

**Development Control Committee**  
Meeting to be held on 15 January 2025

Electoral Division affected:  
West Lancashire East

**West Lancashire Borough: LCC/2022/0014**

**Amendment of Condition 6 of planning permission 8/10/0241 to allow approval of amended restoration contours together with the submission of a restoration and aftercare scheme to comply with Conditions 29 and 31 of planning permission 8/10/0241, Round O Quarry, Cobbs Brow Lane, Lathom**  
(Appendices 'A' and 'B' refer)

Contact for further information:  
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**Brief Summary**

Application - Amendment of Condition 6 of planning permission 8/10/0241 to allow approval of amended restoration contours together with the submission of a restoration and aftercare scheme to comply with Conditions 29 and 31 of planning permission 8/10/0241. Round O Quarry, Cobbs Brow Lane, Lathom.

**Recommendation – Summary**

That planning permission be **granted** subject to conditions controlling restoration timescale, details of restoration, drainage and landscaping works and aftercare and site management.

**Background**

This planning application was reported to the meetings of the Development Control Committee on 24 April 2024 and 17 July 2024. Copies of the reports to those meetings are attached at Appendices 'A' and 'B' to this report.

The Committee visited the site on 15 July 2024.

At the meeting of the Committee on 17 July 2024, a presentation was received from an adjacent landowner. He raised the following issues:

- At the site visit members of the committee would have viewed the vast amount of over tipping on the site. There should be some mitigation and compensation for



the impacts and clawback of the additional profit that was made including improved restoration.

- There were conditions attached to the existing permission which the operators have not complied with. A bond should be required to ensure that the site is properly restored.
- There are signs of slippage of the perimeter bunding.
- The site is very wet, and run off is having an impact on the farm land immediately to the north of the site. During times of flood, the water crosses the fields into Newburgh.
- Simply planting two hedges is not sufficient to address the impacts. There should be regrading of the site and a review of how water is controlled.

Following discussion and debate, the Committee resolved to defer consideration of the application to allow a further drainage report to be submitted. At the Committee meeting on 4 September 2024, there was discussion in relation to the minutes of the July meeting and it was further resolved that the drainage report should be an independent report.

## **Consultations**

West Lancashire Borough Council: No observations received.

Newburgh Parish Council: No observations received.

Environment Agency: No observations received.

Lancashire County Council Lead Local Flood Authority : The Lead Local Flood Authority have reviewed the application and agree with the assessment of the drainage scheme undertaken by the County Council's Drainage Engineer. The Lead Local Flood Authority do not wish to provide any further comment.

Lancashire County Council Drainage Engineer: The comments only relate to surface water flood risk and do not include groundwater or pollution concerns. The following comments are made:

- Steeper gradients can increase flows of water off land. However, it does appear that the catchment area draining to the north is reduced compared to the situation before excavation of the quarry.
- The proposed swale system on the northern side of the site would appear to be sensible.
- There would be benefit in reviewing the restoration design as greater tree/woodland cover would assist in reducing flow rates.
- No assessment appears to have been carried out of the permeability of the fill or surface layers.
- The proposed pond is still to be implemented and this would have benefits in mitigating surface water flows to the east and south.
- On a catchment scale, the increase in fill above previously agreed contours is unlikely to have a significant effect on flood risk.



## Advice

Following the July Committee meeting, a further site visit took place involving the County Council, the applicant's agent and the adjacent landowner. The purpose of the meeting was to identify exactly the location of the alleged drainage issues and how they could be addressed.

Following the meeting, the applicant submitted a drainage report. It has been prepared by an experienced hydrologist and hydrogeologist with 35 years of experience in water and drainage issues in relation to development proposals including minerals and waste sites. Whilst this report has been commissioned by the applicant, the consultant has used his expertise and knowledge to consider the issues and prepare recommendations. The report has also been subject to consultation with the Environment Agency, the Lead Local Flood Authority and the County Council's highways drainage engineer. The report therefore has a suitable degree of independence and scrutiny.

The report covers the following issues:-

- The historic and current catchment areas for the site and how the site contributes towards run off to these catchments.
- Slope stability.
- Surface water quality.

