

Lancashire County Council
Development Management Group
Environment Directorate
PO Box 100
Preston
Lancashire
PR1 0LD

Our ref: NO/2019/111801/01-L01
Your ref: LCC/2019/0028
Date: 23 July 2019

Dear Sir/Madam

PROPOSED LAND RESTORATION AND REGRADING WORKS USING INERT MATERIAL, ASSOCIATED HIGHWAY WORKS INCLUDING CONSTRUCTION OF A TEMPORARY PUBLIC CAR PARK

FORMER PARBOLD HILL QUARRY, PARBOLD HILL, PARBOLD

Thank you for consulting us on the above application, on 7 June 2019.

Environment Agency position

The works proposed will require a variation to the existing permit under the Environmental Permitting Regulations (England and Wales) 2016. We do not have enough information to know if the development can meet our requirements to prevent, minimise and/or control pollution. We therefore object to the proposal as submitted.

Reasons

The proposed development is at closed landfill site which has an active Environmental Permit. The site is underlain by a Secondary A aquifer.

We have reviewed the details submitted and we understand that the operator's justification for the proposed works are two-fold:

1. To reduce infiltration by improving the restoration of the site to encourage surface water run-off; and
2. To deposit waste across the whole of the site to achieve post settlement contours as previously agreed through planning.

Environment Agency
Lutra House Walton Summit, Bamber Bridge, Preston, PR5 8BX.
Customer services line: 03708 506 506
www.gov.uk/environment-agency

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With respect to point 1, due to the extensive differential settlement that has taken place at the site, we accept that some remedial works to repair the engineered cap and improve the restoration profile is necessary to encourage surface water run-off, reduce infiltration into the waste and hence reduce the volume of leachate being generated at the site.

Given the scale of depressions that have formed on site, we are of the view that some level of importation of additional inert waste will be required. However, insufficient information has been submitted to satisfactorily demonstrate that the volume of material as proposed will achieve the desired results or if they could be achieved with a lower volume of imported inert waste.

With respect to point 2, we understand that the planning condition relating to the final levels has been discharged. Whilst the existing environmental permit does allow for repairs to the engineered cap, the operator is not currently permitted to import further waste to a closed, fully restored landfill site even for restoration purposes above the newly repaired cap. To import further waste for restoration would require the operator to demonstrate that the activity satisfies the recovery test and would therefore be a recovery activity, via a variation of their permit. We have not yet received an application for this variation.

This objection is supported by paragraph 183 of the National Planning Policy Framework, which recognises that planning and pollution control are separate, but complementary, regimes. Planners should consider the acceptability of the proposed use of land and the impacts of that use, but not the control of processes and emissions that will be covered by a permit.

Overcoming our objection

The applicant can overcome our objection by submitting information to address the deficiencies highlighted above. Please re-consult us on any revised/additional information submitted and we'll respond within 21 days of receiving it.

To reduce the risks to people and the environment and obtain a permit variation, the proposals as submitted may need to change. We will not be able to determine an application to vary the permit until information has been provided to address the issues raised above.

We recommend that the developer considers parallel tracking the planning and permit applications as this can help identify and resolve any issues at the earliest opportunity. Parallel tracking can also prevent the need for post-permission amendments to the planning application. We would welcome a joint discussion with the applicant and planning authority to discuss this further.

Where a developer decides not to parallel track their planning and environmental permit applications, we will not offer detailed advice or comments about how permitting issues affect planning.

Advice to applicant

For further permitting advice, the applicant can contact our Environmental Management Waste team via our National Customer Contact Centre (Tel: 03708 506 506; email: enquiries@environment-agency.gov.uk)

Further guidance on making changes to an environmental permit is available at <https://www.gov.uk/guidance/change-transfer-or-cancel-your-environmental-permit>

Note to applicant

Should you wish us for to review any technical documents or want further advice to address the issues raised, we may do this as part of our charged for planning advice service.

Further engagement will provide you with the opportunity to discuss and gain our views on potential options to overcome our objection with us, before formally submitting further information as part of your planning application.

As part of our charged for service we will provide a dedicated project manager to act as a single point of contact to help resolve any problems. We currently charge £100 per hour, plus VAT. We will provide you with an estimated cost for any further discussions or review of documents. The terms and conditions of our charged for service are available [here](#).

We will be unable to offer this service where we consider that a request is unreasonable, goes beyond what we can advise on through our planning remit or where other operational activities and issues prevent us from doing so.

If you would like more information on our planning advice service, including a cost estimate, please contact us at the email address below.

Yours faithfully

Mr Alex Hazel
Planning Advisor – Sustainable Places

E-mail: CLPlanning@environment-agency.gov.uk