

<b>No.3</b>	<b>APPLICATION NO.</b>	LCC/2019/0028
	<b>LOCATION</b>	Former Parbold Quarry Parbold Hill Parbold Lancashire
	<b>PROPOSAL</b>	County Matter - Proposed land restoration and regrading works using inert material, associated highway works including construction of a temporary public car park.
	<b>APPLICANT</b>	Maybrook Investments Ltd
	<b>WARD</b>	Parbold
	<b>PARISH</b>	Parbold
	<b>TARGET DATE</b>	2nd August 2019

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## **1.0 REFERRAL**

- 1.1 The application has been called in for consideration at Planning Committee by Councillor Blake to consider: inappropriate development in greenbelt; the impact on the visual amenities of the area; lack of suitable infrastructure and loss of natural habitat and impact on various species.

## **2.0 SUMMARY**

- 2.1 The Council has been asked for their observations on this application (a County Matter) which has been made to Lancashire County Council for Land Restoration and associated highway works including a car park.
- 2.2 West Lancashire raises objections on the following grounds: The proposed development is considered to be inappropriate development within the Green Belt which causes harm to openness and would cause urban sprawl by encroaching into the open countryside contrary to the purposes of the green belt. The proposed development would be detrimental to visual amenity and the character of the landscape. In absence of sufficient details in respect of noise, dust and odours the Council consider that the applicant has not demonstrated that the development will not adversely affect the amenities of nearby residents.

## **3.0 RECOMMENDATION – OBJECT**

### **4.0 THE SITE**

- 4.1 The site comprises a former quarry to the south side of Parbold. The site is approximately 2km east from Parbold Village.
- 4.2 The restored quarry area currently consists of slowly growing natural vegetation. The former quarry edge is visible on site as it is enclosed by an access track and path. Outside of this access track/path is a small woodland to the south of the quarry, a pumping station for the landfill, and an additional piece of land to the north of the quarry which forms the border to the highway.
- 4.3 The site is surrounded by agricultural land to the west and the wider grounds of Parbold Hall to the east. The woodland to the south of the site extends to domestic and agricultural sites along the north side of Wood Lane. The Miller and Cater restaurant is on the opposite side of Parbold/Sparrow Hill alongside a residential dwelling.
- 4.4 The site is currently accessed via a vehicular access point to the north-west corner of the site and via a pedestrian footpath which runs alongside the eastern boundary. This footpath provides walking access to a wider network of walkways to Parbold via

connections to Wood Lane and Appley Bridge via a series of rights of way. The existing lay-by alongside the highway is a popular stopping point due to the views over the former quarry and surrounding valley area. The lay-by forms an informal car park and regularly accommodates an ice cream van.

## **5.0 PROPOSAL**

5.1 The Council has been asked for their observations on this application (a County Matter) which has been made to Lancashire County Council .The proposal involves the land restoration and regrading of the quarry by the importation of inert material, associated highway works and construction of a public car park. This involves:

Importation of inert fill to restore topography to approved levels with renewed topsoil and planting. Restoration works 25-30 months requiring 200,000m<sup>3</sup> of fill;  
New access to Parbold Hill to be created utilising existing layby;  
New unloading, turning and parking area created to facilitate landfill operation and;  
A separate public car park for visitor parking to replace the lay-by.

It is unclear as to whether this car park is to be permanent. It is included within the applicant's updated supporting statement (Masterplan) as permanent but the description of development has not been formally amended.

## **6.0 SUPPORTING INFORMATION AND APPLICANTS SUBMISSIONS**

6.1 The application has the following accompanying documents

Masterplan  
Landform Maintenance Scheme  
Access Strategy  
Preliminary Ecological Appraisal  
Flood Risk assessment

6.2 The applicant has put forward a justification for land restoration works which are to remove the increasing depressions across the site and to eliminate water percolation and leachate pumping.

6.3 The applicant indicates that due to water penetration through the site the pulverised waste used in restoring the quarry levels has sunk 7/8m in the north east corner resulting in the site levels dropping, forming sizeable dips and valleys. Rainwater pools in these areas and rather than running off the surface as originally intended now percolates through the waste material deposited on site, perpetuating the generation of leachate. This has means that the leachate pumping has needed to continue for far longer than would have been required (originally 10 years) if the site had been maintained at the approved levels. To address this issue of ground levels 200,000m<sup>3</sup> of fill is now required. In 2012 figure was 70,000m<sup>3</sup>. This is a now a longstanding problem and liability. The proposed restoration of the site to the previously approved levels will eliminate the need for continuous pumping and would result in the removal of the existing pumping station to the south of the former quarry area.