Catchment areas: The applicant has calculated the historic pre-quarrying catchments by reference to historic maps and has compared these to the current position. Pre-quarrying it is estimated that 9.2 hectares of the site would have drained to the River Tawd and 10.4 hectares of the site would have drained to the River Douglas catchment. The recontouring of the site as a result of the landfill activities will have changed the patterns of run off and it is estimated that 10.6 hectares of the site now drains south westwards direct to the River Tawd tributaries, 6.8 hectares drains to the western boundary of the site into a perimeter ditch and then via field drainage systems into the Tawd with an area of 2.1 hectares draining northwards to the River Douglas catchment. The greenfield run off rates for each of these catchments has been calculated. As the area of the site draining to the north is quite small, the run off in that direction is equally low. On the other boundaries of the site, particularly the western boundary, examination of air photograph information appears to show evidence of field drainage within the site and the consultant considers that these drains will accept any water running off the surface of the landfill onto the adjacent farm land. On the southern boundary of the site, there is an existing ditch along the site boundary which becomes a stream and links directly into the River Tawd. The consultant considers that there is no evidence of considerable volumes of water running off the surface of the landfill and causing damage to the adjacent farm land. However to provide further control of run off, the consultant is recommending that a swale (a shallow ditch feature) be constructed along the top of the northern boundary and continuing along the contours of the western boundary. This would reduce the already small area of the catchment that drains to the north and would convey flows towards the Tawd catchment rather than towards the land to the north and Newburgh. The swale feature would also provide additional wildlife habitats.



Slope stability: This issue was investigated during the site meeting which took place with the adjacent landowner. The drainage consultant has not seen any evidence of instability of the perimeter bunding and there is no encroachment of the perimeter slopes onto the long established perimeter fencing as might be expected if slope stability issues were occurring.

Water quality: The Parish Council have raised issues about brown effluent in downstream water courses. The consultant hydrologist advises that such discolouration is common in Carboniferous Coal Measures strata where anoxic water rich in ferrous iron in solution precipitates ochre when in contact with the air giving a red/brown coloured slime or film in water courses. This is a common occurrence in streams in this area due to the underlying geology and is not necessarily indicative of landfill leachate contamination. This site was permitted for inert materials which should not give rise to any leachate issues. In any event, issues of groundwater contamination are covered by the Environment Agency permit, and it is not for the planning process to investigate such issues.

In summary, it is considered that the raising of the site levels has not significantly changed the pattern and volumes of run off from the site compared to those that would result from the currently permitted contours. The drainage review has proposed a further means of drainage control that would ensure that any run off from the site is suitably controlled to avoid damage to surrounding agricultural land. The materials tipped at the site including those used for restoration purposes were imported to the site and would therefore have a range of permeabilities. However, despite large areas of the site having flat gradients, there is no evidence of large areas of standing water and therefore there must be a degree of infiltration through the surface.

With regard to the stability concerns that have been expressed, there is no evidence that run off or drainage issues are causing any instability in the bunds around the perimeter of the site. The waste materials have been tipped against the internal faces of these bunds for a considerable period of time and if there were any stability concerns, these would be apparent by now.

Notwithstanding the lack of evidence of significant surface water run off onto adjacent land, the restoration scheme now contains a number of further measures to control rates of surface water run off. A greater area of woodland cover over the site might provide a further means of control. However, the land owner wishes to retain the open aspect of the site and the additional woodland and hedgerow planting that is proposed is considered to be acceptable in landscape terms and would provide further wildlife habitats.

The drainage proposals and wider restoration works that are proposed satisfy the requirements of Conditions 29 and 31 of the existing permission and deal adequately with any additional restoration and landscaping issues arising from the raising of site levels beyond those currently authorised. As this application is made under section 73 of the Town and Country Planning Act to modify conditions of the existing permission, approval of the application would constitute the granting of a new permission and therefore the conditions listed below would supersede those attached to the existing permission ref 8/10/241.



## Recommendation

That planning permission be **granted** subject to the following conditions:

1. 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 10th March 2022 as amended by the Aftercare Scheme Rev 4 dated November 2024, Reclamation Scheme Rev dated November 2024, 5 year Management and Maintenance statement Rev 5, Planning Statement rev 5 and Hydrological Assessment dated November 2024
  - b) Submitted Plans and documents:
    - Drawing ref Z121.000 - Location plan
    - Drawing ref Z121.001 Rev 3 - Restoration Plan
    - Drawing ref Z121.002 Rev 2 – Sections
    - Drawing ref Z121.003 Rev 1 - Pond detail
  - 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 Lancashire Minerals and Waste Local Plan and policy EN2 of the West Lancashire Local Plan.*

2. The further tree and shrub planting works shown on drawing ref Z121.001 Rev 2 shall be implemented in the first planting season following the date of this planning permission. The planting works shall be carried out in accordance with the details contained in the document titled 'Reclamation Statement Rev 4 dated November 2024.

*Reason: To ensure the proper restoration of the site in the interests of the visual amenities of the area and to conform with policy EN2 of the West Lancashire Local Plan.*

3. The further restoration works detailed within the land edged green on drawing Z121.004 and detailed in the document titled 'Reclamation Statement Rev 4' dated November 2024 shall be completed within three months of the date of this permission. The works shall include the following:
  - a) The creation of the pond feature according to the dimensions and details shown on drawing Z121.003 Rev 1. The pond feature shall be lined with clay or other impermeable material to ensure its function as a water feature.
  - b) The ripping of the surface of the land edged green on drawing Z121.004 to a depth of 500mm to remove all concrete, brick, stone and other materials



above 100mm in any dimension that would prejudice the afteruse of the site. Such materials shall be buried at depth or removed from the site.

