

## **Development Control Committee**

Meeting to be held on 23rd September 2020

Electoral Division affected:  
West Lancashire East

**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**

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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.

### **Applicant's Proposal**

The application is to import inert materials to a former landfill site to allow the reprofiling of its surface contours.

The application has been amended a number of times to address objections that have been raised. The initial proposal was to import around 200,000m<sup>3</sup> of inert soils and clays to reprofile the whole of the landfill site area of around 10ha.

However, the proposal was subsequently amended so that only around half of the site area would be affected requiring a reduced volume of approximately 90,000 m<sup>3</sup> (approximately 200,000 tonnes) of inert soil and clay. The area that would be subject to the proposed reprofiling operations is now around 5 ha in area.

The inert waste materials would be delivered at a rate of approximately 40 HGV loads per day giving an overall timescale for the regrading and subsequent restoration operations of approximately 18 months. The raising of levels would be undertaken in three phases across the north and eastern sides of the site. The areas of the former landfill site outside of the proposed reprofiling area would remain in their current condition and would not be affected.

The site would be accessed off the A5209 via a new priority junction. In the original planning application it was proposed to close the existing layby adjacent to the A5209 and utilise this to create a site access leading to a tipping area and replacement public car park / viewing area on part of the landfill itself. However, due to objections from LCC Highways, these arrangements were subsequently revised with the access point being moved to the west involving a new priority access being constructed from the A5209 leading to a surfaced tipping bay and turning area which would allow HGVs to tip their loads without having to travel over the landfill thereby reducing the risk of mud and other debris from being tracked out onto the public highway.

Delivery of inert materials would be undertaken between 09.00 and 17.00 to avoid peak periods on the A5209.

Following completion of works within each phase, the land would be restored by respreading the previously stripped soil materials over the imported materials. Upon restoration works in phase 3 being completed, the tipping bay and access would be removed and the land reinstated to its existing condition.

The application originally referred to a phase 2 which included the construction of a number of timber holiday accommodation lodges in the woodland to the south of the former landfill site and further works on the former landfill to provide amenity and recreational facilities for residents of the lodges. However, the phase 2 works no longer form part of the proposal.

## **Description and Location of Site**

The proposal relates to the former Parbold Hill Landfill site (total area of around 10 ha) which is situated immediately to the south of the A5209 which is the main road linking Burscough with junction 27 of the M6. The site is located at the highpoint of Parbold Hill approximately 1km east of Parbold and 2 km north west of Appley Bridge.

The site is located in the open countryside. However to the north of the site adjacent to the A5209 is the Miller and Carter public house / restaurant with a further residential property located immediately to its west approximately 30 metres from the landfill site boundary. To the east are a number of properties located around Parbold Hall around 250 metres from the landfill site. Parbold Hall itself is a grade II\* listed building. The only other properties located within 400 metres of the site are on Wood Lane on the edge of Parbold village to the south and west of the site.

The former landfill site is an area of rough grazing land which slopes from the A5209 towards a woodland to the south forming the northern side of the Douglas Valley.

A public footpath follows the eastern edge of the site. Along the western corner of the site is a public right of way which leads to a stone memorial feature called the 'Parbold Bottle'.

Vehicular access is currently gained from an access point off the A5209 on Parbold Hill. Immediately adjacent to the west bound carriageway of the A5209 is a lay by / viewing area providing views over the site, Douglas Valley and West Lancashire plain towards Liverpool.

The site is located in the Green Belt.

## **Background**

History: The site has a long history of mineral working and landfill operations.

Planning permission was granted for the restoration of Parbold Hill Quarry with imported pulverised waste in 1981 (planning permission ref 8/80/1151). The permission also granted permission to landfill the nearby West Quarry, Appley Bridge with the waste being imported by rail from a new siding adjacent to West Quarry. The landfill operations took place between the early 1980's and early 1990's.

## **Planning Policy**

National Planning Policy Framework : Paragraphs 7 – 14, 47, 109 – 110, 127, 143 - 146, 163, 170 - 176, 180 – 183 and 184 - 196 are relevant regarding the definition and presumption in favour of sustainable development, determining applications, highway considerations, Green Belt, the requirement for good design, protecting valued landscapes and ecology, flood risk and planning and pollution control and impacts on heritage.

National Planning Policy for Waste

Joint Lancashire Minerals and Waste Development Framework Core Strategy DPD (JLMWDF)

Policy CS7 Managing our waste as a resource

Policy CS8 Identifying capacity for managing our waste

Joint Lancashire Minerals and Waste Local Plan (JLMWLP)

Policy DM1 Management of waste and extraction of minerals

Policy DM2 Development Management

Policy LF2 Sites for inert landfill

West Lancashire Local Plan

Policy SP1 Strategic Policy

Policy GN1 Settlement Boundaries

Policy GN3 Criteria for Sustainable Development

Policy EN2 Preserving and Enhancing West Lancashire's Natural Environment

Policy EN3 Provision of Green infrastructure and Open Recreation Space

## **Consultations**

West Lancashire Borough Council: Object to the application on the basis that the proposed development is inappropriate development in the Green Belt which causes harm to openness and would cause urban sprawl. The Council consider the harm to be substantial and that the justification for the works to be less than compelling as it appears to relate to reducing costs to the land owner rather than upgrading and landform and landscape quality. The harm to the Green Belt is therefore not outweighed by the special circumstances put forward by the applicant.

The Borough Council also consider that the proposal would be harmful to visual amenity and the character of the landscape and therefore would not accord with Policies GN3 and EN2 of their local plan.

The Borough Council also consider that the applicant has not demonstrated that the development would not adversely affect the amenities of the nearest residents and businesses on Parbold Hill by reason of noise, dust and odours therefore conflicting with Policy GN3.

The Borough Council's response includes the comments from their environmental health officer. She recognises that the proposed development is on a site which is regulated by the Environment Agency under an environmental permit and that the proposed works would require a variation of that permit. She also notes the initial position of the Environment Agency to object to the application which she supports as planning permission should not be given to a development without confidence that it could meet permit conditions. There is also comment that there is little information on noise but that the extra numbers of delivery vehicles would have a negligible impact on road traffic noise but there could be some impacts from movement of HGV's braking and accelerating at the access and reversing alarms at the tipping point. There could also be noise impacts from the plant involved in distributing the imported materials across the site in relation to general noise and particularly reversing alarms.

Hilldale Parish Council: Object due to general concerns about the health of local residents through dust and odours and general noise and pollution. The Parish also consider that the LCC Waste Plan already contains sufficient provision for the tipping of inert waste and there is no requirement for the proposal. They also state that the tipping would be harmful to the openness of the Green Belt and that the activity would take place in a very visible location which would harm the value of the area for residents and those who visit the area for recreational purposes. The Parish do not consider that the applicant's data on leachate volumes demonstrates very special circumstances to justify inappropriate development in the Green Belt. They also consider that the additional HGV traffic would create congestion and delays and that the proposed access is at a dangerous location. It is also considered that the applicant's assessment of ecological issues is too limited and the deposit of inert waste will cause additional damage to the area.

Dalton Parish Council: Object to the application as they consider it to be inappropriate development in the Green Belt for which no special circumstances have been demonstrated. The Parish Council consider that there is no proof that the works need to be undertaken, there is no need for another landfill facility and that the development is just a business opportunity. The Parish Council state that the site is very visible and that the development would be harmful to the visitors to the site. The highway safety implications are also raised in relation to slow moving HGVs exiting the site onto a busy road with a derestricted speed limit. The Parish are also concerned at the noise, dust and vibration impacts which will impact on residents, visitors and local businesses.

Parbold Parish Council: Consider that the development would be inappropriate in the Green Belt and highly damaging in terms of landscape value, public amenity, highway safety and waste planning policy. It is considered that the proposal is not

justified by the policies of the Waste Local Plan and is excessively beyond the quantities identified in the plan. The Parish also state that the evidence of need for the development does not demonstrate that the existing problems on the site could only be remedied by the deposit of inert waste and could be resolved by less damaging means. Consequently the Parish Council consider that there is no need for the proposal and certainly nothing which would constitute very special circumstances to outweigh the harm.

Wrightington Parish Council: Object as they consider that the proposal would constitute inappropriate development in the Green Belt. The Parish do not consider that it is necessary to import the volume of materials proposed and that the loss of visual amenity would be more detrimental than the benefits of the development for which no special circumstances have been demonstrated. The parish are also concerned at the large increase in HGV movements which would have to negotiate an access on the brow of a hill and almost opposite the access to the restaurant. The Parish are further concerned about noise, dust and potential vibration and that there is no requirement for additional landfill sites in Lancashire.

