

RIBBLE VALLEY BOROUGH COUNCIL

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Dear Tom

TOWN & COUNTRY PLANNING (ENVIRONMENTAL IMPACT ASSESSMENT) (ENGLAND AND WALES) REGULATIONS 2017: REGULATION 15 SCOPING OPINION PROPOSALS: INSTALLATION OF TUNNELLED PIPEWORK AT THE MARL HILL SECTION OF THE HAWESWATER AQUEDUCT AND ASSOCIATED WORKS.

This Scoping Opinion is issued in response to the information provided to Ribble Valley Borough Council (as the relevant Local Planning Authority the 'LPA') by United Utilities together with the comments and opinions resulting from the LPA's consultation with the applicable statutory and non-statutory consultee's, from the LPA's appreciation of the characteristics of the proposed development and of the environmental designations and features likely to be significantly impacted upon. It has been issued by the LPA in response to this request as part of the applicable statutory Environmental Impact Assessment Process.

Environmental Impact Assessment (EIA) is a systematic appraisal and assessment process that seeks to identify, assess, and where applicable mitigate any potential significant effects of a range of environmental impacts that might result from a particular development project or from that in combination with other committed forms of development. The purpose of the EIA process is to protect the environment by ensuring that the LPA, when making its planning decisions, does so in the full knowledge of the identified impacts and proposed mitigations and that it takes these fully into account in the decision making process.

Therefore, the potential effects/impacts of the proposed development on a range of relevant environmental topics have to be assessed in terms of their characteristics, scale and significance. Where the potential for significant environmental effects have been identified as part of a Scoping exercise, the Environmental Statement (ES) comprising part of the statutory EIA process should identify appropriate mitigations, implementation and monitoring measures.

In seeking this opinion it is important to note that United Utilities have already acknowledged that the proposed tunnelling and other works to the Marl Hill Section of the Haweswater Aqueduct constitute EIA development and as such they have submitted this request for a further screening opinion with regard to the required proposed content for their Environmental Statement. It should be noted that Ribble Valley have previously issued a related scoping opinion, reference under Scoping request application 3/2019/0981 dated 24 December 2019 and as such that response must also be considered in relation to this further opinion.

Site Description

The proposed compound sites and working areas would be located within remote and sensitive open countryside locations within Ribble Valley Borough and, the designated Forest of Bowland Area of Outstanding Natural Beauty, within National (Landscape) Character Areas, adjacent to Ancient Woodlands, and close to the locations of known protected species and identified heritage assets. Consultees have previously also suggested that an assessment under the EU Habitats Regulations may also be required because of the proximity of parts of the proposed scheme to European designated nature conservation sites.

Proposed Development

The proposed development scheme proposes enabling works, dedicated access routes to the proposed working areas via the public highway, possible temporary closure and diversion of public rights of way, the construction of temporary access tracks and major tunnelling and other related infrastructure construction works. The proposed installation of tunnelled pipework within the Marl Hill Section would require major tunnel launch and reception compounds, the creation of related satellite compounds and associated works to facilitate access and safely manage the associated construction traffic. Reception compounds are to be located at New Laithe Farm Back Slaidburn road Newton and adjacent to Booker Farm Slaidburn Road Waddington.

It is proposed that the proposed managed vehicular access to the compounds would be via the use of predominantly minor rural roads. The proposed related highway improvement works to facilitate the necessary safe construction routes (affecting both local roads and public rights of way) will also need to be carefully assessed, any identified impacts appropriately mitigated against and thereafter appropriately retained or reinstated. The work would require minor localised works such as passing bays and road widening. It also includes a temporary haul road as a Ribble Crossing and a new Hodder Crossing. A park and Ride facility is also part of the proposal.

The proposal also includes details of the management of surplus arising from shaft construction and tunnel boring which includes the use of Waddington Fell Quarry.

The submitted proposals also indicate that the proposed works could involve development activities taking place over quite protracted timescales (for example the proposed tunnelling operations would, in themselves, potentially be on-going for several years). Therefore, it would also be important for the ES to outline potential indicative timescales for the length of the identified impacts and also for the delivery of both the related immediate and the longer term mitigation measures.

Consultation

During this Scoping Process further consultation was undertaken with the relevant statutory authorities and agencies and with the relevant non-statutory bodies seen to have an interest in the proposal and/or having local expertise in the environmental issues relevant to the potential sites. Copies of any responses are attached.

In accordance with the EIA Regulations the consultation process included the following bodies (both statutory and non-statutory) were consulted.

Statutory Consultation Bodies

- Environment Agency
- Natural England

- Lancashire County Council – (as County Highway Authority, Lead Local Flood Authority, Historic Environment and Development Management)
- Highways England

Non-Statutory Consultees

- The RSPB
- Internal consultees as appropriate
- Parish Council

All consultee responses are attached to this scoping opinion and you are asked to refer to the appropriateness of the details. It is evident that not all have been able to reply so you are asked to refer to any additional comments in due course.

Structure of the Environmental Statement

Determining the significance of any identified impacts can be subject to debate so therefore it is considered prudent that any potential significance is clearly established using appropriate accepted methodologies. As previously stated, and again reiterated in the expert consultation responses, the ES will therefore need to establish accurate baseline information and provide an appropriate analysis of impacts during the life-cycle of the project from construction through to the operational stage. The environmental baseline should be established through effective consultation by the applicant with the relevant statutory and non-statutory bodies.

