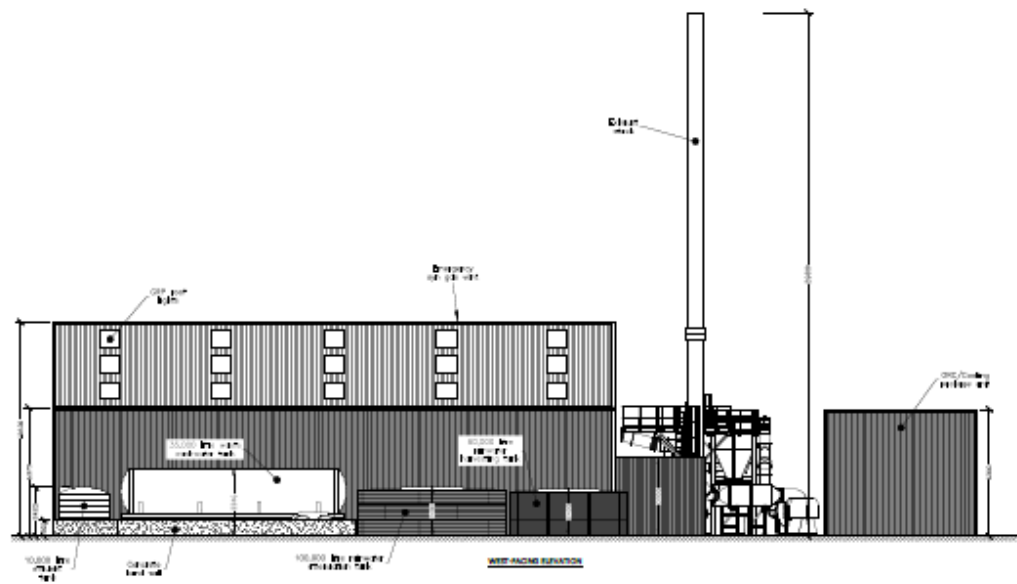
Page 57



# Application LCC/2022/0003 - Elevations



# Application LCC/2022/0003 - Elevations



# Application LCC/2022/0003 – View of site from internal access road

Existing building  
(to be demolished)

Internal access  
road



# Application LCC/2022/0003

## View of industrial estate access/Stopgate Lane



Access  
into  
industrial  
estate

# Application LCC/2022/0003 – View of application site from Stopgate Lane

Application Site (behind Timber storage building)

Simonswood Industrial estate

Land allocated for industrial development in local plan

Stopgate Lane





# Application LCC/2022/0003 – View from nearest properties on Sidings Lane



Simonswood Industrial Estate  
(at end of road)



**Lancashire County Council****Development Control Committee**

**Minutes of the Meeting held on Wednesday, 7th September, 2022 at 10.30 am  
in Committee Room 'B' - The Diamond Jubilee Room, County Hall, Preston**

**Present:**

County Councillor Matthew Maxwell-Scott (Chair)

**County Councillors**

P Rigby	A Kay
S Clarke	M Pattison
M Dad BEM JP	E Pope
A Hindle	S Rigby
S Holgate	B Yates

**1. Apologies for absence**

No apologies for absence were received.

**2. Disclosure of Pecuniary and Non-Pecuniary Interests**

No pecuniary or non-pecuniary interests were disclosed.

**3. Minutes of the last meeting held on 20 July 2022**

**Resolved:** That the minutes of the last meeting held on Wednesday 20<sup>th</sup> July 2022 be confirmed and signed by the Chair, subject to the addition of 'S' Rigby.

**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 followed by erection of 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, followed by erection of building and ancillary structures to house a high temperature treatment facility for the management of medical waste at land at Tower House,



Simonswood Industrial Park, Stopgate Lane, Simonswood. The application was accompanied by an Environmental Statement.

It was noted that there was an error in the report: CPRE stood for Campaign to Protect Rural England and not Certified Professional for Requirements Engineering.

The report included the views of West Lancashire Borough Council and Environmental Health, Knowsley Metropolitan Borough Council and Environmental Health, St Helens Borough Council, Melling Parish Council, Simonswood Parish Council, Bickerstaff Parish Council, Rainford Parish Council, the Environment Agency, Natural England, the Health and Safety Executive, LCC Highways Development Control, the Ecology Service, United Utilities, the Lead Local Flood Authority and the Campaign to Protect Rural England.

1384 representations objecting to the proposal had been received, the details of which were provided in the report. It was reported that a petition had been received signed by 1770 residents who objected to the application, due to early morning and late-night noise, traffic issues and environmental impact on local residents. In addition, a second petition organised by Knowsley Labour Party had also been received containing 4909 signatures objecting to the application. Two representations supporting the proposal had been received.

Committee's attention was drawn to the Update Sheet which included details of further consultation responses and a further 48 representations which had been received since the report had been published. In addition, amendments to Conditions 3, 6 and 7 had been proposed together with an additional Condition; details of these were contained within the Update Sheet.

Although the proposal was relatively small scale on an existing industrial estate, it was noted that it would have the potential to generate several environmental impacts including highways/traffic, visual/landscape, air quality/health concerns, noise and ecology. The local environmental impacts of the proposal were discussed in detail in the report.

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.

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

The application does not comply with the West Lancashire local policy EN2 'preserving West Lancashire's natural environment'. Residents were told by the applicant at the consultation meeting that any particulates emitted from the chimney stack would be minimal with little impact on planetary and human health. The Atkins



report recommended that the stack double in size, giving a lack of confidence in the applicants desire to keep people and the land safe from harm. The water courses were heavily polluted in parts of Simonswood Brook and the River Alt. The extra HGV movements will generate a significant amount of additional pollutants from tyre rubber and engine combustion which will end up in local drainage and waterways with the potential to pollute Grade 1 agricultural land. There are many farms in the local area serving the North West and beyond, a fresh food facility within 100m of the site and a broccoli field directly opposite the site – no assurances had been given that food chains would not be contaminated. The Environment Bill imposed a duty to bring down damaging particulates, new targets would be announced in October and there was uncertainty whether this application would comply with these. Lancashire County Council had signed a pledge to tackle the climate crisis and had passed a motion to declare a climate emergency. On this basis, Committee were urged to refuse the application.

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

The Health Risk Assessment had used data from 104 USA based incinerators and had excluded data in relation to dioxin and flouron emissions. The data in the report was an attempt to fabricate evidence, and no evidence existed for the safe burning of medical hazardous waste. The assessment also relied on a Public Health England study that excluded hazardous medical waste incinerators. Vegetables were grown in the next field to the application site and distributed widely. The health assessment stated that inhalation and ingesting toxins from products grown nearby was highly unlikely. This misrepresented the inherent dangers associated with incinerators as per the World Health Organisation recommendation that incinerators should not be built within close proximity of food and water supplies due to dioxin absorption. The application should be denied due to this misleading information.

Ms Amy Seddon, a journalist and local resident, addressed the Committee and made the following points:

There were already problems with HGVs in the area, the site had little or no enforcement and was not fit for purpose. The photographs on the presentation were not a true reflection of how the site looked. The air quality readings were taken from meters located too far away from the site, old studies had been used and medical professionals had not been brought in to deal with the health issues raised by local residents. There were 4 schools in the local area and not 2 as stated in the report. The highest concentration of particulate matter would fall out in the middle of a housing estate in Kirby, where 1000's of people lived and where 3 of the schools were based. Particulate matter causes cancers, respiratory illnesses, hormone irregularity, pregnancy issues, birth defects and dementia and the World Health Organisation advises against the use of medical incinerators. Residents had been told they were unlikely to experience health issues emanating from the site, and that the medical waste facility would help the NHS and save them money. £250k was the cost of 22 rounds of chemotherapy and a 10 hour operation, and these costs must be taken into account when considering the application, and whether profit for the few or a healthy life for the majority was more important.



Dr Kerry Dwan, Senior Research Fellow in Evidence Synthesis & HTA at York University and employee of the London School of Hygiene and Tropical Medicine, addressed the Committee. Dr Dwan's area of expertise was in statistics and evidence synthesis and, predominantly, work on the independent critique of pharmaceutical company reports for drug approval in the NHS. Dr Dwan made the following points:

No systemic review, which was considered the gold standard of evidence, had been undertaken to consider the adverse effects of incinerators. The information provided is based on modelling approaches, which are often incorrect as they are based on untested assumptions. Inconsistent, inappropriate and out of date data has been provided. The Public Health England statement referred to stated there was a small increased risk of congenital abnormalities in babies born to women who live near an incinerator. This statement was based on 1 study in which 30% of data was missing, cancers/respiratory illnesses were not considered and minor abnormalities were not included, amongst other issues. The resultant risk could therefore be much higher. The study also excluded medical waste incinerators and, together with the Public Health England statement, was not relevant to this application. A systematic review, published in 2019, showed an increase in cancers, infant deaths, miscarriages and congenital abnormalities indicating significant risk and quoted ...'insufficient evidence to conclude that any incinerator is safe..'. There was some suggestion that through newer technologies, these incinerators could be less harmful but disease from exposure could take years to manifest. Based on these uncertainties, the lives of children and the public could not be put at risk for the creation of 12 jobs.

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

Conversations with officers had alleviated many concerns and the amendment of Condition 3 was appreciated. The application sought to protect the amenity of local residents in relation to the condition of the roads, although Conditions 7 and 8 should be amended to show an 8.00am start time. The incineration process produces ash/char, the treatment of which is covered by Condition 5. As public and environmental safety needed to be taken into account, it was requested that Condition 5 go out to public consultation and the results be referred back to Committee. It is requested that the application be refused but, should the application be approved, Committee is urged to make the changes requested and to seek public consultation on Condition 5.

