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Development Management
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Our ref: NO/2022/114540/01-L01
Your ref: SCP/2022/0003
Date: 05 July 2022

Dear Jonathan

SCOPING OPINION REQUEST FOR SAND & GRAVEL EXTRACTION

LAND OFF BOURBLES FARM, PREESALL

Thank you for consulting us on the above Environmental Impact Assessment (EIA) scoping request.

We have reviewed the following report, insofar as it relates to our remit:

- *SCOPING REQUEST: Proposed Sand & Gravel Extraction with Mineral Processing, Construction of New Site Access, Landscaping and Associated Development with Restoration to Original Levels to Leisure and Agricultural End-Uses Using Imported Inert Infill on Land off BOURBLES LANE, NR PREESALL Lancashire (Final v1, dated 13 June 2022) by Greenfield Environmental Ltd*

Environment Agency position

Based on the nature of the proposed development and the proposed location, the EIA scoping document confirms that the environmental issues of relevance to our remit will be assessed as part of the EIA process.

The Environment Agency has produced a handbook and associated guidance notes for scoping the environmental impacts of different development types. The scoping handbook is available at <https://www.gov.uk/government/publications/environmental-impact-assessment-eia-a-handbook-for-scoping-projects>.

We have the following comments:

Flood risk

The site is located within Flood Zone 3 and Flood Zone 2, on the Environment Agency Flood Map for Planning (rivers and sea), which is land defined by the Planning Practice

Environment Agency
Lutra House Walton Summit, Bamber Bridge, Preston, PR5 8BX.
Customer services line: 03708 506 506
www.gov.uk/environment-agency

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Guidance as having a high and medium probability of flooding respectively.

Insofar as our remit extends, we are satisfied with the EIA scope for potential effects on the water environment with regard to flood risk. The report also identifies that a FRA will be carried out. However, while it is shown in Figure 2, the report does not identify that the site is in Flood Zone 3 (high probability of flooding).

Any subsequent planning application must be accompanied by a FRA should demonstrate that the development will not be at an unacceptable risk of flooding or increase flood risk elsewhere.

Climate change allowances – advice to applicant

The latest guidance on how to apply the correct, up to date climate change allowance for FRAs is available on the gov.uk website at <https://www.gov.uk/guidance/flood-risk-assessments-climate-change-allowances>.

FRA sources of information – advice to applicant

The applicant can submit a request to our Customers and Engagement team to obtain what flood risk information we have to inform your FRA, for example a Product 4 data package. This service is available free of charge and requests should be sent to inforequests.cmbinc@environment-agency.gov.uk. For further information on what flood risk information packages we offer, you should refer to the gov.uk website at <https://www.gov.uk/guidance/flood-risk-assessment-for-planning-applications#get-information-to-complete-an-assessment>

Please note that our flood risk data packages (e.g. Product 4 package) can now be requested via the Flood Map for Planning service on GOV.UK: <https://flood-map-for-planning.service.gov.uk/>.

The local planning authority should have undertaken a Strategic Flood Risk Assessment (SFRA) which will also include local flood risk information to inform a FRA. You should contact your local planning authority to determine what information is available.

Flood risk activity permit

The watercourse, Middle Dyke, located to the north of the site, is designated a main river.

The Environmental Permitting (England and Wales) Regulations 2016 require a permit or exemption to be obtained for any activities which will take place:

- on or within 8 metres of a main river (16 metres if tidal)
- on or within 8 metres of a flood defence structure or culverted main river (16 metres if tidal)
- on or within 16 metres of a sea defence
- involving quarrying or excavation within 16 metres of any main river, flood defence (including a remote defence) or culvert
- in a floodplain more than 8 metres from the river bank, culvert or flood defence structure (16 metres if it's a tidal main river) and you don't already have planning permission

For further guidance please visit <https://www.gov.uk/guidance/flood-risk-activities-environmental-permits> or contact our National Customer Contact Centre on 03708 506 506 (Monday to Friday, 8am to 6pm) or by emailing enquiries@environment-agency.gov.uk.

Where a Flood Risk Activity Permit is required, it is unlikely that our consent will be granted for works that do not allow access for maintenance / repair purposes or that have an unacceptable impact on flood risk or the natural environment.

Groundwater

It is welcomed that the EIA will address in detail the potential effect of the proposed development on 'Hydrogeological and hydrogeographic water matters'.

The site needs to be considered sensitive due to the shallow groundwater, which in turn would be anticipated to be highly connected to nearby surface water features. Both dewatering and restoration proposals could have potentially significant environmental impacts on the groundwater and the features that it supports.

Any dewatering would appear to require an abstraction licence. From this perspective it would be advisable for any assessment that supports the planning application to also be suitable to support the abstraction licence application. This would typically be done via a Hydrogeological Impact Assessment (HIA).