Newburgh Parish Council: Strongly object to the application. Consider that the scale of the application is huge and that the adverse effects will be on the same scale. To import the required volume of material will require 50,000 HGV movements which will take place at the top of Parbold Hill which is a very busy A road with a 60 mph limit. The access point will become a bottleneck which will increase the risk of accidents. The additional HGV traffic on the A5209 will affect Newburgh and the parish already record 350 HGV movements on this road over a 12 hour period. The Parish also consider that the tipping of the material will have seriously adverse impacts by way of noise, dust and disruption and note that Parbold Hill is well known as a tourist attraction due to its wide ranging views. The Parish are also concerned that the applicant's timescale of two years is highly questionable as supplies of inert waste are market driven and variable. The longer the site continues, the greater the impacts will be. The parish note their experience with Round O Quarry where the proposed 5 year restoration took 20 years and HGVs regularly broke the speed limit and deposited waste materials on the road through Newburgh. The parish also draw attention to the policy in the National Planning Policy Framework regarding Green Belts.

Lathom South Parish Council: Object on the following grounds:-

- Parbold Hill is important and its panoramic views attract significant numbers of people.
- The proposed access and parking arrangements would result in landfilling operations dominating the site for much longer than the operating period.
- The proposal would repeat the same harm to the Green Belt and disruption to local resident's lives as the previous household waste landfill activities.
- The proposals would not solve the issue of the landfill sinking and the site should be left to find its level and not periodically topped up with further waste.
- Inert waste should be treated and reused.
- The waste would be transported over unnecessarily long distances to the site as West Lancashire does not have many brownfield sites from which such materials would be generated.
- West Lancashire has, and has had, more than its fair share of landfill sites.

- The waste is classified as inert now but could later be identified as being harmful.
- The proposal would be harmful to the local economy including the restaurant opposite the site.
- Access to the site would interfere with traffic on the A5209.

LCC Highways Development Control: In response to the highway arrangements included within the original planning application using the layby off the A5209, Highways considered that the applicant had failed to demonstrate a safe and suitable means of access and that the proposals would have a severe safety impact on existing highway users and should therefore be refused.

Following the application being amended to move the access point to the west, Highways maintained their concerns due to the applicant not providing a proper transport assessment, the proposed access point having reduced visibility and being located on an incline to vehicles turning into the site from the west and leaving the site heading east. Highways were also concerned about the impacts of the new access on the footway alongside the A5209.

In response to the submission of a full transport assessment and further highways proposals, LCC Highways note that all traffic movements are proposed to be from the east and therefore all HGV movements will be left in and right out only and that the access will be designed to discourage other movements. Highways consider that this must be reinforced through a traffic regulation order and also an extension of the existing 40 mph limit on the A5209 to cover the site access location. This would need to be supported by appropriate signage and road markings. Highways also consider that the developer's proposals for the footway should enable a reasonably level footway to be achieved although probably requiring a retaining wall along part of the site frontage. Subject to conditions and the Traffic Regulation Orders being implemented as described above, Highways consider that the development is acceptable.

Jacobs UK (Landscape Advice): Jacobs UK note that the landfill area has been much reduced from the original proposal with a consequent reduction in the volumes of fill materials. However, Jacobs note that the site lies in the Green Belt and that the various highway works including the new access and removal of the existing stone walls alongside the A5209 is likely to have some detrimental impact on local landscape character and views from the adjacent restaurant and neighbouring property. With regards to the visual impact of the actual tipping activities Jacobs state that there would be adverse visual impacts in the short to medium term but that it is difficult to accurately assess the impacts of these works on views from the layby and other receptors as no cross sections or other supporting information has been submitted. In relation to restoration, Jacobs comment that with sensitive design it should be possible to restore the landscape and provide visual and biodiversity enhancements but insufficient detail has been provided in the submission. Further detail is needed on the contouring of the fill area to ensure integration with the surrounding landscape and how the correct soil conditions would be achieved to allow the creation of the proposed habitats. It will also be important to ensure the correct aftercare of the site to ensure that the habitats develop properly. These issues need to be addressed prior to determination or agreed as pre commencement conditions.

Natural England: No objection – based upon the submitted proposals, the development would not be likely to have significant effects on statutorily protected sites such as Special Protected Areas (SPA's) or Sites of Special Scientific Interest (SSSI's). However, Natural England advise that the County Council record their decision that likely significant effects on European Sites can be ruled out.

LCC Ecology Service: The applicant's ecological survey appears to significantly undervalue the ecological value of the site and does not adequately establish to ecological impacts. The assessment concludes that the proposed remediation works will have a minimal effect on local ecology but this does not appear to be the case.

Based on the information available, the site as a whole appears to be of significant biodiversity value as it is a large area of 11ha supporting a mosaic of semi natural habitats which is likely to meet a number of the selection criteria for Biological Heritage Site status. The site is likely to be of value to a range of species including breeding birds, foraging barn owl, amphibians, hedgehogs and cinnabar moth and forms part of a continuous unit with other semi natural habitats in the area. The site is also undisturbed which increases its biodiversity value.

The current proposals would result in the loss of a significant area (around 4ha) of the site and it is not clear whether there would be indirect impacts on the remaining habitats on the site. Although in theory the loss would be temporary and habitats of good biodiversity could be re-established once the remediation works are complete, the applicant has submitted little information to demonstrate a commitment to re-establishing habitats of high biodiversity value and therefore the applicant has not demonstrated that the impacts would be avoided, mitigated or compensated for.

Therefore, before the application is determined, the following matters should be addressed:

- That all impacts are unavoidable and that alternatives with less ecological impact have been explored.
- The exact scale and extent of the impacts should be clarified and the habitats to be retained should be adequately protected.
- LCC should be satisfied that there would be adequate compensation for all unavoidable impacts and that habitats of high biodiversity value would be re-established in the areas directly affected and that the whole site would be managed to main and improve biodiversity.

If these matters can be addressed, planning conditions are recommended to provide for a construction environment management plan, a habitat establishment and maintenance plan and an obligation for long term management.

Environment Agency: Objected to the original proposal as the Environment Agency considered that they did not have sufficient information to determine if the development could meet their requirements to prevent or minimise pollution. The Environment Agency states that the site is a closed landfill which has an Environmental Permit and which is underlain by a secondary 'A' aquifer. The Environment Agency accept that some remedial works through importation of additional inert waste to repair the cap and improve the restoration profile is necessary to encourage surface water run off, reduce infiltration into the waste and reduce the volumes of leachate being produced. However, the Environment Agency

initially were concerned that insufficient information had been submitted to demonstrate that the volume of material proposed would achieve the desired results or if they could be achieved with a lower volume of imported waste.

In response to the amended application reducing the area and volume of fill, the Environment Agency confirm their view that the necessary remediation and repairs at this site can only be carried out with some level of imported materials and that the revisions show a reduction in the volume of material in order to achieve benefits which improve long term aftercare and reduce the environmental impacts of the site. More details of these measures will be required through management plans and risk assessments submitted with permit variation applications. In light of these modifications the Environment Agency withdraw their objection to the application.

Canal and River Trust: The Trust own and manage the Leeds and Liverpool Canal which passes 270 metres to the south of the application site. The main issue of concern to the Trust is the run off from the site given that the Flood Risk Assessment states that run off from the site would increase following completion of the regrading works. This would especially be a concern if run off from the site were to discharge into the Sproddley Brook especially if this flows into the canal. The Trust requests that the destination of site run off be confirmed and that a condition be imposed relating to the control of surface run off including measures to reduce siltation and to prevent run off into the canal.

Council for the Protection of Rural England (CPRE): The CPRE object to the application due to the prominent location of the site in the Green Belt impacts on the adjacent the view point. The CPRE also consider that there is no evidence that the cap has fractured leading to increases in leachate levels and consider that water might be entering through the sides of the former landfill. They also consider that the density of the fill materials will not be known leading to concerns about the stability of the site through the increased loading on the surface of the site. The CPRE also agree with the observation of LCC Highways that the new access position is dangerous. CPRE also consider that the increase in traffic noise and potential for odour will harm local amenity, that the proposal is inconsistent with the policies of the Lancashire Minerals and Waste Local Plan and that there are no very special circumstances to justify the inappropriate development in the Green Belt. The CPRE have also commissioned a habitats survey of the site which showed that the site has a diverse range of plant species and associated ecological value and that there are no proposals to restore or enhance this vegetation.

