

Date: 30 August 2019
Our ref: 290187
Your ref: LCC/2019/0037



FAO Jonathan Haine
Lancashire County Council

Devcon@lancashire.gov.uk

BY EMAIL ONLY

Customer Services
Hornbeam House
Crewe Business Park
Electra Way
Crewe
Cheshire
CW1 6GJ

T 0300 060 3900

Dear Jonathan

Planning consultation: Construction of a temporary wellsite and associated access track, drill, hydraulically stimulate and test two petroleum exploration boreholes including drilling rig (maximum height 60m) and associated plant and equipment, followed by wellsite restoration.

Location: Altcar Moss Wellsite, Sutton's Lane, Great Altcar

Thank you for your consultation on the above dated 16 July 2019 which was received by Natural England on 17 July 2019

Natural England is a non-departmental public body. Our statutory purpose is to ensure that the natural environment is conserved, enhanced, and managed for the benefit of present and future generations, thereby contributing to sustainable development.

SUMMARY OF NATURAL ENGLAND'S ADVICE

FURTHER INFORMATION REQUIRED TO DETERMINE IMPACTS ON DESIGNATED SITES

As submitted, the application could have potential significant effects on Sefton Coast Special Area of Conservation (SAC), Ribble & Alt Estuaries Special Protection Area (SPA) and Ramsar site, Martin Mere SPA and Ramsar site, Liverpool Bay SPA, Downholland Moss Site of Special Scientific Interest (SSSI) and Sefton Coast SSSI. Natural England requires further information in order to determine the significance of these impacts and the scope for mitigation.

The following information is required:

- In-combination assessment with regards to air quality impacts,
- Re-assessment of bird data and functionally linked land,
- Re-assessment of noise impacts,
- A full assessment of impacts on Downholland Moss SSSI,
- Changes to statement made in the Environmental Statement.

See below for further information. Without this information, Natural England may need to object to the proposal.

Please re-consult Natural England once this information has been obtained.

Natural England's further advice on designated sites/landscapes and advice on other issues is set out below.

Additional Information Required

Habitats Regulations Assessment

Natural England notes that the Habitats Regulations Assessment (HRA) has not been produced by your authority, but by the applicant. As competent authority, it is your responsibility to produce the HRA. We provide the advice enclosed on the assumption that your authority intends to adopt this HRA to fulfil your duty as competent authority.

The Shadow HRA concludes that your authority is able to rule out the likelihood of significant effects arising from the proposal.

On the basis of information provided, it is the advice of Natural England that **it is not possible** to conclude that the proposal is unlikely to result in significant effects on the European sites in question.

Natural England advises that the assessment currently does not provide enough information and/or certainty to justify the assessment conclusion and that your authority should not grant planning permission at this stage. Where there is a likelihood of significant effects (excluding any measures intended to avoid or reduce harmful effects on the European sites), or there are uncertainties, a competent authority should undertake an appropriate assessment in order to fully assess the implications of the proposal in view of the conservation objectives for the European sites in question.

Natural England therefore advises that an appropriate assessment should now be undertaken, and the following further information is required in order to assist you with that assessment. Natural England must be consulted on any appropriate assessment your Authority may decide to make.

In-combination assessment with regards to air quality impacts.

The assessment and calculations made in relation to air quality impacts, shows that the process contribution is <1% of the screening threshold and therefore no further assessment is required alone. However, this impact needs to be looked at in-combination with other plans/projects nearby to assess whether there is a significant in-combination impact, in particular from nitrogen deposition.

The following need to be considered:

- a) The incomplete or non-implemented parts of plans or projects that have already commenced;
- b) Plans or projects given consent or given effect but not yet started.
- c) Plans or projects currently subject to an application for consent or proposed to be given effect;
- d) Projects that are the subject of an outstanding appeal;
- e) Ongoing plans or projects that are the subject of regular review.
- f) Any draft plans being prepared by any public body;
- g) Any proposed plans or projects published for consultation prior to the application

It would also be useful to see a deposition contour map of the forecast emissions.

Bird data and functionally linked land

We don't agree with the conclusion of no likely significant effects on wintering SPA and Ramsar birds. In September 2018 we responded to an enquiry from Ecology Services requesting our advice regarding the frequency of bird surveys.

We recommended that 'amended' vantage point (VP) surveys (principally following [SNH methodologies](#)) are undertaken of the site and surrounding habitats to provide an overview of bird usage, specifically in relation to potential disturbance and displacement. We expected to see the level of survey effort comprise the following criterion;

- Autumn Passage – at least one autumn migration. Weekly visits between September to November inclusive are advised due to high turnover of birds during migration

- Winter - two surveys per month between October to March inclusive;
- Spring Passage – at least one spring migration. Weekly visits between March to Mid-May inclusive are advised due to high turnover of birds during migration.

The bird surveys undertaken are incomplete and do not follow the suggested methodology. The surveys completely missed out the months of December, February, March, April and May with only one survey undertaken in January.