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

Knowsley Council has significant concerns about the proposal and there are four reasons why the application should be refused for being contrary to planning policy:

The report acknowledges the policies relevant to the application are out of date so regard must be taken of National Planning Policy, which states that when determining waste applications, planning authorities should consider whether existing facilities could satisfy any identified need for waste processing. The



applicant has not provided any evidence of need for this facility, and it is mentioned that the site may take waste from Aintree hospital which is already treated elsewhere. The application fails to meet the test of National Planning Policy and there is no demonstrable need for an additional facility to process this waste. Policy DM4 requires a proposal to recover energy from the process and demonstrate that the scheme offers the best use of that energy. The applicant has not submitted a combined heat and feasibility study to show that this is the best use. In addition, the aggregate washing plant hours of working are less than 50% of the proposed treatment facility, and the contract duration with the aggregate company is not stated. The Environmental Impact Assessment has not been updated to reflect the scheme changes so may not be a sound basis upon which to grant planning permission. The site is in a poor condition with piles of material and dust. Officers from Knowsley Council have identified planning and Environmental Permit control breaches on site, and have written to the Chief Executive of Lancashire County Council and the Environment Agency requesting action. Planning policy states that where a permit regime is in place, the planning authority should assume it will be appropriately enforced. It is believed that controls are not being enforced on site and therefore this is a relevant factor when considering the application. Members of the Committee were asked that, for the reasons outlined, refusal of this application be considered.

County Councillor Rob Bailey, local councillor representing West Lancashire East (covering the Simonswood area), Lead Member for Highways and Parish Councillor, addressed the Committee and made the following points:

The site regularly causes problems for local residents with lorries regularly flouting weight restrictions on local roads and driving HGVs through local villages. Lancashire County Council are taking action on this and are also, in addition to the Environment Agency, taking several businesses on the site to court for failure to comply with some of the site permits. There are three reasons why the application should be refused:

Technology – the technology proposed for this plant is unproven in the application. There is no land based equivalent, to determine how it will operate and how well it will comply with the various conditions on emissions. Should the facility fail, it will release toxic, polluting emissions into the local environment.

Location – in addition to houses in Simonswood itself, within a few 100 yards is the densely populated borough of Knowsley with 2 primary schools within a mile of the site. The area has had a history of industrial pollution in recent years, with the Sonae fire burning for 8 days covering areas in acid smoke.

Energy – Lancashire County Council has a policy on reusable energy, committed to reducing CO2 emissions and ensuring waste heat from incineration is used productively (DM4). An Energy Generation proposal must be a condition of operation and failure to find a customer is a reason to not allow operations; a letter of intent from the aggregate washing facility is not sufficient. All the energy will be wasted when the aggregate facility is not in operation as it cannot be stored.

For these reasons, Committee were urged to reject the application.



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

The emissions from incinerators can affect farm crops and livestock within the area and beyond. The area also includes farm sites with preservation orders and woodland which is a place of historical interest. HGVs are ignoring weight restriction routes and local residents are subject to threatening behaviour when they challenge this. Stopgate Lane already has too many HGVs using it, grids are blocked, debris scattered and there are large potholes making serious health and safety issues a concern. Should the application be approved, an electricity generator needs to be in place, the electric cable needs to be connected and a sub-station is required. If emissions or the drinking water are not within safe limits, the incinerator needs to be shut down immediately and faults rectified. Constant monitoring needs to be implemented. Correspondence with Lancashire County Council is ongoing in relation to getting the site to the required standard. No enforcement policies are in force on the site and hydrological impacts had been raised. There were also concerns around the types of waste accepted, the security of the site and how the waste volumes and impacts will be monitored. The hours of working needed to be changed to a start time of 8.00am Mondays to Fridays.

Councillor Tony Brennan, Portfolio Holder for Regeneration and Economic Development, Knowsley Metropolitan Borough Council, addressed the Committee and made the following points:

At a meeting last February, the applicant had been told to find an alternative location for the incinerator away from residential properties. The site proposes to process up to 10 tonnes per day of hazardous medical waste. It is not known whether the technology on site can meet UK requirements, and there is a concern that emissions will exceed the limits and affect people's health. Businesses on the site continuously flout planning and environmental rules, with little or no regulation, so there is little confidence of actions being taken should the conditions and Environmental Permit not be complied with. The estate is used as a dumping ground for pollutants and the companies on site flouting the rules is to the detriment of Kirby residents. The 26m high chimney is a constant reminder to residents of the potential impacts on their health. The HGVs transport waste to the site outside of the agreed hours, causing further environmental harm. Last year, Knowsley Council cleared 40 tonnes of soil from Pingwood Lane and extra HGVs will add to the harm endured. Committee were urged to refuse the application due to the potential harm to the health and wellbeing of Kirby residents.

Councillor Jayne Aston, Cabinet Member for Resources, Knowsley Metropolitan Borough Council, addressed the Committee and made the following points:

Strongly objects to the proposal due to the harmful effects on Kirby residents. Committee were urged to give significant weight to the large number of objections to the application, including the Knowsley Labour Party petition signed by almost 5,000 people. Residents already suffered from problems on the site due to businesses being in violation of planning and permit conditions. The emissions and odours from processing up to 10 tonnes per day of medical waste will have a significant effect on





the health of residents, in addition to the disturbance caused by extra HGV movements. The technology proposed for the site has not been used to treat medical waste in the UK, and there is no certainty that it will meet UKs strict emissions rules. Local residents had already suffered from years of emissions from the Sonae site and Committee were asked to bear this in mind when considering the application. Weight restrictions are continually breached by HGVs accessing the site, as evidenced recently by Merseyside Police. Committee were asked to strongly consider the negative and detrimental impact the application will have on the health and wellbeing of Kirby residents, for the numerous representations to be considered, and for the application to be refused.

Councillor Aimee Wright, Knowsley Metropolitan Borough Council, addressed the Committee and made the following points:

A meeting had been held with the applicant and other ward councillors in 2021, at which the applicant was informed that the site was not suitable for a medical waste incinerator. The proposal would significantly harm the health and wellbeing of local residents who already suffer from the problems caused by businesses on the site, who are in violation of planning and permit conditions. Simonswood Industrial Estate has become a dumping ground for uses that are not welcome elsewhere. The processing of up to 10 tonnes of medical waste per day and extra HGV movements will cause emissions, odours, disturbance and harm the health of constituents living nearby, especially with the long working hours proposed. There are particular concerns for residents living on Pingwood Lane, Shevington's Lane and Headbolt Lane as they already suffer noise and harm from the HGVs travelling to and from the site. Weight restrictions are in place on Shevington's Lane and Headbolt Lane to protect the amenity of residents. Businesses on the site regularly flout these rules causing disturbance to local residents, and the proposal would add to this, even if conditions were imposed. Due to the harm that the development would have on Kirby residents, as well as fear and uncertainty around the plans, Committee were asked to refuse the application.

Councillor Jim Mercer, Chairman of Simonswood Parish Council, addressed the Committee and made the following points:

The emissions from the site were the greatest concern. There was a long established local organic farm near the site and customers have already said they would no longer purchase items from there if the application is approved, as the products will not be deemed to be organic, due to the fallout from the incinerator. Other non-organic farmers, their crops and animals could also be affected. The area was surrounded by buildings and high trees, and a wind turbine close to the site could affect wind direction. Illegal mounds were also situated on site. Emissions from the Simonswood site would be colourless so would be impossible to avoid, therefore being more damaging to the health of local residents. The Sonae site had computer modelling but this did not work. The Simonswood site has very little enforcement and with staff shortages this will not improve. Due to uncontrolled businesses on the site, the quality of life of the residents of Simonswood is greatly affected, and this will only get worse if the application is granted. Residents have also experienced verbal abuse from the businesses on the site. It is requested that the application be refused.



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

The processes for surgical operations, life saving drugs and cancer treatments all create medical waste. This must, by law (Health Technical Memorandum 07-01) be dealt with by high temperature treatment such as incineration, gasification or pyrolysis. Without a high temperature treatment facility for the safe disposal of infectious medical waste, the NHS could not operate. There were currently no facilities for this west of the M6 and north of the M62 in England and medical waste from that region is currently being transported to facilities in Leeds, Oldham and Wrexham for incineration. The Oldham facility was surrounded by approximately 1,000 homes, at least 1 college and several schools/nurseries. Some waste from Morecambe and Newcastle is being sent to the south coast for processing, where it is sterilised and sent to a municipal waste incinerator and therefore being handled twice. Long distance transportation by road not only harms the environment due to vehicle pollution, but increases the risks associated with the transportation of hazardous material. Medical waste should be treated as close as possible to where it is produced. The chosen location will be the closest medical waste treatment facility to all health care providers between the Mersey and the Ribble.

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

The proposed plant will be located within an established site allocated for waste use in local planning policies, and which hosts a number of industrial processes including waste management operations. Waste will be sourced from local facilities in the North West. The proposal provides a more sustainable option for the management of the waste. The objections from Knowsley Metropolitan Borough Council are noted in relation to planning policy and air quality, although the officer's report confirms the proposals are fully compliant with local and National Planning Policy. The basis for the air quality objection from Knowsley's Environmental Health department does not accord with government permit and risk assessment guidance and should therefore not be considered when making a decision on the application. No objection on air quality grounds has been received from West Lancashire Borough Council, who will be responsible for regulating the process, and their consultation response states they offer no objections on environmental health grounds, subject to the imposition of recommended conditions relating to noise. An Environmental Permit will be required with conditions to control emissions, to comply with extensive emission limits; the permit will be regulated by West Lancashire Borough Council. The operator will be required to undertake both continuous and periodic emissions monitoring, to demonstrate compliance during the operation of the plant. Residual air emissions will be exhausted through the elevated flue which will divert and disperse the emissions. Lancashire County Council commissioned a detailed external review of assessments by professional air quality experts, who confirmed that the assessments were suitably robust. There are several benefits to the proposal; provision of a facility to deal with local medical waste which would otherwise have to be transported over longer distances; increase in sustainability of management of the local waste stream; the provision of a facility for the safe destruction of medical waste; generation of 12 full time jobs; removal of an ageing building in a state of disrepair; recovery of all



heat from the process generating electrical power for use in an adjacent aggregate washing plant. Subject to the conditions detailed in the report to accord with national and local planning policies it is requested that planning permission is granted as per the officer's recommendation in the report.

