

Parbold Parish Council

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Objection by Parbold Parish Council

Summary

The proposed waste development in the Green Belt would be inappropriate and highly damaging in terms of landscape value, public amenity, highway safety and convenience, and waste planning policy.

The proposal is in no way justified by the policy provisions of the relevant Waste Development Plan Documents/Local Plans, and would be so disproportionately large that it could cause significant harm in waste planning policy terms, as excessively beyond the quantities for which those Plans provide.

The submitted 'technical' evidence is superficial, patchy, unconvincing and inconclusive. It does not demonstrate that existing conditions at Parbold Hill constitute a problem of sufficient consequence that it could only be remedied by the proposed deposit of waste. Nor does it demonstrate that such problems as may exist could not be remedied by other, far less damaging means.

Consequently there is no need for the proposal; and certainly none that might be sufficient to constitute the very special circumstances necessary to outweigh harm through inappropriateness together with the additional harm identified. Accordingly the application should be refused.

Section 1

Objections on Grounds of Statutory Waste Development Plan Policy

The Applicant clearly sees the proposal as a lucrative opportunity- to deposit hundreds of thousands of tonnes of inert waste. But the first and foremost planning policy objection has to be that the site is in the Green Belt, which imposes a discipline which is very hard to satisfy. The proposal represents inappropriate development in the Green Belt. So the question to be answered is not 'could this be done?', nor even 'would this bring some benefit'?

The question to be answered is 'is this development needed, to the point where Very Special Circumstances are demonstrated, sufficient to outweigh the harm from inappropriateness together with any other harm which can be identified?' We say that the development is not needed to the extent that it meets this policy requirement, and so it should be refused.

We start with the Development Plan.

In terms of the Lancashire (with Blackpool and Blackburn & Darwen) Waste and Minerals Development Plan the proposal is not needed. Policy CS8 states that the Plan 'ensures that adequate disposal capacity will be available for non-recyclable inert wastes', and Policy LF2 specifies only 2 sites for the landfill disposal of inert wastes. It is true that Policy CS8 also allows for 'the suitable restoration of quarries and landfills through the tipping of inert materials that may otherwise be recyclable'. But the Plan does not specify quantities envisaged under this part of the policy - suggesting that they should be incidental to the annual quantities set out in the Statement of Needs. At Parbold Hill, however, the quantities proposed to be tipped so far exceed the forecasts for the entire Plan area, and are so disproportionate, that they ought properly to have been included under a specific site-related policy. They were not. What is more, the Plan has quite recently been reviewed - and reviewed since the occasion when a similar proposal was made for Parbold Hill (not by the current Applicant). If at that point the proposed development had been judged by LCC to have been necessary, it could and should have been included in the latest edition of the Waste Development Plan. And it was not included. Nor is the application site needed to receive inert waste exports from adjoining local authorities. The Joint Waste Local Plan for Merseyside recognises that inert landfill capacity is limited within its own area; but concludes that export movements under existing commercial contracts would adequately deal with inert waste disposal requirements for the Plan period. Greater Manchester sees no requirement for exports of inert waste from its authority area. So, in development Plan terms, the proposal is not needed.

Therefore, there must be considerable uncertainty over the source(s) of materials to be used in the proposal. The Applicant has been very vague about the sources. Without a known and certain source, tipping would potentially have to be extended over a far longer time period than the Applicant suggests - with all harm magnified accordingly.

Section 2 Objection on Grounds of Inadequate Evidence

Water Accumulation and Leachate

Contrary to the Applicant's suggestion, there were no natural watercourses above ground on this, south-facing side of Parbold Hill. Watercourses (Alder Lane Brook and Sprodley Brook) run west and south-east respectively, rising from lower ground behind (north of) Parbold Hill summit. Before quarrying began in the south-facing rock, rainwater would have infiltrated the ground and travelled through the interstices of the rock (direction unknown).

Quarrying disrupted this pattern; and landfilling superimposed a mass of waste material into which rainwater ran and dispersed. Because such water became contaminated by the waste it had to be pumped and treated as leachate. The degree of contamination lessened with time after tipping ceased. The evidence does not make it clear whether or not/to what degree the 'leachate' is now contaminated. The mere fact that water is in some way accumulating within the full material does not necessarily mean that it is contaminated to a degree that now requires treatment. If not, (and after so long it is likely that any contamination is highly attenuated) the 'leachate' can be left to find its own way through the underlying rock strata as water has always done before past interference through quarrying and landfilling. Simply superimposing an additional mass of material upon the wet layers underlying the depressions would do nothing to enable existing saturation to disperse, nor to relieve any residual contamination if it exists. Because water used to disperse via infiltration through the rock (and via surface evaporation) rather than via surface watercourses, imposing a more effective clay cap would not necessarily achieve suitable drainage. The proposal is not needed in order to improve drainage. The existing situation simply acts as a perched water table.

