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Our ref: 447617
Your ref: LCC/2023/0030



Jonathan Haine
Lancashire County Council

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BY EMAIL ONLY

Dear Mr Haine

Planning consultation: The extraction and processing of sand and gravel including the construction of new site access roads, landscaping and screening bunds, minerals washing plant and other associated infrastructure with restoration to leisure end-uses, agricultural land and biodiversity enhancement, using imported inert fill.

Location: Land off Bourbles Lane, Preesall.

Thank you for your consultation on the above which was received by Natural England on 22 August 2023.

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

As submitted the application could have potential significant effects on nearby designated sites and deep peat. Natural England requires further information in order to determine the significance of these impacts and the scope for mitigation.

The following information is required:

- A Habitats Regulations Assessment, demonstrating consideration of the potential impacts of the nearby designated sites from the proposal.
- Suitable detailed information to enable our understanding of the integrity of the deep peat and suitability for restoration to further inform our advice.
- Further information to meet the requirements for sustainable minerals development as set out in the NPPF.

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 and advice on other issues is set out below.

Internationally and nationally designated sites

The application site is within 1.5km of Morecambe Bay and Duddon Estuaries SPA, Morecambe Bay SAC, Morecambe Bay Ramsar and Lune Estuary SSSI. It is also within 2.3km of Wyre Estuary SSSI.

Some of the above listed sites are designated for mobile species that may also rely on areas outside of the site boundary. These supporting habitats (also referred to as functionally linked land/habitat) may be used by SPA and Ramsar populations or some individuals of the population for some or all of the time. These supporting habitats can play an essential role in maintaining designated sites species populations, and proposals affecting them may therefore have the potential to affect the European sites.

In considering the European site interest, Natural England advises that you, as a competent authority under the provisions of the Habitats Regulations, should have regard for any potential impacts that a plan or project may have¹. The [Conservation objectives](#) for each European site explain how the site should be restored and/or maintained and may be helpful in assessing what, if any, potential impacts a plan or project may have.

Natural England has also published Conservation Advice packages which should be used to aid your assessment. The packages set out the conservation objectives of each site, detailed information on the qualifying features and other useful information to inform your assessment. Our Conservation Advice Packages can be found [here](#).

Please see the subsequent sections of this letter for our advice relating to SSSI features.

Habitats Regulations Assessment (HRA)

Despite the proximity of the application to European Sites, the consultation documents provided do not include information to demonstrate that the requirements of regulation 63 of the Conservation of Habitats and Species Regulations 2017 (as amended) have been considered by your authority, i.e. the consultation does not include a Habitats Regulations Assessment.

It is Natural England's advice that the proposal is not directly connected with or necessary for the management of the European site. Your authority should therefore determine whether the proposal is likely to have a significant effect on any European site, proceeding to the Appropriate Assessment stage where significant effects cannot be ruled out. Natural England must be consulted on any appropriate assessment your authority may decide to make.

Natural England advises that there is currently not enough information provided in the application to determine whether the likelihood of significant effects can be ruled out.

We recommend you obtain the following information to help you undertake a Habitats Regulations Assessment.

Functionally Linked Land (FLL)

Natural England has reviewed the Ecological Impact Assessment (Envirotech, March 2023), and note an overwintering bird survey has been undertaken, comprising of 3 visits in 2019, 2 in 2021 and of 6 visits in Jan 2023. We advise the data within this survey is not sufficient to inform the HRA. The level of survey effort undertaken does not meet the minimum criteria. Natural England advise any surveys should be undertaken following the methodology set out [here](#), which include two survey visits per month between September and March inclusive for wintering birds, (a minimum of 36 hours survey effort).

We further note that though the report states a desktop study for bird species has been undertaken, and records were received from Lancashire Ecological Records Network (LERN), Fylde Bird Club

¹ <https://www.gov.uk/guidance/habitats-regulations-assessments-protecting-a-european-site>

and NBN Atlas, this data does not seem to be included within the assessment.

Natural England is not aware from our Identification of Functionally Linked Land supporting Special Protection Areas (SPAs) waterbirds in the North West of England [report](#), and records from Fylde Bird Club that a large number of qualifying bird species have been recorded using this area, which seems to conflict with the data within the report.

