

Lancashire County Council

Development Control Committee

Virtual meeting - Wednesday, 21st October, 2020 at 10.30 am

Supplementary Agenda

We are now able to enclose, for consideration at the next meeting of the Development Control Committee on Wednesday, 21st October, 2020, the following information which was unavailable when the agenda was despatched.

Part I (Open to Press and Public)

No. Item

4. Update Sheet (Pages 1 - 10)

The Update Sheet will be considered as part of each related agenda report.

L Sales
Director of Corporate Services

County Hall
Preston

Agenda Item 4

Development Control Committee - 21st October 2020

Update Sheet

Item 6 - Application LCC/2019/0028 - Parbold Hill Landfill Site

Representations

Since the report was finalised a further submission has been received from the Stop Parbold Hill Landfill Group. The submission comprises two documents that have been obtained from the Environment Agency:

- Firstly an Audit Report of West and Parbold Hill Closed Landfill Sites. The audit was carried out by the EA on 14th February 2020, the purpose of which was to check the operator's processes and procedures with regards to leachate management and treatment.

The audit found that there were some inadequacies in terms of the checking of the integrity of leachate tanks, maintenance schedules and stock of spare parts. There was also no routine analysis of leachate level trends and no control level for the head of leachate below the permit trigger level to alert staff to reduce levels to avoid a breach of the permit. There was also no data regarding when leachate wells are pumped to allow an assessment of the leachate behaviour within the site and how it responds to pumping. It was found that access to leachate infrastructure on both sites was problematic due to vegetation growth and that site operatives' knowledge of the site infrastructure and permit requirements with regard to leachate levels was limited. There was no monitoring leachate quality or quantity on site and quality monitoring is deferred to United Utilities. The monitoring of leachate levels was only done via a visual check which was not informed by permit limits and was not linked to any telemetry allowing for remote monitoring. Both sites exhibited evidence of differential settlement. There was also some evidence of escape of leachate from the treatment tank at West Quarry although the tanks were double skinned.

- Secondly is an Environmental Permitting Regulations Compliance Assessment Report, again from the EA. The report is dated 13th March 2020. The report is an audit of compliance with the existing permit conditions for West and Parbold Hill Landfill Sites. The report lists a number of permit breaches with regard to the maintenance and monitoring of landfill gas and leachate boreholes

A further representation has also been received by Mr Sloane whose written submission was read out at the previous meeting. Mr Sloane has made a large number of comments which are critical of the previous committee report particularly in relation to the lack of very special circumstances including the benefits of the proposal in terms of pollution control, the impacts on views from the layby, the impacts and safety of the access works, the relevant plan policies and the photographic material that was shown to members.

Advice

The Environment Agency have been asked to comment on the issues raised in their monitoring reports and audits. They comment that maintaining a cap and good run off to minimise ingress of rainfall is the only way to reduce leachate volumes. In addition, the EA comment that currently it is not safe for plant and equipment to access all areas of the site due to uneven surfaces, boggy areas and vegetation growth – therefore some remediation work will be needed on the site to ensure that safe access is possible where work is needed to repair and replace gas management infrastructure.

The issues raised by Mr Sloane should be noted. It is considered that the issues that he raised were addressed in the original report. The site visit will have also assisted Members in terms of the highway and landscape impacts.

In relation to the issue of very special circumstances and the justification for the proposal, it is worth drawing attention to the advice received from the Environment Agency in the consultation responses that they have made:-

- *"We have reviewed the above reports, insofar as it relates to our remit, and our position remains that we have no objection in principle" (April 2020)*
- *"One of our concerns is to ensure that the site continues to have effective capping / restoration in order to minimise infiltration. The main environmental outcome from any work to improve the capping and surface water drainage at the site would be to reduce the amount of leachate generated, which is most likely finding its way into the groundwater." (August 2020)*
- *"Despite the uncertainties in terms of quantifying the reduction in leachate production it is recognised, as stated previously, that some remedial works to repair the engineered cap and improve the restoration profile is necessary to encourage surface water run-off, reduce infiltration into the waste and hence reduce the volume of leachate being generated at the site" (April 2020)*
- *"We see the primary environmental outcome from the works to be reducing the impact on groundwater and designated Secondary A Aquifer from leachate generated within the site" (August 2020)*

At the site visit a number of comments were made by Members regarding the speed limits that should be applied on the A5209 past the site entrance and the possibility of having traffic lights to control HGV movements out of the access.