A creditable ES needs to demonstrate that it is well written, well structured, objective, transparent and scientifically rigorous. However, it should also be supported by a non-technical summary which should provide sufficient information to enable the non-specialist reader to understand the main environmental impacts of the proposal without needing reference to the main ES. This non-technical summary should be a standalone document which includes a summary of the description of the proposed development, the main alternatives considered, and the aspects of the environment likely to be affected by the intended development, the likely significant impacts and the proposed mitigation measures and how they are to be implemented. It should include applicable constraint maps and the site layout plans. The timescales for the identified local impacts and related mitigations will also need to be outlined.

Where mitigation measures are considered/proposed as part of the submitted ES it will be important for the applicant to clearly demonstrate how those suggested/proposed mitigations will also be secured/delivered via the planning process. Accordingly appropriate reference should be made to the applicable use of planning conditions and/or S106 obligations.

Content of the ES

Further to a review of the submitted information, and of the consultation responses that have been received to date, the LPA considers that enhanced and additional information should be included within the Environmental Statement in line with the comments set out below:

- A clearly defined description of the potential Programme of Works with specific reference being given to the nature, scale and the timescales for the part of the Bowland Section works. This should clearly outline the potential worst-case scenarios in terms of the proposed construction areas, any satellite compound and the impacts associated with safely accessing them.

- An appropriate analysis outlining the process undertaken with regard to the Consideration of Alternatives both in terms of the relevance of the applicable national and local policies.
- The ES will need to fully investigate the Landscape and Visual Impacts of the proposed works in accordance with an agreed methodology. It will be particularly important to assess impacts and potential mitigations both in the shorter term (during the extended period of the construction works) and in the longer term (when operational). Where landscape impacts cannot be avoided, mitigation and compensation proposals must be proposed to ensure no net loss. The extensive observations of the AONB Joint Advisory Committee's Landscape Architect as set out in their further consultation response will need to be considered in appropriate detail as part of the related processes.
- Because of the acknowledged sensitivity of the proposed working areas the consideration of Ecological Matters will be critical considerations. The further detailed observations of the AONB Joint Advisory Committee's Ecological Advisor and Natural England will therefore need to be considered in detail as part of the related processes. It is critical that the General Principles in Schedule 4 of the EIA Regulations 2017 are met .
- It will also be important that Highways and Transportation matters are appropriately scoped into the Assessment as these may well give rise to some of the most immediate and noticeable impacts upon local communities. Proposed strategies and related mitigations in relation to the required construction traffic management will therefore be key considerations. It is noted that you are working closely with the Highways Agency to establish what level of information is necessary.
- Any application and EIA needs to demonstrate that adequate consideration and measures has been be given to ensure that the that there is adequate control of any future long term traffic movements as a result of utilising Waddington Quarry for tunnel arisings.
- Proposals for the management of the Water Environment and Flood Risk Assessment will also be key considerations. The Environment Agency has previously offered detailed comments regarding the Water Environment, Ecology, Soils, Geology and Land Quality, and the management of Materials and these will need to be addressed. The Lead Local Flood Authority has previously also endorsed the suggested approach but they will be seeking surface water flood risk and surface water management to be addressed via the related processes.
- Impacts upon Cultural Heritage from both the proposed working areas and the associated access routes will also need to be carefully assessed. The impacts upon all identified heritage assets should also be assessed. In terms of archaeology appropriate schemes of investigation will need to be agreed for each proposed working area.
- As the intended scheme involves extensive tunnelling the proposed impacts upon Soils, Geology and Land Quality will also be key considerations and Natural England's consultation response again specifically raises this issue. In terms of the acceptability of the proposed mitigations it will also be essential for the assessment to be able to demonstrate how the materials to be extracted from within the Bowland Section and the Marl Hill Section can be appropriately handled and managed.

- Because of the rural nature of the nearby communities any potential impacts upon them both temporarily and in the longer-term will need to be fully assessed and evaluated. The nature of all long term mitigations and any associated legacy benefits will need to be carefully considered.
- At this point in time there are no known current or anticipated potential cumulative schemes or impacts which will need to be considered. However, it should be noted that currently there is a significant amount of traffic as a result of current housing development within the vicinity and in particular Clitheroe with the strategic housing site at Standen which would be likely to be operating during the timescale of your proposals.

Conclusions

Determining the significance of any impacts can obviously be contentious as it can involve matters of judgement and expert interpretation. It is therefore prudent that the significance of any potential impacts is clearly set out using transparent established methodologies based on defined, up to date and appropriate applicable standards, legislation, policy and expert opinion. The ES should therefore be explicit and specific with regard to including appropriate references to all the methodologies used.

Therefore, the LPA can confirm that the proposed approach being advocated in your ES is generally considered to be appropriate in terms of allowing for the appropriate evaluation and assessment of the potential environmental impacts. However, you are required to have regard to the content of this opinion, the related earlier scoping opinion and specifically all the responses received to your consultation. However, it is accepted by the LPA that the proposed submission will continue to proactively evolve based upon your stated commitment to the principle of on-going collaboration with all the applicable Local Authorities, statutory consultees and other stakeholders.

Additional Information

For the avoidance of doubt the issuing of this further Scoping Opinion does not preclude the LPA from subsequently requiring the applicant to submit further information in connection with any submitted planning application(s) in accordance with Regulation 25 of the 2017 Environmental Impact Assessment (EIA) Regulations I write to you further to your Screening and Scoping Report received on 17/02/21 in respect of the above proposals. The scoping report has been the subject of consultation in accordance with the Environmental Impact Assessment (EIA) Regulations 2017.

The scoping assessment is considered adequate.

Yours sincerely

JOHN MACHOLC
HEAD OF PLANNING SERVICES