## **7.0 CONSULTEE RESPONSE**

7.1 Environmental Health (14/08/19) Object to application on following grounds.

EH support the position of the Environment Agency who have objected to the application in its current form as they do not have enough information to determine if the development can meet their requirements to prevent, minimise and/or control pollution

Noise -There is very little information with respect to noise within the application. Main impact the tipping operations and the distribution of tipped soil across the site by site vehicles,

Dust and Odour - The risk assessment undertaken concludes that the creation of dust and odour from the filling operations will be low. However, the EA cannot determine from this application if the site can meet their requirements so are objecting to the application.

Light- Light pollution is not relevant in this instance as operations can only take place during day light hours.

7.2 Scientific Officer (31/07/19) No objections/comments.

7.3 Parbold Parish Council (25/6/19) Object on greenbelt grounds inappropriate development and no very special circumstances, contrary to waste planning, detrimental to visual amenity/landscape, no restoration or landscape plan, highway safety impacts severe, detrimental to residential amenity (noise, dust, vibration odours and extra traffic). Do not want burden of car park after completion.

7.4 Dalton Parish Council (27/6/19) Object on greenbelt grounds inappropriate development, detrimental to visual amenity/landscape, highway safety impacts , detrimental to residential amenity (noise, dust, vibration odours and extra traffic).

7.5 Wrightington Parish Council (16/7/19) Object on greenbelt grounds inappropriate development and no very special circumstances., detrimental to visual amenity/landscape, highway safety impacts, detrimental to residential amenity (noise, dust, vibration odours and extra traffic).

7.6 Newburgh Parish Council (05/08/19) Object on traffic/highway safety grounds, detrimental to residential amenity (noise, dust, vibration odours and extra traffic) and on greenbelt grounds inappropriate development and no very special circumstances.

## **8.0 OTHER REPRESENTATIONS**

8.1 Numerous letters have been received from local residents stating their concerns these have also been forwarded to Lancashire County Council who will consider them during the course of their assessment of the application.

## **9.0 RECENT RELEVANT HISTORY**

9.1 The relevant planning history is that the landfilling operations at Parbold Hill Quarry were undertaken under a planning permission granted in 1981 by Lancashire County Council (ref: 8/80/1151) and the landfill operations were completed over a 10 year period in accordance with the provisions of that permission and that the site has been restored. No additional waste materials can be imported to the site under the provisions of the above permission.

## **10.0 RELEVANT PLANNING POLICIES**

10.1 National Planning Policy Framework (NPPF), National Planning Practice Guidance (NPPG) , the Lancashire Minerals and Waste Core Strategy ,the Lancashire Minerals and

Waste Local Plan and the West Lancashire Local Plan 2012-2027 DPD (WLLP) provide the policy framework against which the development proposals will be assessed.

10.2 The site is located within the Green Belt and a Mineral Safeguarding Area as designated in the West Lancashire Local Plan.

10.3 **National Planning Policy Framework**

Achieving sustainable development

Building a strong and competitive economy

Promoting sustainable transport

Protecting Green Belt land

Meeting the challenge of climate change, flooding and coastal change

Conserving and enhancing the natural environment

10.4 **West Lancashire Local Plan (2012-2027) DPD**

Policy SP1 – A sustainable development framework for West Lancashire

Policy GN1 – Settlement Boundaries

Policy GN3 – Criteria for Sustainable Development

Policy EC2 – The Rural Economy

Policy EN2 – Preserving and Enhancing West Lancashire's Natural Environment

Policy IF2 – Enhancing Sustainable transport Choice

10.5 **Supplementary Planning Documents:**

Natural Areas and Areas of Landscape History Importance (2007)

Green Belt (Oct 2015)

11.0 **OBSERVATIONS OF DIRECTOR OF DEVELOPMENT AND REGENERATION**

11.1 The application raises the following issues:

Principle of development in the Green Belt;

Impact upon Visual Amenity and Landscape Character;

Impact upon Neighbouring Properties;

Highways;

Drainage.