These issues have been raised with LCC Highways. In relation to the speed limit, Highways say that reducing the speed limit to 30 mph would need the support of the police. The proposed 40 mph limit has police support as it would bring consistency with other sections of lower habitation along the A5209. Highways consider that a reduction to 30 mph would not be consistent with the rural nature of the road and conditions and would require additional traffic management engineering measures to support a lower limit and encourage driver compliance.

In relation to the traffic lights, Highways consider that the access is safe especially with the reduction in speeds to 40 mph. The hours of operation have been deliberately set to avoid peak periods so that traffic leaving the site can more easily emerge onto the A5209. However, the concerns are noted and it is considered that condition 12 should be supplemented by a new part d)

d) An investigation of the need for temporary traffic lights or other traffic control methods to enhance safety for HGVs emerging from the site entrance.

Representations

Items 6, 7 and 8 – Applications LCC/2019/0030, 0040 and 0041 – Ellel Crag Quarry

Written Statements

As a result of the Covid-19 outbreak, members of the public who have formally requested to speak at the committee meeting and who meet the criteria, have been invited to give their views in the form of a written statement to be read out in full by officers at the meeting.

There are a total of 6 written statements, these are set out at Annex A.

Further representation from local resident

A letter has been received from the occupier of a local farm. The letter states that the applicant's hydrogeological report has inaccurately noted the location of the spring which serves their property. The resident considers that the spring is fed by the Dolphinholme Mudstone and not the Accerhill Sandstone as stated in the report. The spring is therefore at risk of being impacted upon by the quarry extension. The resident considers that the application should not be determined on the basis of incorrect information and that the spring be resurveyed before a decision is made.

Representation from the applicant: Agents on behalf of the applicant have made a submission containing the following information:

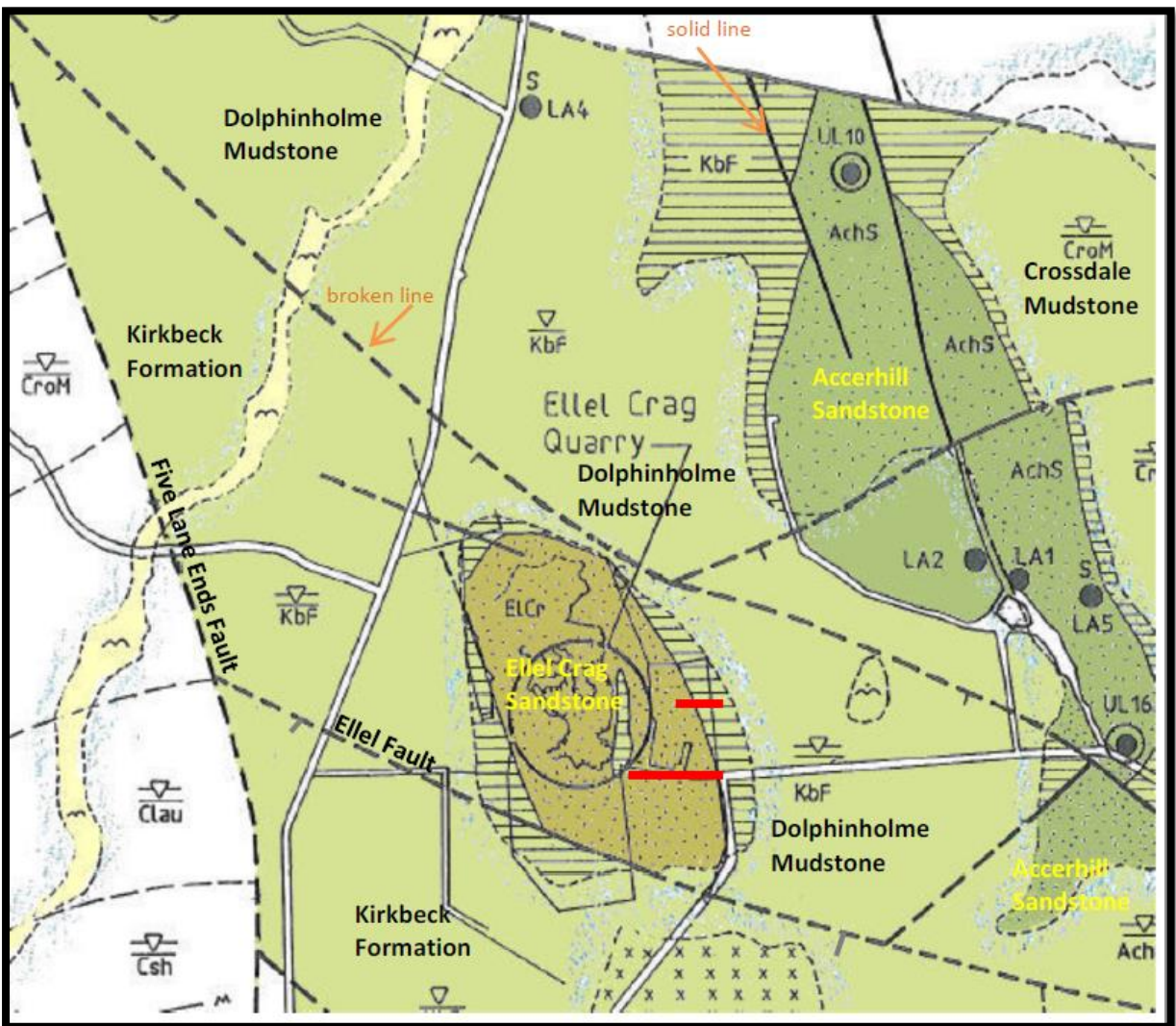
- The reports prepared by the planning officer are comprehensive and balanced and conclude that permission should be granted as the adverse impacts are outweighed by the benefits of the proposal
- The proposal has been developed over a three year period and includes an Environmental Assessment process looking at all the amenity and nature conservation impacts. This will ensure that the operations will have minimal adverse impacts with net biodiversity gains in the phased restoration
- The applicant is a local company employing 80 people which also provide work for a range of sub contractors
- As well as gritstone, the proposal will provide a sand grade aggregate and brick shale. The sand reserve in Lancashire is declining. The site would also provide important inert landfill capacity and a recycling facility co – located on the same site.
- In the ongoing uncertain and difficult economic climate caused by Covid 19 it is important that permission is granted to ensure that the applicant can continue to contribute to current and longer term employment and economic benefits