Committee were advised they needed to be satisfied that the proposal could go ahead without any unacceptable impact, and were reminded that the county council were not required to duplicate controls that might be imposed through another process. It had been recognised that the air emissions would cause concern and that was the reason that Atkins Global had been commissioned to address these issues. Their response had been extensively referenced in the Committee report, and they concluded that the environmental concentrations were not significant, due to the small scale nature of facility. Although Committee needed to be satisfied about the pollution issues, the details of the controls imposed would be dealt with through the Environmental Permit process which West Lancashire Borough Council were responsible for.

It was appreciated that there were some issues around other businesses on the site not complying with conditions on stockpile heights, hours of working and HGV routes. An enforcement notice had recently been served on one of the companys operating on the site. Lancashire County Council were looking at the enforcement of Traffic Regulation Orders in conjunction with the Police, to try to reduce the incidence of HGVs using inappropriate roads.

County Councillor Holgate expressed concerns about the capacity and capability of safe operations within the site as a whole, and that national policy had been referred to, due to the local policy being out of date although appreciated these were not planning issues. County Councillor Holgate stated that there was no evidential need for this facility as medical waste from the region was already being adequately dealt with. In addition, the proposed 6.00am start time in condition 7 for the importation of waste was not appropriate.

In relation to the county council's plan being out of date, it was confirmed that the 'test' was whether it was no longer consistent with National Planning Policy. For this application, it was considered that the county council's plan was consistent with national guidance, and that it was a valid benchmark to measure against the application. In addition, where a facility complied with an up to date local plan, the need for the facility did not need to be taken into account. There was a proposal in the Update Sheet to amend the hours in Condition 7 to start at 7.30am. Committee were informed that the hours in Condition 8 could also be amended to a start time of 7.30am, to align with Condition 7.

County Councillor Hindle was concerned about the ash that would be generated from the site, and that a medical waste treatment facility should not be close to houses until safe technology was in place to capture the harmful particulates. The officer confirmed that the ash would be captured and taken off site for either safe disposal or other aggregate use.

The power produced on site would be used to supply electrical power to the site and exported to the adjacent recycling facility, although it was appreciated that the



operating hours were limited so there would be an excess when that facility was closed.

County Councillor Yates Proposed that the Recommendation in the report be Approved, subject to the conditions proposed. Although County Councillor Dad appreciated that the site was in a poor condition and the lack of enforcement by other agencies needed to be resolved, he Seconded the Proposal, subject to the 7.30am start time being reflected in Condition 8.

It was clarified to Committee that the hours of working in Conditions 7 and 8 be aligned to have a start time of 7.30am, both for the importation of waste and construction activities. By using the OCR engine to recover the heat to produce electrical power and recovering some of the energy, this enabled the waste to move up the waste hierarchy, instead of it just being disposed of. The application also met with the requirements of Policy DM4 – recovering waste and using it for a beneficial purpose. Committee were informed that there were many established larger incineration sites that used similar technology for controlling pollutants. It was also confirmed that applications did not need to demonstrate a market need for a potential site.

County Councillor Pope sought clarification on WM2 and 3. County Councillor Pope stated that the county council were ignoring West Lancashire Borough Council's objections even though the application would have to go back to the Borough Council for the Environmental Permit to be approved. No photographs had been provided of the large housing development and the schools near to the site and the impact on local residents needed to be considered. Controls at the site were not being adhered to and residents had been let down by a lack of enforcement.

It was reported that West Lancashire policies were local policies looking at environmental impacts. It had been concluded that the impacts were acceptable, largely based on the Atkins report and the county council assessment. Although the application was deemed to be compliant with West Lancashire policies, the most appropriate policies for this application were the county council's Minerals and Waste Local Plans WM2 and WM3. WM2 identified a list of areas across Lancashire in which incinerators and other waste management sites should be located which included Simonswood.

County Councillor Kay stated that the current issues on the site needed resolving prior to this application being considered. There were many medical incinerators in the country which had raised a number of concerns around odour and health implications, and the outcome for local families was concerning. The chimney stack height needed to be increased to protect local residents from the emissions. In relation to concerns around the ash, it was confirmed that the relatively small amount of ash would be contained in sealed vessels and taken off site for re-use, and that the Environmental Permit would contain controls on how the dust was managed to ensure it did not cause environmental harm.

County Councillor Rigby stated that the Atkins report should have been included in the agenda papers for Committee to consider as it was crucial to the application. It was reported that officers had summarised the report extensively within the



Committee report but that there was a more updated version which had not yet been uploaded to the website.

County Councillor Clarke stated that other chimney stacks in Lancashire still emitted odours. In addition, the plant should be putting the excess electricity back to the National Grid as part of the conditions, instead of it being wasted. Committee were informed that care should be taken when comparing the chimney stack proposed in the application to those at other waste treatment plants, as they were providing different facilities. A condition could be attached to the planning permission for the roof to be fitted with solar panels and there was the potential to feed the excess power back into the National Grid through the sites mains connection.

Due to the various issues raised by Committee, County Councillor Yates withdrew his proposal for approval and Proposed that the application be Deferred to the next meeting for the following reasons:

- The updated Atkins report to be provided;
- The WM2 Policy to be provided which listed strategic sites proposed for medical waste treatment;
- Details to be provided on the monitoring regime on the site and compliance/enforcement issues.

Upon being put to the Vote, the Motion was Carried.

It was therefore:

**Resolved:** That the application be deferred to the next meeting, with the next report providing the updated Atkins report, the WM2 policy listing the strategic sites proposed for waste treatment, and details on the monitoring regime on the site regarding compliance and enforcement.

The Chair emphasised the importance of Members attending the next meeting and for replacement Members not to be sent. In addition, the Chair reminded Members to disregard any notes passed to them from members of the public during the meeting.

## **6. Planning decisions taken by the Head of Planning and Environment in accordance with the County Council's Scheme of Delegation**

It was reported that, since the last meeting of the Development Control Committee on 8<sup>th</sup> June 2022, fourteen planning applications had been granted planning permission by the Head of Planning and Environment, in accordance with the county council's Scheme of Delegation.

**Resolved:** That the report be noted.



**7. Urgent Business**

There were no items of Urgent Business.

**8. Date of Next Meeting**

**Resolved:** That the next meeting of the Committee be held on Wednesday 19<sup>th</sup> October 2022, at 10.30am in Committee Room B – The Diamond Jubilee Room, County Hall, Preston.

L Sales  
Director of Corporate Services

County Hall  
Preston



# Technical Note

Project:	SWIP, Stopgate Lane, Simonswood		
Subject:	Review of AQA & HHRA Addendum – Final		
Author:	Atkins		
Date:	28/09/2022	Project No.:	5214359
Distribution:	Jonathon Haine	Representing:	Lancashire CC

## Document history

Revision	Purpose description	Originated	Checked	Reviewed	Authorised	Date
Rev 1.0	Draft for comment	SJH	CW	VS	PB	10/08/22
Rev 2.0	Final	SJH	CW	VS	PM	28/09/22

# 1. Introduction

A planning application has been submitted by Culzean W2E Ltd (the Applicant) to Lancashire County Council (LCC) as Waste Planning Authority, for the development of a medical waste incineration plant at Tower House, Stopgate Lane, Simonswood Industrial Park, Simonswood, (planning application reference LCC/2022/0003).

Atkins was commissioned by LCC as the waste planning authority, to review the Applicant's Environmental Statement (ES) that was submitted with the planning application in December 2021. Atkins' review considered whether the air quality assessment and associated human health risk assessment were robust and carried out in accordance with relevant guidance and legislation, using suitable methods and applying appropriate criteria for evaluation. A review was also provided of relevant statutory consultee comments. Recommendations were made for additional work to address any identified shortcomings or clarifications, and thus verify the validity of the conclusions.

The Applicant has subsequently issued an Addendum to the Planning Statement and ES (Version 1.3, 8 July 2022) and this further review by Atkins considers the following relevant sections of the updated assessment:

- Chapter 4 – Response to Consultation Comments
- Appendix V – Updated Emissions Modelling Assessment (Version 1.5, 8 July 2022)
- Appendix VI – Updated Human Health Risk Assessment (Version 1.3, 8 July 2022);

As the Applicant has issued an Addendum which describes the changes made but without a specific response to each of the points raised in Atkins initial review, reasonable endeavours have been made to identify if the changes address each of the comments raised and how, or where the comments are not addressed, whether this is a material concern.

This report presents and summarises the findings of Atkins' review. The air quality specialist leading the review has over 20 years' experience in air quality assessment, is a full member of the Institution of Environmental Sciences (IES) and Institute of Air Quality Management (IAQM) and is a Chartered Scientist and Chartered Environmentalist.

# 2. Changes to proposals

The proposals are for a high temperature treatment facility for management of medical wastes. This will include acceptance of up to 3,650 tonnes/annum of hazardous wastes for treatment, which will form the majority of wastes accepted, in addition to smaller quantities of non-hazardous waste with wastes predominantly arising from medical sites. The waste will be treated (thermally destroyed) in a pyrolysis unit, which will process, on average, 400 kg of waste per hour and be operational 24/7.

As the plant will have a capacity less than or equal to 10 tonnes per day for hazardous waste, it is classified as a "small waste incineration plant" and will require an Environmental Permit (EP) to operate under Schedule 13 of the Environmental Permitting (England and Wales) Regulations 2016. The permit, which will include limits on pollutant emissions to air set out in the EU Industrial Emissions Directive (IED) (2010/75/EU), will be issued by West Lancashire Borough Council (WLBC), the local authority area within which the facility is sited.