Representations – The application has been advertised by press and site notice, and neighbouring residents informed by individual letter. A total of 967 representations objecting to the application have been received raising the following summarised issues:-

- The impacts of lorry traffic in terms of safety and congestion on the A5209. The A5209 at the access point is unrestricted and dangerous with steep hills on both approaches to the access location.
- The development would have adverse health impacts particularly through air pollution.
- The countryside has previously been blighted by the landfill activity and has now recovered. The site should not be re disturbed.



- The site will be very visible due to its elevated position and there is no screening or landscaping proposed.
- The proposal would compromise the existing views, recreational value and natural beauty of one of the area's best beauty spots as it would lead to HGVs tipping waste in full view of the viewpoint.
- Covering the site with inert waste will not stop the leachate problem and could make it worse as it would reduce the dilution effects. The site could be covered with an impermeable membrane but use of such materials could give rise to landslip impacts.
- The proposed new car park would have inferior views to the present one.
- The previous landfill activities gave rise to considerable odour, litter, sea gull and fly impacts and the proposed activities might lead to these problems reoccurring including the release of gas from the site.
- The development will disturb the previous landfill contents.
- The site has a wide range of wildlife including numerous bird species, which would be impacted upon by the proposals. The applicant's ecological survey is inadequate and does not characterise the interesting habitats which have developed on the site. No mitigation has been suggested and there is no detailed restoration plan.
- The development would lead to traffic problems through Parbold Village where there are a number of pinch points and other constraints on the A5209.
- There are already traffic issues past Wrightington hospital and any additional traffic past this site would be unacceptable.
- The development of holiday homes in the area is inappropriate.
- The proposal is a landfill project masquerading as a restoration scheme. The levels of tipping would increase the height of the site above the levels previously agreed and are unnecessary – the project is purely a profit making exercise.
- The site is too close to three local schools and a residential area.
- The development would be harmful to the Green Belt and no special circumstances have been demonstrated.
- The applicant has not demonstrated how they would control and monitor the volumes and types of waste that could be tipped at the site.
- Run off from the site will flow down hill and pollute the canal and River Douglas and result in flooding issues in Parbold.
- The proposal will be detrimental to local business.
- There would be health implications for users of the scout and girl guide hut and church on Parbold Hill.
- Why have these works become needed just after the site being acquired by a new owner?
- There is no need for the landfill capacity and waste should be recycled and not landfilled. Parbold has had more than its fair share of landfill sites.
- There would be a risk of land stability issues arising from the tipping of additional material on a steep slope.
- The quarry is used as a rock climbing venue and has returned to nature with a wide variety of trees and ecological interests.
- The ability of the applicant company to carry out the development with proper management and control processes is questionable.
- The impacts on the springs and watercourses downhill of the site has not been considered.

- The proposed works would harm the setting of Parbold Hall which is a grade 2\* listed building.
- The timescales for the project are too optimistic given the lack of identified need in the Local Plan for inert waste sites.
- The applicants risk assessment does not adequately assess the impacts on Parbold Hall. There are four properties on the Parbold Hall site which would be a risk of dust as one of the properties is only 100 metres from the site.
- The proposal does not adequately assess the risks of landfill gas migration particularly on Parbold Hall.
- A safer access to the site could be achieved via the main access to Parbold Hall which would avoid the need to create a new access onto the A5209.

A large number of these residents have also raised further objection following the amendment of the planning application. The issues raised are the same as those summarised above.

A representation has been received from agents for the Miller and Cater restaurant which is opposite the application site. They state that the restaurant is a popular destination and as a result there are regular vehicle movements to their restaurant throughout the day and that the proposed development has the potential to adversely affect the restaurant in terms of highway safety and amenity. They do not object to the phase 1 works but are concerned about highway safety and request a pre commencement condition relating to a construction management plan.

A number of representations have been received from the 'Stop Parbold Hill Landfill Group'. The Group note that the Environment Agency have withdrawn their objection on the basis that the remediation of the site is necessary and can only be carried out with some imported material. However, the Group consider that in the absence of a permit, there is no certainty as to the level of importation that is required and that it is not possible to confirm how it relates to planning policies for inert landfilling or to judge whether very special circumstances exist to justify inappropriate development in the Green Belt. They consider that any tipping above that required would be contrary to both Green Belt and waste planning policy.

The Group consider that the 88,000m<sup>3</sup> of material that is proposed to be imported is significantly in excess of the volume needed to achieve a smooth profile. It is their view that the volume of waste that needs to be imported should be established through the EA permitting process which should be undertaken in parallel with the planning application and not after planning permission has been granted.

The Group have also commissioned a hydrogeological appraisal report which identifies that the proposals would be unlikely to lead to a cessation in the need to pump leachate from the site as the placement of permeable restoration materials would not prevent infiltration of rainfall through the cap and that there may be a component of groundwater flow through the waste mass which would still continue. The report also suggests that surcharging the waste with additional materials may cause an increase in leachate levels with potential impacts on ground water and surface water quality and could also lead to land stability issues. It is also considered that the proposed volumes of inert waste are excessive and that there would be safety implications for the future use of the site from gas and leachate management infrastructure.

The group also comment on why the existing access to the site cannot be utilised for this development rather than creating a new access.

Rosie Cooper MP for West Lancashire has written giving her concerns about this application.

County Councillor Greenall has made a representation concerned about the ability of the A5209 to accommodate the additional traffic particularly from congestion being caused by lorries turning into the site, the additional noise and dust impacts, the impacts on the panoramic views from the layby and the implications for access into the Wrightington hospital site.

## **Advice**

Parbold Hill Quarry is a former sandstone quarry that was infilled with biodegradable wastes between the early 1980's and early 1990's. The planning permission that authorised this development related to the infilling of both Parbold Hill Quarry and the nearby West Quarry, with the waste being imported by rail from Greater Manchester and Merseyside to a siding in Appley Bridge adjacent to West Quarry and then transported by a private haul road to Parbold Hill. Landfill operations ceased in the early 1990's and the site was then restored.

Landfilling of biodegradable wastes as took place at Parbold Hill generates leachate and landfill gas. Leachate is formed by rainwater or groundwater entering the waste mass and then becoming contaminated with pollutants within the waste. If leachate levels are not controlled, the leachate can pollute groundwater around the site or can break out at the surface causing pollution of surface water courses. Landfill gas, which is comprised predominantly of methane, arises due to the degradation of biodegradable wastes in anaerobic conditions.

Modern landfills are operated on the containment principle where an engineered liner is constructed on the base and sides of the excavation. The liner is installed to provide a seal between the waste and any groundwater that is present in the surrounding ground. Following landfill operations, the final surface of the waste is then capped with clay or an artificial membrane to prevent gas escape and the ingress of rainwater into the waste mass which would generate leachate. The final surface is also normally tipped to gradients to encourage run off of rain fall even allowing for the settlement of the landfill as the waste degrades. Containing the waste in this way allows leachate and landfill gas to be controlled to minimise harm to the environment.

Parbold Hill Quarry operated on the dilute and disperse principle which prevailed prior to modern containment techniques becoming common place. With dilute and disperse sites, the waste was simply tipped into a void such as a quarry excavation with no requirement to first construct an engineered liner on the base and sides of the void. To encourage surface water run off and minimise leachate generation it was commonplace to cap such landfills with lower permeability materials such as clays and to tip to gradients to encourage run off. Parbold Hill Landfill incorporated such capping in its design and was tipped to a domed landform in order to encourage surface water run off.

In all landfill sites, it is common place for leachate to accumulate at the base of the landfill. In order to minimise the environmental risks of such accumulation, leachate levels normally have to be controlled by pumping with the extracted leachate being discharged to the public sewer where it can be treated in a waste water treatment works. Parbold Hill Landfill is subject to a permit from the Environment Agency which requires the land owner to control leachate levels to no more than 1 metre depth by pumping to the sewer. At Parbold Hill, there is a leachate collection system in the base of the landfill which flows in to a chamber from where the leachate is pumped to a treatment tank adjacent to the West Quarry Landfill site where dissolved methane is removed prior to discharge into the sewer.

