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County Hall
Preston
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Our Ref: 22/00056/NEI

Your Ref: LCC/2022/0003

Date: 10 February 2022

Dear Mr Haine

TOWN AND COUNTRY PLANNING ACT 1990

PROPOSAL: 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.: Tower House, Stopgate Lane, Simonswood

Thank you for your consultation in relation to the above planning application.

I have prepared the Council's initial response to the proposal which is set out below. I welcome your agreement to extend the deadline for our response until 23 February and we reserve the right to submit additional comments on the robustness of the Environmental Impact Assessment up until that date.

Knowsley Council has reviewed the submission and strongly objects to the proposed development.

The application proposes a 'waste use' and therefore the Joint Lancashire Minerals and Waste Local Plan – Site Allocation and Development Management Policies (MWLP) along with the West Lancashire Local Plan (WLLP) provide the policy context for the site.

Policy DM1 (Management of Waste and Extraction of Minerals) in the MWLP identifies that development will be supported in accordance with the site-specific policies contained within the plan provided that it does not exceed the overall capacity as set out in the Core Strategy, and for the individual catchment area as set out in Policy WM1.

Policy WM2 (Large Scale Built Waste Management Facilities) in the MWLP identifies land at Simonswood Industrial Estate as suitable for large scale built waste management facilities for recycling, waste transfer, materials recovery and processing (including mechanical, biological and thermal treatment), with a capacity of up to 130,000 tonnes.

The MWLP does not clearly define what constitutes a 'large scale built waste facility' but Knowsley Council considers that this policy does not apply to a facility processing up to 4,000 tonnes per year and, therefore, this policy is not relevant to the determination of the application.

Policy WM3 (Local Built Waste Management Facilities) in the MWLP states that development involving individual local waste management facilities, of a capacity around 50,000 tonnes per year, for the recycling, transfer and materials recovery (excluding thermal treatment) will be supported at the sites identified in Policy WM2 (which includes Simonswood Industrial Estate).

The capacity of the proposed medical waste facility would be 4,000 tonnes per year, so it would be some way short of the 50,000 tonnes specified in the policy. However, in the absence of specific guidance for this size of facility it is reasonable to consider it in the context of Policy WM3, because it would be a local built waste management facility.

The application proposes that the waste would be treated by 'pyrolysis', which is identified as a thermal treatment in Appendix C of the plan. A use of this scale and nature is, therefore, not appropriate on Simonswood Industrial Estate and contrary to Policies DM1 and WM3.

Policy DM4 (Energy from Waste) in the WMLP states that all developments that include processes capable of recovering energy from waste will be required to capture any heat or electricity produced directly or as a by-product of the waste treatment process and either: use it on site, or; export it to the national grid or a local energy or heat consumer. The justification for the Policy states that proposals will be required to demonstrate that the scheme offers the best practicable use of the energy resource through the submission of a Combined Heat and Power Feasibility Review.

Annex C in the MWLP identifies that Pyrolysis is "a means of recovering energy from waste known as advanced thermal treatment" and, therefore, the provisions of WM4 apply. The application proposes that heat from the process would be used to heat wood for a local business. However very little detail is provided, there is no information on the quantum of wood or a contract with the local business and, therefore, this should not be given any weight when making a decision. Even if this information were provided, it seems that little benefit would be derived from the heat generated and the applicant has not supplied a "Combined Heat and Power Feasibility Review" to allow this to be properly considered. Accordingly, Knowsley Council believe that the application fails to comply with Policy WM4.

Policy DM2 (Development Management) in the WMLP states that development will be supported where it can be demonstrated that all material social, economic and environmental impacts that can cause demonstrable harm can be eliminated or reduced to acceptable levels. The Policy identifies that it is necessary to take account of the proposal's setting, baseline environmental conditions and neighbouring land uses together with the extent to which its impacts can be controlled in accordance with current best practice and recognised standards.

Policy GN3 (Criteria for Sustainable Development) in the WLLP states that new development should minimise the risk from all types of pollution and contamination

Simonswood Industrial Estate is allocated as an employment site in the WLLP. Policy EC1 in the WLLP states that new development on employment sites must not significantly harm the amenities of nearby occupiers nor cause unacceptable adverse environmental impact on the surrounding area.

Knowsley Council welcomes the wording of Policy DM2, which clearly identifies that when making a decision, Lancashire County Council will have regard to the proposal's setting, baseline environmental conditions and neighbouring land uses. The County Council will be aware of the ongoing problems caused to Knowsley residents by businesses located on Simonswood Industrial Estate.

Over the past few years residents' cars have been covered in dust and residents were unable to enjoy their gardens on a number of occasions due to worries about inhaling dust. The dust was caused by a failure of businesses on the site to appropriately control their operations, including some businesses who have stockpiled mounds of soil currently in place that are way in excess of the height allowed by planning and environmental permit conditions. These unauthorised mounds

are visible on Google Street View images from March 2019 and Knowsley Council respectfully suggest that this demonstrates that the operators have not been held to the terms of their planning and environmental permissions by the appropriate authorities.

In addition, Knowsley residents have suffered from pollution, noise and disturbance from HGVs accessing the Industrial Estate. Lancashire County Council will be aware there are weight limits on Shevington's Lane and Headbolt Lane to protect the amenity of residents. Unfortunately, businesses based on Simonswood Industrial Estate regularly flout these restrictions, causing undue disturbance to Knowsley residents, and environmental harm/safety issues due to poorly loaded vehicles spilling material onto the highway, which in wet weather becomes mud. In August last year Knowsley Council cleared over 40 tonnes of soil from beneath guard rails along Pingwood Lane, at a significant cost.

These severe and ongoing environmental problems and the little regard that is seemingly had for the permissions governing businesses on the estate are an important consideration when assessing this application.

Knowsley Council acknowledges that the operation of the medical waste facility would be covered by an environmental permit and that in accordance with the National Planning Policy Framework it should normally be assumed that the development will be operated in accordance with the conditions of the permit.

However, in the context of existing issues experienced on Simonswood Industrial Estate, caused by businesses breaching planning and environmental rules, and the time it takes for any action to be taken by regulatory bodies, Knowsley Council is concerned that the operator may not be held to the conditions of the permit, and this may result in emissions being exhausted that cause harm to local residents.

The application says that medical waste will be stored inside the proposed building, in locked bins and that no more than 20 tonnes will be stored on the site at any one time with only 'clean bins' stored outside. This would apparently be one of the terms of the permit. However, Knowsley Council are concerned that the business may choose to ignore this rule say, for instance, if the processing plant is shut down and they continue to receive waste or 'dirty' bins are stored outside.

The application proposes that there would be up to 24 HGV movements each day, between 6am and 8pm. Even though the application suggests that the vehicles would not use Shevington's Lane and Headbolt Lane, in the context of existing negative issues with HGVs, Knowsley Council has little confidence that this would be the case. Even if only a few of these vehicles choose to ignore the weight limits they would add to the unacceptable harm caused to Knowsley residents. Any poorly loaded vehicles may also lead to unacceptable odours affecting people's amenity.

Accordingly, Knowsley Council objects to the proposed development and respectfully asks Lancashire County Council to refuse planning permission.

Yours faithfully



Dale Milburn

Executive Director - Regeneration and Economic Development