The proposed abatement of air emissions is comprised of:

- Removal of solids/dust with a trace heated cyclone prior to the oxidiser;
- Selective Non-Catalytic Reduction (SNCR) for nitrogen oxides (NO<sub>x</sub>) control;
- Ceramic filtration for particulate matter removal;
- Sodium bicarbonate to treat acid gases (SO<sub>2</sub>, HCl, HF);
- Powdered Activated Carbon (PAC) to control volatile heavy metals and dioxins and furans

Following the above treatment steps, emissions will be discharged to atmosphere via a 26 m high stack (12 m higher than the previously proposed 14 m stack). The emissions modelling assessment has been updated by the Applicant to reflect this design change.

The assessment of best available techniques (BAT) for the proposed facility will be undertaken by the regulator as part of the permit application process and it is not discussed as part of this review.



### 3. Review of information

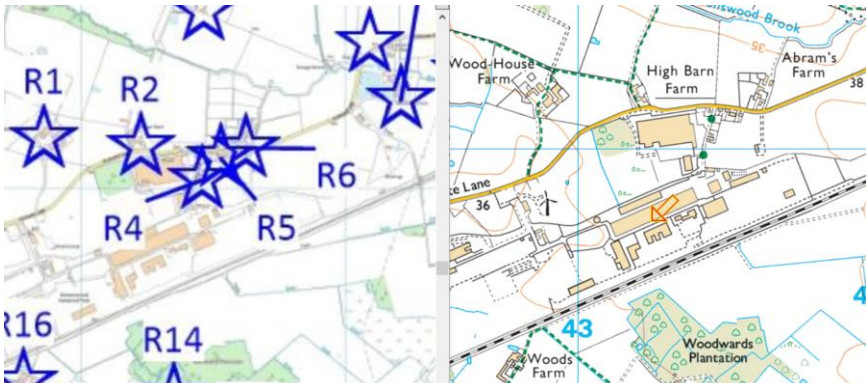
Atkins' review of the updated dispersion modelling assessment (DMA) and human health risk assessment (HHRA), supporting documentation and consultee responses provided by the Applicant is summarised below. Note that only those items where action was proposed are presented; ES Chapter 10 has not been reissued and the initial five items in Atkins first review are not included below as they were not of material impact.

Item	Original Reference	New reference	Atkins comment	Action proposed by Atkins	Action taken by Applicant
<b>Emissions modelling assessment</b>					
6	Appendix VI 3.1	Appendix V 3.1	<p>The Applicant has focused only on the local authority within which the facility is situated (WLBC), and therefore has not identified the closest AQMA to the site, Liverpool City AQMA located 3.7 km south-west of the site.</p> <p>The Liverpool City AQMA is unlikely to be affected but a comment ruling out any potential impacts, for which the IAQM has set more stringent traffic change criteria, is missing.</p>	Applicant to check all nearby authorities and confirm whether other AQMAs could be affected.	<p>No comment made regarding other authorities' AQMAs but Atkins' judgement based on results at closest receptors is that this is of no material impact.</p> <p><b>CLOSED</b></p>
7	Appendix VI 3.2.1	Appendix V 3.2.1	<p>The closest AURN monitoring site is correctly identified to be St Helens Linkway which is 10 km to the south east of the proposed site. St Helens Linkway AURN data is excluded on the basis of being located in an urban traffic location, which is appropriate. It would however be useful to identify the closest representative (background or suburban) AURN monitoring site.</p> <p>WLBC monitoring data and that undertaken by adjacent authorities has not been considered. WLBC data is excluded on the basis of being located within the WLBC AQMA, which is appropriate. However, there are potentially other relevant sites in neighbouring authorities that would represent receptors in the study area.</p>	AURN sites and adjoining local authority reports should be reviewed to identify if more suitable background monitoring data are available to verify the suitability of the DEFRA mapped background data used in the assessment.	<p>Data for additional continuous monitoring sites is now included.</p> <p><b>CLOSED</b></p>

Item	Original Reference	New reference	Atkins comment	Action proposed by Atkins	Action taken by Applicant
8	Appendix VI 3.3	Appendix V 3.3	DEFRA 2020 mapped data were used in the assessment rather than measured data for NO <sub>2</sub> , PM <sub>10</sub> and PM <sub>2.5</sub> . DEFRA 2001 mapped values (with appropriate adjustment to 2020) were used rather than measured for CO and SO <sub>2</sub> .	See item 7	Applicant has updated DEFRA mapping to 2022 data and used measured urban background concentrations where available. <b>CLOSED</b>
24	Appendix VI 3.2.3 Table 3.1	Appendix V 3.2.3 Table 3.9	<p>The closest DEFRA Heavy Metals monitoring site is correctly identified as Runcorn Weston Point (note: distance from the proposed site stated incorrectly as 20km rather than 50km). This monitoring site closed in March 2019, however the data presented in Table 3.1 is considered appropriate for use in the assessment.</p> <p>Table 3.1 appears to be incorrectly labelled as the maximum calculated annual mean metal concentrations across <b>urban industrial monitoring locations</b> between 2015 and 2019 whereas the data is stated in the text as for the Runcorn site only.</p> <p>Data presented in Table 3.1 also appears to contain inconsistencies for example: for arsenic the maximum should be 0.733 ng/m<sup>3</sup> (2019) rather than 0.708 ng/m<sup>3</sup> (2016); for cadmium the maximum should be 0.118 ng/m<sup>3</sup> (2016) rather than 0.128 ng/m<sup>3</sup>, and for chromium the maximum should be 1.70 ng/m<sup>3</sup> (2018) rather than 1.729 ng/m<sup>3</sup>.</p> <p>The methodology for estimating Cr(VI) from chromium is stated to be as per the reference cited (Metals and Metalloids, Expert Panel on Air Quality Standards, 2009) and is in line with the EA document “<i>Releases from municipal waste incinerators - Guidance to applicants on impact assessment for group 3 metals stack emissions from incinerators</i>” (<a href="https://www.gov.uk/government/publications/waste-incinerators-guidance-on-impact-assessment-for-group-3-metals-stack">https://www.gov.uk/government/publications/waste-incinerators-guidance-on-impact-assessment-for-group-3-metals-stack</a>).</p> <p>However, the background Cr(VI) concentration of 0.785 ng/m<sup>3</sup> presented in Table 3.1 appears to be not 20% but rather 45% of the maximum annual mean chromium concentration of 1.729 ng/m<sup>3</sup>. Data provided for the background Cr(VI)</p>	<p>Data provided in Table 3.1 appears to be inconsistent with published data. Data should be checked and corrected as appropriate.</p> <p>Also, see item 84</p>	<p>It is confirmed the Runcorn site is 20 km away.</p> <p>Table 3.9 correctly titled. Noted that the years are now given as 2014 to 2018 which was the source of some discrepancies.</p> <p>Cadmium discrepancy remains but not material.</p> <p>Chromium discrepancy remains but not material as the value used is over twice the measured value and PC is not a material contribution to this.</p> <p><b>CLOSED</b></p>

Item	Original Reference	New reference	Atkins comment	Action proposed by Atkins	Action taken by Applicant
			concentration in Table 3.5 and as used in the assessment is however correct (0.35 ng/m <sup>3</sup> ). See Item 84 under consultee responses below for further discussion and suggested actions.		
25	Appendix VI 3.2.4 Table 3.2	Appendix V 3.2.4 Table 3.10	The closest DEFRA non-automatic hydrocarbon monitoring site is correctly identified as Liverpool Speke.  Data presented in the Table 3.2 appears to contain slight inconsistencies with published data, however the maximum annual mean data used in the assessment (for 2017, as provided in Table 3.5) is correct and therefore the assessment results are unaffected.	N/A	Assessment uses an appropriate value of 0.79 µg/m <sup>3</sup> (2017 annual mean)  <b>CLOSED</b>
26	Appendix VI 3.2.5 Table 3.3	Appendix V 3.2.5 Table 3.11	The closest Toxic Organic Micropollutants (TOMPs) monitoring site is correctly identified as Manchester Law Courts. Data for all six TOMPs sites across the UK is presented in Table 3.3 (incorrectly titled as data for the Manchester Law Courts site only).  An average of all annual mean concentrations across all six sites between 2012 and 2016 (latest 5 years of available data) has been used to represent the background dioxin and furan concentration at the proposed site. Data presented in the Table 3.3 appears to contain slight inconsistencies with published data. The range in the annual mean data presented in Table 3.3 implies the use of an average across all sites is not conservative. However this is unlikely to materially impact the results as the assessment of dioxin is focused on ingestion not inhalation.	Applicant to justify the suitability of background data used.	Applicant explains that as there is an industrial process within 1km the maximum in five years (33 fg/m <sup>3</sup> ) is used in a conservative approach (the average is 6.5 fg/m <sup>3</sup> ). Not a material concern as not used in risk assessment.  <b>CLOSED</b>
27	Appendix VI 3.2.6	Appendix V 3.2.6 Table 3.12	The closest acid gas and aerosol monitoring station is identified as Plas Y Brenin which is 82km to the south west of the proposed site. Ladybower is located closer, 76km south east of the proposed site. Both sites stopped monitoring HCL in 2016. Data for the sites has not been provided.  The background HCL and HF data used in the assessment has been taken from the EPAQS report, <i>Guidelines for Halogens and Hydrogen Halides in Ambient Air for Protecting Human Health Against Acute Irritancy Effects, Expert Panel on Air Quality Standards, 2005</i> .  For HCl, this has been taken as the maximum annual mean concentration across 12 monitoring locations in 2002. More recent data are available and have not	Applicant to justify suitability of the background data used and consider using more recent HCl monitoring data from the UK Acid Gases and Aerosols Monitoring	Applicant has presented more recent data for HCl and uses the maximum across all UK sites in the updated assessment.  <b>CLOSED</b>

