



Jonathan Haine  
PO Box 100  
County Hall  
Preston  
PR1 0LD

Our Ref: 22/00056/NEI

Your Ref: LCC/2022/0003

Date: 28 July 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.**

**LOCATION: Tower House, Stopgate Lane, Simonswood**

Thank you for your consultation regarding the above planning application.

Knowsley Council previously objected to the proposal on 10 February 2022. This consultation response has regard to the application as amended by the 'Planning Application Addendum' submitted by the applicant on 14 July.

Knowsley Council continues to strongly object to the application for the reasons as explained below.

We understand that the principal changes to the application are:

- the increased height of the emissions stack, from 14m to 26m high, and;
- the inclusion of an engine and generator to allow electricity to be produced and distributed using residual heat generated as part of the process.

The applicant's submission also includes revised noise and dispersion modelling assessments.

Knowsley Council is concerned that the relevant chapters of the Environmental Impact Assessment (EIA) have not been updated based on these revised assessments. Given that an additional process is included in the noise modelling and the height of the stack is significantly changed, Knowsley Council is concerned that if the EIA is not updated it will not be a sound basis on which to assess the application.

Knowsley Council are also concerned about the results of the air quality modelling, in particular the levels of Chromium VI (Cr(VI)). The modelling shows that with the combined background levels there is an exceedance. We cannot therefore support the application if the emissions will raise the pollution levels further above the limit, when there is already an exceedance, no matter how small, when it is with regards to the risk to human health. I have attached a consultation response from the Council's Environmental Health team which clearly sets out our concerns.

The engine and substation are included to address the requirements of Policy DM4 in the Joint Lancashire Minerals and Waste Local Plan – Site Allocation and Development Management Policies (MWLP). However, the applicant has not submitted a Combined Heat and Power Feasibility Review to demonstrate that the scheme offers the best practicable use of the energy resource.

The application now proposes that electricity would be generated using heat which arises from the process, and that some of the electricity would be used to power the plant and an aggregate washing process on a nearby site.

Critically however and significantly undermining, in Knowsley Council's view, to the applicant's case:

- no evidence is submitted to demonstrate how much power the gasification plant or aggregate washing plant would use;
- a contract is not provided to show that the other 'end user' has agreed to purchase electricity from the applicant,
- a contract has not been provided that shows the developer has the necessary permissions for the electricity infrastructure required can pass third party land and;
- there are no details setting-out what infrastructure is required to enable electricity to be distributed to the nearby site.

Without this evidence and a Combined Heat and Power Feasibility Review, Knowsley Council firmly believes that the application clearly does not satisfy the requirements of Policy DM4.

The 'Addendum to Planning Statement and Environmental Statement' specifically addresses the objections raised by Knowsley Council. The Statement argues that the Knowsley Council's objection is inconsistent because it identifies Policy WM2, which deals with 'Large Scale Waste Management Facilities' as not being applicable to the development and then proceeds to consider the application in accordance with Policy WM3 'Local Built Waste Management Facilities'. It then goes on to state that:

*"there are no specific policies relevant to the size of facility proposed within the JLMWLP, the facility being very small scale in nature. In the absence of specific relevant policies within the JLMWLP in terms of capacity and use, reference should then be made to the West Lancashire Local Plan (WLLP). Reference to the proposals map which forms part of the WLLP reveals that the proposed site is part of a larger site allocated for waste use and therefore the proposals accord with local planning policy."*

For the avoidance of doubt, the site is not allocated for waste uses in the West Lancashire Local Plan. The Plan states that:

*"Lancashire County Council has responsibility for identifying sites and policies for Minerals and Waste Development in the County. Therefore, Minerals and Waste issues are not covered in the West Lancashire Local Plan, except where they are relevant and pertinent to the sites or policies being proposed"*

A review of Simonswood Industrial Estate's allocation on West Lancashire's Local Plan Policy Map identifies that the site is allocated as a waste site through Policy WM2 of Lancashire County Council's MWLP.

