

Development Control Committee

Meeting to be held on 23rd September 2020

Electoral Division affected: West Lancashire East
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West Lancashire Borough: application number LCC/2019/0028

Proposed reprofiling of former landfill site using imported inert materials including new access. Former Parbold Hill Quarry, Parbold Hill, Parbold
(Appendix A refers)

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Executive Summary

Application – Proposed reprofiling of former landfill site using imported inert material including new access. Former Parbold Hill Quarry, Parbold Hill, Parbold.

Recommendation – Summary

Subject to the applicant first entering into a Section 106 Agreement relation to the promotion of the traffic regulation order process and an extension to the aftercare period, planning permission be granted subject to conditions controlling time limits, working programme, site operations, highway matters, environmental controls, restoration and aftercare.

Background

A report relating to the above application was reported to the meeting of the Development Control Committee on 23rd September 2020. (Copy attached at Appendix A). At that meeting, members resolved to defer consideration of the application to allow a site visit to take place.

The site visit took place on 12th October 2020.

The purpose of this report is to:

- Provide a summary of the submissions from members of the public that were made under the public speaking rules and which were read out to the Committee at the meeting on 23rd September.
- Provide a summary of the further representations that have been received since the report to the 23rd September Committee was prepared.
- Provide advice to members of the Committee on any issues that are raised.

Summary of submissions under public speaking rules

Submissions were received from 15 individuals under the Development Control Committee public speaking rules. In lieu of being able to speak in person to the virtual meeting of the Committee, these submissions were read out by officers. The issues raised are summarise as follows:

- DP & PM: Live at Gillibrand Farm on Wood Lane – the landfill is behind and above their property. The diagram shown to members of the landfill design does not properly illustrate the site as the site was tipped with wet pulverised waste which was not properly compacted. The residents are therefore concerned that surcharging the site with further inert waste will increase the instability of the site and will risk their property which is below the site. The application should be rejected.
- PW – local resident. Draws attentions to the need to demonstrate very special circumstances to justify inappropriate development in the Green Belt. She considers that the applicant has not demonstrated that the development is required or will have tangible benefits in terms of reducing leachate production and therefore no very special circumstances can be demonstrated.
- JS – Draws attention to the report to Committee on 24th July 2019 when members resolved to visit the site. He is concerned that members are being asked to approve the application without seeing the site and appreciating its scenic qualities. The photographs presented are no substitute and do not illustrate the dangerous position of the access. There are a numbers of errors and omissions in the officer's report regarding the volumes of material to be tipped. He considers that the development is inappropriate development in the Green Belt and that the report should have recommended refusal on green belt grounds. He considers that the proposal is unnecessary and an outrageous act of environmental vandalism.
- MB – questions the need to repair the site and excessive scale of the proposal and is alarmed that the information submitted by the applicant has not been subject to independent verification by the Environment Agency. The landfill cross section shown by officers is misleading of the steep hillside location of Parbold Hill. There are no very special circumstances and planning conditions and section 106 agreements are unenforceable and undermined by a lack of resources. The application should be refused.
- KS – Local resident who lives opposite the site at Beacon View. The report does not accurately portray the steep gradient at the access and the number of accidents and near misses. An entrance at Parbold Hall would be much safer and would remove traffic from the busy hilltop viewpoint. The application brings no benefit to the community. The Borough Council voted to refuse the application and the County Council should do likewise.
- DE– Local resident- strongly objects on amenity grounds. The views from Parbold Hill are impressive but will be blocked by the new tipping works. The views and the landscape are protected by the local plan policies and there are always people in the layby enjoying the views from this location. The development and access works would put an end to the enjoyment of the area and replace the current views with noise, smell and loss of amenity. Even after the works have finished, the site will be a different place and the amenity of Parbold Hill as a destination will be lost. The application should be refused.