The current owner of the Parbold Hill site is concerned about the frequency with which leachate has to be pumped from the site for which there is a financial cost. The owner considers that the leachate volumes are considerably higher than they should be due to settlement and cracking of the cap which has resulted in low areas where rain water enters the waste mass and creates leachate rather than running off the surface and entering surface water courses. The applicant also states that in October 2019 United Utilities notified them of a breach of the consented limit for ammonia within their trade effluent consent which controls the volumes and chemistry of the leachate which is discharged to sewer. As a result United Utilities have required the provision of an action plan to ensure that the requirements of the trade effluent consent are complied with.

To address these issues, the applicant's proposal is therefore to use imported inert cohesive materials (waste clays and soils) to regrade the surface of the site to promote surface run off and so reduce leachate levels and the costs of the aftercare of the site.

### Evolution of the proposal

When the proposal was first submitted, the applicant proposed to cover the whole of the former landfill with further inert materials. The site was to be served from a new access which would join the A5209 where the existing layby is currently located and in order to replace the layby, a new public car park / viewpoint would have been constructed on the northern area of the former landfill. The submission also made reference to phase 2 which although not forming part of the planning application, intended to develop a number of holiday lodges and supporting infrastructure on the southern side of the landfill and in the woodland area to the south together with various paths and recreational facilities on the landfill itself. However, following objections from LCC Highways and the Environment Agency, the proposal was amended to reduce the area of proposed land raising and relocate the access to the west.

Planning law requires that planning applications be determined in accordance with the policies of the Development Plan unless material considerations indicate otherwise. The relevant development plan policies for this site are found in the West Lancashire Local Plan and Lancashire Minerals and Waste Local Plan (Core Strategy and Site Allocations and Development Management Policies DPD). The National Planning Policy Framework (NPPF) is a material consideration that should be taken into account. The NPPF sets out that planning applications which conflict with up to date development plans should not normally be granted and that decisions

which depart from the development should only be made if the material considerations in a particular case indicate that the plan should not be followed.

The main issues in this planning application relate to the need for the development in terms of controlling the pollution potential of the closed landfill site, impacts on the Green Belt and the local landscape, ecology, highway safety and capacity, flooding and impacts on local amenity. Although the development is not for the operation of a landfill site, the development would involve the tipping of inert wastes and therefore the relationship with the policies of the Lancashire Minerals and Waste Local Plan concerning the supply of landfill capacity for such materials is also a consideration.

The need for the development in order to control pollution and remediate the landfill.

When this landfill was completed in the early 1990's, it was filled to the final levels stipulated in planning permission. The approved plan showed the maximum restoration level of 118 metres AOD in the north of the site close to the A5209 falling in southerly direction to a height of 75 m AOD adjacent to the woodland on the southern side of the quarry. Together with the capping of the waste with 1 metre of clay, the final profile of the site was designed to shed surface water thereby minimising the generation of leachate.

However, over the last 30 years since the site was restored the surface of Parbold Hill landfill has settled substantially. Settlement is commonplace on all landfills that accept biodegradable wastes but is particularly an issue in landfills in quarry sites such as Parbold Hill where the waste is likely to be particularly deep. Settlement is invariably not even over the surface of a landfill resulting in lower areas which can collect water if the original contours were not sufficiently steep or if the settlement is particularly severe. It should be noted that settlement occurred on the nearby West Quarry Landfill site which was addressed through the later importation of inert materials to raise levels and encourage water run off.

The current proposal for Parbold Hill is supported by a topographical survey which shows the current surface contours of the site. The survey indicates that there are certain areas particularly on the northern and eastern sides of the site where settlement has been particularly severe and where land levels have fallen by up to 7 metres compared to the approved restoration profile. The applicant suggests that this results in surface water ponding on the surface of the site and percolating into the landfill, giving rise to the need to pump excessive levels of leachate in order to comply with the conditions of the permit relating to leachate levels.

In support of the application, the applicant has provided records of leachate pumping volumes and rainfall in order to demonstrate the correlation between the two. The data appears to show that leachate volumes are increasing (approximately 187 litres in 2014 compared to 550 litres in 2018). The applicant accepts that the site is not lined and therefore the additional leachate volumes may be as a result of groundwater flowing through the landfill and contributing towards leachate production. The groundwater levels surrounding the landfill are monitored at a number of locations around the site and show that groundwater levels do exceed the base of the landfill in certain areas. Although the borehole data is complicated by a number of the old boreholes showing inconclusive results, the applicant considers that the groundwater levels are reasonably consistent over time and therefore the

rise in leachate levels must be due to increased surface water infiltration into the landfill due to failure of the capping.

The quarry (and landfill) is located within sandstone strata named the Harrock Hill Grit. It would be expected that increased leachate levels would be likely to result in pollution of ground water within the Harrock Hill Grit down gradient of the site and which would be detected in any groundwater monitoring boreholes. However, there is insufficient data from the boreholes that exist to fully determine the impact on groundwater. Any pollution of groundwater should be evident in springs where the gritstone unit outcrops on the surface or where the groundwater supplements base flow in rivers such as the River Douglas. The applicant has also presented water quality data between 2002 and 2018 in the River Douglas and in the Leeds Liverpool Canal. However, this data does not suggest that there is any clearly identifiable pollution issue from landfill leachate.

Leachate from the site is collected and pumped to a leachate treatment tank adjacent to the West Quarry site where it is aerated to remove dissolved methane prior to discharge to sewer. The discharge is subject to a consent from United Utilities. Analysis of the leachate shows that its chemistry is highly variable and that significant dilution occurs during the winter periods. The applicant states that this variability makes treatment very difficult which has resulted in United Utilities notifying the applicant of a breach of the consented limit for ammonia. The applicant states that reducing water infiltration into the waste will result in a lower volume of leachate with a more consistent chemistry thereby enabling the modification or adjustment of the current leachate treatment plant and therefore addressing the issues raised by United Utilities in relation to compliance with the existing consent.

A number of representations and detailed technical reports have been received from the 'Stop Parbold Hill Landfill' group who are opposed to the proposed development. In relation to the pollution control issues, the group consider that the applicant has not demonstrated that these remediation works are required. The group have commissioned a detailed hydrogeological report which concludes that ground water ingress, and therefore pumping of leachate, will continue and that the proposed works are unlikely to deliver the required improvements in leachate quality and volumes. They consider that there is a lack of clarity regarding the integrity of the cap and that further investigations could identify problem areas therefore narrowing the areas where remediation is required. They also consider that surcharging with further inert materials will lead to further settlement and could cause issues in relation to stability and landslip. The Group have also produced a drone survey of the site which in their view demonstrates that the surface contours of the site at present are even and progressively fall to the south with no evidence of areas of localised settlement which might result in water ingress.

The application together with the submissions that have been made by the 'Stop Parbold Landfill Group' have been the subject of a number of consultations with the Environment Agency.

The Environment Agency (EA) objected to the original proposal to regrade the whole of the site as they did not consider that such extensive works were necessary to address the leachate issues at the site. However, in response to the amended proposal to regrade only the parts of the site where settlement is most significant, the EA have withdrawn their objection. The EA consider that the information submitted

by the applicant shows that less than 20% of the infiltration leachate is being collected by the collection system and that the remainder is likely to be entering the groundwater beneath the site. As it is not possible to improve the basal lining of the site, the primary means to control the impact on groundwater is to provide a low permeability capping layer with associated surface water drainage. The EA state that they have been of the view for some time that such works could only be achieved through the importation of additional cohesive fill materials to provide the capping improvements that are required. The EA state that these works will need to be the subject of an application to vary the existing permit. Whilst there is no guarantee that a permit variation will be approved, the permit process would allow a full assessment of the site proposals including stability, landfill gas, groundwater and amenity impacts. However, the Environment Agency have not raised any fundamental objection to the application on any of these grounds.

In response to a review of the hydrogeological report submitted by the Stop Parbold Landfill, the Environment Agency state that the information has identified no significant issues that would prevent the applicant / operator submitting an environmental permit application. In response to the comments in the report about the effectiveness of the proposal, the EA again reiterate their view that the effectiveness of the existing capping is of concern due to excessive settlement which has created damage and changed the surface drainage contours. The EA do not agree that further investigation of the cap would be desirable to better target the areas needed for remediation as in their experience such works are very costly and are not sufficiently conclusive. The EA do agree with some aspects of the report particularly in relation to the difficulties in quantifying how leachate is generated and the extent to which leachate is evading the collection system and entering groundwater. However, they remain of the view that the data suggests that rainwater infiltration is increasing and that an effective capping system would help to reduce these impacts. In relation to the stability concerns, the EA state that these issues would have to be investigated as part of a permit variation application and if there was any evidence of a risk of landslip, the proposed waste activity in its current form would certainly be refused.

