

SUPPORTING INFORMATION – CORRESPONDENCE APRIL 2023 MEETING

Correspondence a)

The Environment Agency do not hold a risk assessment or method statement relating to the removal of baled waste from West & Parbold Quarries.

More generally, any waste stored on a permitted area of a regulated facility including a waste operation, must be done so not to cause any pollution to the environment. The responsibility to comply with any duty of care obligations as the holder of waste on a regulated facility is the responsibility of the operator. When waste is removed from a site section 34(1)(b) & 34(6) of The Environmental Protection Act 1990 requires that reasonable measures are taken to prevent the escape of waste from the holders control or that of any other person. Should this duty of care not be met, the Environment Agency would consider taking enforcement action in accordance with the published enforcement & sanctions policy.

When waste is being removed from a site there is no general requirement under environmental protection legislation to prepare a risk assessment or method statement prior to removing waste from land, or to submit that to the Environment Agency for approval.

If we become aware that waste is being removed from West & Parbold Quarries we will conduct site visits to ensure all duty of care responsibilities are being followed.

Please refer to Open Government Licence which explains the permitted use of this information.

Correspondence b)

Community Update attached

Correspondence c)

Could you please provide a map detailing where the baled waste is located so officers can determine if this is a site where we have some regulatory input.

Correspondence d)

LCC - This is a matter for the EA to address. The storage of the bailed materials is in breach of planning control but we are not proposing to take enforcement action as the EA are progressing their prosecution through the courts .

I will forward your email to the EA so they are aware of your concerns.

Correspondence e)

LCC - Thanks for the email. I am a member of a monthly East Quarry multi agency meeting which involves LCC, WLBC, EA,HSE, the police and Fire and Rescue. The meetings have recently resumed fore the 2023 season where these issues can be discussed. There is another meeting next Friday. The Security around the site was discussed last year and the WLBC Environmental Health and HSE were particularly keen to see improvements on this front. I will pass your email onto WLBC who chair the meeting and will ask that it be discussed next Friday.

Correspondence f)

We understand it is classed as green belt but in reality it is a redundant landfill producing no gas after 35 years and no Leachate liquid. Because of actions the portion we have bought has been partially stripped to reveal all the gas wells, now do we leave it as is? A total eyesore and producing no revenue or benefit to the local community. We have decided to put together a plan to develop the land as per the attached plan, which is subject to a discussion and a pre-app with the local authority and yourselves.

You will note we have shown a swimming pool on the northern boundary, this is to compliment our 22.5m (74 feet) deep dive tank. A really wonderous project we are just completing. It is currently used by the Royal Navy, Royal Marines and sections of the Army for deep diving training. The swimming pool at 25mx5m deep, with a shallow end, is ideal for the basic training and rescue qualifications and a multitude of other uses, i.e. we currently hire Brinscall Pool to test our dive thrusters which are 2 leg mounted propellers with battery pack which can power Combat Divers at 6.8km per hr. The worldwide sales for this item is immense. We are already in contract with 5 Militaries and we have the US strategic command out of Little Creek, Norfolk, Virginia visting us this month to discuss a contract. The Military use will be infrequent leaving plenty of time for community use of the pool.

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We also require more storage for our MoD contracts as we have 1600SKUs which we supply and have to hold at any one time 12 months supply. So these buildings are essential. With regard to other parts of the site, we have an animal feed business which could be construed as green belt use etc etc. The long term plan for Appley Bridge must include some further industrial land and

the southern part of our land purchase on West Quarry would be ideal to relocate Bullen Plant (they already store excavators on the West Quarry rail side). If Bullens are relocated and a local developer, who we believe is buying John Maguires way bridge business and land, he could also purchase Bullens site on East Quarry. This could lead to using the station approach as a road through to avoid the low bridge on Mill Lane, the current storage yard of Maguires adjacent to the railway station could be used as the new station car park, treble the capacity, alliviating the pressure on Apply Lane North.

You can tell why we ask would you visit because the list could go on forever.