- KM – Chair of Campaign for the Protection of Rural England - West Lancashire Group. The landfill operations are inappropriate unless there are very special circumstances. The site has exceptional biological importance with many plant species. The applicant has not demonstrated how the existing interest would be protected or enhanced and would result in the loss of the existing biodiversity value. The proposal is therefore inappropriate and unjustified and should be rejected.
- KJ – on behalf of local residents. Concerned that the process does not allow her to show members a virtual site visit or read out her statement. The applicant has not supplied any artists impressions of the access and the entirety of the highway works are contrary to Green Belt policy. The photographs presented by officers are unrepresentative and do not show the impacts of the new access works. She considers that the access proposals are dangerous and a threat to life and should be refused.
- MA – Parbold Hall resident – lives 200 yards east of the site in the path of the prevailing wind and is concerned about the dust and possibly toxic material being imported. He is concerned about the existing biodiversity value of the site and how the area outside of the tipping area will be conserved by an applicant who has no understanding of biodiversity. The access proposals are dangerous and noisy and an access via Parbold Hall would be safer. The development would result in drainage issues. Mr A says that he owns land around Round O Quarry where planning conditions have been breached and none of the restoration conditions have been met. Who will police the conditions? There is no evidence of pollution and no very special circumstances. The application is inadequate and speculative and should be refused.
- JP – local resident. The risk assessment is a misrepresentation of the impacts of the proposals on local residents and users of the layby and costumers of the pub / restaurant. The noise, dust and odour impacts from the last landfill operations will return to the site. The proposals would impact upon the Parbold Bottle and would general impact upon the amenity of the area. The application should be refused.
- Dr RC and Mr GG – carried out a bird survey of the site and surrounding area and recording 26 bird species including 3 Afro – European migrants. The site contains rich and diverse habitats which have value for birds. The lack of human disturbance is a critical benefit.
- JC – Planning Manager for the Campaign for the Protection of Rural England (CPRE) – The development is contrary to national and development plan policy and an overall negative balance – therefore the application should be refused. There are a number of key issues including harm to greenbelt and landscape character, water contamination, land stability, dangerous site access which are either unacceptable or which have not been properly addressed. The CPRE also consider that an Environmental Impact Assessment should have been carried out and that the proposal is not consistent with the policies of the Lancashire Minerals and Waste Local Plan. There is also considerable local objection which is an important consideration.
- Cllr Susan Holland (Parbold Parish Council) – The proposal is contrary to many policies and if permission is granted it will be ignore policies relating to green belt, highways, landscape and the environment. The proposal is far in excess of what is required and therefore very special circumstances cannot be demonstrated. The new access would be costly and would disrupt traffic

flow and harm highway safety. No new sites for landfill of inert wastes are needed and how would it be certain that the wastes would be inert. Parbold Hill is a much loved and valued landscape feature and should be protected.

- Cllrs May Blake and David Whittington – represent Parbold ward on West Lancashire Borough Council. The area is very important for recreation and the Council are looking to upgrade the canal towpath between Parbold and Appley Bridge. The proposed landfill development would risk the recreational value of the area and the works proposed by the Borough Council. The proposal should be refused.
- Rosie Cooper – MP for West Lancashire – Has consistently raised her concerns about the scale of this project and its impact on the area. The Committee should be looking to determine the planning application in parallel with an Environment Agency permit application. She is disappointed that no councillor site visit is taking place. West Lancashire Borough Council have managed to convene such site visits so it is disappointing that LCC have not made similar arrangements. Such a visit is vital and members should not be expected to make a decision based upon desk based information. The site is green belt and members should be assured that it is appropriate development and that there are no other sites available.

