

Appendix B
Lancashire County
Council EIA Scoping
Opinion

Mr Clive Saul
Heatons Planning

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Your ref:
Our ref: SCP/2021/002
Date: 20th December 2021

Dear Mr Saul

**APPLICATION: SCP/2021/0002
TOWN AND COUNTRY PLANNING (ENVIRONMENTAL IMPACT ASSESSMENT)
REGULATIONS 2011 - SCOPING REQUEST FOR THE DEEPENING OF QUARRY
OPERATIONS AND EXTENSION OF TIME FOR QUARRYING AND RESTORATION
OPERATIONS AT LEAPERS WOOD QUARRY, KELLET ROAD, CARNFORTH**

I refer to your request for an EIA scoping opinion received on 29th September 2021.

This scoping opinion is based upon the proposals as set out in your request for the deepening of the quarry from its existing permitted depth of 38 metres to -37 metres AOD and a time extension of quarry operations until 31st December 2065.

As you will be aware there are certain requirements within the 2017 EIA Regulations that set out the information that an ES must contain. These are contained within Regulation 18 and Schedule 4 of the Regulations and any ES that you submit must address the requirements set out in those provisions.

In particular your ES should contain the following:

- a) a description of the proposed development comprising information on the site, design, size and other relevant features of the development
- b) a description of the likely significant effects of the proposed development on the environment
- c) a description of any features of the proposed development or measures envisaged in order to avoid, prevent or reduce and if possible, offset likely significant effects on the environment.
- d) a description of the reasonable alternatives studied by the developer which are relevant to the proposed development and its specific characteristics and an indication of the main reasons for the option chosen taking into account the effects of the development on the environment.
- e) A non technical summary of the information referred to in paragraphs a) to d)

- f) Any additional information specified in Schedule 4 relevant to the site specific characteristics of the particular development or type of development and to the environmental features likely to be significantly affected.

The ES must include the information reasonably required for reaching a reasoned conclusion on the significant effects of the development on the environment taking into account current knowledge and methods of assessment. It should be prepared taking into account the results of any relevant UK environmental assessments which are reasonably available to the person preparing the environmental statement with a view to avoiding duplication of assessment.

The ES should consider cumulative impact issues and other environmental impacts that may occur due to other adjacent similar development. In particular this relates to the operation of Back Lane Quarry particularly in relation to the topics of noise, air quality, blasting and hydrological impacts.

The ES shall be prepared by competent experts and must contain a statement from the developer outlining the relevant expertise or qualifications of such experts for each topic area.

Having regard to the nature of the proposed development I consider that Archaeology / Cultural heritage and soils can be scoped out of your Environmental Statement. Provided that it can be demonstrated that the deepening of the quarry would have no ecological consequences through impacting upon the hydrological regime, it is agreed that ecology can be scoped out of this ES. However, there will be some ecological issues raised by the proposal which you should address in your planning application

The scoping report states that production levels will remain as existing. However, as with the Back Lane site, I would ask whether this is realistic. As this EIA will relate to a proposal with such a long lifespan (approximately 40 years) I consider that it is important that the assessments are based upon the likely production levels over the lifetime of the development rather than the existing levels which may be considerably lower. Production levels will affect issues such as traffic, noise, blasting and air quality

Scope of individual topic areas

Landscape and Visual

The main aspect of the proposal will be to deepen the existing quarry which will have limited additional visual and landscape impacts.

The scope of the visual and landscape assessment as outlined in your scoping report is generally agreed. In particular the assessment should include the following:

- An assessment of the landscape value, quality and character in accordance with the guidelines and standards set out in paragraph 5.2.4 of your scoping report. There is guidance within the response from Natural England that sets out the relevant guidance and standards that should be used for the landscape assessment. These appear to generally accord with your proposals.

- An identification of the main locations from where the quarry can be viewed including from footpaths and other rights of way and residential properties and an assessment of the visual impacts from these locations. You will note the comment from Natural England that the landscape assessment should include locations from within the Arnsdale and Silverdale AONB.
- As discussed above, the visual impacts of any further extension of the quarry under the existing permission and that proposed under the forthcoming application should be identified and the visual impacts assessed.
- The assessment should take into account any cumulative landscape impacts that might arise from other developments that are currently at the scoping stage. In particular this will relate to the proposed deepening / extension of time for the adjacent Back Lane Quarry.
- The assessment should include details of any mitigation measures that are required to address landscape and visual impacts that are identified by the assessment.

Ecology

I note that you propose to scope this topic out of the assessment. On the basis that the proposal is for a deepening of the existing quarry, this may be a reasonable conclusion. However, if the deepening of the quarry were assessed to result in potential impacts on any ground or surface water dependant ecological habitats (particularly if they are protected habitats), then my conclusion would be that ecological matters should be brought within the scope of the EIA. Without reviewing the conclusions of any hydrogeological impact assessment, it is difficult to know what the impacts on any water dependant ecological habitats might be.