Item	Original Reference	New reference	Atkins comment	Action proposed by Atkins	Action taken by Applicant
			<p>been used. For example, the maximum concentration measured in the UK 2011 to 2015 was 0.71 µg/m<sup>3</sup>.</p> <p>For HF, there are very limited data available. The annual mean has been taken from the maximum monthly concentrations measured in the vicinity of three industrial plants. Therefore the background used in the assessment is deemed to be highly conservative. See Item 84 under consultee responses below for further discussion and suggested actions.</p>	<p>Network where available.</p> <p>Also, see item 84.</p>	
28	Appendix VI Table 3.5	Appendix V Table 3.14	<p>Table 3.5 presents the specific background data used in the assessment. EA guidance “<i>Air Emissions Risk Assessment for your Environmental Permit</i>” states that for short term averaging periods (hourly, daily, 8-hourly, 15-minute) the background concentrations should be assumed to be twice the long term concentration (annual mean). The Applicant has applied this rule to the 1-hour mean background data only, while backgrounds for averaging periods of 24 hour mean, 8 hour mean and 15 min mean have been calculated by applying conversion factors, which in our view are only to be applied to the modelled pollutant concentration.</p> <p>Table 3.5 does not provide a background concentration for daily benzene, for comparison with the latest air quality criterion in EA guidance.</p>	<p>Applicant to amend Table 3.5 and update results accordingly.</p>	<p>Applicant has not changed the approach and states this has been accepted by the regulator for other applications. We cannot comment on this but the guidance clearly intends the factors to be applied to modelled process concentrations (PC) “<i>if you’ve calculated a <b>PC</b> on an hourly basis, you must multiply it by...</i>” Later in the guidance it refers to backgrounds in the context of calculating total concentrations (PEC) as distinct from PCs.</p> <p>Table 3.14 still presents a 1h mean value for benzene. The assessment later uses this for the 24h assessment (Table</p>

Item	Original Reference	New reference	Atkins comment	Action proposed by Atkins	Action taken by Applicant
					<p>6.9). The PCs for this and other pollutants are less than 10% of the EAL so consideration of background is not required.</p> <p>Therefore whilst we disagree with the method, it is not material in terms of the conclusions.</p> <p><b>CLOSED</b></p>
29	Appendix VI 3.5.1	Appendix V 3.5.1	<p>The precise location of the listed receptors in the receptor figure (see Appendix II to the emissions assessment) is unclear, but by cross comparison to OS mapping (see inset) it appears a suitable selection of existing receptors, including those closest to the source, has been included in the study. There is, however, no mention of future developments that could introduce new sensitive receptors.</p> <p>No short term receptors have been specifically selected for assessment, such as footpaths or amenity space, however, the maximum short term ground level concentrations suggest this is not an issue.</p> 	Applicant to confirm local plans have been reviewed to identify locations of future sensitive development	<p>Not addressed by the Applicant. LCC may wish to check that new development is not proposed to be in a more affected area than the maximum results at nearest existing receptors (R4) but this is not considered likely to be an issue.</p> <p><b>CLOSED</b></p>

Item	Original Reference	New reference	Atkins comment	Action proposed by Atkins	Action taken by Applicant
30	Appendix VI 4.1.1	Appendix V 4.1.1	The use of the AERMOD dispersion modelling software is appropriate and common industry practice. The ES states that modelling was undertaken using the 2019 executable v19191. The latest AERMOD executable is v21112 which was released 22/4/2021. A reason is not provided for not using the most up to date version but it is considered unlikely that minor recent upgrades would materially impact the results.	N/A	The Applicant has now used AERMOD v21112. <b>CLOSED</b>
31	Appendix VI Table 4.1	Chapter 4, 14.13.4 Appendix V Table 4.1	Atkins' calculation of normalised flow is slightly higher at 1.46 Nm <sup>3</sup> /s but likely due to rounded values used as presented in the table. A lower flow rate will give lower mass emissions and thus lower modelled ground level concentrations.  The moisture content of 4% appears low for medical waste with biological material content; a value of 10% would instead give a normalised flow rate closer to that presented in the table.	Applicant to clarify flow rate calculation and moisture content	The Applicant has clarified the use of a lower moisture value which was provided by the technology provider.  Their calculation of flow rate is unchanged but Table 4.1 now provides a value for oxygen of 14% in dry and 13.5% in wet gas; the former correctly gives a flow of 1.36 Nm <sup>3</sup> /h. <b>CLOSED</b>
33	Appendix VI 4.2.2.3 – 4.2.2.5	Appendix V 4.2.2.3 – 4.2.2.6	The use of data for Municipal [solid] Waste Incinerators (MSW) and Waste Wood Incinerators is only accepted if it can be shown that the data are representative. Given the fact that medical waste to be incinerated at the proposed site, is likely to have a different elemental composition to MSW/wood, supporting evidence should be provided. See Item 84 under consultee responses below for further discussion and suggested actions.	See item 84	The Applicant states that MSW and waste wood incinerators encompass a much larger range of wastes than is proposed and suggest this is conservative.  Applicant states this approach has been used for other clinical waste sites, but this does not address the

Item	Original Reference	New reference	Atkins comment	Action proposed by Atkins	Action taken by Applicant
					question of the specific composition of the material being handled i.e. a bigger range of waste types is not of relevance.  Applicant's emissions monitoring data should be requested once the facility is operating to demonstrate this is a sound assumption <b>REFER TO PERMITTING</b>
34	Appendix VI 4.2.2.7	Appendix V 4.2.2.8	The benzene short-term EAL was updated in EA guidance in September 2021 to a 24 hour mean of 30 µg/m <sup>3</sup> .	Applicant to update reference in 4.2.2.7	Applicant has updated the reference. <b>CLOSED</b>
35	Appendix VI 4.2.3	Chapter 4, para 4.13.2 Appendix V 4.2.3	Structure B is a relatively large building to the north of the proposed facility (see Table 4.4 of Appendix VII which states 12m high). The proposed stack height of 14 m does not therefore meet standard practice of 3 m clearance above nearby structures. Aerial photography also shows another structure north of Structure B which appears not to have been modelled. If lower than Structure B it would not be the dominant structure and results should not be affected.  The results of a stack height calculation or sensitivity analysis are not provided, to demonstrate that 14 m is an appropriate height for the stack discharges. The results for annual mean dioxin concentrations (Table 4.1, Appendix VII) show the field wide maximum concentrations are 25 times higher than at the closest receptor (R4). This suggests poor dispersion possibly as a result of building downwash due to Structure B.  See also Item 43 (assessment of percentiles not maxima is not appropriate for a stack height study).	Applicant to clarify how 14 m stack was derived and the buildings included in that calculation; or present a stack height study to support their choice.	Applicant has undertaken a sensitivity study using maximum modelled NOx concentrations. An increased stack height at 26 m above ground is now proposed. It states this so that " <i>the most significant impacts from building downwash are overcome</i> ".  It is for the Applicant and Regulator to agree whether this meets the definition of best

Item	Original Reference	New reference	Atkins comment	Action proposed by Atkins	Action taken by Applicant
					available techniques (BAT) and that will include consideration of whether costs are proportionate to the risk. Atkins' request was to see supporting evidence for the proposed stack height, which has been satisfied. In terms of an improvement in dispersion, this is evident from the results for dioxins in Table 4.1 of Appendix VI which now show a much lower ratio of 6 to 8 between the max PC and R4. <b>CLOSED</b>
37	Appendix VI Table 4.5	Appendix V Table 4.5	It is not possible to check from the information presented what land use categories were assigned to arrive at the stated values.	Applicant to clarify land use	Clarification is not provided but it is now understood the Applicant has used AERSURFACE which generates land use based directly on mapping and not by manually defining a specific land use. <b>CLOSED</b>
41	Appendix VI 4.3	Appendix V 4.3	Other significant processes with point source emissions within 1km of the proposed site were searched by the Applicant. This search radius may not be	Statement as to whether there are	Applicant does not appear to have



Item	Original Reference	New reference	Atkins comment	Action proposed by Atkins	Action taken by Applicant
			sufficient should a large combustion plant to be proposed, as the plume may travel further to cause a cumulative impact at the proposed site. It is unclear if such a possibility has been ruled out.	any proposed large combustion plants likely to impact the proposed site to be added.	considered other large combustion plant within a search area beyond 1km. Emissions from large facilities with taller stacks may have an impact beyond this distance. The regulator may require further consideration as part of the permit application. <b>REFER TO PERMITTING</b>
42	Appendix VI 4.4 & 4.5	Appendix V 4.4 & 4.5 & 6.2	The Applicant refers to the screening criteria in EA guidance that are intended for users of the screening methodology to determine firstly if detailed modelling is required. In this case, as detailed modelling has been undertaken, the key determining factor is whether the total predicted environmental concentration (PEC) exceeds relevant ambient air criteria. Nevertheless it is common practice to consider long term process contributions (PCs) equal to <1% of the relevant criterion, and short term PCs of <10% of the relevant criterion, as “not significant”.	The criteria in 4.4.3 should not have been used in the assessment of results in section 5.1.	Applicant has updated the report text accordingly <b>CLOSED</b>
43	Appendix VI 5.1	Chapter 4, 4.13.5 Appendix V 6.1	The Applicant mentions that the maximum modelled concentrations from five years’ modelling have been used in the assessment. However, the assessment of short term impacts e.g. for NO <sub>2</sub> , PM <sub>10</sub> and SO <sub>2</sub> , presents the modelled percentile equivalent to the objective. This excludes the top 18/35 etc. results and masks the highest results, which are particularly important when determining whether a stack height is sufficiently high to exclude downwash effects.	Applicant to provide maximum modelled short term concentrations for all relevant pollutants in table format. Applicant to present stack height study using maxima (see item 35).	The Applicant justifies using modelled percentiles because this has been accepted by the EA on other applications. Atkins would clarify that objectives do not “allow” a number of exceedences by an individual operator but are for local authorities to use in local air quality

