

Lancashire County Council

Development Control Committee

Wednesday, 23rd September, 2020 at 10.30 am

Supplementary Agenda

We are now able to enclose, for consideration at the meeting of the Development Control Committee on Wednesday, 23rd September, 2020, the following information which was unavailable when the agenda was despatched.

Part I (Open to Press and Public)

No. Item

4. Annex A to the Update Sheet (Pages 1 - 24)

L Sales
Director of Corporate Services

County Hall
Preston

Development Control Committee 23rd September 2020

Update Sheet

Item 5. Application LCC/2019/0028 Parbold Hill Quarry

Representations

Since the report was finalised a further 134 representations have been received 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 Environment Agency 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 majority of representations that have been received raise the same issues that have previously been made and are summarised and addressed in the report.

The main additional issue concerns the process by which the application is being determined through the virtual committee and the absence of a formal site visit to view the site and its surroundings.

The Local Authorities and Police and Crime Panels (Coronavirus) (Flexibility of Local Authority and Police and Crime Panel Meetings) (England and Wales) Regulations 2020 provide for English local authorities to hold public meetings virtually or by video link during the Covid-19 pandemic.

The county council's practices are in line with these regulations. Moreover, the operation of our virtual committee is similar to most other local planning authorities in England. The county council's policy of allowing up to 30 statements to be read out during the meeting is more generous than most planning authorities. It is acknowledged that there has been no site visit by members. However, you have been provided with some video showing the site in addition to the photographs within the

powerpoint to allow you to appreciate the site and its setting and again this is similar to the practices that are being adopted by most other planning authorities at the current time.

Annex A

1. DP and PM - local residents.

Paul and I live at Gillibrand Farm-House on Wood Lane.

Our house was originally the manager's house for the mine in the old village and dates back over two hundred years. It was here before Parbold Hill was ever quarried. It is a tranquil place at the bottom of the Douglas Valley. Few know we are here, from the layby on Parbold Hill, our home is unseen.

The former landfill quarry is behind and above our house. You have been shown design diagrams of the landfill by your officer. One diagram shows a dilute and dispersed design, indicating solid waste in a bowl with a thin soil cap. You may be led to understand that this illustrates the landfill design.

It is not!

The waste that filled the old quarry was not solid, but wet, pulverised waste from Manchester that was not compacted as conditions demanded or covered appropriately, but was hastily completed due to penalties in the deadlines imposed by other conditions.

Please ask for reports on the condition and characteristics of the buried waste and the format of the covering cap.

The landfill behind our home is not in a basin like the drawing shows, it's in a bowl that is tilted with the waste rather like blancmange in consistency. When you tilt a bowl of blancmange it will slump from the edge of the bowl. Similar to that under the layby, a crack where the waste has separated from the back wall of the old quarry. From above it is unseen under the undergrowth. It was last repaired in 2000. Now the applicant, want you to approve 90,000 tonnes of inert waste to be placed over the crack as a new cap, estimated to be 7 m thick.

Please ask how this will affect the stability of the already unstable landfill underneath. Please ask how they will repair the crack in the future. We understand that piling weight at the weakest part of the blancmange will increase instability. The EA agree it has been poorly monitored and managed site.

Our house is below!

To do the work to help overcome the problems the applicant needs to provide reports to the EA for a permit to proceed – The applicant has not yet fulfilled this obligation.

If you grant this permission you are doing it blind, without evidence.

The valley is thriving with wildlife that lives on a rich habitat and could be destroyed.

An officer has read this, if it were me, you would hear the fear and shake of my voice. Please ask for the evidence to support your decision.

Please Reject!

2. PW - Local resident

Very Special Circumstances

P29 Officer's Report "planning permission should only be granted if very special circumstances (VSC) **can be demonstrated** .. to show harm to the Green belt is outweighed **by the benefits of the proposal**". The committee must be sure that **evidence exists** to show that increasing volumes of leachate are polluting groundwater.

The EA believe that recontouring the site by importing "some" (not specified) additional material would have benefits in terms of pollution control.

P14-16 (OR) indicates repeatedly that it is **the applicant himself who claims VSC** but offering no independent verification.

- "The owner is concerned about the rising costs..."
- "The owner considers leachate volumes to be high....."
- "The applicant suggests that settlement results in surface water ponding"
- "The applicant has provided pumping records..."

