

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 20th 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 applicant's 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 company's 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 site's 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 8th 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 19th 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

