

Landscape Response to EIA Scoping Request

**Ribble Valley Borough Council Planning
Application 3/2019/0981**

**EIA scoping request for the installation of tunnelled pipework at the Marl Hill
Section of the Haweswater Aqueduct and associated works**

**Steven Brereton
Senior Landscape Architect
Environment Team
Design and Construction Service
Lancashire County Council**

On Behalf of Forest of Bowland AONB

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On behalf of the Forest of Bowland Area of Outstanding Natural Beauty Joint Advisory Committee I have reviewed United Utilities ***Haweswater Aqueduct Resilience Programme Proposed Marl Hill Section - EIA Scoping Report, October 2019*** with particular reference to landscape and visual resources.

This report details the findings of my review and as such responds to the request for comments from Ribble Valley Borough Council in relation to the scoping opinion as required under section 15 (4) of the Town and Country Planning (EIA) Regulations 2017.

1. Legislation and Planning Policy

The Environmental Statement will need to demonstrate that the proposed development will fully comply with the requirements of all relevant legislation and national and local planning policy, including (but not limited to):

- ***Countryside and Rights of Way Act 2000*** (CRoW)
- The ***National Planning Policy Framework, February 2019*** (Ministry of Housing, Communities and Local Government);
- Lancaster City Council Local Plan policies; and
- Ribble Valley Borough Council policies.

According to the ***Countryside and Rights Of Way Act 2000 Explanatory*** Notes document the CRoW Act 2000 places a duty on any 'relevant authority', *"in exercising or performing any functions in relation to, or so as to affect, land in an AONB, to have regard to the purpose of conserving and enhancing the natural beauty of the AONB"*.

The National Planning Policy Framework (NPPF) seeks to ensure that opportunities for net gains are secured which, in environmental terms, means contributing *"to protecting and enhancing our natural, built and historic environment; including making effective use of land, helping to improve biodiversity, using natural resources prudently, minimising waste and pollution, and mitigating and adapting to climate change"*. The NPPF also requires *"that developments... are sympathetic to local character and history, including the surrounding built environment and landscape setting"*. Where development is of poor design *"that fails to take the opportunities available for improving the character and quality of an area and the way it functions"* the NPPF confirms that *"Permission should be refused"*.

2. Area of Outstanding Natural Beauty

The Marl Hill Section of the Haweswater Aqueduct and associated works would be situated within the Forest of Bowland Area of Outstanding Natural Beauty (AONB). This is materially significant as the NPPF confirms, *"Great weight should be given to conserving and enhancing landscape and scenic beauty in National Parks, the Broads and Areas of Outstanding Natural Beauty, which have the highest status of protection in relation to these issues"*.

In determining planning applications within an AONB, the NPPF requires planning authorities to consider whether the development proposals will have *"any detrimental effect on the environment, the landscape and recreational opportunities, and the extent to which that could be moderated"*. Consequently, the Environmental Statement should demonstrate to the planning authority that the proposed development is compatible with the purpose of conserving and enhancing the landscape and scenic beauty of the AONB. In this respect, it would be appropriate for the environmental statement to discuss any implications for the outcomes and objectives of the Forest of Bowland AONB Management Plan and the landscape issues identified in the AONB Landscape Character assessment.

As Arnside and Silverdale AONB is approximately 4.3km to the north west of the Forest of Bowland AONB, it would be appropriate for the environmental statement to discuss whether the development proposals are compatible with the purpose of that AONB's designation and if there are any implications for the outcomes and objectives of the AONB Management Plan and the landscape issues identified in the AONB Landscape Character assessment.

These key requirements and tests discussed in the environmental statement should also take account of the effects of the development proposals on land which is not within the AONB but forms part of the setting to the designated area.

3. Consideration of Alternatives

The environmental statement should provide full details of the landscape and visual assets used to inform the 'Robust Decision Making' (RDM) process and explain the rationale behind their selection and the weighting applied to them during the multi-criteria decision analysis work. In addition, it would be appropriate for the environmental statement to demonstrate that robust methodology has been transparently used to:

- determine whether siting of the Marl Hill Section of the aqueduct within the Forest of Bowland AONB is avoidable;
- determine the broad search area for the Marl Hill Section;
- identify the indicative development envelope within the broad search area and the final option selected for the project; and
- respond positively to stakeholder feedback.

Given the national importance and sensitivity of the AONB landscape, the environmental statement will need to provide details of the consultation process, stakeholder events, feedback received and how it has been used to inform the RDM, final option selection, design and decommissioning activities.

4. Consultees

The Environmental Statement should demonstrate that issues raised by consultees to the planning application have been addressed. This includes (but is not limited to):

- Natural England;
- The Environment Agency;
- Forest of Bowland AONB and associated advisors;
- Landscape advisors to the planning authority; and
- Landscape focused community groups such as Lancashire Gardens Trust (contact details available from Lancashire County Council).