Maybrook have leased the pad and rail siding to Chorley Concrete who currently operate from Dawber Delph Quarry (without planning consent). Their move to West Quarry is imminent, it may be prudent for the Parish Council to visit their existing site because they seem to have their own environmental problems. To the best of my knowledge no planning consent has been given for a concrete batching plant and heavy goods yard on this site. There is lots more in the offing for Appley Bridge, it may be better if the local authority planners could meet with all interested parties to see if a plan can be developed for the benefit of everyone. Without jobs of a local nature where are young people going to find employment?

Correspondence g)

Last week an excavator and dump truck were on the site and have started clearing land and removing some trees. They are using the "illegal entrance and car park" to gain access to the site and rather than putting this back as required by the enforcement notice, they are using it to carry out further unapproved work. I have attached a few photographs showing the work and a sign that they have erected which appears to be trying to legitimise the work. I will be contacting Russell Critchley (arborist) at Westy Lance District Council separately to get his view on this.

I am not sure if you have received a response from West Lincs Borough Council and / or Northern Diver yet. However, I felt it important to highlight these further issues as it seems that Northern Diver are just going to carry on regardless of anything they are told.

I hope I can count on the support of the Parish Council to put a stop to this.

This morning a digger on the instructions of Northern Diver started felling trees on the above- mentioned land.

These trees are protected by the Forestry Act and Russell Critchley(WLBC - Tree Officer) informed me that he had an assurance from ND that the trees would remain.

I also understand that it is unlawful from 1 March to September to clear land which could result in the destruction of ground nesting birds.

Could you please put this subject on the agenda for the next PC meeting.

I would also be grateful if you could contact ND to establish their intentions in the light of their assurances to WLBC.

Correspondence i)

the litter pick went quite well, 9 people picked 19 bags and some car parts on West lincs side. Carolyn I'm wondering if I could ask that you write to Street clean team at West lincs a lot of rubbish has gathered around near the railway station it makes the whole area look unkempt and dirty... please could they do a monthly sweep down there.

Correspondence k)

I have read the email sent by residents in relation to parking issues on Mossy Lea Road and I do appreciate and understand their concerns however it would be very difficult for Police to resolve this, unfortunately due to the school location we will always have parking issues at dropping off and picking up times just like every other school, and the extra parking due to the pub location just adds to this. The Police can deal with parking on pavements if this is obstructing pedestrians access but we would only look at this if someone has caused pedestrians to walk into the road as that is not acceptable. If every car parked fully on the road at school times there would be total gridlock depending on the road width so we would have to deal with each problem as we see it. The Police alone can not resolve this parking problem, it would need some intervention from the local authority/council to look at the possibility of double yellow lines etc to prevent cars parking in the area to allow residents safe access and exits from their driveways.

LATE ITEMS OF CORRESPONDENCE RECEIVED AND REPORTED AT THE APRIL PARISH COUNCIL MEETING:

Correspondence from LCC planning officer:

Hello Carolyn, These matters are really for WLBC to consider. Under the TCPA 1990 any development on a quarry or landfill site where it would prejudice the restoration of that site is a county matter (ie an LCC application). However, in this case, the planning permission for landfill activities on West Quarry has expired as the aftercare period has been completed so therefore it cannot be said that any future proposal would prejudice the restoration of the site as the restoration works have now been completed. Any future applications for built development on this site (unless they are for waste management activities) will therefore be determined by the Borough Council. I would expect the Borough Council to consult the Environment Agency on any planning

applications due to the site being a former landfill and that there will still be a permit in place covering the management and monitoring of landfill gas and leachate.

If any part of these proposals is on the former landfill I can see some issues in terms of the impacts on any landfill gas and leachate infrastructure and also ensuring the stability of the land.

It is my understanding that the West Quarry site (not including the concrete pad area) is still Green Belt and therefore any planning applications for buildings would have to be acceptable in relation to Green Belt policy.