Further representations

Since the Committee report to the 21st September 2020 Committee was prepared the County Council has received 114 further representations objecting to the application. The grounds for objection are summarised as follows;-

- Loss of visual amenity and would despoil an existing beauty spot and view point that is a famous Lancashire landmark. The raised landform would obscure the existing views.
- The proposal would deter people from visiting the restaurant.
- Impact of HGVs – the existing A5209 has been identified in the West Lancashire Route Management Strategy Stage 2 report as a route that is unsuitable for the current level of HGV's so why add additional vehicles to this road.
- Use of the access would result in road safety issues.
- The Committee should visit the site before considering the proposal – not all of the Members know the site or are aware of the issues. Why is due process not being followed?
- Such a significant proposal should not be considered at the current time when committees can only meet remotely– it should be deferred until representation from all parties can be made in a suitable forum.
- The report contains significant factual errors and misrepresents the detrimental impacts on the area. It goes against the views of the district council, five parish councils and 1000 local residents.
- There is a risk of additional flooding.
- There does not appear to be any form of monitoring for the waste being tipped
- The Lancashire Minerals and Waste Local Plan already makes adequate provision for tipping of inert materials – there is no need to create another site.

- The proposal would only give rise to a 25% improvement in drainage which is not a reason to over ride green belt policy. No very special circumstances have been demonstrated to justify the development in the Green Belt.
- The proposal would stop the area being used by local people which is important at a time of Covid 19 restrictions.
- The proposed tipping volume is far more than required to address the drainage issues.
- The proposal would result in dust issues and noise pollution and unpleasant odours.
- There is no evidence to demonstrate that there are problems with the surface of the site – this is admitted by the Council officer.
- The surveys of ecology are inadequate. The site is used by a wide range of bird species.
- Why is there no provision for objectors to provide their views at the meeting – is there underhandedness between the applicant and the council. The application should not be decided in secret.
- There is no timescale on restoration – there will still be pressure for the holiday lodges that were originally part of this application.
- Consideration of the application should be deferred to allow the EA permitting process to be carried out.
- The proposal is contrary to all planning policies and should be refused.
- Tipping additional inert waste would prevent proper decomposition of the existing waste material lengthening the cost of monitoring and clean up.

One representation supporting the application has been received. The resident considers that the proposal will restore the hill to its original profile which will look much better and will provide short term pain for long term gain.

The applicant has also made a submission which is summarised as follows:-

- The proposal is for the minimum amount of work required to remediate the existing site.
- The site is not under any specific habitat protection and is private land. Any ecological value of the site is a matter of happenstance and any weight to be offered to such accidental interest is limited and ought to be tempered.
- The works do not conflict with green belt policy.
- The proposed works will not have a long term impact on the viewpoint – the existing layby and viewing area will be retained.
- The site has an uneven surface and poor surface water drainage leading to increased volumes of rainwater percolating into the waste and increased leachate generation and risk of water pollution. The proposed importation of additional soil materials will remediate the areas of significant settlement.

Advice

The issues raised in the written submissions from the 'public speakers' and in the further representations that have been received should be noted by members of the

committee. However, it is considered that the issues raised are covered in the report that was presented to the Committee meeting on 21st September 2020.

A number of residents and Rosie Cooper MP have raised the issue about the need for the Committee to visit before determining the application. A report was previously presented to members on 24th July 2019 recommending that they visit the site prior to determining the application and the Committee agreed with this recommendation. However, this was prior to the Covid 19 pandemic which clearly has important implications for the logistics of holding a site visit. Nevertheless a site visit took place on 12th October 2020 which together with the video and other photographs that have been provided, will ensure that members have sufficient appreciation of the site and its surroundings to determine the planning application.

Recommendation

That subject to the applicant entering into a section 106 agreement to provide for the funding of any necessary Traffic Regulation Orders and to extend the aftercare period to a total of ten years, planning permission be granted subject to the following conditions:-

Time Limits

1. The development shall commence not later than 3 years from the date of this permission.

Reason: Imposed pursuant to Section 91 (1)(a) of the Town and Country Planning Act 1990.