The desk top study did uncover previously undertaken survey effort but which does also not adequately cover a full wintering period as we would expect. However, the bird survey does show <1% of the Special Protection Area (SPA) population of pink footed geese and lapwing wither utilising the site or utilising the land within 500m of the site on a regular basis. Therefore we do consider the site and surrounding land to be functionally linked to the SPA and needs to be considered as such within this assessment.

Tables 7-9 in the Shadow HRA has used the wrong calculations to assess the 1% threshold when considering significance of bird species present. The 1% threshold is calculated using either the citation figure or Webs 5 year mean peak as a baseline (depending on which is the most up to date figure) of each single SPA. That 1% figure for each SPA is the individual baseline for each SPA and we would expect the lowest of the SPA 1% figures to be used as the baseline for this assessment (using the precautionary principle).

Therefore the bird data needs to be re-assessed and we would suggest that the data indicates that the land is functionally linked to the SPA and there is therefore a likely significant effect during construction, operation and restoration. Mitigation measures should also be explored where appropriate.

Noise

The impacts from noise during construction, operation and restoration on the functionally linked land should also be re-assessed using the correct methods. We do not advocate the use of Cutts et al (2008) study of using thresholds of 50dB and 70dB when assessing noise impacts on birds. This is a relatively simplistic approach as it does not take into account the type of disturbance nor the sensitivity and prior experience of the birds. Furthermore, as the derivation of this threshold seems to be largely related to studies of noise disturbance associated with construction works on the Humber Estuary, it is probably most relevant to locations which already experience relatively high levels of background noise.

We therefore recommend that a baseline noise increase of greater than 3dB is a sufficiently precautionary rule-of-thumb when considering the likelihood of a significant effect. The noise assessment within the Shadow HRA should be re-assessed against this figure and if necessary, mitigation measures discussed. We would also expect to see mitigation measures being built into the proposed development that would negate/ reduce noise impacts impact.

A revised noise contour map should also be provided.

Downholland Moss SSSI

There is inadequate assessment of the impacts of the development on Downholland Moss SSSI. Downholland Moss is a geological site but there could still be impacts from the development on the site which need to be assessed.

Environmental Statement

Table 11.1 (page 136) of the Environmental Statement 'quotes' Natural England's EIA scoping response as advising;

'Statutory nature conservation sites – no objection. Based upon the information provided, Natural England advises the Council that the proposal is unlikely to affect any statutorily protected sites or landscapes.'

This is incorrect and needs to be amended. Our response to the EIA scoping was a standard

response, setting out the requirements of what we would expect to see within an environmental statement. We did not give any judgement as to the suitability of the scheme.

Water on site

It is not clear within any of the submitted documents, where the water to be used on site will be sourced from. This should be clarified.

Protected species associated with Sefton Coast SAC & SSSI

We do not consider that the proposal will have any impact on the notified protected species associated with Sefton Coast SAC or Sefton Coast SSSI.

Sites of Special Scientific Interest

Please note that if your authority is minded to grant planning permission contrary to the advice in this letter, you are required under Section 281 (6) of the Wildlife and Countryside Act 1981 (as amended) to notify Natural England of the permission, the terms on which it is proposed to grant it and how, if at all, your authority has taken account of Natural England's advice. You must also allow a further period of 21 days before the operation can commence.

Other Advice

Our standing advice for LPAs is attached at Annex A which sets out additional advice covering general advice on the protected species and other natural environment issues. We would expect the LPA to follow this advice and consult us if there is any deviation from this advice, clearly setting out the reasons why.

If you have any queries relating to the advice in this letter please contact me on 0300 060 3900.

Should the applicant wish to discuss the further information required and scope for mitigation with Natural England, we would be happy to provide advice through our [Discretionary Advice Service](#).

Please consult us again once the information requested above, has been provided via .

Yours sincerely

Stephen Ayliffe
Team Leader
Cheshire, Greater Manchester, Merseyside & Lancashire Area Team

Annex A – Additional Advice

Natural England offers the following additional advice:

Landscape

Paragraph 170 of the National Planning Policy Framework (NPPF) highlights the need to protect and enhance valued landscapes through the planning system. This application may present opportunities to protect and enhance locally valued landscapes, including any local landscape designations. You may want to consider whether any local landscape features or characteristics (such as ponds, woodland or dry stone walls) could be incorporated into the development in order to respect and enhance local landscape character and distinctiveness, in line with any local landscape character assessments. Where the impacts of development are likely to be significant, a Landscape & Visual Impact Assessment should be provided with the proposal to inform decision making. We refer you to the [Landscape Institute](#) Guidelines for Landscape and Visual Impact Assessment for further guidance.

Best and most versatile agricultural land and soils

Local planning authorities are responsible for ensuring that they have sufficient detailed agricultural land classification (ALC) information to apply NPPF policies (Paragraphs 170 and 171). This is the case regardless of whether the proposed development is sufficiently large to consult Natural England. Further information is contained in [GOV.UK guidance](#) Agricultural Land Classification information is available on the [Magic](#) website on the [Data.Gov.uk](#) website. If you consider the proposal has significant implications for further loss of ‘best and most versatile’ agricultural land, we would be pleased to discuss the matter further.

