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

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^2 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.

Certified Professional for Requirements Engineering (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 Certified Professional for Requirements Engineering (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 farmed 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 bunded. 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^2 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^2 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^2 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 polices 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:

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 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