Correspondence from Maybrook:

Dear Mrs Cross

The security fence around the quarry has been consistently damaged and tampered with, which temporarily compromises its effectiveness as a safety measure, but it is repaired asap. The fence along Dawber Delph to the haulage yard and beyond to the edge of the garage on the last house in Ashfield Terrace is the worst affected as it provides access to the high cliffs on the north of the quarry. However, it is not accurate to say that the fence is no longer fit for purpose and that last year's fatality may have been avoided if there was a secure fence. The fact that the same fence was in place during the two previous fatalities suggests that the fence alone was not enough to prevent those or the most recent tragic accidents from happening. The below photographs taken during the days before and after the most recent tragedy show damage caused to the perimeter fence. It is apparent that entry has been gained using a rope, attached to the fence and then a motor vehicle has been used to pull upright palisades out of shape to create a gap in the fence. In the same photo, it is possible to see examples of where palisades have been cut to remove the pointed top to allow trespassers to climb over the fence. These actions demonstrate the lengths that individuals will go to, to gain entry into the quarry and backs up the comments made by the safety officer who carried a report on the site "the site has a known history and has developed a 'sub-culture' (social norm) that attracts young thrill-seekers. If the water was drained/removed, it would avoid the motivation and temptation for trespassers. Despite best efforts from the site owners and the police, individuals continue to enter the site and put themselves at risk by scaling or damaging the fencing to gain access. We believe that a sustainable solution that effectively removes the risk of trespassing is crucial to addressing this issue. It is important for local authorities and stakeholders to work together to achieve a solution that prioritizes the safety of the community while approaching the situation with empathy and understanding for all parties involved. Several important points need to be highlighted and addressed, including, 1. There are many reports of anti-social behaviour, theft and adverse impacts on residents caused by youth's intent on accessing the Site. There have been three deaths in the quarry water; a 17-year-old in 1999, a 14-year-old in 2015 and most recently a 16-year-old boy drowned in July 2022. 2. There have been over 170 separate quarry-related incidents reported to Lancashire Constabulary over the past three years, between the months of April to September. These relate to nuisance, anti-social behaviour, and concern for safety. 3. Risks have been exacerbated since the increased use of social media and YouTube, which has raised the profile of the Site. 4. By far the most serious risk is due to cold water shock experienced by sudden exposure to very cold water. Cold water shock is most likely to occur in deep water, where the temperature is typically colder than in shallower water. When a person enters cold water suddenly, their body can experience an involuntary gasp reflex, which can cause them to inhale water and drown. This risk is greater in deep water, where it can be more difficult to keep one's head above water. 5. The local police are of the view that the owners have used their best endeavours without success and the risks posed by the quarry can only be addressed by altering the physical environment of the quarry, to make it less attractive prospect for trespass and misuse. 6. Draining the quarry alone will only provide an interim, but not permanent solution. The quarry will always re-fill with water and will require constant pumping to keep it empty which is not sustainable. Pumping equipment left on site will be liable to damage. Given past and current behaviours of trespassers, it is expected that pumping will be deliberately thwarted by those who wish to see water in the quarry. 7. Maybrook is working with the Environmental Health Team at West Lancashire in a multi-agency level and continue to monitor and repair the fences which however constructed are penetrable by determined trespassers who arrive equipped with car jacks and other tools for the purpose of gaining entry. An application was made to Lancashire County Council to dewater, fill, and rewater the Quarry in August 2022, which should have been dealt with in 8 weeks, but LCC made no response even after 6 months. As a result, Maybrook has lodged an appeal to the Planning Inspectorate for non-determination. The proposal is to raise the level of the quarry to a level of 0.5-1 meter below the current water level, which would render the site less attractive prospect for trespass and misuse. During the drainage and filling of the void, the management of all activities would be in accordance with existing health and safety legislation as the "quarry" would become an "operational worksite". This would include general management of the workplace and continual reassessment of all risk in accordance with applicable health and safety legislation. When the infill operation commences, it is predicted there would be a 'social' dissociation with the site, and the 'motivational link' that has developed amongst the 'intentional trespasser' and thrill seekers will be eliminated. It is important to take proactive steps to prevent accidents and protect the well-being of the community. The safety of individuals should always be the top priority, and it is crucial to implement measures that will permanently deter individuals from wanting to access the site and remove the risk that currently exists. I hope we have addressed the concerns raised by the Parish Council regarding East Quarry and the de-watering process. The response provides some context to the situation and highlights the difficulties faced by local residents, local businesses, law enforcement and ourselves, in preventing trespassing and accidents. It also emphasizes the need for a sustainable solution that prioritizes safety while being empathetic to all parties involved. Maybrook will keep the Parish Council updated and are grateful for their continued support.