The application does not suggest that the accumulation of water in or underlying the depressions might pose a risk or harm of any sort. No consequences have been suggested other than a postulated need to continue pumping: and this only on the assumption that 'leachate' requires treatment (and this is not demonstrated). The evidence does not suggest that there might be any danger of flooding; nor of land slippage. Rather, the proposed imposition of surface fill above any existing saturated material might in itself result in a risk of slippage as water gradually accumulated within it.

The small area of deepest water penetration is apparently self-contained within a relative depression in the uppermost north-east corner of the site. Any residual contamination within this area could surely be dealt with by planting of reedbeds, within the depression and at the point of pumping, and allowing cleansed water to disperse through the underlying rock, and via the pond at the foot of the hill (on Wood Lane).

The application does not demonstrate a problem that might need to be solved by the proposed development, nor that the proposal would be effective in solving it, nor that other less intrusive and inappropriate means would be at least as effective, nor that the proposal would not itself create further problems.

Section 3 Objections on Grounds of Additional Harm: Highway Safety and Convenience

The A5209 is a busy road, serving as a link between Wigan and the M6 (north of J26) and Southport, and connecting villages and towns in between. In addition to commuter and business traffic (eg to Edge Hill University in Ormskirk) the A5209 bears a heavy load of HGVs running between the large agricultural distribution centres of West Lancashire and, via the M6, the rest of the country to north, east and south and overseas (particularly Spain).

To either side of the application site the A5209 is subject only to the national speed limit of 60mph. The steep west side of Parbold Hill reduces speed at first, but levels out somewhat towards the summit, so that from both directions traffic is able to move very fast on approach to the site: and it frequently does so.

At the summit of Parbold Hill there are two existing attractions which greatly complicate traffic movements and are potentially hazardous in themselves. The long layby offers a panoramic viewpoint out over the whole of West Lancashire as far as the coast. Traffic movements of all kinds are made into and out of the layby, including right turns from the west, reversing out into the carriageway, and complete turns within the carriageway. Opposite the layby is the Miller & Carter restaurant which has a large car park and attracts many customers from mid-morning onwards. Again, many right turn manoeuvres are made both into and out of the car park entrance. In addition, pedestrians (ramblers, or clients of Miller & Carter) often cross the road at the summit; and the ice cream van forms yet another attraction. The proposal would bring an additional stream of HGV traffic, which would be slowing down and performing turning movements into and out of the site, right next to the layby and directly opposite the entrance to the Miller and Carter. These would interfere with the complex of turning movements from existing sources, creating significantly hazardous highway conditions. The potential for conflict in speeds and movements, and for surprise and interference to drivers of every class of vehicle, and pedestrians, would markedly increase the risk of accident.

The Applicant suggests highway works to reduce such dangers: but these would occupy large areas of the summit and would be difficult for approaching drivers to 'read'. Even if provided with a refuge in the middle of the carriageway, pedestrians crossing the road would be vulnerable to drivers' mistakes. It would not be possible fully to separate the HGV traffic visiting the site from traffic accessing the proposed replacement viewing area.

Currently, HGVs often stop overnight in the existing layby. This is a matter of annoyance and inconvenience to local residents, which is understood. However, if the existing layby were closed as proposed, and HGVs prevented from accessing the proposed new car park and viewing area, the uncontrolled HGV parking would simply be transferred to other parts of the highway network or to private land (such as the car park to Christ Church less than half a mile away) or to the layby opposite Fairy Glen.

We recognise that some of the harmful impacts of the proposal on highway safety are likely to be temporary. But we consider that even the likelihood of short-term impacts would be of such severity and significance that they contribute substantial and even decisive weight against the proposal.

Moreover, given that the supply stream of inert waste has not been shown to be guaranteed over the deposition period suggested by the Applicant, the time period of maximum highway disruption would be much longer than the 2 years suggested by the Applicant. Furthermore, the Applicant has greatly underestimated and understated the amount of waste to be deposited, in two ways. Firstly, the stated quantities are given in cubic metres, which translate to a greater number of metric tonnes.

Secondly, where inert waste is deposited into wet ground or into lagoons overlying wet ground, a larger number of tonnes will be required to fill a space calculated in cubic metres. (Environment Agency conversion figures).

In all, we say that the proposal is completely unacceptable in highway terms and should be refused on those grounds alone.

Section 4 Objections on Grounds of Amenity

Noise, Dust and Landscape

Currently, the layby and adjacent seating area offer panoramic views: southwards across the Douglas Valley; south-eastwards, setting Wigan and its outskirts in green surroundings; westwards to the coast, the Formby Dunes, the docks at Bootle and on a clear day to the hills and mountains of North Wales. In between, local people can distinguish their own village or town, fields and features in the panorama. All this can be appreciated in peaceful enjoyment.

