

## Nicola Gunn

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**From:** Planning  
**Subject:** FW: Haweswater Aqueduct Resilience Programme (application ref: 3/2021/0660 & 3/2021/0661) : further comments from Forest of Bowland AONB Partnership

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**From:**  
**Sent:** 18 October 2022 14:14  
**To:**  
**Cc:**  
**Subject:** Haweswater Aqueduct Resilience Programme (application ref: 3/2021/0660 & 3/2021/0661) : further comments from Forest of Bowland AONB Partnership

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Dear Nicola

Further to the previous comments made by the Forest of Bowland AONB Partnership regarding planning applications 3/2021/0660 & 3/2021/0661 (*see attached*), I would like to offer an update on the latest AONB position.

Specialist advisors to the AONB (Steve Brereton, LCC Senior Landscape Architect and John Jones, LCC Principal Ecologist) and I met with United Utilities planning team to discuss in detail the Supplementary Planning Information and the concerns raised by the AONB Partnership. Two separate meetings took place on 22<sup>nd</sup> July 2022 (Ecology) and 17<sup>th</sup> August 2022 (Landscape).

At these meetings, United Utilities were able to explain in more detail the methodology and approach taken when compiling the Supplementary Environmental Information and also the limitations of this information at this stage due to the 'Design and Build' approach being taken for construction. Re-assurance was also offered to the AONB that should consent be offered by the relevant local planning authorities for the proposals, any remaining landscape and ecological concerns could be dealt with via the application of a series of 'Grampian' conditions and the AONB Partnership would be consulted on these. Whilst this would not be the preferred approach of the AONB specialist advisors, this was accepted as a way to progress these applications to determination.

At the meeting on ecology, United Utilities were also able to confirm the intention to carry out additional bat surveys during the summer to address previously raised concerns regarding this protected species. I understand this additional survey work has now been completed and further additional information has been submitted to the local planning authorities.

Unfortunately, owing to personal circumstances and other work commitments, the AONB Partnership has no access to a specialist ecology advisor at the present time. The comments below have therefore not been informed by detailed scrutiny of the submitted documents by an ecologist. Nevertheless, it is hoped that these comments will be sufficient to enable the planning authority to determine the application (subject to consultation with the planning authority's own ecological advisor).

The additional information includes further protected species and ecological survey data, including the results of bat surveys that were previously incomplete. Provided that protected species and ecological surveys are now complete for all elements of the scheme (as per previous comments from the ecological advisor to the AONB), there should be sufficient ecological survey data to inform determination of the application.

In accordance with the requirements of the NPPF, the planning authority should only approve the application if they are satisfied that there is no satisfactory alternative solution with less harmful impacts on biodiversity.

Prior to determining the application, it should be ensured that any unavoidable licensable impacts on protected species have been identified. If a Natural England licence is required, then the application should only be approved if the planning authority has no reason to believe that such a licence would not be issued. The planning authority will therefore need to have regard to the requirements of the Habitats Directive in reaching the planning decision and will need to consider the licensing tests given in the Habitats Regulations. In summary, these are that:

1. The development is required for the purpose of
  - preserving public health or public safety,
  - for other imperative reasons of over-riding public interest, including those of a social or economic nature and beneficial consequences of primary importance for the environment.
  - for preventing serious damage to property.
2. There is no satisfactory alternative.
3. The proposal will not be detrimental to the maintenance of the population of the species at a favourable conservation status.

In relation to statutory designated sites, the planning authority should follow the advice provided by Natural England.

If the above matters have been addressed to the satisfaction of the planning authority and the authority is minded to approve the application, then the following matters listed below should be the subject of planning conditions/Section 106 agreements. It is recommended that the planning authority should seek the advice of their own ecological advisor when discharging the planning conditions.

i) Construction Environmental Management Plan and Precautionary Working Methods

No works shall commence on site until a Construction Environmental Management Plan (CEMP) has been submitted and approved by the planning authority. The approved CEMP shall be implemented in full. The CEMP shall include (*inter alia*):

- Proposals for pre-commencement repeat surveys for protected and priority species and priority habitats to be undertaken prior to the commencement of any works, and throughout the construction programme, which shall inform the need for precautionary working methods, licences and exemptions;
- Details of all licences, consents and exemptions that will be in place prior to commencement of works;
- Details of responsible persons and organisations, including lines of communication;
- Proposals for supervision of works, licensable mitigation measures and precautionary working methods by an appropriately qualified, experienced and licensed Ecological Clerk of Works;
- Necessary training and/or briefing of site operatives on ecological matters and required working methods and procedures to ensure compliance with legislation and planning obligations;
- Measures that will be taken to ensure compliance with relevant parts of BS42020 - Biodiversity Code of practice for planning and development;
- An ecological constraints plan to be issued to the contractor, including (*inter alia*):
  - Identification of biodiversity protection zones and exclusion zones around sensitive habitats and species;
  - Known locations of protected and priority species and their habitat;
  - Tree root protection areas;
  - Locations of demarcated working areas;
- Precautionary working method statements for the avoidance of ecological impacts during all stages of the works, including:
  - Prevention of any breach of wildlife protection legislation;
  - Procedures to be followed if the presence of protected species is detected or suspected at any stage before or during the works;
  - Measures to prevent impacts on protected and priority species and their habitats;