Item	Original Reference	New reference	Atkins comment	Action proposed by Atkins	Action taken by Applicant
					<p>management duties. LCC should be aware that this means the results presented for modelled hourly NO<sub>2</sub> will exclude the top 18 results, however, given the concentrations presented, this is unlikely to affect conclusions drawn.</p> <p>Regarding downwash effects, the Applicant has presented a stack height sensitivity study which is reported to use maximum PCs. Atkins have applied a standard ratio (0.35) to estimate maximum NO<sub>2</sub> which indicates that at 100 µg/m<sup>3</sup> this would not exceed the AQS.</p> <p><b>REFER TO PERMITTING</b></p>
44	Appendix VI 5.2.1	Appendix V 6.2.1	<p>Annual mean NO<sub>2</sub> results indicate that the PC is less than 1% of the AQS objective at the majority of receptors. Where it is above 1% (R1, R2 and R4-R6), the PEC is well below (&lt;30%) of the objective at all receptors.</p> <p>Hourly mean 99.8<sup>th</sup> percentile NO<sub>2</sub> results indicate that the PC is less than the short term 10% criterion at all receptors. However this table does not present the <i>maximum</i> hourly concentration and this may mask some high results at the maximum point of impact (where the PC as the 99.8<sup>th</sup> percentile equates to 53% of the criterion).</p>	Applicant to provide maximum annual mean and maximum hourly mean contour plots for NO <sub>2</sub> .	<p>Applicant has provided contour plots for total concentrations, not for the PCs. As a result the effectiveness of stack dispersion is not clear.</p> <p>Plots of PCs for the key pollutant NO<sub>2</sub> are</p>

Item	Original Reference	New reference	Atkins comment	Action proposed by Atkins	Action taken by Applicant
			Contour plots are stated to be in Appendix IV to the emissions assessment (Appendix VI), but have not been identified; they should be found after the windroses in Appendix III.		preferred for clarity but not essential in light of the concentrations evident in the tables.  <b>REFER TO PERMITTING</b>
45	Appendix VI 5.2.2	Chapter 4, 4.13.5 Appendix V 6.2.2	Both the short and long term PM <sub>10</sub> and PM <sub>2.5</sub> results show the PC to be less than the EA screening criteria at all receptors and the maximum point of impact. Again the Applicant has presented a 90.4 <sup>th</sup> percentile rather than the maximum daily mean and the PC at maximum point of impact is a large proportion of the criterion. The assessment would also be impacted by the correction of the background concentration used for daily mean PM <sub>10</sub> . See item 28.	Applicant to provide maximum daily PM <sub>10</sub> concentrations and check impact of a corrected background concentration (using EA approach)	The Applicant has continued to use modelled percentiles with justification being that this has been accepted by the EA on other applications.  As per item 43, LCC should be aware that this means the results presented for modelled daily PM <sub>10</sub> will exclude the top 35 results, however given the concentrations presented, this is unlikely to affect conclusions drawn.  <b>REFER TO PERMITTING</b>
47	Appendix VI 5.2.4 Table 5.9	Appendix V 6.2.4 Table 6.9	Table 5.9 is incorrectly titled as hourly mean rather than daily mean. Twice the annual mean background has been correctly applied to calculate the PEC.  Both the annual and daily mean benzene results demonstrate the PC to be less than 1% and 10% of assessment criteria at all receptors. The maximum point of impact daily PEC equates to 30% of the criterion. It is therefore agreed that	Table 5.9 heading to be amended if a revised report is issued	Table 6.9 has been updated.  [Earlier in Table 4.6 an hourly mean benzene is presented, but this does

Item	Original Reference	New reference	Atkins comment	Action proposed by Atkins	Action taken by Applicant
			further consideration of the PEC is therefore not required, and the impact can be considered to be insignificant.		not have a material impact on results]. <b>CLOSED</b>
48	Appendix VI 5.2.5	Appendix V 6.2.5	Tabulated results for maximum hourly carbon monoxide concentrations are not provided.	Applicant to include a table for modelled carbon monoxide results	Not provided but this is not a material impact as the PC for hourly CO is typically a small fraction of the EAL. <b>CLOSED</b>
50	Appendix VI 5.2.7	Appendix V 6.2.7	The short term HF results demonstrate the PC to be less than 10% of the assessment criterion at all receptors and the maximum point of impact. It is therefore agreed that further consideration of the PEC is therefore not required, and the impact can be considered to be insignificant. The assessment would therefore not be materially affected by the correction of the background concentration used for monthly HF. See item 28	Background data used for monthly mean PEC calculation should be amended.	No change to approach made but no material impact on findings. <b>CLOSED</b>
52	Appendix VI 5.2.9	Appendix V 6.2.9	Both the short and long term results for all group 3 metals with the exception of Cr (VI) demonstrate the PEC to be less than the EAL at all receptors and the maximum point of impact. It is therefore agreed that the impact can be considered to be insignificant. For commentary on Cr(VI) results refer to item 84.	See item 84 of the consultee response review.	No change required as no material impact on findings. <b>CLOSED</b>
54	Appendix VI 5.3.1	Appendix V 6.3.1	The results for relevant pollutants and averaging periods demonstrate the PC to be less than the EA assessment criteria for local nature sites at all receptors. EA guidance does not require the PEC to be calculated for local nature sites. It is therefore agreed that further consideration is therefore not required. For commentary on HF results refer to item 84 of the consultee response review.	See item 84 of the consultee response review.	No change required as there no material impact on findings. <b>CLOSED</b>
56	Appendix VI 5.4	Appendix V 6.4	Annual mean NO <sub>2</sub> results table is missing a title. Results indicate that the PC and PEC are below relevant EA screening criteria. It is therefore agreed that further consideration is therefore not required, and the potential for in-combination impacts is not considered to be significant.	Update title if a revised report is issued.	Table 6.1 now labelled as annual mean. <b>CLOSED</b>

Human health risk assessment

Item	Original Reference	New reference	Atkins comment	Action proposed by Atkins	Action taken by Applicant
57	Appendix VII 1.1-1.3	Appendix VI 1.3	The reference to H1 methodology is out of date – the Applicant should refer to the online source <a href="http://www.gov.uk">Air emissions risk assessment for your environmental permit - GOV.UK (www.gov.uk)</a> (as correctly referenced in footnote 5 to paragraph 10.2.2.1 of the ES AQ chapter).	Confirm latest guidance has been applied	Reference to H1 remains but assume a typographical error as the correct guidance is referenced earlier on. <b>CLOSED</b>
58	Appendix VII 1.3	Chapter 4, 4.13.7-8 Appendix VI 1.3	The Applicant has considered dioxins/furans only, not PCBs or heavy metals. The EALs for metals in the above referenced guidance are considered by the EA to be sufficiently protective of human exposure via routes other than inhalation so it is common now not to see metals included in the HHRA. Conversely, there are no ambient air quality standards for dioxins/furans and these pollutants can accumulate in the environment with 90% of exposure through the diet (see also para 2.2.1), hence the requirement for the HHRA.  Regarding dioxin-like PCBs, it is unclear if these were excluded because there are no PCB sources in the incoming medical waste stream or if it is an omission from the assessment.	Provide supporting evidence for exclusion of PCBs	Applicant has now included PCBs in the assessment and has taken a suitable approach to the selection of an emission rate and compounds assessed. <b>CLOSED</b>
60	Appendix VII Table 2.3	Chapter 4 4.13.6 Appendix VI 2.1.3-2.1.4	The Applicant has applied a dioxin profile for municipal waste incineration plant in absence of site specific information. It does not appear to align with the profiles found in other Waste to Energy applications. No supporting information has been provided as to why or to what extent the applied municipal waste emissions profile (taken from data for US incinerators in 2000) is deemed representative of the proposed hazardous medical waste incinerator emissions in 2022, other than it being described as a “large dataset”. A medical waste incinerator may well be expected to have a different profile.	Applicant to provide evidence of applicability to emissions from medical waste, or adjust modelled emission profile accordingly.	The Applicant refers to other facilities which have used dioxin profiles from MWI plants in HHRAs for clinical waste incineration plants and which have been permitted.  The Applicant states the technology provider does not expect clinical waste to contain more than 1% halogenated organic compounds (including chlorine) and the dioxin emission profile from the plant is

Item	Original Reference	New reference	Atkins comment	Action proposed by Atkins	Action taken by Applicant
					<p>expected to be comparable to that of MWI. Testing of medically derived wastes has shown chlorine content to be negligible.</p> <p>This explanation is accepted and it is noted a stringent emission standard will apply to total dioxin emissions.</p> <p><b>CLOSED</b></p>
61	Appendix VII Table 2.1	Chapter 4, 4.13.6 Appendix VI Table 2.1	The TEQ factors appear generally reasonable but with some discrepancies against other MSW applications published online, which have been based on the international toxic equivalence factors as given in the IED (2010/75/EU) Annex VI Part 2. Instead the factors appear to have been taken from the US EPA recommendations in <a href="https://rais.ornl.gov/documents/dioxin_tef.pdf">https://rais.ornl.gov/documents/dioxin_tef.pdf</a> .	Provide comment on likely impact on results or amend assessment. Consider sensitivity test assuming all 2,3,7,8-TCDD in light of uncertainty.	<p>A sensitivity test has not been undertaken but further justification is provided with regard to dioxin emissions profiles.</p> <p>This explanation is accepted and it is also noted that a stringent emission standard will apply to total dioxin emissions.</p> <p><b>CLOSED</b></p>
62	Appendix VII 2.1.2	Appendix VI 2.1.2	An emission concentration of 0.1 ng/Nm <sup>3</sup> i-TEQ is used in the modelling, based on the IED emission limit value for dioxins/furans. The EU BREF for waste incineration ( <a href="https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX:32010R1831">Waste Incineration   Eippcb (europa.eu)</a> ) suggests a value of 0.04 ng/Nm <sup>3</sup> or combined 0.06 ng/Nm <sup>3</sup> for dioxins and dioxin-like PCBs can be achieved by new plant. The EU BREF Section 3.2.2.4 presents data on periodically monitored PCDD/F emissions concentrations including a figure of 0.02 ng i-TEQ/Nm <sup>3</sup> for two small (2 tph) clinical waste incinerators in the UK	Provide clarification or supporting information	<p>No further justification but not a material concern as the use of 0.1 ng/Nm<sup>3</sup> is conservative.</p> <p><b>CLOSED</b></p>