The proposal would disrupt this experience: through the noise of lorries arriving at the site, manoeuvring with piercing reversing alarms, tipping their loads of rubble and heavy soil, then grinding in low gear back uphill to the new junction with the A5209, then accelerating away from the site. Dust could not be adequately prevented, and would both further spoil the view, and irritate the viewers, and walkers approaching the summit via the public footpath which ascends directly alongside the site, from Wood Lane. The noise and dust might be intermittent rather than constant, but no less irritating for that, especially in windy conditions. The green foreground to the southward valley views would be literally turned to dust (or mud) - which would be the setting for site roads, lorries and site installations. The site would present as a vision of destruction, replacing the beauty of the scene that so many people have travelled to see.

Lack of Restoration and Landscaping Scheme

The proposed tipping activity would continue, it is said, for around two years (though we say it could be considerably more). Afterwards, it would be expected that the site would be fully restored and landscaped. However, the application does not include such a scheme - instead making vague promises of 'wildflowers'. The proposal lacks adequate measures for aftercare and landscaping. Such as they may be (we do not know what they are), they are to be linked to, and dependent upon, the approval of a separate planning application for a holiday village (further inappropriate development in the Green Belt), to be made to a different local planning authority (West Lancashire Borough Council or WLBC). This is wholly improper.

The proposal could only be satisfactorily completed if the disruption to the hillside were made good as an integral part of the application for the waste disposal. Any condition imposed on a planning permission which in any way sought to 'tie the hands' of another local planning authority would surely be 'ultra vires' (literally 'beyond the powers' of the authority imposing it) and could be struck off on appeal against that condition - leaving the area unfinished and unlandscaped. It is therefore essential that a full landscaping scheme be submitted as part of the application: so

that it can be fully evaluated, amended if necessary, then properly and enforceable secured by condition or by legal agreement.

Incidentally, the Applicant's vague reference to 'wildflowers' shows a misunderstanding. If wildflower meadows are to be successful over time, they need appropriate (poor) soils and management, including mowing at particular times of year, and prevention of invasion by other species, principally trees and scrub. The suggested topsoil would be too rich, and would not result in the intended landscape.

Amenity - The Proposed Viewpoint Car Park

The application does not make clear who is to be responsible for the car park after its completion. The Parish Council would emphatically not wish to take on responsibility for this car park in addition to those it already manages. In particular, the problems raised by anti-social and criminal behaviour at the Bramble Way car park are extremely difficult, time-consuming and expensive to deal with: and this is in an area largely overlooked by residents. Whereas the layby is completely visible from the highway (A5209), the proposed new car park would be at a significant distance from it. In our opinion, the burden of management would be too great for our small parish council which already has many heavy responsibilities.

Conclusions

The proposal represents a wholly inappropriate, damaging and unjustified development. It would be inappropriate development in the Green Belt, which requires under Government and local statutory planning policy to be justified by very special circumstances. It is not. There are no very special circumstances. The collective weight of harm, in terms of Green Belt Policy and the many additional ways in which the proposal would be harmful, far outweighs the potential advantages of the scheme, which are largely advantages to the Applicant, not to the public or to the environment. Those advantages do not amount to Very Special Circumstances sufficient to outweigh the collective weight of harm.

Our representations have necessarily been made without sight of any consultation response to the application from the Environment Agency. The Agency has access to professional technical input which is capable of providing full and reliable and unbiased evidence in relation to matters of waste and water engineering. The Agency also has potential control of the situation through its Permitting regime (system of permits) and access to stringent methods and remedies. We ask that the Agency should make full and proper use of its powers.

It is to be hoped that the opportunism of the Applicant is met by a force capable of achieving a satisfactory situation without recourse to this highly unsatisfactory proposal.

We ask that the application be refused.

Postscript

The Applicant alleges that Parbold Parish Council has expressed support for the scheme. That is not the case. At the Applicant's request, the Parish Council met him and his Agent's representative to be shown some details of the proposal in advance of its submission as an application to the local planning authority (in this case Lancashire County Council).

Just because the Parish Council did not immediately jump in against the proposal before we had heard what the Applicant's side had to say, and before we had had the opportunity to see what the formal planning application itself contained, should NOT be taken as a suggestion of support for it on our part. We simply acted politely, asked many questions and gave the Applicant a fair hearing. Had we done otherwise, we could have been rightly criticised for blind negativity.

Having considered the formal planning application in all its aspects, we now submit our considered statement which roundly criticises the scheme. This in no way implies an 'about turn' on the part of the Council, but simply results from doing things properly and according to normal planning procedures.

Mrs Elizabeth-Anne Broad
Clerk to Parbold Parish Council