**Principle of development in the Green Belt**

11.2 The site is located within the Green Belt, therefore the proposal must be considered in the context of the NPPF and Policy GN1 of the Local Plan. Paragraph 133 of the NPPF retains the government's view that great importance is attached to Green Belts and that certain forms of development are not inappropriate within the Green Belt provided they preserve the openness of the Green Belt and do not conflict with the purposes of including land in the Green Belt (encroachment into the countryside this case)

11.3 Paragraphs 145 and 146 set out the limited types of development that are appropriate in the Green Belt. It is considered that the regrading and land restoration works: the unloading, turning and parking area created to facilitate landfill operation and the now permanent car park are all engineering operations that because of the volume of the imported material and the scale of the operational development would compromise the openness of the green belt and would therefore be inappropriate development. The existing layby is informal in terms of its appearance, being little more than an increase in the width of the road with some benches and a viewpoint information area. A footpath runs to the rear of the layby. The proposed now permanent car park would serve to encroach

into the open, natural and undeveloped area to the rear and would, result in a much more formal and visible area being located on the top of a hill and viewed from many vantage points. Taken together I consider these engineering works will have a substantial impact on the openness of the green belt and cause urban sprawl by encroaching into the open countryside contrary to the purposes of the green belt. Para 144 requires that when considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt. '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.

#### Very Special Circumstances

- 11.4 The applicant has put forward (in his Planning Statement) a justification for land restoration works which are to remove the increasing depressions across the site and to eliminate water percolation and leachate pumping. Due to the site depressions a significant proportion of rain water is not running off naturally and instead percolating through contaminants and requires pumping from the site. This water cannot therefore re-enter the water cycle without treatment. There is also the potential for land slippage. This justification is in effect the Very Special Circumstances. Without intervention the site is likely to depress further, causing the continuous and increased level of water pumping from the site. The ongoing pumping works are a considerable cost to the land owner. Further due to the scale of the land restoration works required (200,014m<sup>3</sup> minimum) the existing site access to the North West corner of the site is unsuitable requiring alterations to the highway to Parbold Hill to facilitate the access and egress of material delivery vehicles. These highway alterations require the removal of the lay-by and the applicants proposed that along with the delivery vehicle turning area they would construct a car park for the use of visitors to the site.

#### The Green Belt Balance

- 11.5 It is for the decision maker Lancashire County Council to weigh the green belt balance in respect of harm versus very special circumstances. However I consider the green belt harm to be substantial and I consider the justification for works to be less than compelling as it appears to be carried out to reduce costs to the land owner rather upgrade the landform and landscape quality. In particular Phase 1 works contain little of public benefit. I consider the substantial green belt harm is not outweighed by very special circumstances

#### **Impact upon Visual Amenity and Landscape Character**

- 11.6 Policy GN3 of the WLLP requires that new development protects and enhances the existing landscape. Policy EN2 requires development to maintain or enhance the distinctive character and visual quality of the Landscape Character Area. These policies are supported by the approach in the NPPF which seeks to protect and enhance the natural environment and recognizes the intrinsic character and beauty of the countryside.
- 11.7 The site currently is a large informal open space which is slowly regenerating with natural vegetation and being located on the top of a hill can be viewed from many vantage points.
- 11.8 The applicants Masterplan and Vision for the former Parbold Quarry is to transform an unusable open green space into a vibrant open space for local residents, casual visitors and tourists to the area. They intend to create a purpose built car park with walkways and picnic areas up to the spots with the most advantageous viewpoints, which are currently inaccessible. The restored site will be replanted as a wildlife meadow. However the applicants make clear that these works are phase 2 and would not be delivered as part of this application.

- 11.9 I consider the site's informality is part of its attraction and the lay-by is currently used extensively by visitors to enjoy views of the open countryside and as a starting point for the network of footpaths in and around Parbold. During the land restoration period I would suggest that the site would be little used as a visitor attraction/vantage point and there would be little need for a car park. I consider that development proposed would be detrimental to visual amenity and the character of the landscape and as such would not accord with Policies GN3 and EN2 of the Local Plan.