- c) Materials excavated from the pond creation shall be spread evenly over the area edged green on drawing Z121.0004.
- d) grading of the area edged green to create an even surface suitable for seeding free from concrete, brick, stone or other materials above 100mm in any dimension that would prejudice the afteruse of the site.
- e) Seeding of the graded area with the wildflower seed mix detailed in Section 3 of the document titled 'Reclamation Statement' dated November 2024.
- f) Planting of the pond feature with the marginal aquatics listed in Section 3 of the document titled 'Reclamation Statement' dated November 2024.

*Reason: To secure the proper restoration of the site in accordance with the submitted details and to conform with Policy DM2 of the Lancashire Minerals and Waste Local Plan and policy EN2 of the West Lancashire Borough Local Plan.*

4. Within two months of the date of this planning permission, a scheme of early restoration and habitat management works shall be submitted to the County Planning Authority for approval in writing. The scheme shall include details of the following:
- a) Details for the creation of hibernacula including location and design. The hibernacula shall be constructed from materials generated from the pond creation and woodland management operations.
  - b) Details for the creation of the swale feature as shown in the submitted hydrological study including cross sectional detail, measures to control the flow of water and culverting to allow agricultural access.
  - c) Proposals for the management of the grass sward including control of invasive and dominant species.
  - d) Management of the woodland areas on the site boundary including selective thinning and removal of dead and diseased species.
  - e) Control measures to be used to address Japanese knotweed and Himalayan balsam.
  - f) Erection of bat and bird boxes including location and design.

The works contained in the approved scheme shall be carried out within three months of the approval of the scheme by the County Planning Authority.

*Reason: In the interests of the restoration of the site and to conform with Policy EN2 of the West Lancashire Local Plan.*



5. No further waste materials or clay/soil shall be imported to the site other than that required to line the pond feature shown on drawing REF Z121.003 Rev 1.

*Reason: In the interests of local amenity and to conform with Policy DM2 of the Lancashire Minerals and Waste Local Plan.*

6. Aftercare works on the site shall be carried out for a period of 10 years from the date that the County Planning Authority certifies in writing that the works of restoration required by Conditions 2, 3 and 4 of this permission have been completed.

The aftercare works in the first five years of the aftercare period shall be undertaken in accordance with the details specified in the Aftercare Scheme Rev 4 dated November 2024 and the 5 year Management and Maintenance Statement dated November 2024.

*Reason: To secure the appropriate restoration and aftercare of the site and to conform with policy DM2 of the Lancashire Minerals and Waste Local Plan.*

7. Prior to the end of year five of the aftercare period an updated aftercare programme for the remainder of the aftercare period shall be submitted for the approval in writing of the County Planning Authority. The updated aftercare programme shall contain details of the following:

- a) Management of tree, shrub and hedgerow planting including replacement of any failures and weed control.
- b) The management of the grassland including mowing / cutting or controlled grazing.
- c) Control of invasive species or scrub.
- d) Management of the woodland areas on the perimeter bunds.
- e) Provision for an annual aftercare review meeting including submission of a report detailing the aftercare works that will be undertaken in the following year.

The aftercare works in years 6 -10 shall be undertaken in accordance with the updated aftercare programme as modified by any annual aftercare report.

*Reason: To secure the appropriate restoration and aftercare of the site and to conform with policy DM2 of the Lancashire Minerals and Waste Local Plan.*

## **Definitions**

**Completion of Restoration:** The date the County Planning Authority certifies in writing that the works of restoration in accordance with Conditions 2, 3 and 4 have been completed satisfactorily.



Planting Season: The period between 1 October in any one year and 31 March in the following year.

## Appendices

Appendices 'A' - 'B' are attached to this report. For clarification they are summarised below and referenced at relevant points within this report.

Appendix	Title
Appendix 'A'	West Lancashire Borough :LCC/2022/0014. Amendment of Condition 6 of planning permission 8/10/0241 to allow approval of amended restoration contours together with the submission of a restoration and aftercare scheme to comply with Conditions 29 and 31 of planning permission 8/10/0241. Round O Quarry, Cobbs Brow Lane, Lathom
Appendix 'B'	West Lancashire Borough: LCC/2022/0014. Amendment of Condition 6 of planning permission 8/10/0241 to allow approval of amended restoration contours together with the submission of a restoration and aftercare scheme to comply with Conditions 29 and 31 of planning permission 8/10/0241. Round O Quarry, Cobbs Brow Lane, Lathom

## Local Government (Access to Information) Act 1985

### List of Background Papers

Paper	Date	Contact/Directorate/Ext
LCC/2022/0014	January 2025	Jonathan Haine, Planning and Environment, 01772 534130

Reason for Inclusion in Part II, if appropriate

N/A