In relation to the existing contours of the site and the use of the drone survey, it is understood that the levels recorded by the drone are to the top of the vegetation. Many parts of this site, particularly those areas subject to settlement, are covered by tall vegetation particular reeds / rushes and therefore the drone survey may not have recorded the true contours of the land surface. It is understood that the applicant's survey of the land contours was done using land based techniques and which is likely to be more accurate in terms of representing the true levels of the site. The Action Group consider that the existing contours allow a falling gradient across the site which permits the run off of water as evidenced by the absence of ponding or standing water on the site surface. However, the Environment Agency consider that the absence of such water could equally be due to localised failures of gradients and the capping which prevents water ponding on the surface of the landfill.

Paragraph 183 of the National Planning Policy Framework requires that the focus of planning decisions should be on whether the proposed development is an effective use of land rather than the control of processes or emissions (where these are subject to separate pollution control regimes). Paragraph 183 also states that planning decisions should assume that these regimes will operate effectively.

The proposed regrading operations, if granted planning permission, will need to be the subject of an application to the Environment Agency to vary the existing permit. The controls attached to that permit would cover the types of materials to be used for the regrading exercise, how these would be keyed into the existing site surface and the maintenance and upgrading of the existing landfill gas, leachate and monitoring arrangements. The merits of the applicant's proposals would be fully assessed as part of the Environment Agency's determination of any permit application and it is not necessary for the planning process to cover these issues to the full depth as would be undertaken as part of the permit. However, there is a requirement to ensure that there would be no fundamental issue that would prevent a planning permission from being granted and therefore the advice of the Environment Agency as the statutory regulator in relation to pollution control from landfill sites is an important consideration.

This proposal raises a number of complex issues in relation to the generation and collection of leachate within this closed landfill site. As the site was operational over 30 years ago, information on the construction and gradients of the base of the site is largely absent and therefore it will be difficult to understand the effectiveness of the existing leachate management system. However, the Environment Agency have always been of the view that the existing capping system has been compromised due to differential settlement and is not fully effective in reducing the infiltration of rainwater into the waste therefore producing greater volumes of leachate. It is not possible to undertake any works to the base or sides of the site to improve leachate capture without large scale re excavation of waste which would have significant environmental impacts. The only practical way to achieve any reduction in leachate volumes is to use additional imported materials to regrade the surface of the site and encourage run off rather than infiltration. Modern landfills often use plastic membranes rather than clays as a capping material. However, whilst this would minimise the need to import materials, such techniques would not be feasible without first importing materials to correct the differential settlement that has occurred.

The proposal has been amended so that only the areas of most concern are to be addressed thereby ensuring that the duration of the development and associated impacts are the minimum required to address the capping issues. The proposal is supported by the Environment Agency as a means to address the potential pollution issues at this site and therefore it is considered that the proposal would have benefits in that regard.

### Highways / Transport Issues

Paragraph 109 of the National Planning Policy Framework states that development should only be prevented or refused on highways grounds if there would be unacceptable impact on the highway safety or the residual cumulative impacts on the road network would be severe. Policy DM2 of the Lancashire Minerals and Waste Local Plan states that proposals for minerals and waste development will be permitted where the environmental impacts (including highway impacts) are acceptable or where they can be made so through the imposition of planning conditions or other controls.

Parbold Hill Landfill site lies immediately adjacent to the A5209. When the site was landfilled, the waste was imported via a private haul road from Appley Bridge rail sidings and therefore there were very limited impacts on the public highway during



that time. However, there is an access to the site from the A5209 which was used as an occasional means to access the site and which has been retained.

For the current proposal, it is not feasible to import the inert materials by rail and therefore it is proposed to construct a new access onto the A5209. The initial proposal (which was for the importation of around 200,000m<sup>3</sup> of inert waste) involved closing the layby adjacent to the A5209 and creating a new access in the layby position. However, the initial proposal was not accompanied by any form of transport assessment and LCC Highways did not consider that the proposal provided for a safe and suitable means of access to the A5209 and therefore objected to the application.

The proposal was then revised by reducing the volume of fill to approximately 90,000 m<sup>3</sup> and amending the access location. A full transport assessment was submitted to support the amended proposal. The applicant proposes to import the fill materials at a rate of up to 40 HGV loads per day which equates to five trips per hour (equivalent to one trip every six minutes). At these rates, the required fill volumes could be imported in 55 weeks using a Monday to Friday operation. The revised access position is approximately 200 metres to the west of the layby as is not considered possible to utilise the existing access to the site due to its position on a steep hill where visibility to the right for emerging traffic is constrained due to the crest of the hill. The new access would be constructed with a 12 metre radius followed by a corner taper on the eastern side of the access with no radius on the western side of the access. The aim of the design is to prevent right in and left out manoeuvres and would be supported by road markings on the site access. The applicant is also willing to fund a Traffic Regulation Order to allow enforcement of this turning restriction and to implement the speed limit reductions that are required.

In relation to the use of the access by HGVs, the applicants transport assessment includes data on traffic volumes, speeds and accidents on the A5209. During weekdays, the peak two way flows on the A5209 are around 1200 movements per hour with around 800 two way movements per hour during other day time periods during the week day. The speed survey showed that average speeds were around 37 and 34 mph on the westbound and eastbound carriageways respectively with 85<sup>th</sup> percentile speeds of 42 and 40 mph respectively. In order to address any concerns about adding to congestion on the A5209, the applicant proposes to restrict traffic movements to between 09.00 and 17.00 to avoid peak periods. In any event, the traffic generation would be relatively small compared to the existing traffic levels on the A5209 and therefore it is considered that the proposal would not result in unacceptable congestion issues on the A5209 either in the location of the proposed access or at other nearby locations such as the entrance to Wrightington Hospital.

Safety issues on the A5209 have been raised in many of the representations to this application. The 85<sup>th</sup> percentile speeds have been used to calculate the visibility splays at the access. The proposed design shows that adequate visibility can be achieved from the proposed access location. In order to enhance safety at the access location, the applicant is prepared to implement a traffic calming scheme in the area of the site access. At present, the A5209 past the proposed access is derestricted until a point 200 metres to the west of the site where a 30 mph limit is in place. The applicant is proposing that a 40 mph limit be implemented along the frontage of the site which would link to the existing 40 mph section currently in place to the east of the site. The applicant proposes that the speed limit amendments

would be supplemented by road signage and road markings. The changes to the speed restriction would need to be the subject of a Traffic Regulation Order. It is considered that the costs of the Order process should be funded by the applicant and it will therefore be necessary for this matter to be the subject of a section 106 agreement.

The new access would cross a footway path that runs alongside the westbound carriageway of the A5209. The access would consist of an 8.5 metre wide carriageway with a pedestrian island located in the centre to enable pedestrian movements over the bell mouth of the access. The footway is located on a higher level than the road and therefore its vertical alignment would need to be amended to allow it to cross the access. However, the design shows that the maximum slopes would only be 5% which is significantly less than the gradients on other sections on the footway further to the west on Parbold Hill itself.

LCC Highways have considered the revised access arrangements. They note that the proposed access arrangements are designed to prevent right in and left out movements from the access to prevent loaded vehicles from having to stop on an uphill gradient to wait to turn into the site. However, the access design would not physically prevent such movements and therefore LCC Highways are insisting on the implementation of a Traffic Regulation Order (TRO) to prevent such movements. LCC Highways also consider that the TRO should include the lowering of the speed limit on the A5209 and comment that the police are supportive of such a change and therefore there should be no obstacles to the achievement of this change. LCC Highways make a variety of comments on the applicant's proposed traffic calming scheme including the signage and road markings. It is considered that the details of the scheme can be subject to a planning condition. Subject to the developer agreeing to fund the TRO and providing amended drawings of the traffic calming scheme, LCC Highways have no objections to the development.

A representation has been received from the landowner immediately to the east of the site suggesting that access to the application site could be achieved through his land to a junction onto the A5209 via the existing access into Parbold Hall. It is suggested that this means of access would be safer than that proposed by the applicant and would offer a number of other advantages. Whilst the views of the resident are noted, the proposal does not form part of the current planning application which must be considered on its own merits. LCC Highways have concluded that the access proposed in the planning application is acceptable and therefore there is no requirement to consider other access options that may be available.