2. The site including the access and tipping area shall be finally restored in accordance with the scheme and programme approved under the requirements of condition 22 below within 24 months from the date of commencement of development as notified to the County Planning Authority under the provisions on condition 4a to this permission.

Reason: To ensure the progressive restoration of the site in the interests of visual amenity and to conform with Policy DM2 of the Lancashire Minerals and Waste Local Plan.

3. The importation of inert fill materials to the remediation area shall cease within 18 months of the date of commencement of importation as notified to the County Planning Authority under the requirements of condition 4b to this permission. Filling and restoration works within the remediation area shall be undertaken progressively in accordance with the scheme and programme approved under the requirements of condition 9.

Reason: To ensure the progressive restoration of the site in the interests of visual amenity and to conform with Policy DM2 of the Lancashire Minerals and Waste Local Plan.

4. Written notification of the following events shall be sent to the County Planning Authority within 7 days of such commencement.

- a) Commencement of the development
- b) Commencement of importation of materials to the remediation area

Reason: To enable the County Planning Authority to monitor the development to ensure compliance with this permission and to conform with Policy DM2 of the Lancashire Minerals and Waste Local Plan.

Working Programme

5. The development shall be carried out, except where modified by the conditions to this permission, in accordance with the following documents:

- a) The Planning Application received by the County Planning Authority on 15th April 2019 as amended by the letter from Peter Dickenson Architects dated 20th November 2019.

- b) Submitted Plans and documents:

Drawing 3746-19-11 Red Edge Plan
Master Plan drawing submitted 2nd December 2019
Drawing 4458/01/002 rev 3- Site Plan (Landform maintenance)
Drawing 4458/1/009 rev 1 - Restoration Patch Repair Surface Water Management Scheme
Drawing 4458/01/011 Rev 2 - General Section
Drawing 4458/01/013 Rev 3 - Site topography December 2018 with patch repair sections
Drawing P19034 - 001E Proposed access scheme
Drawing P19034-002D Long Sections
Drawing P19034 -005C Potential Traffic calming Scheme

- c) All schemes and programmes approved in accordance with this permission.

Reason: For the avoidance of doubt, to enable the County Planning Authority to adequately control the development] and to minimise the impact of the development on the amenities of the local area, and to conform with policies DM2 of the of the Lancashire Minerals and Waste Local Plan and policies SP1, GN1, GN3, EN2 and EN3 of the West Lancashire Borough Local Plan.

6. Raising of land levels using imported inert materials shall only occur within the area edged in a red dashed line on the Masterplan drawing submitted on 2nd December 2019.

Reason: In the interests of the visual amenities of the area and to conform with Policy DM2 of the Lancashire Minerals and Waste Local Plan.

7. No materials other than clean inert clay and soils shall be imported to the site for the purposes of the landfill remediation works permitted by this planning permission.

Reason: In the interests of local amenity and to conform with Policy DM2 of the Lancashire Minerals and Waste Local Plan.

8. No imported materials shall be tipped temporarily or permanently above the levels shown on drawing 4458/01/002 Rev 3 - Site plan (Landform maintenance).

Reason: In the interests of the visual amenities of the area and to conform with Policy DM2 of the Lancashire Minerals and Waste Local Plan.

9. No delivery and grading of inert waste materials shall commence until a scheme of phasing of the filling works has been submitted to the County Planning Authority for approval in writing. The scheme shall contain the following information:-
 - a) The tipping and progressive restoration of the site in a series of phases.
 - b) Details for the stripping of existing soils prior to the importation of materials in each phase including details of the location and means of storage of stripped materials.
 - c) A timescale for the grading and restoration of each phase once that phased has been filled to the final levels.

Thereafter, the site shall be filled and restored in accordance with the approved scheme of phasing.

Reason: In order to ensure the progressive development and restoration of the site in the interests of visual amenity and to conform with policy DM2 of the Lancashire Minerals and Waste Local Plan.