The applicant's pumping records are discounted by his own consultant who labels them "**reference source not found**"

The supplied record shows no gradual trend but a sudden dramatic rise in pumping volumes in September 2018 - the month the applicant acquired the site.

The EA do not collect or monitor pumping data so they **cannot verify the applicant's records**.

Even the Officer's Report strikes a dubious tone "the data **appears to show**...increasing volumes of leachate (P15)

The applicant **could** verify his pumping record by reference to United Utilities who monitor leachate entering the sewer. However the gauge, situated in Appley Bridge, measures the combined leachate from Parbold Hill and West Quarry. **The original quarry plans show that it is not possible to measure Parbold leachate alone.**

Regarding pollution - the officer's report (P16) notes:-

- that "old boreholes show inconclusive results"
- "the data does not suggest there is any clearly identifiable pollution issue from landfill leachate."

Despite there being **no evidence of pollution**, the EA, who have not expressed pollution concerns in the 30 years since the landfill closed and who do not keep records of the chemistry of the leachate, consider that infiltration **leachate is 'likely'** to be entering groundwater.

Indeed April 2020 the **EA expressed their doubts** that these proposals would have any impact on leachate production, quality or capture, stating:

“It is also likely that proposals to repair the cap in the north of the site may have little effect on leachate pumping volumes and quality, and we agree that leachate pumping will continue to be required following the remediation.”

Hardly a ringing endorsement of the ‘benefits’ of the proposals or their capacity to outweigh the harm to the Green Belt.

Self-recommendation from the entrepreneur applicant together with the EAs doubts - “there is no guarantee that a permit variation will be approved” - how can the committee conclude that there are Very Special Circumstances justifying these proposals?

3. JS

This application was first considered on 24th July 2019 when the Committee decided it should view the site. Despite this, you are now being recommended to approve it in contravention of the Green Belt but without many members having ever seen the site. The photographs being presented seriously misrepresent the scenic qualities and importance of Parbold Hill and are no substitute for actually seeing it. Neither do they properly illustrate the highly dangerous location of the proposed new access.

This failing is compounded by numerous errors and omissions in the officers' report including overstated separation distances to properties, an incorrect distance between the access and lay-by and any reference whatsoever of the critical fissure between the quarry face and the tip. Even the tonnage of material to be tipped is incorrectly stated by some 75%. A most serious omission is any critical examination of the amount to be tipped or for the 7m (22 ft) of tipping directly in front of the lay-by which would effectively destroy the views for which the site is famous.

It would be both malpractice and a travesty of justice towards the community if the application were to be decided without Members having seen the site or these failings having been addressed.

This proposal is inappropriate development in the Green Belt and would create serious environmental and access problems. Set against these planning issues, the report states that the Environment Agency wish to see some work done to the site to avoid pollution which, incidentally, doesn't currently occur. They specifically do not, as claimed in the report, "support the application" and their wish for extra cover material is entirely unquantified. In planning terms this is a weak and unmeasured material consideration which is completely outweighed by the conflict with the Green Belt and the environment.

My professional view based on over 20 years as a LA Chief Planning Officer is that this report is badly flawed and arrives at an unjustified conclusion which is not supported by fact. A refusal on Green Belt and Development Plan grounds should have been the correct recommendation. As written, the report could be interpreted as taking an easy way out in the face of the applicants' recent pressure and threats to appeal. It should not be accepted.

I would urge Committee to respect the local community and Borough Council wishes by refusing or deferring the application for members to see the site and for a critical investigation to be conducted into the true need for this quantity of tipping. It's obvious to anyone viewing the site from the lay-by that to tip 7m of waste in the foreground is an entirely unnecessary and outrageous act of environmental vandalism.

4. MB – Local resident

For 16 years my company has operated throughout the waste Industry, installing landfill site infrastructure.

Residing in Parbold I'm very concerned at the proposed "Remediation" of the Parbold Hill Site and **question the "need for repair" and "excessive scale" of the proposals.**

Most alarming is that all information supplied to LCC is from the applicant, with no formal validation of the proposals from the Environment Agency (EA). This is highly irregular.

Parbold was constructed using the **now discredited Dilute and Disperse Principle.** The former Stone quarry, in a steep hillside, was filled with "pulverized" waste. With no formal lining the waste becomes saturated by the ingress of groundwater, so that it can be diluted and dispersed.