- Measures to protect priority and protected species from the impacts of habitat severance throughout the project;
- Maintenance of bat flight paths throughout all phases of the works;
- Measures to ensure compliance with the Eels Regulations;
- Roadkill prevention measures to be implemented along all construction traffic routes;
- Measures to prevent animals from becoming trapped;
- Timing and other measures to prevent any impact on nesting birds;
- Measures to prevent disturbance of breeding and wintering birds during all phases of the proposed works;
- Measures to prevent disturbance of sensitive species and habitats as a result of lighting, noise, vibration, vehicle movements, storage of materials or other causes;
- Protection of retained habitats;
- Exclusion zones around designated sites, irreplaceable habitats and habitats of principal importance.
- Protection of watercourses during the works;
- Measures to avoid impacts on hydrology and water quality;
- Measures to minimise soil compaction;
- Measures to prevent soil stripping in the vicinity of sensitive habitats.
- Tree protection measures in accordance with BS5837 (2012);
- Protection of ancient/veteran/aged trees;
- Measures to maintain habitat connectivity throughout the works;
- Demarcation of the working area and installation of barriers and warning signs to protect retained habitats;
- Protection of Statutory designated sites, functionally linked land and associated species populations during the works;
- Protection of non-statutory designated sites and associated species populations during the works;
- Measures to be implemented during decommissioning of temporary structures and features;
- Measures to eradicate and prevent the spread of invasive non-native species;
- Biosecurity measures to be implemented;
- Measures to prevent detrimental ingress/egress of water to/from sensitive habitats.
- Pollution and sediment control measures.
- A work programme, demonstrating that works will be timed to minimise ecological impacts;
- Monitoring, reporting and review of proposed measures throughout all phases of the works.

ii) Habitat Creation, restoration and Management Plan

No work shall commence until a detailed habitat creation and management plan has been submitted and approved by the planning authority. The approved habitat creation and management plan shall be implemented in full. The management plan shall include (*inter alia*):

- Baseline ecological survey data for all habitat creation and enhancement locations.
- Clearly stated aims and objectives with reference to the site evaluation and ecological impacts of the scheme identified within the approved environmental statement.
- Details of all habitat creation that will be a requirement of Natural England licences and will be subject to amendment and approval by Natural England as part of the licensing process.
- Details of reinstatement works agreed with landowners.
- Habitat creation and management for populations of protected and priority species affected by the works.
- Restoration and enhancement of designated sites.
- River and water course restoration proposals, including substrate and banks, following Environment Agency guidelines and advice.
- Habitat creation and management proposals for breeding and wintering bird species characteristic of the AONB and the recognised Important Bird Area.
- Habitat creation for the enhancement of habitat connectivity and buffering of designated sites.
- Details of all target habitats to be created, re-established or enhanced on and off site, including in-situ habitat reinstatement, other on-site habitat creation and offsite habitat creation to compensate for ecological impacts of the scheme and to deliver biodiversity net gain.

- Habitat creation proposals, informed by ecological survey data in order to demonstrate that habitat creation will not be at the expense of any existing priority habitat or populations of protected and priority species.
- Planting plans and habitat management compartment plans.
- Full seeding and planting mixes, comprising native species appropriate for the locality, soils, hydrology and site conditions.
- Full details of any habitat translocation methods, including selection of habitats to be translocated, demarcated areas of habitat to be translocated and receptor sites, receptor site preparation, translocation methods, timing, establishment maintenance and management proposals.
- Full details of nest boxes, roosting boxes, hedgehog shelters, hibernacula, habitat piles, other wildlife shelters, their proposed locations, installation proposals and their maintenance.
- The use of felled timber for habitat creation and enhancement.
- Ground preparation, seeding, planting and habitat establishment methods for all habitats.
- Replacement or repeat planting and seeding in the event of failed habitat establishment.
- Establishment maintenance methods for the first 5 years following seeding and planting of each compartment.
- Measures to be employed for the control and eradication of invasive non-native species.
- Management options and constraints on management options.
- A rationale for all prescribed management.
- Long-term habitat management proposals covering 30 years following initial seeding/planting.
- Detailed management prescriptions for all retained, enhanced and re-established habitats both on and off site.
- A comprehensive work programme for implementation of all habitat creation and management prescriptions, including dates, timing and responsible organisation.
- Monitoring proposals to demonstrate successful habitat creation and achievement of stated objectives and to inform the need for adjustments to the approved management regime.
- Periodic review of the management plan including consultation with the planning authority.
- Periodic reports to the planning authority to demonstrate compliance with the approved management plan and achievement of the stated aims and objectives.
- Measures that will be taken to ensure compliance with relevant parts of BS42020 - Biodiversity Code of practice for planning and development.
- Stated contributions to outcomes, objectives and environmental opportunities stated within the AONB management plan.
- Stated funding mechanisms to secure long-term management.

iii) Removal of all temporary bridges, culverts haul roads, structures and features.

No works shall commence until detailed decommissioning proposals have been submitted and approved by the planning authority. The approved decommissioning proposals shall be implemented in full and shall include (*inter alia*):

- A detailed timetable for decommissioning of all temporary bridges, culverts, haul roads, access roads, structures and other features.
- Detailed precautionary working methods for the protection of designated sites, habitats and species populations, to be implemented during decommissioning.
- Detailed ecological restoration and enhancement proposals to be implemented following decommissioning of temporary features.

**In conclusion, the AONB Partnership is satisfied with the additional information provided by the applicant on landscape and ecology at this stage and is content for the local planning authorities to determine the relevant planning applications as required.**

Regards  
Elliott

**Elliott Lorimer**  
Forest of Bowland AONB Manager



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