5. Data search

The ES should include the results of landscape data searches which take account of (but not limited to):

*Please note, * indicates GIS datasets which can be supplied by Lancashire County Council*

- Natural England National Character Area profiles;
- Lancashire and Forest of Bowland AONB landscape character assessments*;
- none registered historic designed landscapes identified by research work led by Lancashire County Council*;
- public rights of way, especially published long distance trails;
- tree preservation orders;
- Campaign for the Protection of Rural England landscape tranquillity mapping;
- access land;
- common land;
- registered parks and gardens;
- local geodiversity sites*;
- ancient woodland*;
- scheduled monuments;
- conservation areas;
- listed buildings;
- millennium trees*; and
- Green Belt land.

These datasets should inform the need for surveys as well as the design of the development and associated mitigation/compensation measures.

6. Good Practice Guidance

It is recommended that the Landscape and Visual Impact Assessment within the Environmental Statement should be informed by recognised guidelines, including (but not limited to):

- ***European Landscape Convention*** (Council of Europe);
- ***Guidelines for Landscape and Visual Impact Assessment, Third Edition*** (2013, LI and IEMA);
- ***Landscape Character Assessment, Guidance for England and Scotland*** (2002, The Countryside Agency);

- **Topic Paper 6, Techniques and criteria for judging capacity and sensitivity** (2002, The Countryside Agency);
- **Interim Advice Note 135/10, Landscape And Visual Effects Assessment** (Highways England);
- **Visualisation Standards for Wind Energy Developments** (July 2016, Highland Council)*

* Lancashire County Council requires visualisations submitted with planning applications to be produced in accordance with the requirements of the Highland Council Standards.

7. EIA Scoping Report, Chapter 6. Landscape and Arboriculture

Landscape and Visual Impact Assessment

The assessment of all landscape and visual impacts must be undertaken in the context of the Forest of Bowland AONB in addition to the other geographic frameworks stated within the scoping report.

Paragraph 128) confirms, *"The Landscape and Visual Impact Assessment (LVIA) will identify and assess the potential effects of the Proposed Marl Hill Section during the construction and operational stages"*. Noticeably absent from this statement is any reference to decommissioning of the existing Haweswater Aqueduct. If there are no above ground decommissioning works proposed within the Marl Hill Section, then this needs to be stated in chapter 6.

Regarding the activities listed in paragraph 134), it is recommended that *"Establish the assessment area"* and *"Identify viewpoint locations"* are identified and agreed in conjunction with stakeholders.

Paragraph 142) advises that *"All photography and visualisations will be prepared in accordance with the Landscape Institute's Photography and Photomontage Technical Guidance Note... 02/17 Visual Representation of Development Proposals"*. It should be noted that **Technical Guidance Note 02/17** has been replaced by **Technical Guidance Note 06/19 17 September 2019**. As stated in section 6. *Good Practice Guidance* above, Lancashire County Council requires visualisations submitted with planning applications to be produced in accordance with the requirements of the Highland Council Standards.

For greater transparency, the criteria descriptions in *Table 6.1: Landscape Susceptibility Criteria* will need to provide more details of what are considered to be undue negative consequences, e.g. loss of landscape fabric, landscape amenity?

Table 6.2: Criteria for Assessing Value of Landscape Designations has a number of weaknesses and omissions, the principal being:

- AONB's are given a 'national (high)' value but the land which forms the setting to them is deemed to be of 'Medium/low' value only;

- non-registered historic designed landscapes identified in a study led by Lancashire County Council should be included. A number of these sites were found to be of national and regional significance;
- ancient, veteran and notable trees (irreplaceable landmarks), country parks, nature reserves and published long distance trails should also be included; and
- it is not clear what criteria were used to determine the value of non-designated landscapes.

In *Table 6.3: Landscape Sensitivity Criteria*, the criteria focuses on landscape elements rather than the sensitivity of the landscape as a whole which should be the primary factor here, i.e. the focus should be on the sensitivity of the landscape overall rather than the sensitivity of individual elements.

The visual sensitivity section 6.3.2 makes no reference to undertaking a desk study which, amongst other things, uses zone of theoretical visibility mapping to identify potential visual receptors.

The identification of 'outdoor workers' in *Table 6.4: Visual Receptor Susceptibility to Change* as having a 'medium' susceptibility needs to be expanded upon. Merely working outside is unlikely to result in a medium level of visual susceptibility in all cases, e.g. work may be being undertaken along a highway in a heavily industrialised area. It is suggested that it is the *focus* of the place where people work which should determine the level of visual susceptibility. This is referred to in paragraph 1.10.3 but has not been effectively followed through into *Table 6.4*.