Evidence confirmed by ex Wimpy Waste managers and operators, involved in the 80's infilling of Parbold and West Quarry confirm that unpermitted waste was accepted. Court action initiated by a Wigan Councillor, halted operations until improvements were legislated.

Consider

This unproven engineering is no longer permitted.

Wimpy's poor management.

A totally inadequate method of compacting the waste was used, critical when considering the steep hillside location.

ALL these factors serve to destabilise the waste.

This Huge Volume (1.6 million tonnes) of unsupported waste contained in a single chamber is not permitted today. Subsequent engineering uses interlocking honeycombe type waste cells.

The landfill surface has already slipped downhill, evidenced by "Slumping" resulting in Backwall Detachment. The shifting waste producing downhill gradients of 49 degrees, and "Protruding Toe" deformations along the southern boundary.

The Officer's Report p46 should be disregarded. The schematic illustration is misrepresentative of the unique steep hillside location at Parbold Hill.

Decision

Members are asked to endorse the addition of 120,000 tonnes of new waste to the surface of this already unsafe structure.

Your officer can't provide any independent information to justify the Very Special Circumstances necessary for this development.

Any attempt to control applications using planning conditions, or a Section 106 Order, are too often unenforceable, undermined by a lack of resources, or alternatively companies go bankrupt deliberately, defaulting on their commitments.

The applicant ignored LCC's pre-application advice to Twin Track his application with the EA.

Again this is highly irregular.

The EA can only say there's a "probability" that repairs may be needed because as yet no investigations have been conducted.

This "Guesstimate" does not represent Very Special Circumstances.

The EA nominated this popular beauty spot as a Site of High Public Interest. This means the EA committed to an extended period of increased investigation prior to considering any proposals from the applicant.

This hasn't happened.

Approval would be premature, without the benefit of the information to follow from these extensive EA investigations.

I request this application be REFUSED.

5. KS - Local resident

There can be few more dramatic heart stopping views than that as you top Parbold Hill heading west – a view so expansive it feels like flying!

I live nearest to the proposed landfill yet Maybrook Developments ignore my home, in spite of its position at the very top of Parbold Hill.

Maybrook's architects put a label on their drawings covering our home, obscuring us from the decision makers at LCC. We are not part of the Miller & Carter site. **We don't fit their Master Plan!**

Beacon View isn't seen in the Officer's Report, although Jonathan Haine knows of our existence having spoken to me by phone and in print several times. To add insult to injury our home is incorrectly named Beacon "Lodge" p41.

My garden at **Beacon View**, is directly opposite the intended entrance just 10 metres away. The same Tip entrance through which the proposals would authorise 22,000 vehicle movements is only 32 metres from the layby viewpoint. The Report wrongly states this distance is 200 metres!

The photos are wholly misrepresentative of the hilltop, particularly p53 showing the Access.

It deliberately omits to show, the close proximity of my home and garden to the entrance. It fails to accurately portray, the steep gradient of the road 14%, and fails to mention that every vehicle arrives and leaves in one direction, past my house, my neighbour's house and the pub restaurant.

The Traffic Assessment indicates 14,174 vehicles per day already pass us. The photo contains a single car! I see many accidents and near misses. It would be madness to allow an access here when I struggle to reverse off my drive or even turn right to access the drive!

The Campaign Group say very little tipping is needed and not in the northern part of the site which would cause land slippage.

A site entrance near to Parbold Hall where visibility is better, would remove ALL landfill traffic from the busy hilltop viewpoint. Post fill conditions have been toothless in the past. Spoiling our precious Greenbelt is too important to leave this company unregulated.

The Applicant has threatened LCC with litigation if a decision is not reached quickly.

Should we be putting one man's profit ahead of our duty as STEWARDS of this beautiful landscape?

This application brings no benefit to the community.

West Lancashire Borough Council voted overwhelmingly to REFUSE this development.

I urge you to do likewise.

6. DE – local resident

I strongly object to these proposals on amenity grounds.

Anybody from West Lancashire and its surrounds can tell you about the views from Parbold Hill.

It is the Everest and Blackpool of West Lancashire, rolled into one!

At Parbold Hill, your eyes and anticipations are fulfilled, with breath-taking views to Ashurst Beacon, and to the coast. A visit to the site is a MUST.