As set out in Knowsley Council's February consultation response, the use of the site for a pyrolysis plant with a throughput of 4,000 tonnes per year is not supported by Policy WM2 because it is not a 'Large Scale Waste Management Facility'. The use must be considered as a 'Local Built Waste Management Facility' because it would be irrational for there to be a lower tier of waste management facility. Furthermore, the fact that Policy WM2 states it is relevant to large scale developments of around 200,000 tonnes per year and its allocation of Simonswood as being acceptable for and additional 130,000 tonnes waste per annum over the plan period, demonstrates that the quantum of waste referenced in the policy is a 'rough guide'.

Policy WM3, which is relevant to the consideration of 'Local Built Waste Management Facilities' only identifies Simonswood Industrial Estate as suitable for recycling, transfer, and materials recovery – it specifically excludes thermal treatment. Therefore, there is no policy support for the proposed development.

The WM2 and WM3 allocations support a capacity of up to 130,000 tonnes of waste to be processed at Simonswood/Williams Brothers Industrial Estates and Knowsley Council respectfully asks Lancashire County Council to review the planning permissions granted on the sites since 2009 to establish whether planning permissions which allow this volume of waste have already been granted.

The National Planning Policy for Waste states that when determining waste 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. In such cases, waste planning authorities should consider the extent to which the capacity of existing operational facilities would satisfy any identified need.

As set out above, the proposed development is not in accordance with an up to date local plan and, therefore, the applicant should provide evidence of the need for the facility. In this regard, the applicant has identified that Aintree Hospital may be a source of waste and they states that waste is currently transported to facilities outside of Merseyside/Lancashire; but crucially the applicant has not provided any evidence to support their statements, such as a provisional contract in place or even any indication of discussions with Liverpool University Hospitals NHS Foundation Trust.

Knowsley Council consider that the applicant has not provided evidence to demonstrate there is a need for the facility and, therefore, believe that the proposed use does not comply with waste planning policy.

As set out in Knowsley Council's February consultation response, Policy DM2 in the MWLP requires Lancashire County Council to have regard to the proposal's setting, baseline environmental conditions and neighbouring land uses.

Knowsley Council's February consultation response identifies the Council's significant concerns over the environment at Simonswood Industrial Estate, which results from the failure of several operators to comply with planning conditions and the conditions of their environmental permits.

Although Knowsley Council accepts that planning policy states that where a permitting regime is in place, the planning authority should assume that they will be enforced appropriately, unfortunately there is clear evidence at Simonswood Industrial Estate that this is not the case and the Council believes that this is a relevant material consideration, particularly in the context of DM2.

Knowsley Council officers have visited the industrial estate on several occasions and have observed severe issues with dust, the height of materials stored and the routing of HGVs. Knowsley Council understands that members of the Development Control Committee were planning to visit the site this month and the issues should be apparent.

As set out in the previous response, Knowsley Council has little confidence that the operator would be held to the conditions of the permit or any planning permission; and there is a high likelihood - on the basis of the current evidence - that this would result in:

- emissions being exhausted that cause harm to local residents;
- odours from waste stored on site were it to accumulate, and;

- HGVs using 'Shevington's Lane' and 'Headbolt Lane' adding to the unacceptable harm already caused to Knowsley residents. Any poorly loaded vehicles may also lead to unacceptable odours affecting people's amenity.

The revised application proposes a 26m high emissions stack, almost double the height originally proposed. Although it is acknowledged that the site is in an industrial setting, a 26m high stack would appear as an incongruous feature in an area where the buildings are significantly lower (around 10/12m high), with the consequence that it would be visible from a significant distance away from the estate.

The stack would sit in the context of nearby mounds of aggregate waste, which extend to 20m in height. However, it is requested that it be highlighted to Members' that the mounds are unlawful (In planning terms) and should, in fact, be no more than 5/7m high. Therefore, their presence at this height should be ignored by Members of the Development Control Committee when considering the visual effects of the emissions stack and in considering the overall application decision.

It is accepted that there is a large wind turbine in views of the estate, which is already visually harmful to the local area. Nevertheless, its presence does not make the development of additional harmful structures acceptable.

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)