

**Development Control Committee**  
Meeting to be held on 17 July 2024

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**  
(Appendix 'A' refers)

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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 working programme, further restoration works and site management and aftercare.

### **Background**

This planning application was reported to the meeting of the Development Control Committee on 24 April 2024 when it was resolved to defer the application to allow the Committee to visit the site. A copy of the report to the 24 April Committee is attached as Appendix 'A'.

### **Consultations**

Following the previous Committee meeting, the County Council's Ecologist visited the site on 22 May 2024 to advise on the current condition of the land and the restoration of the site. He has commented as follows:-



*'The site is made up of a typically wet rush dominated grassland surrounded by a mature tree line. The grassland is dominated by rushes throughout with locally dominant areas of broadleaved dock and pendulous sedge and some discrete areas of gorse dominated scrub. The grassland in general, although not species rich, does have some diversity to it which will be of value to local wildlife. Species present in varying amounts throughout include lesser trefoil, birds foot trefoil, oxeye daisy, cuckoo flower, greater birds foot trefoil, meadow butter cup, yellow flag iris and comfrey. A variety of grasses were also present including red fescue, tufted hair grass, Yorkshire fog, reed canary grass and meadow grass species. Sedges and rushes present in the sward include false fox sedge, hairy sedge, green ribbed sedge, remote sedge, soft rush and field wood rush. The grassland varies in type throughout the site, likely based on the imported material it has colonised. There are for example some more nutrient rich areas dominated by dock and some areas which have been colonised by low growing species which favour more nutrient poor habitat.*

*The tree line along the site boundary contains a mix of native tree species including mature oak and ash which will offer some foraging, commuting and nesting / roosting opportunities to local wildlife. However, there are significant gaps in places and invasive species including buddleia, Japanese knotweed, and Himalayan balsam are present within this tree line.*

*Desktop records have identified a number of notable species present on the site including badger, common toad, swift, little ringed plover, yellow hammer, reed bunting, black poplar and southern marsh orchid and it is likely the site also supports a range of other common birds, bats, amphibians, and invertebrates. Through additional enhancement this site has potential to be of significant value for biodiversity.*

*The existing agreed permission for the site is for restoration to farmland. However, the site has potential to be enhanced for wildlife as an alternative option which would benefit local biodiversity. The site lies 70m north of Tawd Valley Woods Biological Heritage Site, 1.5km south west of Chapel lane Fields and Canal Biological Heritage Site and 1.2km west of Rams Close Wood Biological Heritage Site. The site has the potential to act as a stepping stone habitat to improve connectivity between these BHS's and support the Local Nature Recovery Strategy.*

*The applicant has put forward proposals to restore the site for nature conservation purposes. However, these are largely for creation of wildflower meadow which given the wet and already established nature of the site are unlikely to succeed. I would recommend that you advise the applicant to redesign their proposals in consultation with a suitably qualified ecologist to maximise opportunities for a variety of wildlife on site. It is recommended that habitat creation / enhancement measures are supported by an up to date ecological assessment of the site to ensure that there is no risk of any offence from these works particularly with regard to badgers, bats and birds.*

*I have suggested below a number of opportunities below which you may wish to recommend to the applicant. However, the suitability of these options would need to be determined by the applicant and their ecologist/landscape designer.*



*The site could be further improved through:*

- *Gap planting and thickening of the boundary tree line using appropriate native species to improve connectivity and support the adjacent Tawd Valley Woods Biological Heritage Site. Consideration should also be given to including fruit and berry producing species which would support the local badger population.*
- *Treatment of invasive species including Japanese Knotweed and Himalayan balsam as well as removal of invasive buddleia.*
- *Improving connectivity across the site through planting of new hedgerows or tree lines.*
- *The existing gorse on the site could be supplemented with additional mixed native scrub planting.*
- *The applicant has proposed pond and scrape creation - this idea is welcomed and should be targeted towards supporting common toad which have been recorded on the site. This could be further expanded to include hibernacula which could be created from inert waste and dead felled wood already present on the site.*
- *There is evidence of ash dieback in some of the mature trees surrounding the grassland. Provided there is no potential for these trees to be used by roosting bats, these trees could be felled and used to create habitat piles on the site.*
- *The grassland on the site could be improved through management of rushes and pendulous sedge which are taking over the site. This could be achieved through a suitable mowing regime or through the use of a suitable scheme of conservation grazing to maintain an open and diverse sward.*
- *In association with the mowing/grazing regime, overseeding the site with a suitable wet meadow mix could increase species diversity and the opportunities the site can provide for local wildlife.*
- *In the barer areas of the site where natural regeneration has not taken place, these areas could be scraped clear to provide opportunities for invertebrates and ground nesting birds such as little ringed plover.*
- *The inclusion of bat and bird boxes should also be considered – these should be appropriate for a range of common species and should be comprised of woodcrete or similar to maximise their useable period.*