But not for long..... the panorama will be blocked. As you sit on the bench, the mound of waste will be at least 7m high. The top will be just below the horizon, and the views down into the Douglas Valley will be no more. As you turn to your right, a tipper will stand on the horizon, emptying waste in full view, bulldozers will be moving around, buzzers bleeping where buzzards hunted earlier.

These are NOT the images you will see in the slide show, which is a gross misrepresentation of the site. Your officer will NOT be able to use his green marker pen to show you how the view will be lost, and where the action will take place.

The views over the Douglas Valley are the jewels of the landscapes of West Lancashire and are protected by policies GN3 and EN2 of the Local Plan. They require any new development to protect and enhance the existing landscapes, to retain the distinctive character and visual quality. They are supported by the NPPF in enhancing the natural environment and recognise the character and beauty of this location for the visual amenity of the people.

There are always people sitting enjoying the view, eating ice-cream, walking, cycling, hiking, jogging, eating at the restaurant, watching hovering birds or remembering loved ones.

The new access and associated works are likely to put an end to these pleasures and take away the visitor attraction. The blocked footpaths, the rumble of traffic over calming measures, excavations, obliteration of the characterful stone walls, a plethora of new traffic signs, fear of crossing the road, minimised pedestrian access, the dust in the ice-cream, the potential dirt on the road, smell of disturbed earth and any inadvertently or unregulated waste, the irritating bleeping of lorries having to reverse into the tipping bays in full view, will impact on every sense the body can endure.

Instead of bringing pleasure, there will be annoyance and nuisance for significant periods of the day, disturbing the tranquillity of the view and impacting on amenity.

Condition 2 states work will be complete in 24 months, by then this will be a different place, the visitor attraction, the wildlife, the amenity, and Parbold Hill as a destination will be lost.

The application should be refused.

7. KM - Chair of CPRE West Lancashire Group

In pre-application correspondence, LCC informed the applicant that at this Green Belt location, landfilling operations were inappropriate.Unless, there were very special circumstances'

The applicant claims that the high financial cost to himself of pumping high volumes of leachate is special circumstances.

I was allowed access to the site and could clearly see that it was of exceptional biological importance with a significant range of plant life and insects. Families of rabbits and ground feeding birds, insect life.

It was unrecognisable as the place described in the supporting statement or Urban Greens disappointingly weak ecological report.

CPRE commissioned an independent botanic survey. This found 140 different plant species – Three of national/local conservation importance. The botanist enthusing about what an exceptional site this was.

A view shared by your LCC ecologist who tells us that although the site is not a Biological Heritage Site it appears to meet a number of the selection criteria.

Kestrels hunt and catch prey on the upper levels this happens in ecologically rich habitats.

The application states:

"The area will be planted with meadow grasses and wildflowers, which will be maintenance free and provide a notable improvement to the existing flora and ecological habitats"

Your LCC ecologists points out this is the opposite to reality.....sadly, the applicant repeatedly fails to recognise environmental value dismissing habitat restoration in two lines, continuing to insist the site is "devoid of vibrant natural vegetation".....

With no recognition of existing biodiversity value, no significant details or informed for future restoration or maintenance, despite evidence and advice.

Consulting engineers 'Jacobs' state "It is my professional opinion that the application is not acceptable in its current form.....due to points of clarification raised and concerns over the detrimental landscape and visual impact of the scheme.

Your LCCs ecologist says;

..."the site appears to be of significant biodiversity value".....

"The applicant has NOT demonstrated that impacts would be adequately avoided, mitigated or compensated for"

“Future use and management of the site is unclear.”

“LCC should be satisfied that the proposals would not result in degradation of the site”

“The applicant has NOT submitted information to demonstrate that the proposals would not result in the long term loss of the biodiversity value of the site. In fact the submitted information suggests that the opposite would be the case“

Dear Councillors, in the absence of so much detail, applied conditions would need to be significantly stronger than those before you and you would need to be confident that they would be enforceable.

Your consulting engineer and the LCC ecologist list how the application before you is unacceptable.

This proposal is inappropriate and unjustified.

Support West Lancashire and please reject this application.

8. KJ - on behalf of local residents

The proposed site entrance. I have lived in the area 28 years and have friends who live at the hilltop. How do I defend their quality of life? The manager and young family of the restaurant live at Hillcrest. His feelings are evident on *(p4) of the Officers Report, his pub is decorated in placards and banners!