10. No development shall commence until a scheme and programme for the treatment of the Japanese Knotweed within the site has been submitted to and approved in writing by the County Planning Authority.

All Japanese Knotweed within the site shall be treated in accordance with the approved scheme.

Reason: To control invasive species within the site in the interests of the proper restoration of the site and to conform with Policy DM2 of the Lancashire Minerals and Waste Local Plan.

Highway Matters

11. No waste materials shall be imported to the site until the site access, internal access road and tipping bay has been constructed in accordance with a scheme and programme to be first submitted to and approved in writing by the County Planning Authority. The scheme and programme shall contain details of the following.
 - a) The design and layout of the access from the A5209.
 - b) The works that will be undertaken to the pedestrian footway alongside the public highway to allow the construction of the new access.

- c) The design of the internal access road including surfacing.
- d) The design of tipping bay including location, design, surfacing and design and landscaping of the soil screening bunds.

Reason: In the interests of highway safety and to conform with Policy DM2 of the Lancashire Minerals and Waste Local Plan.

12. No development shall commence until a programme of traffic calming and highway safety measures has been undertaken on the A5209 in accordance with a scheme and programme to be first submitted to and approved in writing by the County Planning Authority. The scheme and programme shall contain details of the following:

- a) The speed limit restrictions that are to apply on the A5209 including details of signage to be installed and their locations.
- b) Enhanced road markings to be installed on the carriageway surface of the A5209.
- c) The measures that will be employed to prevent HGVs from turning left into and out of the site.

The traffic calming and road safety measures contained in the approved scheme shall be implemented prior to the commencement of the development and retained at all times throughout the duration of the development.

Reason: In the interests of highway safety and to conform with Policy DM2 of the Lancashire Minerals and Waste Local Plan.

13. HGVs associated with the importation of inert materials to the site shall only access the site by way of the proposed access shown on drawing P19034 - 001e Proposed Access Structure. No such HGVs shall access the site by way of the existing access point in the south west corner of the site.

Reason: In the interests of highway safety and to conform with Policy DM2 of the Lancashire Minerals and Waste Local Plan.

14. All topsoil stripped from the site during works to create the site access and tipping bay shall be retained on the site for use in the restoration of the site.

Reason: In the interests of the proper restoration of the site and to conform with Policy DM2 of the Lancashire Minerals and Waste Local Plan.

Hours of Operation

15. No development involving the construction of the site access, grading of imported inert materials or restoration works shall take place outside the hours of:

08.00 to 18.00 hours, Mondays to Fridays (except Public Holidays)

No development or restoration shall take place at any time on Saturdays, Sundays or Public Holidays.

Importation of inert waste materials shall only take place between the hours of 09.00 – 17.00 hours Mondays to Fridays. No such importation shall take place on Saturdays, Sundays or Public Holidays.

This condition shall not, however, operate so as to prevent the carrying out, outside these hours, of essential repairs to plant and machinery used on site.

Reason: To safeguard the amenity of local residents and adjacent properties/landowners and land users and to conform with Policy DM2 of the Lancashire Minerals and Waste Local Plan.

16. Measures shall be taken at all times to ensure that no mud, dust or other deleterious material is deposited on the public highway by HGVs leaving the site.

Reason: In the interests of highway safety and to conform with Policy DM2 of the Lancashire Minerals and Waste Local Plan.

Environmental Controls

17. Measures shall be taken at all times to minimise the generation of dust from the site. Such measures shall include the sweeping of the access road and tipping bay, application of water to any internal site roads and suspension of activities during dry and windy weather conditions when other mitigation measures fail to be effective.

Reason: To safeguard the amenity of local residents and adjacent properties/landowners and land users and to conform with Policy DM2 of the Lancashire Minerals and Waste Local Plan.

18. All plant, equipment and machinery used in connection with the operation and maintenance of the site shall be equipped with effective silencing equipment or sound proofing equipment to the standard of design set out in the manufacturer's specification and shall be maintained in accordance with that specification at all times throughout the development.