Natural England advise that a robust desktop study is required, which should include:

- Comprehensive bird data records from at least three sources. The data should be set out clearly, stating what season the records cover such as winter or spring and autumn passage. If there is an absence of records, it must be explained whether this is due to an absence of birds, or an absence of recording of this area.
- An assessment of the bird data within that area, to understand the usage of the site and surrounding area by the qualifying bird species. This should include their locations, numbers within the site and surrounding area over a number of years. Detail should also be provided on how the area is being used i.e feeding or roosting.
- We further note the report assesses the habitat suitability of the site and concludes habitats within the site appear to be of low value in regards to avian use for overwintering birds. Natural England do not concur with these conclusions and advise further assessment is required. The information and photos provided in Section 6 of the Ecological Impact Assessment shows some areas that could provide suitable habitat, including wide areas of open grassland/arable fields that includes holes in ground that can provide shallow pools and scrapes when wet, large waterbodies and wide ditches.
- Natural England advise a detailed habitat suitability for each section of the proposal and wider area should be undertaken. This assessment should include details of the habitat type, key features and any other relevant information such as other usage of that area, and developments within the vicinity. These details will allow an assessment of the suitability of the site for qualifying bird species.
- Bird Records obtained from Fylde Bird Club and from Natural England's Identification of Functionally Linked Land report show the surrounding fields are used as supporting habitat by significant numbers of qualifying bird species, especially the the fields to the North, East and South. Therefore, an assessment of the potential disturbance impacts during construction, operation and restoration phase is required, including noise, visual and lighting impacts.
- We acknowledge some noise modelling data has been provided the within Impact Assessment Section of the wintering bird survey but advise this is insufficient. The noise report should clearly assess impacts at each stage, and set out the construction methodology and highlight any significant noisy works. We would expect the report to include the existing baseline noise levels and what the predicted noise levels will be (measured in LAeq and LAm_{ax}). A noise contour map should also be provided. This should inform any required mitigation measures to negate/ reduce noise impacts. We advise that Natural England consider that an increase of 3dB from baseline to predicted noise levels as significant, and any noise >3dB from the baseline should be included within the assessment.
- Once this further evidence has been obtained, the requirement for mitigation should be reassessed and appropriate measures reviewed, to ensure any proposed measures are rigorous enough to mitigate against any impacts on the above designated sites. We advise any proposed mitigation will need to account for the construction, operational and restoration phases of the proposal.

Water Quality

- Natural England advise that proposal site has a hydrological connection to the nearby designated sites. As there is a potential impact via a hydrological link the HRA should include an assessment of how surface water, discharges and any other run-off will be dealt with to ensure no pollution will enter the designated sites.

Recreational Disturbance

- The above designated sites are sensitive to increased recreational disturbance, including through in-combination effects. As the restoration plans include the development of 10 to 12 holiday lodges, an assessment of the impacts on designated sites via additional recreational pressures together with any required mitigation measures is required.

Lune Estuary SSSI and Wyre Estuary SSSI

As submitted, the application does not contain sufficient information to conclude that the proposed development is not likely to damage or destroy the interest features for which this above SSSIs has been notified. Our concerns are set out above.

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.

Marine and Coastal Access Act 2009

The proposed works, as set out in the information provided, also have a hydrological link to the Wyre-Lune Marine Conservation Zone (MCZ). We advise that you/the applicants consider the implications of the proposed activities/development on the conservation objectives of the site by providing a MCZ assessment. The Marine Management Organisation (MMO) have guidance available to aid you with undertaking an MCZ assessment, please refer to the following website for further information: www.gov.uk/government/publications/marine-conservation-zones-mczs-and-marine-licensing.

Natural England Peat Concerns

Following publication of the [England Peat Action Plan](#), Natural England has highlighted our updated position with regards to development on peat.

Natural England do not support the principle of developing on peat. Peat is an irreplaceable asset that once gone is lost for ever and can never be restored to sequester carbon.

Since the publication of the [England Peat Action Plan](#), Natural England have a better understanding of the impact of carbon loss from damaged and unmanaged peat as well as the opportunity costs of not restoring peat as functioning ecosystem. England's peatlands are our largest terrestrial carbon store and are vital for capturing and storing carbon. They provide a range of other valuable benefits including biodiversity rich ecosystems, improved water quality and natural flood management, the protection of historic environment features and connect people with nature.

We believe peatlands should be protected from inappropriate development for their carbon store and habitat value. Natural England has data on the carbon storage and sequestration of different habitats ([NERR094](#)).

Where deep peaty soils are shown to be present we consider that they are restorable, and unless information is provided to show that deep peat is not present or the peat is not restorable then we are minded to object to development.

The eastern part of Phase 3 of this proposal falls within an area of deep peaty soils, as identified here, we therefore advise that either further information is provided to demonstrate the extent of

deep peat in this area or that the proposals are amended to avoid any work within this particular area.

Natural England advise that it may be useful to refer to existing borehole data from the [British Geological Survey \(BGS\)](#) but if there is a lack of data across the proposal site then a peat survey may be required. A peat survey should be undertaken by a soils scientist and should determine the presence of peat, its depth and the presence of any spoil/waste materials that would impact the restoration ability. Natural England advise that peat surveys are carried out in line with the IUCN peatland programme [field protocol](#).