Members agreed a site visit to Parbold Hill. That hasn't happened. Residents have prepared a 3 minute Virtual Site Visit, expecting to submit it in place of a written statement. We have been informed this is not possible either. How can this be due process? I'm not even allowed to read this in person!

The applicant has not supplied any artist's impressions of the proposed entrance, despite being advised to do so in LCC's commissioned Jacobs Report.

Consistently throughout this application there is a lack of accurate detail.

A reduction in the speed limit is proposed to facilitate the entrance, a 600m stretch of hilltop roadway is to be obliterated with Rumble Strips, an airport runway type ladder marking on the road surface and a multitude of repeated traffic signage. All contrary to Green Belt Policy and again criticised in Jacobs.

The officer's report contains photos that are unrepresentative. They don't indicate the steep gradient 14%, the proximity of the entrance to adjacent properties, or the feature embankment and stone wall to be removed. Views will be restricted from the lower level relocated footway. Pedestrians will cross the new access by negotiating their way through HGVs entering and leaving the site. They will be offered the protection of a refuge island in the centre of the access.

The embankment is to be excavated like a railway cutting, but much wider to improve sight lines. The entrance is 32m away from the popular hilltop layby -not 200m as reported. The imposition of a right turn only site exit will cause all HGVs to navigate cars reversing in and out of the busy layby, Miller and Carter customers entering and exiting the car park, cyclists who flock to the hill and resident's vehicles from the 2 houses opposite!

All these crossing movements in a 200m area will produce a cauldron of dangerous traffic. Members should appreciate through traffic volumes of over 14,000 vehicles are recorded.

In my judgement as a former police officer, I consider this proposal represents a direct threat to life.

An alternative entrance 250m to the west has been offered by an adjacent landowner.

I request you refuse this application.

9. MA – Local resident

I live 200 yards east, directly in the path of the prevailing wind. There are three other family houses at Parbold Hall and livestock in the fields. I really worry about the dust that will inevitably blow from unknown, unregulated and possibly toxic material being imported without checks.

LCC's own ecologist suggests this is potentially a Biological Heritage Site - the lack of topsoil has resulted in a hugely diverse flora. No vertebrate or invertebrate surveys were carried out or allowed by the applicant. This is an important site in the Douglas Valley Wildlife corridor. How will the area of the site not being tipped be preserved, how will the biodiversity be enhanced by importing more fertile topsoil by an applicant who has **NO** understanding of biodiversity or a management plan of any credibility.

The new entrance on the hill is dangerous and relies on traffic enforcement notices to lessen the danger. Will it really be temporary? Where is the 'visual' to show the impact of the huge excavations required? The traffic calming scheme using rumble strips on a road with over 14,000 vehicle movements a day will be unbearably noisy and polluting to all of us living adjacent. I have offered the use of my safe entrance well away from the layby but have had no response from the applicant.

On drainage. Currently the water pours off the site on the track, through the redundant leachate pumping compound and then through a now heavily eroded wood and down onto Wood Lane. The original drainage scheme, as with almost all infrastructure on site, is defunct. However, the applicant says he is using that broken system for apparently increased water run-off, which is totally unacceptable.

I own the land around Round O Quarry landfill, 2 miles away in Newburgh. Tipping ended last year, it took 20 years against the conditioned 5. Vehicle movement conditions were ignored. But horrifyingly, it has been over tipped with millions of tonnes of unauthorised waste - over 6 meters above agreed levels across the whole site causing harm to landscape and massive drainage issues. None of the restoration conditions have been met. **It is a scandal and enough is enough.**

Who is going to police the 22 inadequate conditions on this application? LCC has plainly outrageously failed to police conditions in the past and, I would say will be totally unable to do so in the future.

The site has suffered from a lack of management by various owners over the last 20 years. However, there is no evidence of pollution, there are no special circumstances to warrant this development in greenbelt. I urge you to refuse this inadequate and speculative application.

10. JP – Local Resident

Firstly, I want to note that the Risk Assessment, having never been “updated” following the revised application December 19th, 2019 is no longer fit for purpose and should be disregarded by LCC. It is a misrepresentation of the impacts of the proposals upon the closest sensitive receptors i.e. residents living opposite the proposed new entrance, visitors to the free hilltop amenity, or customers to the pub/restaurant which serves 2,000 people per week.

