

# WEST LANCASHIRE BOROUGH COUNCIL

## CASE OFFICERS REPORT

### APPLICATION NO:

LCC/2022/0014

LOCATION: Round O Quarry, Cobbs Brow Lane, Newburgh, Lancashire

APPLICANT: Inglenorth Ltd

WARD: Newburgh

PROPOSAL: County Matter - 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

### **1.0 THE SITE**

1.1 Round 'O' Quarry is located approximately 2.75km north of Skelmersdale town centre and 1km south of the village of Newburgh and is situated within the Green Belt. The quarry is bounded to the southeast and east by Cobbs Brow Lane, to the north and west by open farmland and to the south by Green Lane, an un-surfaced agricultural track. The main access into the quarry is immediately off Cobbs Brow Lane. The site is well screened by the existing screening bunds established on the periphery of the site and natural vegetation and woodland densely cover these bunds.

### **2.0 PROPOSED DEVELOPMENT**

2.1 County Matter - 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

### **3.0 PREVIOUS RELEVANT DECISIONS**

- 3.1 2010/0241 County Matter – Continuation of restoration of inert waste. No objections raised
- 2009/1141 County Matter - Variation of condition 3 of permission 2006/0336 to allow aggregate recycling to continue. No objections raised
- 2006/0336 GRANTED. County Matter – Development of an aggregates recycling facility within curtilage of existing quarry.
- 8/98/0973 GRANTED. 04.10.01. Initial Review of old mineral planning permissions under the Environmental Act 1995 Determination of Conditions.

#### **4.0 CONSULTEE RESPONSES**

- 4.1 MEAS (02.08.22) – Objections raised  
Environmental Health – no comments received to date.

#### **5.0 OTHER REPRESENTATIONS**

- 5.1 Councillor Pope raised no specific comments other than the need for WL to comment upon the application.

#### **6.0 SUPPORTING INFORMATION**

- Restoration Statement, Restoration of Round O Quarry, Condition 29, Oakbay Design, 15 February 2022;
- Round O Quarry – 5 Year Maintenance / Management Programme, Oakbay Design;
- Amended Aftercare Scheme including 5 year management plan, Restoration of Round O Quarry, Condition 31, Oakbay Design, 24 December 2021;
- Restorations Proposals plan, Round O Quarry, Newburgh, Oakbay Design, October 2021;
- Detail of pond sections, Round O Quarry, Newburgh, Oakbay Design, December 2021.
- Planning Statement, Section 73 Application for variation of condition, Inglenorth Ltd, Round O Quarry, Cobbs Brow Lane, Newburgh, March 2022;

#### **7.0 RELEVANT PLANNING POLICY**

- 7.1 The application site is located within the Green Belt as designated in the West Lancashire Local Plan Proposal Map.
- 7.2 National Planning Policy Framework (NPPF)  
s.15 Conserving and Enhancing the Natural Environment
- 7.3 **West Lancashire Local Plan (2012-2027) DPD**  
GN1 - Settlement Boundaries  
GN3 - Criteria for Sustainable Development

**Supplementary Planning Document, Design Guide (Jan 2008)**

**Supplementary Planning Document – Development in the Green Belt (October 2015)**

#### **8.0 ASSESSMENT**

- 8.1 This application is a County Matter which seeks 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.

- 8.2 In essence the application relates to the fact that the tipping levels have exceeded those approved on the existing permission ref 8/10/241. So effectively the application is to regularise the over tipping. The applicants also never submitted a restoration scheme previously so the scheme is submitted with the application seeks to address the visual impacts arising from the overtipping.
- 8.3 It has not been indicated that any further material is brought to the site. However, it is considered the restoration at present is inadequate hence the application coming forward.
- 8.2 The main area of consideration in assessing this application are the impact upon the openness of Green Belt and the ecological affects upon the site going forward.
- 8.3 Having reviewed the submitted information MEAS have advised the restoration plan requires the following additional information which is summarised in the points below:
- Information in relation to invasive species;
  - Updated pond profile and clarification on fencing;
  - Bat and bird box locations;
  - Update of bat box requirements in line with legislation;
  - Details of the delivery body responsible for habitat works and on going management.
- 8.4 The submitted restoration statement states that reclamation of the quarry has been undertaken utilising inert wastes and excavated soils to complete the landform. The main pasture area is complete and both fine grasses and wildflowers are present creating a relatively biodiverse meadow. However, finished surfaces includes large stones, fragments of brick and concrete and other anthropogenic items such as metals and plastic and this affects the ability for future management of the site through mechanical cutting and could pose a danger to grazing animals. Removal of this material is required to allow for long term management of the site. The restoration plan states that hand picking and removal of the material will be undertaken. Soils are to be ripped to a depth of 300mm and then chain harrowed to provide an even surface. This is required. These measures are likely to impact on the grassland in the short term, however, grassland will re-establish relatively quickly following these works and therefore is unlikely to be deleterious over the long term.
- 8.5 It is acknowledged by West Lancs Council that the application seeks to address the long standing issues associated with overtipping upon the site which has had an impact upon Green Belt. However the proposal do have a number of ecological impacts both current and anticipated and as such further issues need to be addressed in this regard.
- 8.6 Given the biodiversity value of the existing grassland, it is advised that stocking densities. For any future grazing are low to maintain the biodiversity value. Consideration should be given to autumn and winter grazing only.
- 8.7 Japanese knotweed and Himalayan balsam are present on site. Japanese knotweed is