Item	Original Reference	New reference	Atkins comment	Action proposed by Atkins	Action taken by Applicant
			(Knostrup, Leeds; twin-line stepped hearth design; flue gas cleaning with bag filter, dry scrubber mixing unit, dry sorbent injection). Therefore the value used in the assessment may be considered conservative.		
63	Appendix VII 2.3.2	Appendix VI 2.4.2	<p>A Tolerable <u>Weekly</u> Intake (TWI) for dioxins, furans and dioxin like PCBs of 2 picograms (pg) I-TEQ/kg body weight (bw), equivalent to approximately 0.29 pg I-TEQ/kg bw/day, has been adopted by the Applicant for this assessment. However, the UK Committee on Toxicity (COT, March 2021) draft interim position paper<sup>1</sup> suggests that the European Food Safety Authority (EFSA) proposal for a TWI of 2 pg/kg bw/day is <u>not</u> supported and that a tolerable daily intake (TDI) of 2 pg/kg bw per day is deemed protective for effects on the developing male foetus. Therefore we consider the WHO and UK COT recommended value is a TDI of 2 pg I-TEQ/kg bw/day.</p> <p>The implication is that by using the TWI, the Applicant has compared results to a much more stringent criterion than is typically applied for other waste plant in UK planning and permitting applications.</p>	Applicant to explain why this limit was adopted or amend assessment to use TDI.	<p>The Applicant now uses 2 pg/i-TEQ/kg as TDI rather than TWI previously. The intake as a percentage of the TDI is much lower at the point of maximum impact at 5% compared to 25% previously, for an adult farmer, despite the increase in deposition (see item 80).</p> <p><b>CLOSED</b></p>
68	Appendix VII 3.3.2.1-2	Appendix VI 3.3.2	<p>All dioxins have been modelled as particle phase / bound and selection of Method 2 is appropriate as is a mean particle diameter of 0.1 microns. However, the most volatile e.g. 2,3,7,8-TCDD/F could be modelled in the gaseous phase. (Ref. US EPA HHRAP companion database in Appendix A of HHRAP).</p> <p>It is unclear if dioxins were modelled as particle phase or particle bound and what impact this choice would have on the results.</p>	Applicant to clarify approach and comment on likely effect of this on results	<p>Applicant has now modelled 2,3,7,8-TCDD/F and PCBs in the vapour phase</p> <p><b>CLOSED</b></p>
70	Appendix VII 3.6.1.1	Appendix VI 3.6.1.1	<p>The time period for average annual rainfall is not stated, e.g. if it is for a recent year or a 30 year historical average. The flood assessment uses a higher figure of 873 mm and rainfall in future years may be higher as a result of climate change.</p> <p>Liverpool John Lennon Airport data was used for wind data, and it is unclear if the values differ substantially between this site and Crosby.</p>	Applicant to clarify potential impact of underestimating rainfall	<p>Not addressed but not a material concern</p> <p><b>CLOSED</b></p>

<sup>1</sup> ([https://cot.food.gov.uk/sites/default/files/2021-03/Dioxin%20interim%20position%20statement\\_0.pdf](https://cot.food.gov.uk/sites/default/files/2021-03/Dioxin%20interim%20position%20statement_0.pdf))

Item	Original Reference	New reference	Atkins comment	Action proposed by Atkins	Action taken by Applicant
74	Appendix VII 3.6.5.1	Appendix VI 3.6.5.1	Wind speed is taken from Liverpool John Lennon Airport data which is appropriate given the use of data for the modelling, although inconsistent with source of rainfall data from Crosby.	Applicant to comment on choice	Not addressed but not a material concern <b>CLOSED</b>
78			The IRAP/HHRAP default value of 70 kg for an adult and 15 kg for a child were applied, whereas in the UK a value of 20 kg is typically applied for a child. This is inconsistent with the approach taken for inhalation where a UK value was selected for a child, presumably because the choice of a lower body weight is conservative.	Applicant to comment on rationale for selection	Not addressed but not a material concern <b>CLOSED</b>
79	Appendix VII 4.1.1 Table 4.1	Appendix VI 4.1.1 Table 4.1	There is a substantial difference (x 25 or more) between the maximum point of exposure and receptor R4 which suggests dispersion may not have been optimised through stack height. See comments under 3.4 above.	Applicant to clarify how stack height was determined	Applicant proposes an increased stack height of 26 m based on a stack height sensitivity study.  This reduces the unitised concentration from 59 to 11 µg/m <sup>3</sup> per g/s which is a notable improvement.  The maximum unitised concentration at R4 is reduced from 2.5 to 1.8 µg/m <sup>3</sup> per g/s. <b>CLOSED</b>
80	Appendix VII Table 4.2	Appendix VI Table 4.2-4.3	Unitised deposition rates provide lower values than may typically be expected. i.e. for a concentration of 50 µg/m <sup>3</sup> we would expect a deposition rate in g/m <sup>2</sup> /year of the same order of magnitude or 2 to 3 times higher for a deposition velocity of 0.01 m/s (suitable for fine particles). It is the case that the AERMOD calculation of wet deposition tends to give negligible results, whereas ADMS can give much higher deposition rates.	Applicant to review and confirm relationship between concentration and dry/wet deposition is as expected	Applicant has updated the assessment of wet deposition and results are now several orders of magnitude higher.  However, due to the improved stack dispersion as a result of the revision to stack



Item	Original Reference	New reference	Atkins comment	Action proposed by Atkins	Action taken by Applicant
					height, and the use of TDI rather than TWI, there is not considered to be any material impact on the conclusions. <b>CLOSED</b>

Atkins' review of the changes where relevant to the consultee responses is summarised below.

Item	Reference	Topic	Atkins comment	Action proposed by Atkins	Action taken by Applicant
<b>Consultee responses</b>					
84	Knowsley Council (KBC) (Environmental Health & Consumer Protection)	Air emissions	<p>KBC raise concerns regarding the results for HF and Cr(VI). For HF, their concern is that the PEC exceeds the EAL at ecological receptors, and for Cr(VI) that the PEC exceeds the EAL for human health.</p> <p>There is a lack of available background data for HF in recent years. The EAPQs study refers to a concentration rate of 0.5 to 3 µg/m<sup>3</sup>, the upper range relating to sites in proximity to coal fired power stations, aluminium production, brick and coke production, none of which apply to the Application site. Therefore the use of a background of 2.35 µg/m<sup>3</sup> is deemed to be highly conservative.</p> <p>The HF EAL of concern is for a weekly average and is not a statutory air quality standard or objective. The EA approach to assessment against non-statutory critical levels is to ensure that the PC does not exceed 100% of the EAL which is considered to demonstrate BAT. This is the case, as stated in paragraph 5.3.1.1. Indeed, the maximum PC is less than 10% of the EAL and just 1.7% of the selected background concentration. It is deemed to be not significant. The National Atmospheric Emissions inventory shows the HF emissions have declined over the last 50 years (<a href="#">Pollutant information - NAEI, UK (beis.gov.uk)</a>)</p> <p>The assessment of Cr(VI) follows EA guidance for the assessment of Group 3 metals which uses data for MSW and waste wood co-incinerators to allocate the percentage of each metal to the total Group 3 metal emission rate (Table 4.2 of ES Appendix VI). There is no supporting discussion as to how this distribution may also be considered representative for a medical waste facility.</p> <p>Table 3.1 of Appendix VI provides maximum annual mean metal concentrations. For Chromium the value of 1.7 ng/m<sup>3</sup> appears low compared to the UK mean in the NPL heavy metals monitoring network report (2016) but in line with the median. The comment in para 3.2.3.2 regarding 20% being assumed to be Cr(VI) does align with the EA screening approach for Cr(VI) but the value presented of 0.785 ng/m<sup>3</sup> is not</p>	<p>Applicant to provide evidence that the EA metals fraction for MSW is suitable. Alternatively, LCC to consider a post-commissioning emissions test requirement.</p> <p>Applicant to demonstrate that use of older monitoring data is conservative.</p>	<p>Discrepancies remain regarding chromium background but PCs are low so not of material concern.</p> <p><b>CLOSED</b></p> <p>The Applicant states in Chapter 4 para 4.2.2.3 that as MSW and waste wood incinerators encompass a larger range of wastes than is proposed, the approach is conservative. The Applicant notes that a similar approach has been accepted by the regulator for other sites.</p> <p>It is noted that the query raised was the specific nature (chemical composition) of the materials being handled. The Applicant will need to ensure adherence to emissions limit values and prove compliance through monitoring as a permit requirement. The data should be made publicly</p>

Item	Reference	Topic	Atkins comment	Action proposed by Atkins	Action taken by Applicant
			<p>consistent with this. Table 3.5 of Appendix VI however provides the correct Cr(VI) value of 0.35 ng/m<sup>3</sup> and it is this value that has been used in the assessment.</p> <p>For Cr(VI) the modelled PC is less than 0.2% of the EAL at the most affected receptor (R4). Therefore, whether or not the background site used is representative of local conditions or a conservative value, assuming the metal distribution is appropriate the contribution from the proposed facility can be regarded as not significant without the need to consider total concentrations.</p> <p>The suggestion for real time monitoring of ambient levels of HF and Cr(VI) is not considered to be proportionate to the risk presented by the emissions for either compound.</p> <p>KBC have queried the use of data for the years 2013 to 2017. The Environment Agency permitting guidance does not specify that meteorological data must be the most recent years, the key point is that the data cover a five year period to capture a range of dispersion conditions. With regard to background data, most pollutants exhibit a downward trend over time so monitoring results from an older period would typically be conservative.</p> <p>The NPL monitoring network report 2016 show generally downward trends for heavy metals in recent years.</p> <p><a href="https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/542143/heavy_metals_annual_report_2015.pdf">Heavy Metals Annual Report 2015 (defra.gov.uk)</a></p>		<p>available and this can be used once the facility is operating to demonstrate this is a sound assumption.</p> <p><b>REFER TO PERMITTING</b></p>

## 4. Conclusion

The Applicant's original assessment of stack emissions submitted with the Planning Statement and ES (December 2021) was generally found to have been conducted in line with appropriate guidance, using reasonable assumptions to give confidence in the conclusions drawn. The results were compared to relevant health criteria and the results of dispersion modelling indicated that the facility stack contributions and resultant environmental concentrations of all pollutants considered are not significant. This is largely because of the relatively small size of the proposed facility.

