

Development Control Committee
Meeting to be held on 7 December 2022

Electoral Division affected:
West Lancashire East

West Lancashire Borough: application number LCC/2022/0003

Demolition of existing building and erection of purpose-built building (and ancillary structures) to house high temperature treatment facility for the management of medical waste. Land at Tower House, Simonswood Industrial Park, Stopgate Lane, Simonswood
(Appendices 'A' – 'E' refers)

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Executive Summary

Application - Demolition of existing building and erection of purpose-built building (and ancillary structures) to house high temperature treatment facility for the management of medical waste. Land at Tower house, Simonswood Industrial Park, Stopgate Lane, Simonswood.

Recommendation – Summary

That, after first taking into consideration the environmental information, as defined in the Town and Country Planning (Environmental Impact Assessment) Regulations 2017, and subject to the applicant first entering into a section 106 agreement relating to repair of the internal site access road and a contribution towards the cost of highway signage, planning permission be **granted** subject to conditions relating to time limits, working programme, hours of operation, highway matters, combined heat and power controls, water resources and contaminated land.

Background

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



At the meeting on 7 September 2022, a decision on the planning application was deferred for the following reasons:

- To allow the full text of the report by Atkins Global Ltd reviewing the applicant's air quality and human health assessment to be reported to the Committee;
- To provide a further explanation of the planning policy position with regards to national policy and the status of the relevant development plan policies and;
- Provide an explanation of the role of different authorities and agencies in monitoring and enforcing environmental controls relating to businesses on the Simonswood Industrial Estate.

Further consultation responses and representations

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

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

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

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

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



Simonswood Parish Council: Make the following additional comments: -

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

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

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

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

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



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

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

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

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

- The World Health Organisation says that incinerators should be stopped
- Organic life and water supply will become toxic
- Emissions including dioxins will occur and are not safe for humans or animals at any level
- The incidence of various forms of cancer on Haven Road in Fazakerley which was close to the incinerator at Aintree Hospital
- Incineration plants are emitters of CO₂
- Noise disturbance
- The plant would cause cancers as happened at Aintree Hospital and Sonae.
- Impacts on existing health complaints
- Effect on local wildlife
- Effect on property values
- Effects on the growing of fresh produce in the local area
- The site would give rise to dangerous particulates



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

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

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

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



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

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

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

Advice

1. Atkins Report

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

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

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

2. Planning Policy Position

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

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



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

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

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

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

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

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

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

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



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

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

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

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

3. Enforcement /Monitoring issues

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



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

Paragraph 188 of the National Planning Policy Framework requires that the focus of planning policies and decisions should be on whether a proposed development is an acceptable use of land rather than the control of processes or emissions (where these are subject to separate pollution control regimes). It states that *'Planning decisions should assume that these regimes will operate effectively'*. There is no basis to assume that the permitting authority (whether that is the Environment Agency or the Borough Council) will not apply and enforce their permit controls effectively.

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

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

Issues raised in further representations

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



Simonswood Parish Council:

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

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

Stop the Simonswood Incinerator Group:

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



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

Recommendation

That, after first taking into consideration the environmental information, as defined in the Town and Country Planning (Environmental Impact Assessment) Regulations 2017 and subject to no objections being received from Natural England and the applicant first entering into a section 106 agreement relating to repair of the internal site access road and a contribution towards the cost of highway signage, planning permission be granted subject to the following conditions:

Time Limits

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

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

Working Programme

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

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

b) Submitted Plans and documents:

Plan 2776-008-01B Site location

Plan 2776 -008-O2B Site location

Plan 2776-008-04 Proposed layout plan

Plan 2776-008-07 North and south elevations

Plan 2776-008-08 East and west elevations

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

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

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

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



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

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

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

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

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

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

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

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

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

Hours of Working

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

07.30 to 18.00 hours, Mondays to Fridays (except Public Holidays)
08.00 to 13.00 hours on Saturdays

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



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

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

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

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

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

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

Safeguarding of Watercourses and Drainage

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

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

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

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



Highway Matters

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

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

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

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

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

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



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

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

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

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

Definitions

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

Notes

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

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

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

Reason for Inclusion in Part II, if appropriate

N/A