In the 'views from' column of *Table 6.5: Value of Views* some of the wording is overly subjective, e.g. "*not particularly popular/important*". If this wording is to be retained then an explanation of the criteria used to determine the level of importance and popularity should be provided. Alternatively, determining the level of sensitivity could be judged objectively with reference to criteria such as designation, landscape quality and presence of conservation interests.

In *Table 6.7: Magnitude of Landscape Effects* the criteria listed do not include any reference to loss of character, features, etc. The criteria also include adverse or beneficial impacts but it is not clear how the distinction is made between the two and how this would be done transparently. This also occurs in *Table 6.8: Magnitude of Visual Effects*.

Confusingly, in the criteria for 'no change' in *Table 6.8: Magnitude of Visual Effects* barely discernible change is identified. Surely no change really is *no* change, i.e. no part of the project, or work or activity associated with it, is discernible?

The criteria to assess the significance of effect for visual resources in *Table 6.9* are too vague and as such this assessment lacks transparency. For example, a 'Very Large Beneficial Effect – Significant' would be a result of the project creating "*a new feature that would greatly enhance the view*". What the assessor considers to be an appropriate range of features that greatly enhance a view have not been provided. By contrast the criteria for landscape resources are much more descriptive although

there is a degree of subjectivity, e.g. "create a high quality feature" which if retained would need further supporting information.

Arboricultural Assessment

It is not clear whether the arboricultural assessment is a tree survey only in the form detailed in **5837:2012 Trees in relation to design, demolition and construction – Recommendations** or, if it has a broader remit, how it will dovetail with the landscape and ecological assessments. The ecology and arboricultural assessments will record the quantities of trees lost and provide judgements on the significance of losses expressed in relation to the number of trees affected. Of note however are the differing approaches between arborists and ecologists to determining the significance of loss, e.g. it has been previously observed that on the one hand a tree with canopy dieback and cavities can be deemed to be a low value tree for removal and on the other hand a high value tree for retention. Thus, the weighting attached to the significance judgements made by these two professions will need to be explained in the scoping report. In addition, the reasons for scoping out hedgerows from being the recipient of this significance of plant loss expressed in relation to the number of plants affected approach needs to be provided.

According to paragraph 163) the arboricultural assessment will look at the construction phase of the project only. If the effects – if any – of the old aqueduct's decommissioning and operation of the new infrastructure post construction on trees have been scoped out of the EIA then the justification for this should be provided.

Reference is made to unavoidable loss in paragraph 6.4. With this in mind it is suggested that this paragraph should be expanded to provide a commitment that no trees will be removed during the construction, operation and decommissioning stages unless it is an unavoidable/last resort option.

8. Detailed Aspects of the Proposed Haweswater Aqueduct Scheme

Construction Areas

Considering the stage at which the Haweswater Aqueduct project is at, the construction areas seem to be relatively accurately depicted on the figures submitted with the scoping report, e.g. Figure 3.2, M1 and M2. Usually a scoping report would show possible locations for these elements of the proposals as very basic graphic symbols generally located in a broad search area. This would be supported with a description of the options selection process used to determine the final location of the construction site. The precision of the construction area's boundary lines on the various figures suggests that these are the actual rather than indicative locations for these elements of the final scheme.

Actual Site Works

The LVIA should cover all aspects of the Marl Hill Section of the Haweswater Aqueduct scheme proposals including (but not limited to) excavation, access tracks, construction compounds, material storage areas, tunnelling operations, open cut,

construction of permanent infrastructure and decommissioning of the existing Haweswater Aqueduct.

Lighting

Dark skies is one of the most important characteristics of the Forest of Bowland AONB and it is the primary area within Lancashire for this key landscape resource. Consequently, all lighting should be eliminated from the development proposals unless there are exceptional circumstances. Lighting purely for convenience is considered to be unacceptable.

Management of Stored Materials

The surrounds of each construction area will require careful appraisal to determine the location and, crucially, the *height* of stored materials. Topsoil should be stored in accordance with good practice such as that provided in ***Series 3000 Specification of the Design Manual for Roads and Bridges***. It is recommended that proposals for storing materials are discussed and agreed with stakeholders.

Mitigation/Restoration/Compensation/Enhancement

As the Marl Hill Section of the Haweswater Aqueduct will be situated within the Forest of Bowland AONB, all mitigation/restoration/compensation/enhancement proposals shall contribute to the outcomes, objectives and environmental opportunities stated within the AONB management plan and, crucially, ensure that there is no net loss of landscape features.

Replacement planting shall be comprised of native plants appropriate to the location, soils and site conditions and be supported by establishment maintenance and long-term management plans.

Monitoring measures should be included within the ES to measure the success of mitigation and compensation measures, e.g. successful establishment of planting, to inform the need for remedial measures and to inform establishment maintenance and long-term management.

Base Mapping for Figures

Detailed Ordnance Survey mapping should be used for the figures in the scoping report and any future maps and plans.