The relocation of the entrance would result in 22,000 tipper lorries now travelling further along the A5209, directly in front of two additional domestic properties, and in doing so passing beyond the pub/restaurant entrance and the popular hilltop lay-by.

It seems that the applicant failed to label the existence of these domestic properties in drawings supplied to LCC and omitted them from the lists of effected properties.

As a leader of a local community youth Scout group, I believe it should be noted that LCC nominated 18 directly affected properties, including the two domestic properties, a pre-school, community centre, church, care home, and a grade-2 listed building - Parbold Hall. The applicant however selecting otherwise, considered only six properties from the LCC list.

It should also be noted that the most sensitive receptors, namely us human beings, frequent the most directly affected area - the hilltop viewpoint – in numbers of more than 200 people at popular times. Again, this a factor that has been significantly underestimated by the applicant.

Previously at Parbold Hill Landfill, court action halted operations due to the excessive amounts of debris blown from the site from the prevailing south westerly wind directly onto the hilltop properties opposite and to the east. Since all still share the same locations, it is certainly the case that noise, dust and odours will again follow that same trajectory.

Mitigation measures, if any, are only proposed during working hours Monday to Friday while the hilltop viewpoint and restaurant is busiest at weekends. Furthermore, the applicant’s wind source is a weather station in Blackburn which surely is inappropriate.

As a local resident, and one who is keen to see the preservation of regional heritage for all, I cannot overlook the fact that a report by Jacobs Consultants, commissioned by LCC on April 8th 2020, recognised the significant impacts “on The Parbold Bottle, a monument to the Reform Act 1832 which is renowned for expansive views. The pathway access would be severed by the proposed entrance, and will affect visitors directly. Again, the applicant has omitted the existence of this additional amenity throughout the application.”

The applicant concluding: “Site activities are unlikely to cause any disturbance to the surrounding area.”

I respectfully request you refuse this application.

11. Dr. RC & Mr. GG

Ornithological Survey

'Ecological Comments' submitted on 3rd September 2020 by Rebecca Stevens (RS) Senior Ecologist, Lancashire County Council, state *'Unfortunately no bird surveys have been carried out and I have not seen any bird data specific to the site'*.

As a contribution to this data deficit, two experienced ornithologists (RC, GG) undertook a transect survey (simplified British Trust for Ornithology [BTO] method) on 10th September 2020. The route comprised the footpath to the east of the site from Parbold Hill, south to Wood Lane, then westerly to Woodvale Farm, concluded by a 45min static birdwatch from the Parbold Hill lay-by, directly over the site. Species observed (number of individuals in brackets; birds directly within the site marked*; Palearctic migrants in **bold type**; scientific names omitted) were:

Dunnock(3), Robin(5;2*), Wren(4), Blackbird(2;2*), Magpie(1), Goldfinch (small flock 7*), Greenfinch, (1), Blue Tit (3; 2*), Woodpigeon (numerous), Jackdaw (2 + 2 small flocks), Carrion Crow(3), Pheasant(1*), Jay (1), **Blackcap** (2*), Great Tit (3), Chaffinch (3;1*), **Chiffchaff** (4*), Bullfinch (2 contact calling), **Common Whitethroat** (3*), Song Thrush (2*), Treecreeper (1, by song), Green Woodpecker (1*, by call), Nuthatch (1*, by call), **Barn Swallow** (5), Raven (1 flyover), Grey Wagtail(1). Also noted - Buzzard (two nests in quarry area woodland), Hedgehog excreta (path at east of site), Grey Squirrel (2*). Thus, 26 bird species were recorded, including 12 within the site. Particularly notable were the presence, on site, of 3 Afro-European migrants.

Integral to such a survey is the time of year in which it is performed, and the habitat(s) in which the species are present. September is a 'quiet' time of year, during which birds skulk whilst undertaking post-breeding moult and are feeding up in preparation for winter or for migration, whilst winter inward migrants are yet to arrive. It is unfortunate that a survey was not also undertaken during the peak breeding season (eg April-June). One of us (RC) dog-walks this route throughout the year; breeding Willow Warblers are prolific, Garden Warblers, Swifts and House Martins not uncommon, and Linnets occasional, but not observed in this autumn survey.