Guidance on soil protection is available in the Defra [Construction Code of Practice for the Sustainable Use of Soils on Construction Sites](#), and we recommend its use in the design and construction of development, including any planning conditions. Should the development proceed, we advise that the developer uses an appropriately experienced soil specialist to advise on, and supervise soil handling, including identifying when soils are dry enough to be handled and how to make the best use of soils on site.

Protected Species

Natural England has produced [standing advice](#)¹ to help planning authorities understand the impact of particular developments on protected species. We advise you to refer to this advice. Natural England will only provide bespoke advice on protected species where they form part of a SSSI or in exceptional circumstances.

Local sites and priority habitats and species

You should consider the impacts of the proposed development on any local wildlife or geodiversity sites, in line with paragraphs 171 and 174 of the NPPF and any relevant development plan policy. There may also be opportunities to enhance local sites and improve their connectivity. Natural England does not hold locally specific information on local sites and recommends further information is obtained from appropriate bodies such as the local records centre, wildlife trust, geoconservation groups or recording societies.

Priority habitats and Species are of particular importance for nature conservation and included in the England Biodiversity List published under section 41 of the Natural Environment and Rural Communities Act 2006. Most priority habitats will be mapped either as Sites of Special Scientific Interest, on the Magic website or as Local Wildlife Sites. List of priority habitats and species can be found [here](#)². Natural England does not routinely hold species data, such data should be collected when impacts on priority habitats or species are considered likely. Consideration should also be given to the potential environmental value of brownfield sites, often found in urban areas and former industrial land, further information including links to the open mosaic habitats inventory can be found

¹ <https://www.gov.uk/protected-species-and-sites-how-to-review-planning-proposals>

² <http://webarchive.nationalarchives.gov.uk/20140711133551/http://www.naturalengland.org.uk/ourwork/conservation/biodiversity/protectandmanage/habsandspeciesimportance.aspx>

[here](#).

Ancient woodland, ancient and veteran trees

You should consider any impacts on ancient woodland and ancient and veteran trees in line with paragraph 175 of the NPPF. Natural England maintains the Ancient Woodland [Inventory](#) which can help identify ancient woodland. Natural England and the Forestry Commission have produced [standing advice](#) for planning authorities in relation to ancient woodland and ancient and veteran trees. It should be taken into account by planning authorities when determining relevant planning applications. Natural England will only provide bespoke advice on ancient woodland, ancient and veteran trees where they form part of a SSSI or in exceptional circumstances.

Environmental enhancement

Development provides opportunities to secure net gains for biodiversity and wider environmental gains, as outlined in the NPPF (paragraphs 8, 72, 102, 118, 170, 171, 174 and 175). We advise you to follow the mitigation hierarchy as set out in paragraph 175 of the NPPF and firstly consider what existing environmental features on and around the site can be retained or enhanced or what new features could be incorporated into the development proposal. Where onsite measures are not possible, you should consider off site measures. Opportunities for enhancement might include:

- Providing a new footpath through the new development to link into existing rights of way.
- Restoring a neglected hedgerow.
- Creating a new pond as an attractive feature on the site.
- Planting trees characteristic to the local area to make a positive contribution to the local landscape.
- Using native plants in landscaping schemes for better nectar and seed sources for bees and birds.
- Incorporating swift boxes or bat boxes into the design of new buildings.
- Designing lighting to encourage wildlife.
- Adding a green roof to new buildings.

You could also consider how the proposed development can contribute to the wider environment and help implement elements of any Landscape, Green Infrastructure or Biodiversity Strategy in place in your area. For example:

- Links to existing greenspace and/or opportunities to enhance and improve access.
- Identifying opportunities for new greenspace and managing existing (and new) public spaces to be more wildlife friendly (e.g. by sowing wild flower strips)
- Planting additional street trees.
- Identifying any improvements to the existing public right of way network or using the opportunity of new development to extend the network to create missing links.
- Restoring neglected environmental features (e.g. coppicing a prominent hedge that is in poor condition or clearing away an eyesore).

Access and Recreation

Natural England encourages any proposal to incorporate measures to help improve people's access to the natural environment. Measures such as reinstating existing footpaths together with the creation of new footpaths and bridleways should be considered. Links to other green networks and, where appropriate, urban fringe areas should also be explored to help promote the creation of wider green infrastructure. Relevant aspects of local authority green infrastructure strategies should be delivered where appropriate.

Rights of Way, Access land, Coastal access and National Trails

Paragraphs 98 and 170 of the NPPF highlights the important of public rights of way and access. Development should consider potential impacts on access land, common land, rights of way, coastal access routes and coastal margin in the vicinity of the development and the scope to mitigate any adverse impacts. Consideration should also be given to the potential impacts on any nearby National Trails, including the England Coast Path. The National Trails website

www.nationaltrail.co.uk provides information including contact details for the National Trail Officer.

Biodiversity duty

Your authority has a [duty](#) to have regard to conserving biodiversity as part of your decision making. Conserving biodiversity can also include restoration or enhancement to a population or habitat. Further information is available [here](#).