

WEST LANCASHIRE BOROUGH COUNCIL

CASE OFFICERS REPORT

APPLICATION NO:

LCC/2022/0003

LOCATION: Tower House, Stopgate Lane, Simonswood, Lancashire

APPLICANT: Culzean W2E Ltd

WARD: Bickerstaffe

PROPOSAL: County Matter - Demolition of existing building and erection of purpose built building (and ancillary structures) to house high treatment facility for the management of medical waste.

1.0 THE PROPOSAL

- 1.1 The application has been submitted to Lancashire County Council for determination. West Lancashire Borough Council has been asked for their observations.
- 1.2 The application proposes the *Demolition of existing buildings and erection of purpose-built building (and ancillary structures) to house high temperature treatment facility for the management of medical waste* at Tower House, Stopgate Lan in Simonswood. The capacity of the proposed medical waste facility would be approximately 4000 tonnes per year. The application proposes that the waste would be treated by 'pyrolysis'.

2.0 CONSULTEE RESPONSES

- 2.1 As this is a County Matter application, LCC have carried out the relevant consultations. However, the Council's Environmental Health Officer has commented as follows:

Noise impacts during the daytime period from external mechanical plant are unlikely to be a significant environmental effect given the distance to the nearest properties and the existing day time noise levels. However, the plant would operate at night and therefore noise impacts during those times are likely to be more significant. The application site is located at Stopgate Lane, Simonswood, within an existing industrial estate, which contains a number of existing industrial processes, including waste recycling facilities and other industrial processes. The existing site is permitted for waste management related use. As such, the proposals are in keeping with the location, both in terms of scale and proposed processes. The nearest noise sensitive receptors comprise the residential dwelling off Siding Lane approximately 300m to the northeast and the farmhouses to the south, ranging from 600- 750m from the site boundary. The process will be operated on a continual basis, 24 hours per day, 7 days per week, except for periods of maintenance/shut down. However, the site will be open for

the limited number of HGV movements for the delivery and export of materials between the hours of 06:00 and 20:00. Appropriate noise guidelines have been followed within the report such as Noise Policy Statement for England, National Planning Policy Framework (NPPF), Planning Practice Guidance on Noise, and BS 4142:2014. The development falls under the 'Integrated pollution prevention and control (IPPC) directive' so there is a pollution control regime in place for this type of development and it will require an environmental permit to operate. The Local Planning Authority must assume that this control regime will operate effectively, be properly applied and enforced. Planning conditions need not be put on to control the pollution aspects of the proposed operation and the Local Planning Authority focus will be on whether the development itself is an acceptable use of the land, and the impact of the use. The plant noise levels have been adequately predicted at the identified receptors taking into consideration distance losses, surface acoustic reflections and, where applicable, screening provided by the building. Calculations show that noise emissions from the proposed unit installations would be sufficiently low as to cause no negative impact on nearby noise sensitive residential receivers, providing that the mitigation measures stipulated in submitted acoustic assessment are implemented. The calculations show that the noise emission levels of the proposed plant strategy meet the Local Authority criteria during the operating period and should not have an adverse impact on the nearest sensitive receivers. I offer no objections on environmental health grounds to the application subject to the imposition of recommended conditions relating to noise.

3.0 ASSESSMENT

- 3.1 West Lancashire Borough Council has considered the submission as presented to Lancashire County Council and strongly objects to the proposed development.
- 3.2 In my assessment of the proposed development I have given consideration to both Joint Lancashire Minerals and Waste Local Plan – Site Allocation and Development Management Policies (MWLP) and the West Lancashire Local Plan (WLLP) which provide the policy context for the site.
- 3.3 In terms of the principal of the proposed development, the site is located within Simonswood Industrial Estate which is allocated as an employment site in the WLLP. Policy EC1 of WLLP states that new development on employment sites must not significantly harm the amenities of nearby occupants nor cause unacceptable adverse environmental impact on the surrounding area.
- 3.4 Policy GN3 of the WLLP states that new development should minimise the risk from all types of pollution and contamination.
- 3.5 In terms of the MWLP, Policy DM1 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 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 within a capacity of up to 130,000 tonnes. I am not convinced that Policy WM2 applies in this case as this policy relates to Large Scale Built Waste Management Facilities but the policy does not clearly define what constitutes

such a facility. A facility which could process up to 4,000 tonnes per year (which is the case here) may very well fall outside of this policy.

- 3.6 Policy WM3 in the MWLP states that development involving individual local waste management facilities, of a capacity of around 50,000 tonnes per year, for 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 proposed here would be in the region of 4,000 tonnes per year so it would be some way short of the 50,000 tonnes specified in the Policy but there is no other policy for the size of facility that is currently being proposed so Policy WM3 is likely to be relevant in LCC's consideration of the proposed development.
- 3.7 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 should be deemed contrary to Policy DM1 and WM3.
- 3.8 Policy DM4 in the MWLP states that all development that include processes capable of recovering energy from waste will be required to capture 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. In this context, 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. The application proposes that heat from the process would be used to heat wood for a local business (so Policy WM4 of the MWLP also applies), however very little information is provided in this respect. There is no information on a possible contract with a local business etc. so I don't believe this element of the proposal can be given much weight in LCC's overall decision and by virtue of that, the proposal is contrary to Policy WM4.
- 3.9 Finally, Policy DM2 of the MWLP is considered to be relevant. This policy 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.
- 3.10 It is considered that the above outlines a number of issues which will need to be carefully considered by Lancashire County Council. Firstly, it is accepted that the proposed development is of an industrial nature and its proposed location is an allocated industrial site; in terms of the principle of the development therefore this is the correct area in which to provide a development of this nature. But as outlined above, there are many other factors to consider. West Lancashire Borough Council is of the opinion that the proposal is contrary to a number of Policies as set out above, namely DM1, WM3 and WM4. Furthermore, Policy DM2 of the MWLP and Policies GN3 and EC1 of the WLLP allows consideration to be given to the impact of the proposed development on baseline environmental conditions and neighbouring land uses.

- 3.11 LCC will be aware of the on-going issues experienced by local residents within our Borough. We know that such issues relate to pollution, dust, noise and other environmental impacts, which are reported directly to us and to LCC. Other concerns relate to the noise, pollution and disturbance from HGV's accessing the Industrial Estate. Whilst there are weight restrictions in place on local roads to try and ease these issues, LCC will know that these restrictions are regularly flouted.
- 3.12 As outlined by WLBC's Environmental Officer above, it is understood that a development of this nature would, when operational, be a controlled/monitored under the terms of a necessary environmental permit and in accordance with the NPPF, it should normally be assumed that the development will be operated in accordance with the conditions of that permit. It is understood that a such a permit would be heavily restricted in terms of such matters as pollution control, noise and operational hours. However, having knowledge of the issues currently faced by local residents as a result of existing permits being ignored/flouted, it is understandable that the Council is concerned about the reliance on the business adhering to the aforementioned permit in order to safeguard the amenities of local residents and the local environment as a whole. The Council believes that this should be a material considered for the County Council in their determination of this application.
- 3.13 Similarly, it is understood that the developer has suggested routes for HGVs which respect existing restrictions. However, if these are ignored by even a few associated vehicles, the impact on local residents would be significant.

Summary

- 3.14 As outlined above, West Lancashire Borough Council strongly objects to the proposed development and respectfully asks that Lancashire County Council refuses the proposal. The objections are based on conflict with certain policies of the MWLP and the potential impact on local residents and the local environment.

SIGNED.....DATE.....

LCC/2022/0003/ Ms T Maguire