It is recommended that the HIA should follow the guidelines defined within "Hydrogeological Impact Appraisal for Dewatering Abstractions" 2007 Science Report – SC040020/SR1, which is available here: <https://www.gov.uk/government/publications/hydrogeological-impact-appraisal-for-dewatering-abstractions>.

The impacts of the estimated dewatering abstraction volume will also need to be considered in relation to the water balance on the underlying groundwater management unit.

The restoration proposals described within the document outline the use of imported inert waste. This matter is particularly important for the site in question due to the presence of the shallow water table, and the apparent sub-water table nature of the deposition. It should be noted that direct discharges of pollutants are typically not permitted.

Further information on the risk assessments required, permit(s) required and the likely control measures needed are available here: <https://www.gov.uk/guidance/landfill-operators-environmental-permits/landfills-for-inert-waste>.

We would also refer the applicant to our groundwater position statements at <https://www.gov.uk/government/publications/groundwater-protection-position-statements>. This publication sets out our position for a wide range of activities and developments, including:

- Waste management
- Mineral extraction
- Discharge of liquid effluents
- Land contamination
- Drainage (soakaways and disposal to ground)

Waste

It is identified that the proposed restoration scheme requires the import of 300,000 cubic metres of inert waste which is proposed to be deposited into shallow groundwater. This will require either a Deposit for Recovery (DfR) or inert landfill permit. The risks from this should be addressed through the HRA.

It is possible a mining waste permit will be required and the risks in relation to the management of wash water should also be included in the HRA. The risk of emission of pollutants assessed should include dust, both from extraction and DfR/landfill operations.

Guidance on Environmental Waste Permits can be found on the Gov.UK website at: <https://www.gov.uk/guidance/waste-environmental-permits>

Discharges to surface water/groundwater – advice to applicant

The applicant should consider if there will be any discharges to surface water or groundwater from the site, as a result of the proposal, as they may need to apply to the Environment Agency for an Environmental Permit. Guidance on environmental permits for discharges to surface water and groundwater can be found on the Gov.UK website at: <https://www.gov.uk/guidance/discharges-to-surface-water-and-groundwater-environmental-permits>

Developers should incorporate pollution prevention measures to protect ground and surface waters. We would refer the applicant to the latest Pollution Prevention Guidance targeted at specific activities, available at <https://www.gov.uk/guidance/pollution-prevention-for-businesses>.

Fisheries and biodiversity

The EIA for this site should address the following points:

The scoping report indicates that a preliminary ecological appraisal has been undertaken for the site. Details of the findings of this report including habitat assessment results and survey data for protected species that have the potential to be affected by the proposal and any recommendations to mitigate against the impacts on these species/habitats should be included within the Environmental Statement (ES).

The preliminary ecological appraisal should have also been undertaken at an appropriate time of year, by a suitably qualified ecologist and should also include survey information about the surrounding habitats which are not impacted by the proposal such as the habitats around the site boundary as the proposal may contribute to indirect impact on these habitats or any protected species utilising these habitats.

Although not mentioned within the scoping report, water voles are known to be present within the surrounding area and so a water vole survey should be undertaken along any watercourses, ditches or ponds within the site.

The proposal includes plans to use an existing fishing lake as a silt lagoon, following the removal of any fish present. The ES should include plans of how the fish relocation will take place. This should include the method used to catch the fish i.e., netting, electro fishing or a combination of the two, confirmation that the relocation will be undertaken by a competent contractor and information about the location the fish will be moved to

i.e. will they be retained at the same site or moved to a different location. It should be noted that if the fish are to be moved to another location, the applicant will need to apply for permission and written consent from the regional water company i.e., Unities Utilities as indicated under Section 30 of the Salmon and Freshwater Fisheries Act 1975. The fish will also require a health check prior to moving locations.

Paragraphs 170 and 175 of the Nationally Planning Policy Framework (NPPF) recognise that the planning system should conserve and enhance the environment by minimising impacts on and providing net gains for biodiversity. We recommend that the developer ensures that opportunities to enhance biodiversity in and around developments are identified and incorporated into the proposed development. The developer should have regard to the latest Planning Practice Guidance (PPG) on how biodiversity net gain can be achieved as part of the proposed development <https://www.gov.uk/guidance/natural-environment>.

We would encourage the applicant to utilise the Defra Biodiversity Metric Net Gain Calculation Tool version 3.1 to calculate biodiversity loss and gain for the proposed development as part of the EIA.

Environment Agency information

Data sets/information held by the Environment Agency can be downloaded from the following website: <https://data.gov.uk/publisher/environment-agency>

Further data, such as flood level information, may be obtained by submitted a formal request to our local Customers and Engagement team. Please send an email to Inforequests.cmbinc@environment-agency.gov.uk.

Yours sincerely

Mr Alex Hazel
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