Soils, Land Quality and Reclamation

Natural England has considered this proposal in the light of our statutory duties under Schedule 5 of the Town and Country Planning Act 1990 (as amended) and the Government's policy for the sustainable use of soil as set out in paragraphs 174 and 175 of the [National Planning Policy Framework](#) (NPPF).

Based on the information provided in support of the planning application, we advise we are not satisfied that the site working and reclamation proposals provided in support of this application meet the requirements for sustainable minerals development, as set out in the NPPF and current [Minerals Planning Practice Guidance](#), particularly Section 6 titled "Restoration and aftercare of minerals sites", and recognised best practice.

There is insufficient information regarding the soil management, planned restoration and aftercare, for the following reasons:

- We have reviewed the Soils and Agricultural Quality Report (Land Research Associates, February 2023). We note in Sections 3.4 and 3.5 the drainage status is determined by assessing topography, water levels at time of survey, historical imagery, soil survey publications and anecdotal evidence. Natural England recognise an uncertainty in this approach and advise further information is required. We further note there is also no recording of gradient or grade according to gradient.
- According to BGS and NSRI data within Section 3.13, the land in the east indicates an area of deep peaty soils. Peat soils may have highly acidic subsoils which can influence the ALC grade by restricting rooting depth and causing a drought limitation. We advise determination of pH should be carried for areas comprising of peaty soils to assess the depths at which highly acidic conditions (if any) occur.
- We acknowledge that data derived from the ALC survey has been used to identify the different soil resource volumes (Section 4.1) and location (Map 3). Natural England would expect soil testing for basic soil properties (pH, SOM and macro-nutrients) to be taken at the same time as the ALC and soil survey to provide soil information to inform the habitat and landscaping plans where appropriate.
- Natural England has also reviewed the Environmental Statement (Greenfield Enviro, July 2019). Given the mapped Downholland 2 soils and the identified organic topsoils at a number of points across the site, we would expect lab analysis of OM content to confirm the organic texture described. Without this level of detail Natural England are unable to make full judgements.

Natural England advise that the proposals should be amended to take on board these points. We further advise the following information should also be provided:

- The provision of a soil management plan (SMP) based on the detailed ALC survey for all soils impacted and containing soil mitigation measures in line with the Defra Construction Code of Practice for the Sustainable Use of Soil on Development Sites. The SMP should be a key document feeding into a Materials Management Plan (MMP). The SMP should include:

- maps showing topsoil and subsoil types, and the areas to be stripped and left in-situ.
 - methods (including machinery) for stripping, stockpiling, respreading and ameliorating the soils
 - location of soil stockpiles and content (e.g. Topsoil type A, subsoil type B)
 - schedules of volumes for each material
 - restoration criteria
 - identification of person responsible for supervising soil management
 - soil handling stop conditions
- Further information regarding the use of bulldozers. Natural England advise the use of bulldozers should not be permitted for any subsoils being returned to best and most versatile quality due to the high risk of soil compaction due to repeated trafficking. Bulldozers should not normally be used, other than if a modified loose tipping method of topsoil (not subsoil) replacement is employed in line with the Defra Construction Code.
 - Clarification on the timings of soils handlings and movement. We advise any soil handling and movement should not be carried out between the months of October to March inclusive.

Any soils information and associated SMP needs to clearly demonstrate how the ALC Grades and soil types will inform soil handling and restoration, setting out the site specific mitigation measures with reference to the best practice guidance ([Defra Construction Code of Practice](#)), i.e. secondary mitigation measures. The British Society of Soil Science has published the Guidance Note [Benefitting from Soil Management in Development and Construction](#) which also contains useful guidance.

For our general advice on soils, please also see Annex B.

Other comments

Local sites and priority habitats and species

The proposal falls within an area of Priority Habitat (PH) – Floodplain and grazing marsh. Priority habitats and Species are of particular importance for nature conservation and are 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 on [Gov.uk](#).

You should consider the impacts of the proposed development on any local wildlife or geodiversity sites, in line with paragraphs 175 and 179 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.

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 [here](#).

Environmental gains

Development should provide net gains for biodiversity in line with the NPPF paragraphs 174(d), 179 and 180. Development also provides opportunities to secure wider environmental gains, as outlined in the NPPF (paragraphs 8, 73, 104, 120, 174, 175 and 180). We advise you to follow the mitigation hierarchy as set out in paragraph 180 of the NPPF.

Natural England welcomes the applicant undertaking an assessment for Biodiversity Net Gain (BNG) and in view of the proposals we have reviewed the BNG report and associated information, and provide our detailed advice within the attached Annex A.

Further general advice on the consideration of protected species and other natural environment issues is provided at Annex C.

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](#).

If you have any queries relating to the advice in this letter please email consultations@naturalengland.org.uk quoting the reference number at the top of this letter.