### **Impact upon neighbouring properties**

- 11.10 Policy GN3 of the West Lancashire Local Plan states that development should retain or create reasonable levels of privacy and amenity for adjoining occupiers and minimize the risk from all types of pollution and contamination.
- 11.11 The nearest residential property lies close to the proposed site access on the opposite side of Parbold/Sparrow Hill to the west of the Miller and Carter Pub/Restaurant. Both the Environment Agency (in their submissions to the County Council) and the Council's Environmental Health Officer consider there is insufficient information submitted with the application to determine if the development can meet their requirements to prevent, minimise and/or control pollution. In respect of noise again there is limited information available with the application. The main impacts are considered to be in the activities to be carried out during the tipping operations and the distribution of tipped soil across the site by site vehicles. There could be some noticeable noise from the manoeuvring of the loading vehicles, braking and accelerating at the junction and reversing alarms and manoeuvring vehicles at the tipping point. Standard beeping (1kHz) reversing alarms can be heard some distance and are a source of annoyance and potential nuisance as for a site like this they would be sounding for significant periods of the day. Additionally the sound of the vehicles themselves in an otherwise tranquil area are a dominant feature which can cause annoyance of nuisance to nearby residents.
- 11.12 In respect of noise and dust the risk assessment undertaken by Terra Consult concludes that the creation of dust and odour from the filling operations will be low. The risk assessment suggests the potential impact is low to high depending on the receptor, but will be controlled by risk management techniques. However in the absence of much information the Environment Agency and Environmental Health cannot effectively assess the impacts.
- 11.13 In the absence of sufficient details in respect of noise, dust and odours I consider that the applicant has not demonstrated that the development will not adversely affect the amenities on the nearest residents on Parbold Hill and therefore does not comply with GN3 in this respect.

### **Highways**

- 11.14 Policy GN3 of the Local Plan requires proposals for development to (amongst other things) incorporate suitable and safe access and road layout design and ensure that parking provision is made in line with the standards set out in Policy IF2. In terms of 'suitable and safe access', this should include provision for vehicles to enter and leave the site in a forward gear.
- 11.15 The County Council is the highway authority and will assess the application in respect of highway safety issues.

### **Drainage**

- 11.16 Policy GN3 and IF3 of the Local Plan both seek to ensure flood risk is avoided / mitigated through development and that proposals for new development can be appropriately accommodated by existing water and drainage infrastructure. Paragraph 103 of the NPPF requires priority use to be given to SuDS and in accordance with Paragraph 80, Section 10 of the Planning Practice guidance the preferred means of surface water drainage for any new development is via infiltration.
- 11.17 The County Council is the Local Lead Flood Authority and together with the Environment Agency will assess the application in respect of drainage issues

## **12.0 SUMMARY**

- 12.1 The proposed development is considered to be inappropriate development within the Green Belt which causes harm to openness and would cause urban sprawl by encroaching into the open countryside contrary to the purposes of the green belt. I consider this green belt harm to be substantial and that the justification for the works to be less than compelling as it appears to be carried out to reduce costs to the land owner rather upgrade the landform and landscape quality. In particular Phase 1 works contain little of public benefit. I consider the substantial green belt harm is not outweighed by any very special circumstances put forward by the applicant. I consider that development proposed would be detrimental to visual amenity and the character of the landscape and as such would not accord with Policies GN3 and EN2 of the Local Plan.
- 12.2 In absence of sufficient details in respect of noise, dust and odours I consider that the applicant has not demonstrated that the development will not adversely affect the amenities on the nearest residents on Parbold Hill and therefore does not comply with GN3 in this respect.

## **13.0 RECOMMENDATION**

- 13.1 West Lancashire Borough Council raises **objections** on the following grounds;

The proposed development is inappropriate development within the Green Belt which causes harm to openness and would cause urban sprawl by encroaching into the open countryside contrary to the purposes of the green belt. The Council consider this green belt harm to be substantial and that the justification for works to be less than compelling as it appears to be carried out to reduce costs to the land owner rather upgrade the landform and landscape quality. In particular Phase 1 works contain little of public benefit. It is not considered that the substantial green belt harm is outweighed by any very special circumstances put forward by the applicant.

WLDC consider that the development proposed would be detrimental to visual amenity and the character of the landscape and as such would not accord with Policies GN3 and EN2 of the Local Plan.

In absence of sufficient details in respect of noise, dust and odours the Council consider that the applicant has not demonstrated that the development will not adversely affect the amenities on the nearest residents on Parbold Hill and therefore does not comply with GN3 in this respect.