

**HABITATS REGULATIONS ASSESSMENT OF PLANNING APPLICATION
LCC/2022/0003 FOR DEMOLITION OF BUILDING AND ERECTION OF NEW
BUILDING CONTAINING HIGH TEMPERATURE TREATMENT FACILITY FOR
MANAGEMENT OF MEDICAL WASTE. SIMONSWOOD INDUSTRIAL ESTATE,
STOPGATE LAND NEAR KIRKBY**

The proposal

The proposal is for the erection of a new building which would contain equipment for the incineration of waste materials derived from health care facilities. The building would be a portal framed structure with a maximum height of 11 metres. There would be external plant for the abatement of emissions and for the conversion of waste heat to electrical energy. There would also be a 26 metre high stack for the venting of emissions. Prior to the development commencing an existing dilapidated storage building on the site would need to be demolished.

The application site

The application site is an existing storage and waste management facility located on the Simonswood Industrial Estate near Kirkby. Surrounding land uses to the north, east and west include other waste management facilities and a timber storage facility. To the south are other areas used for waste processing activities, and screening mound is the Wigan to Kirkby railway line beyond which are agricultural fields in arable use.

The application site does not directly affect any site of nature conservation interest. The nearest European wildlife sites (SPA's) are at Marton Mere (13km from the application site) and at the Ribble and Alt Estuaries SPA at Formby (18 km from the application site).

The Ribble Estuary SPA is comprised of large areas of extensive intertidal mud and sand flats and large areas of salt marsh. The intertidal mud and sand flats provide an important feeding habitat for birds. Martin Mere SPA is a low lying wetland complex of open water, marsh and grassland habitats. Both sites are designated for their importance for certain bird species such as pink footed geese, bewicks swans and whooper swans particularly during the winter period.

The nearest designated sites to the application site are at Bickerstaff Moss located 1.27 km to the north which is a Biological Heritage Site and Simonswood Moss, an area of arable farm land and a former peat working located 1.15 km to the east of the application site. Both of these areas are likely to have value for use by over wintering bird species that are associated with the nearest SPA's. Both areas together with adjacent farmland are therefore likely be functionally linked habitat to the SPA's as they provide feeding and foraging habitat for the various bird species for which the SPA's are designated. There are also other areas of farmland which are not subject to any habitat designations but which may be used by bird species located 110 metres to the south and 150 metres to the north, both of which are located beyond other areas of the industrial estate.

Habitats Risk Assessment

The first stage is to assess whether or not the proposal is likely to have a significant effect on the conservation objectives of the affected European wildlife sites through impacts on functionally linked land.

Without mitigation, there is a possibility that the development could have an impact on bird species that are associated with the nearest European wildlife sites. The predominant impacts would be through noise arising from the demolition of existing structures on the site and also construction noise arising from the erection of the new buildings and plant. The applicant has also not submitted any bird survey data to confirm that the nearest areas of habitat are not used by birds associated with the nearest European wildlife site. As the proposal is not directly connected with or necessary as part of the management of a European wildlife site and an impact cannot be discounted, it is concluded that an appropriate assessment therefore needs to be made of the likely effects of the proposal on the over wintering bird species that use the functionally linked land.

Assessment of Impact (Appropriate Assessment)

Regulation 63 of the Habitats Regulations 2017 requires an appropriate assessment to be made of any proposals that would be likely to affect a European wildlife site. In this case the European wildlife sites as described above are relevant to this assessment. There would be no direct impacts on these sites due to the distance to the application site but it is possible that agricultural land in the area around the application site could be used by bird species for which the SPA's are designated.

The applicant has undertaken a Preliminary Ecological Appraisal which has been submitted with their Environmental Statement. The appraisal notes the presence of the nearest BHS areas but concludes that these areas are too distant to be impacted upon given the scale of the development and distances involved. The assessment concludes that there will be no impact on any functionally linked land. The applicant has not presented any bird survey data to demonstrate that the land to the south of the site is not used by bird species associated with the SPA. However, the applicant's ecological consultant recommends that to further reduce any potential further impact, the proposed demolition works should take place outside of the peak over wintering season of November to February inclusive. The appraisal further considers that demolition works might need to be restricted between March and August but this is due to nesting birds rather than impacts on over wintering species.

The main potential impacts are considered to be as follows:

- Demolition of the existing building : The site is currently occupied by a semi derelict dutch barn style building. This would have to be demolished prior to the new development commencing. The demolition works would be likely to be completed relatively quickly due to the present condition of the building. The works would involve demolition operations taking place at a relatively high level to dismantle the steel work which may generate some noise impacts. It is considered that to mitigate the impacts of these works on any over wintering bird species using the land to the south that a condition could

be imposed on any planning permission requiring these demolition works to take place outside of the core overwintering period. Such a condition would meet the tests for planning conditions and it is considered that there are no uncertainties with the ability of the applicant to comply with the condition in terms of being able to complete demolition works outside of the restricted period. There is therefore a high degree of confidence that the condition would satisfactorily address any impact on over wintering bird species.

- **Site Construction Works :** The construction operations would involve building of a portal framed shed type building to a maximum height of 11 metres together with the external plant and equipment (water tanks, air pollution control unit, heat recovery engine and the air emission stack (26 metres high). The application site is surrounded on three sides by other waste development which has noisy characteristics (crushing and screening of waste materials). Separating the site from the nearest areas of agricultural land are other areas of the industrial estate. To the south of the site is a landscaped screening bund and the railway line both of which will have benefits in terms of screening much of the construction work from views when seen from the agricultural land to the south. The areas of agricultural land and Simonswood Moss are located at considerable distance from the application site (around 1km) and therefore would assist in mitigating any impacts of the construction works in terms of disturbance to over wintering birds. The proposed building is not particularly large given the other adjacent structures and industrial activities and the construction works should not give rise to noise levels that would be particularly disturbing in the context of the existing industrial estate. It is therefore considered that no seasonal restriction on construction works is necessary in order to safeguard any overwintering bird species within the functionally linked land.
- **Operational Impacts:** The plant would all be within the building and therefore the impacts of the operation of the site would be contained. The proposal is not expected to generate noise levels or particular impulsive or instantaneous noise events that would give rise to disturbance impacts and therefore the potential for operational impacts on any functionally linked land is considered to be negligible.
- **Emissions :** The proposed plant would generate some emissions in particular NO_x (oxides of nitrogen) and other pollutants which could have the potential to impact upon any areas of nature conservation importance which are sensitive to such pollutants. However, none of the nearest nature conservation designations are sensitive to air quality impacts and the small scale of the proposal means that the contribution to existing pollution levels is in any event small.
- **In combination impacts:** The site is located within an existing industrial estate which contains a number of existing waste processing and other industrial activities which give rise to noise and visual impacts as they are mainly activities which take place in the open air. The proposed activities would mainly take place within a building and therefore would be minor compared to the noise impacts that arise from the existing uses on the site which are

predominantly waste processing activities which take place in the open air. There are no extensions to adjacent areas of the industrial estate such that there would be in combination impacts to consider in tandem with the current proposal.

Conclusions : Given the nature and scale of the development and the distance to the functionally linked land, it is considered that the development would not have a likely significant effect on any functionally linked land and therefore would not have a adverse effect on the integrity of any European wildlife site. It is considered that any residual impacts that might arise from short term demolition operations can be addressed by a seasonal restriction so that such works have to take place outside of the key overwintering period between November and February. This can be achieved through a planning condition attached to any permission.