Therefore in terms of highway impacts, it is considered that the site is capable of being accessed through safe and suitable means which would not harm road safety or result in congestion issues on the A5209. The proposed access design provides for a surfaced tipping bay which would avoid the need for HGVs to travel over the surface of the landfill which should prevent mud and other debris being deposited on the surface of the A5209 where it could present a skidding risk. Subject to conditions being imposed regarding the construction of the site access and tipping bay and implementation of the traffic calming scheme including speed limit reductions, the development is considered acceptable in terms of highway considerations.

Relationship with policies in Lancashire Minerals and Waste Local Plan

The Lancashire Minerals and Waste Local Plan contains policies relating to the management and disposal of inert waste materials. Policy LF1 concerns sites for inert waste landfill and states that development will be supported for the disposal of inert waste that cannot be recycled or recovered at the following sites: Scout Moor Quarry in Rossendale and land to the south of Jameson Road Landfill, Fleetwood. Parbold Hill Quarry is not one of the sites listed in the policy.

The purpose of the policy is to ensure that adequate disposal capacity exists for non-recyclable inert wastes such as excavation wastes from construction projects. The policy is further reinforced by the requirement in the National Planning Policy for Waste which sets out the need for a mix of types and scales of waste management facilities and that adequate provision must be made for final disposal.

Although the proposal is not for the operation of a landfill facility, the materials used to carry out the regrading works would be inert wastes and therefore it is useful to consider the policy issues and general need for such facilities. The sites that were previously used for the disposal of inert waste materials in West Lancashire (Round O Quarry, Newburgh and Hardrock Quarry, Up Holland) have now ceased and the only sites now in operation those that are granted by the borough council for landscaping mounds or other land engineering exercises as part of other developments. Although the Parbold Hill site is not one of the sites listed within policy LF2, the inert waste disposal capacity at the site would make a useful contribution towards local supply thereby reducing the distance that inert materials are transported for disposal. Even if the proposal was considered to be contrary to Policy LF2 due to it not being one of the sites listed in the policy, the proposed regrading works can only be carried out using inert waste materials and therefore, if these works are required to remediate the site, it is considered that there would be a justification to depart from policy LF2.

### Green Belt Impacts

Parbold Hill Quarry is located within the Green Belt as identified in the West Lancashire Borough Local Plan.

Paragraphs 133 – 147 of the National Planning Policy Framework (NPPF) relate to the Green Belt. The NPPF states that the Government attaches great importance to Green Belts with the fundamental aim being to prevent urban sprawl by keeping land permanently open. In relation to specific development proposals, the NPPF states that inappropriate development is by definition, harmful to the Green Belt and should not be approved except in very special circumstances. It also states that substantial weight should be given to any harm to the Green Belt and that very special circumstances will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations.

New buildings are normally accepted as being inappropriate development. Other forms of development such as mineral extraction and engineering operations (which would include landfill and other land engineering exercises such as that proposed at Parbold Hill) are considered to be not inappropriate in the Green Belt provided that they preserve openness and do not conflict with the purposes of including land within it.

The key policy test is therefore to assess whether the proposals would be inappropriate development and if so, whether very special circumstances exist to justify the location of the development in the Green Belt having regard to the other impacts and benefits of the development.

In relation to the first question, the proposal must be assessed against the fundamental aim of Green Belts which is to keep land permanently open. There are also five stated purposes of Green Belt which are to check the unrestricted sprawl of urban areas, prevent neighbouring towns from merging into one another, safeguard the countryside from encroachment, to preserve the setting and character of historic towns and to assist in urban regeneration.

Although the site does currently contain some evidence of its former use as a landfill site, the site is essentially an area of countryside lying within the wider area of Green Belt in this area and therefore fulfils several of the aims of the Green Belt as listed above. The proposal would involve the reactivation of engineering operations on this site including the stripping of existing soils and formation of screening / storage mounds and the importation and tipping of inert waste materials in order to allow the regrading of part of the former landfill site. It would also involve the creation of a new access off the A5209 and associated turning head and tipping area within the site itself. These works would take place over a maximum period of 18 months. Although the site would be restored to its current condition following the proposed works, there would be a loss of openness during the period of the works particularly arising from the creation of the new access and the active tipping operations on the site. The proposal would therefore be inappropriate development in the Green Belt.

Given this conclusion, very special circumstances must therefore be demonstrated to justify the development. Such special circumstances will not exist unless the harm to the green belt, and any other harm arising from the development, is outweighed by other factors in particular the need to carry out the development for reasons of pollution prevention and securing the proper management of the former landfill site. This balancing exercise is discussed later in this report.

## Landscape

Paragraph 127 of the National Planning Policy Framework requires that developments are sympathetic to local character and history including the surrounding landscape setting. Policy GN3 of the West Lancashire Borough Local Plan states that development will be assessed against a number of criteria including maintaining or enhancing the distinctive character and visual quality of any landscape character areas within which they are located, minimise the removal of trees, hedgerows and areas of ecological value and incorporate new habitat creation where possible. Policy DM2 of the Lancashire Minerals and Waste Local Plan states that development will be permitted where all impacts including those on the landscape are acceptable or can be made so through conditions or other controls.

The application site is located at the summit of Parbold Hill from where there is an extensive panoramic view towards Wigan, across the coastal plain to Liverpool / North Wales and round to Blackpool with closer views across the Douglas Valley towards Ashurst Beacon. There is a layby off the A5209 directly adjacent to the application site from where these views can be appreciated and consequently the layby is a well known and popular viewing location. Views of the site itself from

elsewhere are more limited and are partially screened from the Douglas Valley by the woodland which edges the southern side of the site and by the general contours of the hillside from locations such as Parbold village itself. Where the site is currently visible from the wider surrounding landscape, the site is currently seen in the context of the surrounding countryside and is only really distinguishable due to the different vegetation types on the restored landfill site compared to the surrounding agricultural fields.

From the layby on the A5209, the application site is prominent in the foreground although at present there is little visible evidence of its past uses except for the presence of landfill gas venting pipes and security fencing. During the previous landfill activities, waste was tipped to a maximum height of around 118 m AOD. The site has since settled to provide the expansive views that are currently obtained from the layby. The proposal involves the land levels of the site being surcharged with inert waste to the levels that were achieved as part of the previous landfill activities and therefore provide the slope gradients that are required to encourage surface water run off. The layby adjacent to the A5209 is at a level of around 118m AOD and therefore it is probable that the existing distant views from the layby would be maintained in the long term with the main impacts being confined to views that are currently obtained of the lower reaches of the Douglas Valley and other closer locations which would be obscured by the new landform. The restaurant and adjacent property are at a similar level than the A5209 but are set back from the break of slope next to the layby and therefore the impact on views from these locations would be correspondingly less.

There would be particular visual and landscape impacts during the period when the works are being undertaken. Although no major landscape features such as trees or hedgerow would be removed, the development would require the construction of a new access and tipping area which would necessitate removal of part of a stone wall alongside the A5209 forming the site boundary. The applicant proposes to screen the tipping area using some earth mounding but it would not be sufficiently high to fully screen these activities. The actual regrading works would also take place within 30 metres of the layby and would be in the foreground of the existing viewpoint location. It would be possible to minimise the visual impacts through a phased restoration and construction of a screening mound using stripped soil materials between the layby and the tipping area but it must be concluded that the works themselves would have a significant visual impact particularly in view of the recreational / tourist value of the views that are currently gained from the layby. However, these impacts would be confined to the 18 month period of the operations.

When planning permission was granted for this site in 1980, little consideration was given to the restoration of the site with no formal aftercare requirement. Consequently the site surface is currently unmanaged and still contains evidence of its previous use as a landfill site and has a large stand of Japanese knotweed. Although the proposed regrading area now affects only approximately 50% of the former landfill site, it is considered that a condition should be imposed relating to the further restoration and aftercare of the whole site. This should include removal of the existing security fencing, treatment of the landfill gas vents and management of the existing vegetation including control of invasive species. The applicant is also willing to consider some element of public access to the site once restored.

Policy EN3.2(e) of the West Lancashire Borough Local Plan states that development that would prejudice the delivery of the informal countryside recreational activities proposed at the following sites (including Parbold Hill) will not be permitted. The land allocated for this purpose is the area directly to the south of the existing layby which would be affected by the proposed regrading activities. Whilst there would be some immediate impact on the ability to deliver recreational activities on this land during the period of operations, upon restoration there would be no conflict with the policy. Provided that a condition is imposed to secure the proper restoration of the regrading area, it is considered that the proposal is acceptable in relation to policy EN3.2(e).