For any new consultations, or to provide further information on this consultation please send your correspondences to consultations@naturalengland.org.uk.

Yours sincerely

Alice Watson
Sustainable Development Lead Adviser
Cheshire, Greater Manchester, Merseyside & Lancashire

Annex A - Biodiversity Net Gain (BNG)

Natural England has reviewed the Biodiversity Net Gain Report (Envirotech, July 2023) and the submitted BNG Metric Calculations. We note the restoration proposals have been included within the BNG calculations. We understand due to the nature of the application, there is a requirement for restoration which will be secured through planning conditions or a Section 106 Agreement. For guidance on how requirements needed to comply with statutory obligations can count towards a developers BNG contribution, please see [here](#).

Having reviewed the submitted BNG documents, we note page 9 of the BNG Report discusses the loss and restoration of habitat, applying each habitat to be lost, and then recreated in one year. Whilst we welcome the use of the worst case scenario, this one year timeline does not seem to match up the proposed timelines for each phase of works set out within the Planning Statement. We advise you may wish to seek clarification on this, we refer you to Sections 7.3.6 and 7.3.7 of the [Biodiversity Metric 4.0 User Guide](#) regarding temporary loss of habitat.

We further note that whilst the report proposes a detailed Biodiversity Enhancement and Management Plan (BEMP), it does not include any mention of BNG habitat monitoring or the proposed timescales that will be covered by the BEMP. For any BNG habitat or monitoring plans, Natural England would expect them to be in place for at least 30 years, inline with the national BNG requirements.

We advise you may wish to seek further details of this plan, as it may impact the overall BNG calculations. For example, we note the calculations suggest a creation of natural grassland located directly adjacent to the proposed lodges which will achieve moderate condition. However this grassland could be subject to recreational pressure from the lodges, and if access is not managed sufficiently the grassland may not achieve this condition.

Furthermore as mentioned above, part of the proposal falls within an area of deep peat and floodplain and grazing marsh PH, which are not included within the calculations. If further evidence is provided that finds these habitats are present, such as the presence of peat, then the BNG calculations should be updated to include the presence of these habitats.

Annex B - Soils

Soil is a finite resource which plays an essential role within sustainable ecosystems, performing an array of functions supporting a range of ecosystem services, including storage of carbon, the infiltration and transport of water, nutrient cycling, and provision of food. In order to safeguard soil resources as part of the overall sustainability of the development, it is important that the soil resource is able to retain as many of its important functions as possible. This can be achieved through careful soil management and appropriate, beneficial soil re-use, with consideration on how any adverse impacts on soils can be avoided or minimised.

The Institute of Quarrying [Good Practice Guide for Handling Soils in Mineral Workings](#) provides detailed advice on the choice of machinery and method of their use for handling soils at various phases, which we strongly recommend is followed. For agricultural after uses, the best available practice is using the excavator-dump truck combination in conjunction with the sequential 'strip' method (Sheets A – D).

More general advice for planning authorities on the agricultural aspects of site working and reclamation can be found in the Defra Guidance notes [Reclaim minerals extraction and landfill sites to agriculture](#), which again we strongly recommend is followed.

Annex C – Additional advice

Natural England offers the following additional advice:

Landscape

Paragraph 174 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 to respond to 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.

Protected Species

Natural England has produced [standing advice](#)ⁱ 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 Site of Special Scientific Interest or in exceptional circumstances.

Green Infrastructure

Natural England's [Green Infrastructure Framework](#) provides evidence-based advice and tools on how to design, deliver and manage green infrastructure (GI). GI should create and maintain green liveable places that enable people to experience and connect with nature, and that offer everyone, wherever they live, access to good quality parks, greenspaces, recreational, walking and cycling routes that are inclusive, safe, welcoming, well-managed and accessible for all. GI provision should enhance ecological networks, support ecosystem services and connect as a living network at local, regional and national scales.

Development should be designed to meet the [15 Green Infrastructure Principles](#). The Green Infrastructure Standards can be used to inform the quality, quantity and type of green infrastructure to be provided. Major development should have a GI plan including a long-term delivery and management plan. Relevant aspects of local authority green infrastructure strategies should be delivered where appropriate.

GI mapping resources are available [here](#) and [here](#). These can be used to help assess deficiencies in greenspace provision and identify priority locations for new GI provision.

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 urban fringe areas should also be explored to strengthen access networks, reduce fragmentation, and promote wider green infrastructure.

Rights of Way and Access land

Paragraphs 100 and 174 of the NPPF highlight the importance of public rights of way and access. Development should consider potential impacts on access land, common land, rights of way and coastal access routes in the vicinity of the development. Appropriate mitigation measures should be incorporated for any adverse impacts.

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.

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