Advice

The representation from the applicant should be noted.

In relation to the representation from the local resident about impact on water supplies, these issues are addressed on page 96 of the report.

The applicant has revisited their hydrogeological assessment to address the resident's comments. The spring feeding the resident's property is shown as LA5 on the map below showing the local geology. It can be seen that the spring is located within the Accerhill Sandstone (the green shaded area on the plan) and is fed by ground water within that rock unit. The Accerhill Sandstone is older and lies below the Dolphinholme Mudstone and Ellel Crag Sandstone that would be worked as part of the quarry extension. The quarry excavation will not penetrate the Accerhill Sandstone and there is a depth restriction in condition 8 that ensures this will be the case. Therefore the quarry extension will not have any impacts on groundwater levels within the Accerhill Sandstone and should not affect the springs that are fed from groundwater within that rock strata.



Written submissions in respect of Ellel Quarry Planning applications.

1. J and DH – Local residents

Ellel Quarry – Application LCC/2019/0030

We live at Wellington Crag Farm, and as such Ellel Quarry is a close neighbour, the proposed expansion will be in our direct line of sight. We run a registered smallholding and have livestock to consider.

Hydrogeology:

- Revised Hydrogeological report, dated October 19, by Rick Brassington (ref 1902). Within this document Figure 3.1 on page 12 details the location of all water sources within the Accerhill Sandstone formation and designates our Spring next to location LA5 and our home is designated UL16. The location of the spring is further confirmed in his text in para 3.10 on page 9.
- **This is incorrect, and our actual spring is located lower than he designates and would therefore fall in the Dolphinholme Mudstone.**
- This report also states that if the quarry is excavated by a further **8** metres it will intercept formations and drain potentially all local water supplies.
- Maslow's Hierarchy of Needs, lists basic needs as Safety, Security, Food, Warmth, Rest and **Water**, all challenged here. **No guarantees are detailed to protect us, if our water supply is impacted.**

Gas, Electricity, Landslip:

- High Pressure Gas pipeline and Electricity supply - whilst the report clearly states that the excavation will not impinge the Electricity route and will be within 44.3m of the Gas Pipeline, there appears to be no account taken of potential risk of landslip impacting this type of geology due to impact of heavy rain (**ref Holbeck Hall, Scarborough June 1993**). Indicated by substantial flooding in Galgate over the last few years we are experiencing exceptional rainfall, affecting Starbank Ln and surrounding fields with flooding. Previous slippage has occurred at Ellel Quarry and there is genuine concern with this extraction.