#### Local amenity impacts

The main amenity impacts would be in terms of noise and dust impacts from the proposed importation and grading of the inert materials. In terms of local receptors, the Miller and Carter restaurant is on the northern side of the A5209 approximately 50 metres to the north of the application site. There is also a single residential property adjacent to the restaurant which also has views across the former landfill site. To the east of the site approximately 200 metres from the landfill site boundary are a number of properties and associated buildings at Parbold Hall. It should be noted that the operators of the restaurant have made a representation to the application and do not object to the application on amenity grounds with the only concerns being raised regarding highway safety and access issues.

Policy DM2 of the Lancashire Minerals and Waste Local Plan states that minerals and waste developments will be supported provided that all material impacts (including those that affect local amenity such as noise and dust) are acceptable or can be controlled to acceptable levels through the application of planning conditions or other controls.

In terms of noise, the main impacts on the receptors to the north of the A5209 would arise from HGVs on the A5209 turning into the site and tipping their loads within the proposed tipping bay which would be approximately 120 metres from the property and a slightly greater distance from the restaurant. Noise impacts would also result from the use of a bulldozer and excavator to place and grade / compact the inert fill materials. Some acoustic attenuation to the property and restaurant would be possible by constructing a screen bund along the northern side of the fill area. In terms of noise impacts, the background noise in this area is already quite high due to the relatively high levels of traffic on the A5209 with up to 1200 two way vehicles during the peak hour and typically around 800 movements per hour during other times within the normal working day. Given the relatively small levels of plant that would be required to carry out the development and the background noise levels, the noise impacts at the property and restaurant would not be unacceptable. However, the site activities would be clearly audible by users of the layby and it would be difficult to mitigate these impacts due to the proximity of the layby to the site.

In relation to dust, the main impacts are likely to occur from the movement of plant involved in spreading and placing the imported materials. The proposed site design includes a surfaced tipping bay into which HGVs would reverse before discharging their loads thereby eliminating the need for such vehicles to traverse the site on a haul road which might otherwise be a major source of dust. Again due to proximity and location on a hill top, it is possible that dust impacts could still be generated by the spreading and levelling of imported materials and that such impacts would

particularly affect users of the layby. However, the operations would be confined to an 18 month period part of which would be within a winter period when dust impacts would be unlikely.

It is not the intention to excavate any previously tipped biodegradable wastes or to remove the existing capping materials and therefore it is not expected that the operations would result in increased release of landfill gas that would cause an odour issue.

Many objections to this application have been received in relation to likely amenity impacts of the development and citing the issues that occurred during the previous landfill operations on this site. It is acknowledged that the previous operations did have a significant impact on local amenity due to odour, litter, noise and dust. However, the current proposal is very different in terms of its duration and the nature of the waste materials that are proposed to be deposited and therefore it is very unlikely that the local environmental impacts of the previous landfill operations would be experienced to the same degree should the current proposals proceed.

Mitigation for noise and dust would be possible through careful site design including use of the tipping bay and siting of screen mounding, noise and dust mitigation measures, use of white noise reversing alarms on mobile plant and limitation on hours of operation and overall development timescale. Provided that these measures are the subject of planning conditions, it is considered that the development would not have any unacceptable amenity impacts and would be acceptable in relation to policy DM2 of the Lancashire Minerals and Waste Local Plan. However, it is likely that there would be some temporary impacts on users of the layby that could not be adequately mitigated due to their proximity to the area of active operations.

### Heritage Impacts

The land immediately to the east of the landfill site is part of the grounds of Parbold Hall. There are a number of buildings that are located within the grounds including a large house dating from the early to mid 18<sup>th</sup> century with 17<sup>th</sup> century remains. The house is listed grade II\*.

Paragraph 193 of the National Planning Policy Framework requires that great weight should be given to the conservation of heritage assets irrespective of whether any harm amounts to substantial harm, total loss or less than substantial harm. Substantial harm to or loss of the assets of the highest significance including grade I or II\* listed buildings should be wholly exceptional.

The listed building at Parbold Hall is approximately 250 metres from the nearest part of Parbold landfill site. There would be no direct impacts but it is necessary to consider the likely impacts on the setting of heritage assets. The eastern edge of the landfill site is formed by a line of trees and large hedgerow plants and there is also substantial woodland planting on the western side of the Parbold Hall building itself. This means that the degree of intervisibility between Parbold Hall and the landfill site is very limited and there are very few locations where the hall and the landfill would be seen together. The only locations where such views would particularly be obtained is from view points on the southern side of the Douglas Valley including Ashurst Beacon which is 2.5 km from the application site. These views would therefore be relatively distant. Taking into account these factors together with the

limited area and duration of the works, it is considered that there would be no impact on the setting of Parbold Hall and the proposal is acceptable in terms of the policy on heritage assets within the National Planning Policy Framework and Development Plan.

#### Drainage / flooding

A number of the representations that have been received raise flooding issues and are concerned that the proposed works will increase rates of run off which will lead to flooding in Parbold and other locations.

The applicant has carried out a flood risk assessment. The site is not located within flood zones 2 or 3 (areas with highest probability of flooding). However there are several areas within Parbold village which are located within these flood zones especially those located close to the River Douglas.

At present the site falls to the south and therefore rainfall falling on the site will run in this direction towards the River Douglas. The proposed regrading works will not generally change the patterns and direction of run off which would continue to be to the River Douglas. Although the aim of the development is to promote surface water run off rather than rainfall infiltrating into the landfill, the additional runoff resulting from improved capping would not be significant in terms of local flooding impacts. The Canal and River Trust have raised a concern about possible impacts on the Sprodley Brook which they consider might flow into the canal. However, due to the contours of the land, there is no surface water connection between the site and this brook. The Environment Agency have not raised any objection or concerns in relation to flooding issues.

During the period of the regrading exercise, there is a risk that rates of run off could be increased due to the area of bare ground that would result. The reduced area of development will reduce such impacts compared to the original scheme. However, during the works it will be important to ensure that measures are taken to control run off to avoid surcharging down stream watercourses. This can be the subject of a planning condition.

#### Ecology

There are no ecological designations on the application site or on land that is immediately adjacent to it. The existing habitats on the site are comprised of mainly rough grassland with smaller areas of scrub and a large area of Japanese knotweed. There are no significant trees on the site that would be affected by the proposals.

Paragraph 170 of the National Planning Policy Framework states that planning decisions should contribute to and enhance the natural environment by minimising impacts on and providing net gains for biodiversity. Policy GN3 of the West Lancashire Borough Local Plan requires that development should minimise the removal of trees, hedgerows and areas of ecological value or where removal is unavoidable, provide for their like for like replacement or provide enhancement of features of ecological value.

Natural England raise no objection to the application in relation to impacts on European or nationally significant (SSSI) sites. However, they note that there are



several European wildlife sites located in relatively close proximity to the site and therefore indirect impacts on such sites should be considered. This is particularly the case in relation to over wintering or other bird interests that are associated with the coastal and estuarine habitats off the Lancashire coast. However, the habitats that are found within the application site are not those that would be used by such bird species and therefore such impacts are unlikely and can be screened out for the purposes of the Habitats Regulations.

The applicant has carried out an ecological assessment which included an assessment of suitability of the site for European protected species (bats and great crested newts) along with a phase 1 survey to map general habitat types. However, there has been no more detailed survey of animal and plant species.

In relation to European protected species, the woodland to the south of the site includes a number of old quarry faces some of which have potential as bat roosts. The development would not affect these but the application site could be used as a foraging area for bats. In terms of Greater Crested Newts (GCN's) there are no ponds within the application site, the nearest being 300 metres to the south near to Wood Lane. The applicant has not surveyed for GCN's in these ponds but has undertaken an assessment of habitat suitability. All three ponds are below average in terms of their suitability for GCNs.

