

Ecology Response to EIA Scoping Request

**Ribble Valley Borough Council Refs:
03/2021/0119
&
03/2021/0174**

**Addendum to EIA Scoping request for the installation of tunnelled
pipework at the Bowland and Marl Hill Sections of the Haweswater
Aqueduct and associated works**

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On Behalf of Forest of Bowland AONB

24th February 2021

On behalf of the Forest of Bowland Area of Outstanding Natural Beauty Joint Advisory Committee I have reviewed the EIA Scoping Report Addendum for HARP Proposed Bowland and Marl Hill Sections (United Utilities February 2021) with particular reference to ecological matters.

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.

The comments below should be read in conjunction with my original response to the EIA Scoping Request (Reference 3/2019/0977 & 3/2019/0981, 22nd November 2019).

Whilst there have been some amendments to the proposed development, the principles and requirements discussed in my original scoping response are still relevant to the proposed development and will need to be addressed within the planning application.

In addition to the proposed measures stated within the original scoping report and subsequent addendum, it needs to be ensured that all of the matters discussed below (and those in my original scoping response) are fully addressed within each Environmental Statement (ES) for the proposed development.

Designated Sites

It appears that works are proposed within or immediately adjacent to various Biological Heritage Sites, for example:

- Gamble Hole Farm Pasture (BHS 65SE09)
- Cross Hill Quarry (BHS 74SW06)
- River Hodder (LSRHO)
- River Ribble (LSRRI)

The NPPF states that Planning decisions should contribute to and enhance the natural and local environment by protecting and enhancing sites of biodiversity or geological value.

No information has yet been provided to fully demonstrate that impacts on the above sites are unavoidable. Amendments to the scheme should be made to avoid impingement onto designated sites, to avoid impacts on the qualifying features of designated sites and to avoid impacts on any irreplaceable habitats, priority habitats or protected and notable species associated with designated sites. Requirements in respect of designated sites stated within my previous scoping response need to be addressed within the planning application.

Bat Surveys

The Scoping Addendum discusses decreased scope of bat surveys and the delay of certain surveys until contractor appointment. It is stated that bat activity automated surveys, bat activity transect surveys, ground level bat tree roost assessments and data searches for bat records have been undertaken.

As stated in my previous scoping response, DEFRA Circular 01/2005 states that *“It is essential that the presence or otherwise of protected species, and the extent that they may be affected by the proposed development, is established before the planning permission is granted”* and that *“the survey should be completed and any necessary measures to protect the species should be in place, through conditions and/or planning obligations, before the permission is granted”*.

All bat surveys (as well as surveys for any other protected species) will therefore need to be completed before determination of the application and should inform the submitted ecological impact assessment. This includes (but is not limited to) surveys to establish the presence or absence of roosting bats within trees, buildings and other structures, where impacts arising from the proposed works could be anticipated. Without the necessary surveys, the planning authority will not be able to discharge its statutory obligations under the Habitats Regulations as described in my previous scoping response and the application could therefore not be approved. Some surveys may need to be repeated prior to commencement of works in order to inform precautionary working methods or to support Natural England licence applications if impacts on bats can be shown to be unavoidable.

Highway alterations

Local highway works/alterations are proposed, such as passing places, junction alterations and road widening. It does not appear that any plans have yet been provided to identify the location and extent of these alterations (and the associated working area).

The scoping addendum discusses a reduced scope of ecological surveys to inform highway works. This would not be adequate. Highway alterations could affect designated sites, priority habitats, irreplaceable habitats (such as ancient, veteran or notable trees), protected and priority species and their habitats or other notable ecological features. Survey requirements for the proposed highway works are the same as other elements of the scheme and will need to address all of the requirements stated within my original scoping response and my response to the scoping addendum.

The scoping addendum states that the scope of highways works has been developed in consultation with Lancashire County Council highways department. In addition to this, highways works will need to be informed by the ecological assessment, to demonstrate that locations of least ecological impact have been selected and to inform the avoidance and mitigation of ecological impacts in accordance with legislation and planning policy (for example, avoiding impacts on protected and priority species and their habitat, ancient, veteran or notable trees, other irreplaceable habitats and other habitats of principal importance etc).

The scoping addendum discusses reinstatement of elements of the highway works. As with all other impacts of the proposed development, biodiversity net gain should also be demonstrated, taking into account that reinstated habitats will have lower ecological value than mature habitats that will be removed to enable the highway alterations.

Temporary Haul Roads

Temporary Haul Roads are proposed within the scoping addendum. These roads are likely to have a significant ecological impact. Sufficient information has not yet been provided to fully demonstrate that construction of temporary haul roads is unavoidable. This will need to be demonstrated within the planning application. If this can be demonstrated, then survey data will need to be submitted to demonstrate that routes of least ecological impact have been selected. Ecological mitigation, compensation and enhancement proposals will then need to be provided to deliver overall biodiversity gains. Decommissioning and habitat reinstatement will need to be addressed within the environmental statement.

Options appraisal

As stated within my original scoping response, one of the requirements of the NPPF is that *"if significant harm to biodiversity resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts), adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused"*. The NPPF also states that *"development resulting in the loss or deterioration of irreplaceable habitats*

should be refused, unless there are wholly exceptional reasons and a suitable compensation strategy exists". No options appraisal has yet been provided to demonstrate that likely impacts are unavoidable and that the mitigation hierarchy has been applied to all elements of the scheme location and design. This should be submitted with the planning application and should be informed by the ecological assessment.

Precautionary Working Methods

A Construction Environmental Management Plan (CEMP) or similar document will need to be prepared and submitted to the planning authority for approval. Approval of a CEMP may be addressed by planning condition, but it would be appropriate to include outline methods with the planning application. The CEMP should include all precautionary working methods necessary to ensure compliance with wildlife protection legislation during the works and measures to avoid impacts on designated sites, irreplaceable habitats, priority habitats, protected and priority species and their habitats, other retained habitats, tree roots etc. This will also need to include measures to be implemented during decommissioning of temporary structures and features.

Decommissioning

Full details of the decommissioning of temporary features, such as access roads/haul roads, bridges, structures etc, including timing, working methods and reinstatement proposals should be included within each environmental statement.