Traffic:

- Starbank Lane, is predominantly single track, proposed changes **will** impact on traffic levels and safety for children walking to and from school.

- Increases in heavy vehicle traffic will also impact on safety at Five Lane Ends and surrounding areas and road surface quality currently adversely affected on both approaches to the quarry with more dirt / mud in this area, clearly quarry traffic.

Dolphinholme Neighbourhood Plan:

- Final stages before approval and clearly shows how this planned extension falls within the boundaries.
- Negative Impact on Dark Skies status.
- Negative Impact on the peaceful nature of the area. The noise levels designated within the proposal will impinge on the area as a whole and in particular the neighbours to the quarry, who will have to live with it daily, negatively impacting on lives.

Ecology:

- The proposal does not comply with aspects of NPPF (2019) paragraph 170 (Wildlife Trust, Kim Wisdom).
- Biodiversity net gain cannot be said to be met, some 19 years into the future (Landmark Environmental Bill).

2. BC and family – Local residents

Ellel Quarry – Application LCC/2019/0030

I live at Crag End Farm, with my wife and son and I farm on the immediate Northern and Eastern boundaries of the quarry.

If you studied the documents relating to the quarry's extension proposal you will be aware of our huge concern regarding our water supply. Our spring is our only water supply both for us and our livestock, were it to fail it would cause huge financial expenditure to us and threaten the validity of our business.

Our spring emerges from the ground approximately 400m from the proposed quarry extension; who can say whence these waters flow, however, even in the harshest drought it has never run dry. The hydrology report produced by the quarry claims that the water supplying our spring comes from different rock types than those that would be excavated in the proposed extensions. Despite this, the question must be posed: can we be sure of this? Is the hydrologist report infallible? Is it fact or is it an estimate, an expert's opinion based on the information he has? It seems to us that our water supply would be put at huge risk for the economic gain of the quarry's owners.

If this proposal goes ahead surely, at the very least, there must be a caveat included that should our water fail the quarry must install mains water to our holdings at their expense.

Our second major concern is the pollution risk to our land directly to the north of proposed excavation site. At present a stream, which is a tributary of the river Cocker, flows from this land onto ours; in times of heavy rain it can become a torrent. There are huge problems downstream regarding the build-up of silt and sedimentation. These issues would clearly be significantly multiplied should this proposal go ahead, causing damage to farmland and properties. Rainfall in these hills is around 60 inches per annum; it is not uncommon to have four or five inches of rain in as little as two days, if problems were to arise would the quarry be held responsible for any damage caused to the locality? I have not yet seen a sensible solution, the quarry's claims of diverted streams, new ponds and sediment traps seem to be neither feasible nor likely to be effective.

In conclusion, I would hope that that we live in a society where the planning authority would protect the interests and livelihoods of "the small man". However, since this proposal was published in August 2019 no Lancashire County Council official has seen fit to visit us, to view the topography of the ground from our farm or listen to our concerns regarding this proposal that puts our existence here under threat. Without water we cannot survive.

3. National Farmers Union

I am writing on behalf of a number of National Farmers Union members in the area who have contacted me to express their serious concerns regarding the proposed development of the quarry at Ellel.

The main concern they have raised is the potential impact on water supply and quality. The businesses in the area consist of dairy, livestock and pig enterprises along with a nationally significant mushroom producer who rely of bore holes or springs to supply water to their business.

In the case of the mushroom business they supply in the region of 130 tonnes of mushrooms per week and are significant users of water. This is exclusively supplied by 3 bore holes with water drawn from the same aquifer as that below the quarry. Mushroom production relies of a steady supply of water which must be of the highest quality, given that it is sprayed directly onto the crop which can be eaten raw. They currently have 3 abstractions licences which allows them to take 4,720m³ of water per bore hole. The volume of water required could not be supplied from the mains. They are also concerned about possible contamination of their water supply, given that they are producing a fresh product which can be consumed raw.

In the case of the livestock farms in the area, these again rely of bore holes and springs to provide water for their livestock and domestic properties. Livestock businesses are heavily regulated and there are standards in place setting out requirements to meet the health and welfare needs of the livestock, which includes access to water. Livestock are particularly susceptible to heat stress meaning that a ready supply of clean water is vital. There are no other viable options for these farms to supply the volume of water required to meet the needs of these animals.

Any operations which impacts on either the volume or the quality of the water supplied to these farms by the aquifer could have devastating consequences for their businesses.