Reason: To safeguard the amenity of local residents and adjacent properties/landowners and land users and to conform with Policy DM2 of the Lancashire Minerals and Waste Local Plan.

19. Noise emitted from the site during the approved landfill remediation and site restoration works shall not exceed 10dBA leq (free field), above the background level as defined in this permission, when measured from any of the following properties at a point closest to the noise source:

- a) Beacon Lodge, A5209
- b) Miller and Carter Restaurant

Reason: To safeguard the amenity of local residents and adjacent properties/landowners and land users and to conform with policy DM2 of the Lancashire Minerals and Waste Local Plan.

20. Repair, maintenance and fuelling of plant and machinery shall, where practical, only take place on an impervious surface drained to an interceptor and the contents of the interceptor shall be removed from the site completely.

Reason: To safeguard local watercourses and drainages and avoid the pollution of any watercourse or groundwater resource or adjacent land and to conform with policy DM2 of the Lancashire Minerals and Waste Local Plan.

21. Provision shall be made for the collection, treatment and disposal of all water entering or arising on the site to ensure that there shall be no discharge of contaminated or polluted drainage to ground or surface waters.

Reason: To safeguard local watercourses and drainages and avoid the pollution of any watercourse or groundwater resource or adjacent land and to conform with policy DM2 of the Lancashire Minerals and Waste Local Plan.

Restoration and Aftercare

22. No delivery and grading of inert waste materials shall take place until a scheme and programme for the final restoration of the site and other areas of Parbold Hill Landfill Site has been submitted to the County Planning Authority and approved in writing. The scheme and programme shall include details of:

- a) The respreading of stripped soil including use of imported soils in the event of a shortfall of on site materials.
- b) The treatment of the restored surface including measures to ensure plant growth
- c) The seeding of restored areas including seed mixes to be used
- d) Details for the further restoration of those parts of the site outside of the remediation area including works to landfill gas vents, removal of security fencing and habitat management works.
- e) Details of a permissive right of way including routing, surfacing and fencing
- f) Management of existing tree and shrub planting on the boundaries of the wider landfill site
- g) Details for the removal and restoration of the leachate pumping station once it is no longer required.
- h) Details for the removal and reinstatement of the site access with the A5209 including the footway and tipping area.
- i) Details of the works to be undertaken to the existing access of the A5209

j) A timescale for each of the above works.

Reason: To secure the proper restoration of the site and to conform with policy DM2 of the Lancashire Minerals and Waste Local Plan.

23. Upon certification in writing by the County Planning Authority of the completion of restoration, as defined in this permission, aftercare of the site to promote the amenity afteruse of the site shall be carried out for a period of five years. Such aftercare works shall include management works to habitats including grazing or moving as appropriate, management of invasive species, drainage works and management of tree and hedge planting.

Reason: To secure the proper aftercare of the site and to conform with Policy DM2 of the Lancashire Minerals and Waste Local Plan.

Definitions

Completion of restoration: The date when the County Planning Authority certifies in writing that the works of restoration contained in the scheme and programme approved under the requirements of condition 22 have been complied with.

Heavy Goods Vehicle: A vehicle of more than 7.5 tonnes gross weight.

Free field: At least 3.5 metres away from the facade of a property or building.

Notes:

The grant of planning permission does not remove the need to obtain the relevant statutory consents/licences from the Environment Agency.

This consent requires the construction, improvement or alteration of an access to the public highway. Under Section 184 of the Highways Act 1980, the County Council, as Highway Authority, must specify the works to be carried out. Only the Highway Authority or a contractor approved by the Highway Authority can carry out these works. It also requires the confirmation of a Traffic regulation Order on the A5209.

To discuss the highway works and the Traffic Regulation Order you should contact the Lancashire County Council Highways quoting the planning permission reference.