The applicant allowed access to ecologists commissioned by the Campaign for the Protection of Rural England (CPRE) and their findings were submitted as part of the CPRE's representation to the application. The CPRE report included a full survey of vascular plants. The survey states that an exceptionally diverse range of plant species exists on the site with over 140 species including three of national – local conservation importance. The survey notes that avoidance is unlikely to be feasible due to the nature of the proposals but makes several recommendations to safeguard the biodiversity of the site including translocation of an area where one notable plant species is found, ensuring that restoration is achieved using low nutrient soils, creation of new wildflower areas and management of invasive species. A representation has also been received which includes the results of a bird survey which has been carried out on the site and in the surrounding area. The survey recorded 26 species of birds using the site and surrounding area and concludes that the site is a rich and biodiverse habitat supporting important bird species.

In relation to the CPRE comments, it should be noted that these were made in relation to the original proposal which involved raising levels over the whole site. The revised proposals involve undertaking works on a reduced area and therefore the impacts on existing habitats would similarly be less and would largely not affect land on which two of the notable plant species are found.

In response to the application, the LCC Specialist Advisor (Ecology) has reviewed the application including the CPRE Ecology report and notes the ecological diversity of the site which she considers would be sufficient to meet Biological Heritage Site (BHS) standards. She considers that the interests are due to the nature of the soil materials that have been used for the restoration and that the site has largely been unmanaged and free of disturbance for a significant period of time. The proposed development would now only affect part of the site so the impacts on ecology would be reduced but there would still be the potential for some loss or damage to ecological interests. In relation to Great Crested Newts, the nearest ponds are

around 300 metres from the site with the intervening distance being comprised of woodland. It is therefore considered unlikely that the site would be suitable Great Crested Newt habitat given the distance from the ponds and suitable habitat between. The works might result in some temporary loss of bat foraging habitat but there would be no direct impacts on any bat roosts.

Whilst it is unlikely that the site has any value for European protected species, it is probable that the site does have some general ecological value due to the range of plant species and habitats and the number of animal (particularly bird) species that use the site. This is largely as a result of the site not being subject to agricultural activities or any form of public disturbance since the previous landfill operations were completed nearly 30 years ago. The impacts on ecological interests within the site have been reduced due to the area of remediation activities being concreted on the parts of the site which have shown the greatest settlement issues. The areas of the site outside the regrading area should be largely unaffected apart from some general disturbance impacts from noise from plant activities. The extent of the operations can be controlled by planning condition. Unfortunately, the works to raise the surface contours of the site will require the existing land surface to be disturbed and therefore will inevitably result in a loss of ecological interest on part of the site. These impacts will have to be weighed against the benefits of carrying out the development taking into account the ability for the ecological impacts to be mitigated through suitable restoration.

In terms of the restoration, it will be important to ensure that these works utilise the existing soil materials rather than imported soils which might be too fertile. This can be subject of a planning condition. It is possible that the raising of levels might result in different hydrological conditions so that some of the marshy habitats currently found on the site would not regenerate due to the improvement in surface water drainage resulting in a dryer neutral grassland habitat. Provision should therefore be made for reseedling of the restoration area with a suitable wildflower mix. This can also be the subject of a planning condition.

In relation to the restoration of the site, the applicant proposes to restore the regrading area to an agricultural standard as was required by the 1980 planning permission. However, it is now 40 years since that permission was granted during which time the condition and value of the site has evolved and there have been many changes to planning policy. There is also now a requirement within National Policy that proposals should provide for net gains for biodiversity. In view of the current condition and value of the site, a restoration to agricultural land using imported soils would not achieve that objective. It is therefore important to ensure that the existing soils on the site are stripped and stored for use in proposed restoration work prior to the imported inert materials being used to raise the levels of the site. This method of working should ensure that the soils used for restoration are suitable to protect the existing diversity of plant species on the site. This method of working should be the subject of a planning condition along with other conditions on the control of invasive species and the landscaping of the wider landfill site.

It is also considered desirable on this site that the aftercare should be over a longer period than the five years that can normally be required through a planning condition. A period of ten years is considered appropriate and would allow for a longer period of management to take account of any works that are required to landfill gas

infrastructure and to ensure that the present ecological value of the site is enhanced. This requirement would need to be the subject of a section 106 agreement.

With such controls, it is considered that the existing ecological value of the site would be protected and with suitable management would be likely to see some enhancement compared to its existing condition. The proposal is therefore considered acceptable in relation to paragraph 170 of the National Planning Policy Framework (NPPF) and policy GN3 of the West Lancashire Borough Local Plan.

### Conclusions and overall balancing exercise

Parbold Hill is a closed landfill site which has experienced significant settlement of the original landfill surface. The applicant maintains that the settlement is giving rise to increased volumes of leachate production for which he is incurring greater costs in terms of management. In order to remediate the site and reduce leachate volumes, it is therefore proposed to import additional inert waste materials to raise land levels, improve capping and improve surface run off.

The site is located within the Green Belt. The operations would involve significant civil engineering operations including construction of a new access and tipping bay and levelling of imported inert materials over a significant area of land. It is considered that these works, although over a relatively short period, would harm the openness of the green belt and would therefore be inappropriate development in the Green Belt. Therefore planning permission should only be granted if very special circumstances can be demonstrated. Very special circumstances will only exist if the harm to the Green belt and any other harm is outweighed by the benefits of the proposal. The impacts of the development on the landscape and in particular the views from the layby adjacent to the A5209 together with impacts on existing ecological interests would occur in addition to the impacts on openness of the Green Belt.

The applicant states that the volumes of leachate being generated are resulting in additional costs in terms of the management of the closed landfill site. This cannot by itself represent very special circumstances. However, the Environment Agency are of the view that the recontouring of the site would give rise to significant benefits in terms of pollution control particularly in terms of groundwater. The works to improve the capping of the site can only be achieved through the importation of additional fill materials and the areas of the proposed works has been reduced to focus on those areas of the site which have been subject to the greatest settlement. These benefits have to be weighed against the impacts on openness and the other impacts of the development in order to determine whether very special circumstances would exist. The impacts on landscape and views would be temporary over a relatively short term period and those on ecology could be mitigated given suitable restoration. On balance the benefits of the development are considered to outweigh the impacts identified above and therefore very special circumstances can be demonstrated.

The proposed operations would also have highway impacts and potential to harm the amenity of those local residents who live close to the site. However, it is considered that these impacts can be mitigated to acceptable levels through planning conditions.

On balance, it is therefore considered that the proposal is acceptable in terms of the policies of the National Planning Policy Framework and Development Plan.

## Human Rights

The Human Rights Act 1998 requires the County Council to take into account the rights of the public under the European Convention on Human Rights and not to act in a manner incompatible with those rights. Article 1 of the 1<sup>st</sup> Protocol states that an individual's peaceful enjoyment of their property shall not be interfered with except as is necessary, in accordance with law and as is proportionate.

This application were it to be approved would be unlikely to generate such an impact on neighbouring properties which would breach those rights. The recommended conditions together with the relatively short duration of the operations would protect the amenity and rights of local residents.

## Recommendation

That subject to the applicant entering into a section 106 agreement relating to the promotion of the Traffic Regulation Order process 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 21 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 2<sup>nd</sup> 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 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. The levels of any waste materials including any restoration soils shall not exceed the levels shown on drawing 4458/01/002 Rev 3 - Site plan (Landform maintenance). The provisions of this condition shall also apply to any temporary stockpiles of waste materials that are formed during the development.

*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 importation of inert waste materials shall commence until a scheme of phasing of the filling works has been submitted to and approved in writing by the County Planning Authority. 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 phase 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 importation of inert waste materials 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 in the form of the extension of the existing 40 mph limit that are to apply on the A5209 including details of warning and speed limit signage to be installed and their locations.
- b) Enhanced road markings to be installed on the carriageway surface of the A5209 to include marking out of a 2 metre wide ghost island within the carriageway in the area of the proposed site access.
- c) The measures that will be employed to prevent HGVs from turning right into and left out of the site.

The traffic calming and road safety measures contained in the approved scheme shall be implemented prior to the new access being brought into use 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. 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.*

20. No importation of inert waste materials shall take place until a scheme and programme of surface water control measures has been submitted to and approved in writing by the County Planning Authority. The scheme and programme shall include details for the control of surface water run off from the regrading area to ensure that the existing rates of run off from the site are not exceeded.

The measures in the approved scheme shall be implemented prior to the commencement of any soil stripping and shall be retained throughout the development and restoration.

*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**

21. No importation of inert waste materials shall take place until a scheme and programme for the final restoration of the regrading area 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 resspreading 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 off 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.*

22. 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 21 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.

Regrading area: the area shown edged in a dashed red line on the Masterplan drawing submitted on 2<sup>nd</sup> December 2019.

## **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.