Linked to the issue of water quality is the potently impact on the local geology. As the quarry will go to a depth of depth of 106 meters and will include blasting, concerns have been expressed about the impact on the on the aquifer, should the geology change meaning that some of the bore holes and springs are no longer able to access this water or waste materials could contaminate the water supply.

Impact of increased traffic on the road network in the area has also been raised, particularly the impact this could have on the ability to move livestock, get produce to market and wider road safety implications.

4. Chair of Dolphinholme Residents Association.

Lancashire County Council Planning Application LCC/2019/0030. 0040, 0041 Ellel Quarry

I speak as the Chair of Dolphinholme Residents Association and as a member of the Dolphinholme Neighbourhood Planning Group. This latter is a sub-committee of Ellel Parish Council working with Wyre Borough and Lancaster City Councils with Lancaster taking the lead role. The Neighbourhood Plan for Dolphinholme is in draft form but the area covered by the plan has been approved. While the current operations at Ellel Quarry lie just outside the Plan area, the proposed physical extension would bring its operations within the boundary of the Neighbourhood Plan.

Residents have long accepted the current operations with the expectation that the conditions under which the quarry operates would be fulfilled viz. that the edge of the quarry would be landscaped to woodland by 2023 and that therefore restoration and landscaping activities would be commencing shortly, together with the redevelopment of the ruined building (Ellel Farmhouse).

The principle application 0030 constitutes a major change from this position with the proposal to physically extend the quarry and timeline. This would have a considerable detrimental impact on the lives those living closest to the quarry along Starbank Lane. Apart from the disruption and loss of land, there is considerable concern about the impact of the quarry extension on groundwater and the spring line around the edge of Croft Height. This water is used by a number of local farms and does not seem to have been considered in the application.

Additionally, traffic to and from the quarry is a major source of damage to the road surface between the quarry and Hampson Lane. This is of concern to all road users but of particular concern to cyclists for whom the potholes, damaged verges and indeed the size and speed of the heavily loaded wagons are a major hazard. Government policy is to encourage the increased use of cycles for short journeys and for the residents of Dolphinholme this part of the highway network is an essential route in order to gain access to Galgate, the A6 and the University. To expand the quarry and thereby increase the traffic on this part of the network would appear to go completely contrary to the Government's environmental agenda.

In our previous correspondence, we suggested that we would be happy to facilitate a meeting between the applicant and the residents to give an opportunity for the applicant to explain their proposals. We have a well developed online communications system within Dolphinholme with which we are able to widely consult despite the Covid 19 situation. We have however received no communication from the applicant therefore we have no option but to object to this application.

5. Chairman of Ellel Parish Council

Regarding the number of planning applications that come before Ellel parish council. Ellel Quarry has generated the most number of objections and telephone calls regarding residents' concerns. Because of this I contacted Ellel quarry and visited the site but was not allowed to look around. I was told that the owner and manager of the site would contact me to explain what their plans and details of their planning application.

To this date no one has been in contact.

All the residents living adjacent to the quarry extension are extremely concerned regarding their water supply which is mostly boreholes. If this quarry extension cuts off their water supply who will pay to have water installed and who will then pay for the water. There seems to be some controversy over the depth of the quarry extension. The planning application tells us that they intend to dig to a depth of 90 metres, yet replies to our objections from the parish council said that it is only 40 metres deep.

There appears to be conflicting evidence on what the stone being taken out of the quarry will be used for.

We are extremely disappointed that our attempt to define the facts and talk sensibly to the owners of Ellel quarry have drawn a complete blank. There is also the problem of vehicles going to the site and leaving the site the road being extremely dirty at times. And damaging the road structure and side of the road, with numerous vehicles having left the road and ended up in farmers' fields. And who is policing the number of HGV visiting the site each day.

They have been prosecuted by the Environment Agency for multiple breaches of discharge limits,

The waste water that leaves the site is supposedly going through a water treatment plant, there appears to be no evidence of this being in place at the moment, with this large extension the amount of waste water will be dramatically increased and this will need to be treated. This will have a big impact on the farms which are intersected by the River Cocker where all the waste water will be discharged into.

6. Susie Charles, County Councillor for Lancaster Rural East

Dear Members,

This confirms that I stand behind my constituents' concerns with regard to the application from Ellel Quarry, and I hope that you will pay them due regard. It is impossible for me to summarise the objections within 450 words, so I ask you to read all the representations of those objecting and refuse these applications.