We strongly disagree with the statement by Urban Green (Parbold Hill Landfill Restoration Scheme Environmental Risk Assessment (Terra Consult) 2.8.5) that *'No sensitive habitats were identified within 500m of the site'*. In fact, the site itself contains rich and diverse habitats (our personal observations; the Tyrer report; RS comments) ideal for breeding, feeding and roosting birds of a significant variety of species during all seasons, notably including marshy grassland, bramble thicket, and berry bearing shrubs. Lack of human disturbance is a critical benefit.

On the basis of our observations, the existing site and its integral surroundings constitute a rich and biodiverse habitat supporting important bird species.

12. J Copley, Planning Manager, Campaign for the Protection of Rural England (CPRE)

The proposed development is contrary to national and development plan policy. There is an overall negative planning balance, due to the substantial harm to the prominent and valued landmark weighed against the benefits. Therefore the application should be refused.

The key issues are:

1. **Harm to Green Belt Purpose.** The proposal is contrary to Green Belt policies of the NPPF and local plan Policy GN1, both of significant weight. By definition it is inappropriate in Green Belt, and due to factors may not be classed as an exception. Very special circumstances are not demonstrated.
2. **Harm to landscape character.** The site is highly prominent and the development would substantially harm the landscape character. The landscape character harm is contrary to local plan policies GN3 and EN2.
3. **Water contamination.** CPRE is concerned about the current water run-off and the lack of information about the chemical composition of the leachate. Landfilling of inert, (and hazardous), waste must be properly control by an Environmental Permit by the regulators in the future.
4. **Land Stability.** More information as to the engineering properties of the existing fill is recommended as the stability of the existing landfill has not been adequately established. It is not known whether the proposed loads could be carried by the existing structure, which has come about due to slumping and is not as originally intended. The Council must conduct its mineral and waste role in a diligent manner to avoid an Aberfan Type tragedy. Sudden storms and flash flooding are becoming more common place due to the climate emergency, so land failure is more likely in the future, than was previously the case.
5. **Dangerous Site Access.** An increase in the number of heavily loaded tipper trucks travelling along Parbold Hill using an awkward access could lead to more accidents and these insurmountable site access and road safety problems would lead to unnecessary public danger.
6. **Environmental Impact Assessment.** CPRE believes an EIA should have been conducted. Nuisance from noise, dust, odours and security night lighting would harm this relatively tranquil area. Tranquillity is a countryside characteristic protected by the NPPF.
7. **Waste Landfilling.** In our view the application is not consistent with the Lancashire County Council's Minerals and Waste Plan for disposal and recovery, and it should be refused.

8. **Local Objection.** All of the local parish councils are opposed. Local opinion is an important consideration and it is clear the local communities object to the significant harms that would arise, with limited, if any, local benefit.

13. Cllr Susan Holland, on behalf of Parbold Parish Council

As you consider this application, be very careful. If you allow this proposal you will commit the Council, irretrievably, to damaging its own policies on many key planning issues. You will ignore (as the Applicant itself ignores) essential policies on Waste Development Planning; on Green Belt; on Highways; on Landscape; on the Environment. There is conflict with all these. And the consequent damage will continue for many years.

The Applicant does not wish simply to fill in a few cracks in the surface of the old Parbold Hill landfill. It wishes to exploit the surface defects as a lucrative excuse to dump many thousands of tonnes of new material - far in excess of what might reasonably be needed. There is no evidence of precisely how much material is needed - and on that issue alone, you should refuse this application.

Because you can only justify this inappropriate Green Belt development if 'Very Special Circumstances' can be demonstrated. These could only arise from a compelling need for the proposal, sufficient to outweigh all harm. Right now, it cannot be justified.

The proposed new access on busy Parbold Hill would be costly, and permanent. It would disrupt traffic flow and harm highway safety for vehicles and pedestrians. The existing feature stone boundary wall would be demolished, and pedestrians forced down to road level, losing their landscape view. And the new access would leave the Council vulnerable to future proposals for yet more tipping. You would have to go through this all over again.

The Applicant has been very coy about where these huge quantities of 'inert' material would come from. The Waste Plans for all surrounding authority areas are clear that no inert landfill sites are needed. Material would have to come from further afield, at higher and higher transport cost. So, the supply of inert material would be erratic, and take perhaps years longer to be completed. Or, to justify the high transport cost, it would be mixed with material that was not in fact inert - for example from a development site or sites that were partly contaminated. How could you ensure that Parbold Hill would be kept clean? Can the Council guarantee that?