Atkins has reviewed the Applicant's Addendum to the Planning Statement and ES (Version 1.3, 8 July 2022), plus supporting documentation (Appendices V and VI). The review has focused on the points raised regarding human health impacts of stack emissions where actions were recommended. Most areas that were identified for clarification, including the calculation of stack parameters, the choice of and calculation of background concentrations, and the calculation of deposition have been adequately addressed.

The results of a stack height sensitivity study have now been presented and an increase in stack height is proposed from 14 m to 26 m; the Applicant states this overcomes significant effects of building downwash and this is evident from the graph which shows a reduction in modelled maximum hourly concentrations.

The HHRA has been updated to use the TDI, rather than the TWI, which - combined with the increase in stack height to reduce ground level concentrations - means that the modelled increase in deposition rate does not affect the conclusions with regard to dioxins and furans, which was that effects are not significant.

There are a few points which we suggest can be addressed at permitting stage: numbers 33, 41, 43, 44, 45 and 84, but which do not present a material concern for planning in terms of local air quality.

There is a question still over the suitability of data from older municipal waste/waste wood incinerators to determine emission rates and profiles to represent emissions from medical waste incineration [points 33 and 84]; this is justified by the Applicant as an approach commonly accepted by the regulator in the absence of other data. We feel there are no grounds to challenge this further and that the assumption can be supported with emissions monitoring data, once available. The clarification regarding the chlorine content of the waste is noted.

The Applicant has clarified the assessment does not use the maximum modelled short term concentrations for relevant pollutants such as nitrogen dioxide and instead uses percentiles to reflect the air quality objectives [points 43 to 45]. This appears to be a common approach taken by some applicants and has been accepted by the regulator but means that the maximum concentrations in the local area have not been evaluated. Given the small percentage contributions that the percentile results make to the air quality standards of concern, we feel there are no reasonable grounds to challenge this further.

The Applicant has maintained a one kilometre search radius for potential cumulative impacts [point 41]. If LCC are aware of other large point sources that are proposed in the planning system these may require consideration by the Applicant. This further check may be requested at the permitting stage by the regulator, and LCC can comment further at that time.

We note that in the ES the Applicant does not refer to monitoring of emissions and facility performance once operational but this would be expected for the permit conditions as a requirement of the IED. LCC can review (as a statutory consultee at permit determination stage) the proposals for in-stack emissions monitoring which will provide evidence to support the use of assumptions at the assessment stage. The permit application should also describe other pragmatic measures such as how to ensure odours and dust are kept under control, and how abatement equipment such as filters and scrubbers would be maintained so as to avoid cases of malfunctioning which could cause ELVs to be exceeded. This again would be a matter for the permitting authority to determine as appropriate, as an Environmental Management System is a requirement of the permit.

In conclusion, the material which has been submitted by the Applicant regarding emissions to air and associated risks to health has been reviewed and the methodologies had been compared to what is normally required by the regulator of such permitted facilities. These assessments have been conducted to a reasonable standard which is proportionate to the risk and cover the key issues using appropriate methods or - in the case of the few areas identified above - would be unlikely to make a material difference to the conclusions drawn.

# Appendix E

## Text of policies WM2 and WM3 of Joint Lancashire Minerals and Waste Local Plan (2001 – 2021)

### Policy WM2 - Large Scale Built Waste Management Facilities

Development involving individual large scale built waste management facilities around a capacity of 200,000 tonnes per year for recycling, transfer, materials recovery and processing (including mechanical and biological treatment and thermal treatment), as defined in Appendix B, will be supported at the sites listed below subject to the total capacity of all new waste management facilities developed during the plan period at the sites within the catchment area not exceeding the need within that catchment as set out in the table below.

Catchment Area and Annual Capacity	Equivalent Area (ha)	Strategic Site	Map Ref no.
Lancaster/Morecambe 160,000 tonnes	5.0	Land at Lancaster West Business Park	BAF17
Fylde Coastal Towns 400,000 tonnes	9.0	Land at Hillhouse Industrial Estate - Subject to the provision of access improvements identified in Policy SA2	BAF5
Central Lancashire 500,000 tonnes	11.0	Land at Redscar Industrial Estate Land at Riversway	BAF1 BAF2
West Lancashire 130,000 tonnes	4.0	Land at Simonswood Industrial Estate	BAF3
Blackburn with Darwen/Ribble Valley 330,000 tonnes	7.0	Land at Whitebirk Industrial Estate Former Wolstenholme Bronze/Goosehouse Lane Site	BAF6 BAF7
East Lancashire 330,000 tonnes	11.0	Altham Industrial Estate Lomeshaye Industrial Estate	BAF25 BAF13

In measuring the total capacity of the developments within a catchment, all waste permissions granted during the plan period on sites identified within Policy WM2 and WM3 will be aggregated, together with any other sites granted permission under the exceptional provisions of this policy. Applications for the redevelopment of existing facilities on the identified sites will not count towards the annual capacity identified.

Exceptionally, development will be supported on other vacant, previously developed or greenfield sites, excluding sites identified in Policy WM3, subject to the other policies of the development plan where the applicant can demonstrate:

- that land is not available on the allocated sites for development at a time to meet the needs identified in the Core Strategy, taking into account the practicality of land assembly and implementation by the Waste Industry.
- that they have followed a sequential approach to site selection.
- an equally good or improved access to the road network.

Where in exceptional circumstances the development is proposed on a greenfield site, the applicant must include provision for additional land surrounding the development to create an effective new landscape. This area of additional land, must be sufficient to create this setting, and shall be no less than four times the total operational footprint area of the development. The landscape created must result in a net increase in the environmental asset of the locality.

### Policy WM3 - Local Built Waste Management Facilities

Development involving individual local waste management facilities, of a capacity of around 50,000 tonnes per year, for the recycling, transfer, and materials recovery (excluding thermal treatment) as defined in Appendix C, will be supported at the strategic locations identified in Policy WM2 and at the following sites:

Catchment Area and Annual Site Capacity	Equivalent Area (ha)	Local Sites	Map Ref no.
Lancaster/Morcambe 100,000 tonnes	2.5	Land at White Lund Trading Estate Land at Heysham Industrial Estate	BWF6 BWF8
Fylde Coastal Towns 100,000 tonnes	2.5	Land at Whitehills Park	BWF20
Central Lancashire 100,000 tonnes	3.0	Lancashire Business Park Land at Walton Summit	BWF9 BWF5
West Lancashire 100,000 tonnes	2.0	Land at Pimbo Industrial Estate Land at Hillhouse Waste Water Treatment Works (WWTW) Land at Burscough Industrial Estate	BWF11 BWF12 BWF10
Blackburn with Darwen/Ribble Valley 100,000 tonnes	2.5	Land at Roman Road Land at Salthill Industrial Estate	BWF19 BWF23
East Lancashire 100,000 tonnes	6.0	Land at Whitewalls Industrial Estate, Pendle Land at Heasandford Industrial Estate, Burnley	BWF14 BWF21

Subject to the total capacity of the developments at any single site identified above within the catchment area not exceeding 100,000 tonnes. In measuring the total capacity of the developments within a catchment, all waste permissions granted on sites identified within Policy WM2 and WM3 will be aggregated.

## **Justification**

**3.2.1** The Core Strategy Policy CS8 requires a network of major sites at strategic locations, together with other locations suitable for managing waste close to its source, for smaller facilities and for community facilities.

**3.2.2** Policies WM2 and WM3 identify a range of areas and sites that are suitable for built waste management facilities but not waste disposal facilities (landfill and landraise) which are covered in the next section and have their own policies. For the avoidance of doubt all operations and stockpiles will be located within buildings unless it can be demonstrated that no harm to amenity will take place.

**3.2.3** The sequential approach to site selection referred to in Policy WM2 shall be firstly the Strategic Sites, secondly other vacant previously developed land and only then will greenfield sites be considered.

**3.2.4** A range of new facilities will be required if the drive to divert waste away from landfill is to succeed. Opportunities for co-location either with existing facilities or by bringing together several facilities onto a new site have been provided. Provision has also allowed for both established and new technologies as they are developed, providing the opportunity to bring together innovative and effective methods of managing waste. Development at existing sites will be judged against the policies of the development plan.

**3.2.5** Whilst plans and strategies have been put in place to treat the majority of municipal waste other than in Blackburn with Darwen, no such strategy has been developed to deal with commercial and industrial waste the majority of that not currently being recycled or recovered goes direct to landfill.

## **Implementation**

**3.2.6** These policies should be read within the context of Core Strategy Policy CS7 and CS8, and the other policies of the development plan, in particular Policy WM1 and DM2. It will be implemented through pre-application discussions and the development management process, ultimately through the approval of planning applications subject to appropriate conditions, or refusal of applications if proposals are unsatisfactory; these outcomes will be monitored and reported in the Joint Authorities Monitoring Report - the capacity of new waste management facilities by type is a Core Indicator. Allocations that are not taken up will be reviewed and updated at least every 5 years.