listed on Schedule 9 of the Wildlife and Countryside Act and Himalayan balsam is present on Schedule 2 of the Invasive Alien Species (Enforcement and Permitting) Order 2019 and national Planning Policy Guidance applies<sup>1</sup>. Proposed treatment is through hand pulling for Himalayan balsam and herbicidal treatment of both Himalayan balsam and Japanese knotweed. The submitted restoration plan documents do not state where these invasive species are located on site or include measures to control their spread. The restoration plan should be updated to include the following:

- A plan showing the extent of the plants;
- The methods that will be used to prevent the plant/s spreading further, including buffer zones and any demarcation;
- The method of control that will be used, including details of post-control monitoring; and
- How the plants will be disposed of after treatment/removal.

- 8.8 A record of treatment and monitoring should be maintained. Following treatment, a validation report is then required confirming the remediation treatment carried out and that the site has been free of the invasive species for 12 consecutive months for approval in writing by the Local Planning Authority.
- 8.9 Habitat creation works and rubble removal works and ripping of the meadow has the potential to spread these invasive species further within the site and therefore any works need to be informed by the location of invasive species.
- 8.10 Submitted plans show that the existing grassland is to be retained as is the boundary screening tree and scrub belts. A pond is to be created in the south-eastern corner with associated small season pools. Existing planting is to be supplemented by proposed thicket, scrub and hedgerow planting and there is to be some thinning of existing woodland. Planting proposed is with native species and the proposed species are acceptable. The pond is to be planted with marginal and aquatic species, planting is with native species and acceptable. Around the pond an area is to be planted with wet grassland/rush and species rich grassland. Again, the planting mix is native and acceptable.
- 8.11 Tree planting is to be undertaken in individual tree pits with topsoil and mixed fertiliser provided. Soils for wildflower seeding are to be cultivated using a rotavator to a depth of 100mm. Sowing is to be undertaken between April and May or August to mid October. Any newly planted areas are to be fenced to protect them from livestock damage. The proposed planting methods are acceptable.
- 8.12 The management and maintenance proposals for habitats on site have been reviewed and considered acceptable.
- 8.13 The pond profile plans show the proposed pond is to be shallow pond is to be created and plans show an even depth across the pond. However, the restoration statement (para1.6) states that the pond is designed to provide a flat shelf around the waters edge which will be surfaced with a loose gravel and provide a deepened channel in the centre to a depth of 600mm. Due to the shallow proposed profile, it
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is likely that the pond will dry out during the summer and will rapidly silt up. To create a more permanent and sustaining pond it would be more appropriate to create an area of the pond with greater depth (>1m) which will hold water throughout the year. It is advised advise that a revised pond profile is required.

- 8.14 Management and maintenance of the pond is for clearance of debris and desilting for the removal of overgrown plants. Whilst this management is accepted the shallow nature of the pond is likely to require this maintenance on a more regular basis than if a deeper pond was provided.
- 8.15 Small season pools of up to 300mm will be created and these are acceptable.
- 8.16 Clarification is required as to whether the proposed pond is to be fenced to prevent livestock entry. Management of the adjacent shallow scrapes is to be provided through poaching by livestock so it is currently unclear.
- 8.17 Bat and bird boxes are proposed within paragraph 2.4 and 2.5 of the restoration statement. A plan showing proposed locations are required within the restoration plan. Paragraph 5.8.2 of the amended aftercare scheme states that a minimum of 12 bat boxes are to be provided. These are to be grouped 3 to a tree and arranged facing south west, south east and north to provide a roosting conditions in a variety of weathers. This is considered acceptable.
- 8.18 The 5 year maintenance scheme states that bat boxes are to be monitored and consideration be given relocated or replacement. Bats and their roosts are legally protected species and relocation or removal of bat boxes should only be undertaken by a licenced ecologist. This requirement needs to be included within the maintenance / management programme.
- 8.19 A programme of annual monitoring is proposed over a period of 15 years. This is acceptable and monitoring reports should be provided to Lancashire County Council.
- 8.20 It is not stated who will be undertake and be responsible for habitat works or long term maintenance and these details are required.

## **9.0 RECOMMENDATION**

- 9.1 West Lancashire Borough Council raises **OBJECTIONS** based upon the ecological impact of the proposal.

As outlined above, West Lancashire Borough Council objects to the proposed development and respectfully asks that Lancashire County Council carefully considers whether the proposal can be mitigated based upon the ecological advice and recommendations suggested.

**Reason(s) for Refusal**

1. West Lancashire Borough Council objects to the proposed development and respectfully asks that Lancashire County Council carefully considers whether the proposal can be mitigated based upon the ecological advice and recommendations suggested. (Information contained within officer report and also MEAS response emailed on 16.8.2022)

SIGNED.....DATE.....

LCC/2022/0014/ Marc Wood