Given all the doubts that still surround this proposal, the only safe way to deal with it is to refuse it. If refusal leads to an appeal, there would at least be a chance of drawing forth some better-quality evidence than you have before you now.

Parbold Hill is a much-loved and valued feature in the landscape. This proposal would ruin it in the short term, and damage it for far longer. Please refuse this application.

14. West Lancashire Borough Councillors - Cllrs May Blake & David Whittington

We are the two councillors representing Parbold ward, which includes the village of Dalton, on West Lancashire Borough Council.

Parbold & Dalton Parish Councils have submitted their own objections to this application, as has West Lancashire Borough Council. It is not our intention to repeat what has been said in those submissions. Our intention is to draw the attention of the committee to how important West Lancashire Borough Council consider this area is for recreational purposes. This is not an isolated area of interest to only a few local residents. It is an area already used by many locals & visitors where the Council is seeking to expand access, to take advantage of what is one of the most significant attractions within the Borough.

West Lancashire Borough Council receives each year, significant sums from the Community Infrastructure Levy. The Council has a number of policies guiding how this money should be spent. The vast majority is retained for major projects. The balance of the CIL income is used on projects that cost less than £100,000 - this limit being specifically set out in Council policy - with priority given to projects in areas where building work has generated CIL income. You will therefore appreciate that for the Council to put forward as a priority, a project costing in excess of £300,000, in an area where virtually no CIL income has been generated, must mean that this is a project of major importance to the Council. The Council are looking at exactly such a project, the upgrading of the towpath along the canal between Parbold & Appley Bridge. The canal runs along the bottom of Parbold Hill. The report by Council officers relating to the project states, & these are quotes from the report, "The canal is a huge "pull" factor in the attractiveness of this area. It is anticipated that into the future more people will want to use the towpath & visit the canal as a destination. The canal is a strategic asset which is of great importance locally, across West Lancashire & beyond."

Visitors to the canal provide a significant source of income to shops, cafes & pubs in both Parbold & Appley Bridge. What damage would be done to these businesses if visitors shun the area due to the landfill work?

One of the most significant views from the towpath is Parbold Hill. How ironic would it be if West Lancashire Borough Council proceeded with this project only for the view to be ruined, the peace & quiet along the canal destroyed by the noise from the landfill works & the air along the canal polluted by dust?

For these reasons we ask the committee to refuse this application.

15. Submission by Rosie Cooper M.P

Thank you for the opportunity to submit my comments to committee on this application which is of enormous public interest to my West Lancashire constituents.

I have consistently raised my concerns about this application with Lancashire County Council and Environment Agency (EA) about the scale of the landfill, its impact on the surrounding environment, impact on the amenity of the area, and the drastic increase in traffic and congestion on an already busy A5209 with over 20,000 extra HGV movements each year.

The EA have stated that as the permit and planning applications are not parallel tracked, they are unable to comment on details required to determine a permit variation application through the planning process without prejudicing their permitting decision.

Surely the committee should be looking to only make the decision in parallel with the EA's permit variation application, otherwise LCC might be approving access and other uses for the site where there is no need and might never be, if the EA do not grant their application.

Disappointingly, I am not aware that any site visit has taken place. Despite pandemic restrictions, I am aware West Lancashire Borough Council has managed to continue to arrange socially distanced planning site visits in line with government guidance and restrictions, so it is really concerning that LCC have not been able to make similar arrangements.

Have all members of the committee been to the site to see for themselves what the impact might be? Members of the committee should be given every opportunity to visit as expecting them to make a desk-based decision is unfair on them and unfair on the residents of West Lancashire. Without a site visit, I don't believe a decision can be taken in all good faith. I am also unaware that there has been any photo or video record of the site in its entirety and its surrounding areas provided to members to assist in their decision-making and understanding of the local area.

This site, as the report states, is located in greenbelt. Are members absolutely assured that this is appropriate development in the greenbelt, and that the applicant has considered all other sites that might be available, not just across West Lancashire and Lancashire, but possibly into Merseyside and Greater Manchester? Is there really a need for this site? Or is this a chance application by the developer to cash in on land that otherwise wouldn't be developed? While the applicant will want to make money from their land, the committee is here to consider whether the application meets with LCC policies, your own policies on development, especially development in the greenbelt.