*An alternative consideration for the site is to infill the site with woodland to create additional native woodland which could act as supporting habitat for the adjacent Tawd Valley Woods Biological Heritage Site.*

*I would suggest that the statutory biodiversity metric is used to assess the value of the site in its current condition. This would then enable the applicant to show whether the proposed habitat creation would result in a gain for biodiversity.*

*Once a restoration scheme is submitted then the need for any suitable planning conditions will be considered and is likely to include (amongst other things) conditions relating to:*

- *Habitat establishment*
- *Working methods*
- *Long term monitoring requirements*
- *Precautionary working methods for species'*



## Advice

A report in relation to the regularisation of tipping levels and approval of a revised scheme of restoration and aftercare was presented to the meeting of the Development Control Committee on 24 April 2024. Following debate consideration of the application was deferred to allow a site visit to take place.

Since the previous Committee meeting further discussions have taken place with the applicant regarding the restoration scheme for the site. A revised restoration scheme has now been submitted which includes the following amendments to the original proposal:

- Subdivision of the site into a number of fields through the use of native species hedgerows. Two new hedgerows across the site in an east – west orientation are proposed to provide three fields. Approximately 700 metres of new hedgerow would be planted comprised of native species and incorporating a number of standard trees.
- The shrub planting mix within the restoration scheme has been modified to remove species such as buddleia.
- Removal of a disused tanker trailer parked near the entrance.

Policy EN2 of the West Lancashire Local Plan includes a number of requirements as follows for preserving and enhancing West Lancashire's Natural Environment:

- that all development should include appropriate landscaping plans, which incorporate suitable tree planting that integrates well with existing trees
- promote an increase in tree cover where it would not threaten other vulnerable habitats
- that development should maintain or enhance the distinctive character and visual quality of the Landscape Character Area in which it is located
- it complements or enhances any attractive attributes of its surroundings through sensitive design which includes landscaping and boundary treatment

The site is currently comprised of one large field. Whilst the original restoration scheme proposed further shrub and tree planting on the site boundaries to reinforce existing planting and to close gaps, no further planting was proposed. The proposal to divide the site up into three separate fields with new hedgerows and hedgerow trees would provide greater landscape interest and habitat value.

The air photograph shown below was taken around 1961 and shows the quarry workings in the centre of the site with the unworked land surrounding the excavation. The field pattern across the unworked land can be seen comprised of a number of fields divided by hedgerows on a largely east – west orientation.





The applicant's revised restoration scheme would reinstate much of the historic hedgerow pattern that previously existed on this site. With the existing woodland and shrub that has developed on the soil storage mounds on the perimeter of the site and the further scrub and tree planting proposed as part of the restoration scheme, there would be an increase in woodland and scrub vegetation compared to that which existed on the site when the quarrying operations commenced.

The proposal to create two hedgerows across the site incorporating various hedgerow trees (oak and hornbeam) would provide greater visual interest across the site and would be characteristic of the local landscape. The revised restoration proposal would therefore meet the requirements of policy EN2 of the local plan. The use of hornbeam as a hedgerow tree is not particularly locally characteristic but the detailed species mix can be the subject of a condition.

Since the previous committee, the County Council's Ecologist has visited the site to assess existing habitat value and advise on the further restoration and management works that might be undertaken to improve the habitat condition of the site. It will be noted that the ecologist has recommended hedgerow planting across the site to improve habitat linkages and the recent revision of the restoration scheme would therefore meet that objective.

The land surrounding the Round O Quarry site is comprised of agricultural land of grades 1–3 (best and most versatile land) and it is probable that the quarry site itself would have been of a similar agricultural land quality before mineral extraction took place. However, it is doubtful that the former land quality could ever be regained by respreading of the stored soils and importing soils would require materials of the correct quality and volume as well as having additional traffic impacts. It is therefore



appropriate to consider other land uses for the site based on the soils that have been utilised for restoration purposes. The County Council's Ecologist considers that the site has significant potential for biodiversity.

The main elements of the restoration that are still to complete include the development of a pond and associated scrape features in the eastern side of the site together with the additional tree and hedge planting. The pond would be situated in an area that is currently poorly restored with concrete and other rubble at the surface. This material should be recovered and used to construct hibernacula features for amphibians. The pond construction works would involve disturbance of the surface across a considerable area, but the applicant has included proposals for the re seeding of the disturbed land with a wildflower seed mix. These works would provide further habitat diversity on the site.

The other recommendations of the County Council's Ecologist largely relate to management of the site. The applicant has submitted an outline aftercare scheme for the site for years one to five of the management period. The works proposed include control of invasive plant species (Japanese knotweed and Himalayan balsam), thinning of the plantations on the site boundaries, and cutting or controlled grazing of the main pasture areas of the site. The County Council's Ecologist considers that the aftercare proposals are generally acceptable but that works are required to control rush colonisation which is taking over the site. Whilst the applicant's scheme for years one to five is acceptable as an outline scheme, it is considered that it should be supplemented by a detailed aftercare programme of the works that will be undertaken in year one. Many parts of the site have already been restored for a number of years and are in need of some attention to bring the site to an acceptable standard. Such works include management of the grassland including control of invasive or over dominant species, thinning works and management of the plantations and further habitat creation works.

The Biodiversity Net Gain requirements contained in the Environment Act 2021 do not apply to this development as the planning permissions which authorised the quarrying and landfill operations on this land were granted in the 1960's and 70's. Nevertheless, it is considered that the restoration and aftercare provisions that are now proposed would potentially give rise to a net gain in the habitat value of the site when compared to the existing requirement to return the site to an agricultural use.

The comments of West Lancashire Borough Council were summarised in the previous committee report. The Borough Council state that they object to the application but the exact grounds for objection are not clear. The Borough Council have taken ecological advice from the Greater Manchester Ecological Advisory Service who have not raised any major concerns but have made the following comments:

- Further information is required in relation to invasive species – a plan should be submitted to show the location of such species and the methods of control that will be used.
- Updated pond profile and clarification on fencing around the pond to exclude livestock. The pond depths should be increased to greater than one metre so that it holds water throughout the year.
- Bat and bird box locations.



- Details of delivery body responsible for habitat works and ongoing management.
- The need to undertake further works to the grassland to remove alien materials which could affect the future management of the site. It is acknowledged that this would have an impact on the grassland but this would re-establish relatively quickly.
- Stocking densities should be low to maintain the species diversity and consideration should be given to autumn and winter grazing only.
- The pond landscaping and tree and shrub planting proposals are considered acceptable.

These comments have been noted and have been taken into account in the applicant's revised restoration scheme and in the drafting of the proposed planning conditions presented below:

- The invasive species are located on the southern boundary of the site in relatively few locations. The applicant proposes to map the location of these plants prior to the further restoration work commencing. Condition 4 as set out below requires details of the control measures to be submitted.
- The pond would be lined with clay with the maximum water depth being approximately one metre. It is possible that the feature may dry up during very dry periods in summer, but this is not necessarily an issue for ecological interests
- Bat and bird box locations and design is covered by Condition 4.
- For the main grassland areas, it is not proposed to graze the site since this would require the installation of new fencing around the whole quarry. Grassland management would be by way of cutting which is an acceptable way to manage grassland for ecological interests provided that it is carried out correctly and the right times of year.

In conclusion, the restoration of the site to a nature conservation/habitat after use should not be viewed as an easier or cheaper option compared to restoring the site to an agricultural use as required by the existing permission. To properly realise the potential benefits of the site in terms of habitat value will require further habitat creation and management works. The applicant's revised restoration scheme contains proposals that will provide further habitat creation which combined with management over a ten year period would result in an uplift in the ecological value of the site as supported by the policies of the National Planning Policy Framework and Development Plan. The application and amended restoration details are therefore supported subject to the following conditions:-

## 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 10 March 2022 as amended by the Planning Statement - Rev 4, Aftercare Scheme - Rev 3 and Reclamation Statement - Rev 3, dated June 2024.



b) Submitted Plans and documents:

Drawing ref Z121.000 - Location plan  
Drawing ref Z121.001 Rev 2 - 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, shrub and hedge 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 'Restoration Statement Rev 3 dated 23 June 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 'Restoration Statement Rev 3' dated 23 June 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 after use of the site. Materials excavated from the pond creation shall be spread evenly over the area edged green on drawing Z121.004.
  - c) 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 after use of the site.
  - d) Seeding of the graded area with the wildflower seed mix detailed in Section 3 of the document titled 'Restoration Statement' dated 6 December 2023.
  - e) Planting of the pond feature with the marginal aquatics listed in Section 3 of the document titled 'Restoration Statement' dated 6 December 2023.





*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 or from woodland management operations.
  - b) Proposals for the management of the grass sward including control of invasive and dominant species and works to ensure that the site can be managed using conventional agricultural machinery.
  - c) Management of the woodland areas on the site boundary including selective thinning and removal of dead and diseased species.
  - d) Control measures to be used to address Japanese knotweed and Himalayan balsam.
  - e) 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 Section 2 of the document titled 'Restoration Statement' dated 23 June 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 six to ten 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 Condition 3 have been completed satisfactorily.

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

### **Local Government (Access to Information) Act 1985 List of Background Papers**

Paper	Date	Contact/Directorate/Ext
LCC/2022/0014	July 2024	Jonathan Haine Planning and Environment 01772 534130

Reason for Inclusion in Part II, if appropriate

N/A