I would draw your attention to the responses from Natural England and the County Council's Ecologist. The main issues raised are as follows:-

- The preliminary ecological assessment submitted with the scoping report does not demonstrate an absence of impacts. For example, it is repeatedly asserted that the deepening of the quarry will have no ecological impacts but the full proposals are not yet known to allow that judgement to be made. In addition, there is the potential for ecological impacts through dewatering impacts necessary to reach the increased depth of the quarry. There may also be impacts which would arise through continued working of the quarry under the existing permission.
- The extended phase 1 habitat survey is restricted to the applicant's land holding. However, the ecological impacts may extend beyond this area and I would therefore advise that the extend of the survey is based upon the extent of anticipated impacts rather than land ownership.
- Impacts on statutorily designated sites have not been assessed in the PEA. For example, the site falls within an SSSI impact risk zone where the guidance indicates that proposals for quarries have the potential to result in adverse impacts. Impacts on statutorily designated sites (European and National level) should be assessed particularly if any impacts on the water environment are envisaged or predicted.
- There are some areas of existing habitat within and adjacent to the existing quarry. Ecological impacts on these areas should be assessed.

- You will note that there are comments within my ecologist's response that deal with impacts on birds and other protected species (GCN's and reptiles). I am not aware that there are particular issues at this site in relation to GCN's or reptiles. However, if surveys for such species are not proposed, you should present evidence to demonstrate why such surveys are not required. The main issue would appear to be in relation to bats that might be using any cliff features that would be affected by the future working of the quarry. Information should be submitted with any assessment that demonstrates that the relevant species protection guidance would be adhered to. If any such species would be affected requiring a licence, then information to demonstrate fulfilment with the three Habitats Regulations licencing tests should be submitted with your assessment. This should include mitigation proposals.
- The assessment should include information of site restoration including the habitat types that would be incorporated within the proposals. These should be stated in terms of National Vegetation Classification Communities and should include native plant communities only which are appropriate to the locality. The restoration proposals should include any mitigation measures that are required for specific impacts.

Water Environment

The scope of your Hydrogeological Assessment as described in your scoping report is noted and appears generally acceptable. You will note the response from the Environment Agency to your scoping request and I have had the benefit of a further telephone conversation with their groundwater officer in relation to your application.

The main issues that you will need to address in relation to groundwater are as follows:

- A review of geological and hydrogeological information to establish the groundwater setting of the quarry. This should include a review of historic groundwater monitoring data that has been collected at the site to demonstrate the relationship between dewatering exercises and groundwater levels in the local area.
- A survey of existing ground and surface water dependant features that are potentially affected by dewatering activities. This should include identification of any groundwater boreholes or springs that are used for private and public water supply.
- An assessment of the likely impacts of the dewatering exercise that will be necessary to deepen the quarry to -37 m AOD. This should include the potential impacts on any surface water features together with boreholes or springs that are used for private and public water supply
- Given the proximity of the site to Morecambe Bay, the assessment should include discussion on the likelihood of saline water being drawn into the quarry from dewatering exercises and how such water would be managed in order to prevent pollution of surface or ground water resources.
- The assessment should consider cumulative impacts on ground water including from Back Lane Quarry and potentially any resumption of working (and dewatering) at Dunald Mill Quarry.

- A programme for ground and surface water monitoring should be prepared which allows for the examination and prediction of impacts as the quarry is progressively deepened.
- The assessment should also consider issues in relation to the discharge of water from the quarry including an identification of the destination of discharged water and assessment of the impacts on the receiving water course(s) in terms of flooding and water quality issues. These issues should be addressed within a Flood Risk Assessment which is required due to the area of the development exceeding 1 ha (footnote 55 of the NPPF).

Traffic Issues

The assessment method for traffic impacts as set out in your scoping report is considered to be generally acceptable. However, as I have explained above, the proposed development is over a considerable timescale and where it is possible that quarry output levels from this site may well increase. This would result in traffic impacts which go beyond those at present.

You have explained that the assessment will consider already committed developments. Lancaster City Council have commented that this should include the allocations in the local plan on the former Lundsfield Quarry and permissions 16/00335/OUT and 18/00365/OUT together with permissions that have been granted for commercial development off the A610(M). It may also be appropriate to take into account any allocations that are included within the Lancaster City Local Plan particularly if they would affect the junctions and links within the study area.

Paragraph 5.6.12 states that the background traffic growth from 2021 to 2026 will be calculated. Is this a mistake in the document? The date of 2026 seems to be a very short period taking into account the proposed development timescale. The traffic impacts should be predicted over the full period of the development in which case background traffic predictions over that period will also be required.

The assessment should investigate in detail the junction of the B6254 and M601(M). The assessment should include an investigation of the junction geometry and whether any improvements are required at this junction.

Noise

The proposals in your scoping report dealing with noise impacts are considered to be acceptable subject to the following comments:

- The scoping report states that the assessment will set out the existing methods and procedures adopted to minimise the impact of noise arising from the existing operations. There is no mention of any survey proposals to establish back ground noise levels at the potentially affected properties and then to assess likely impacts from the quarry operation. The methodology contained within BS4242:2014+A1:2019 'Methods for rating and assessing industrial and commercial sound' should be used.

- The existing noise limits would not assist with satisfactorily determining whether noise from the proposals in the EIA scoping report would meet current NPPF and Noise Policy Statement for England objectives. Furthermore, since the original planning conditions were imposed, the technical guidance has changed. The existing planning condition includes a noise limitation which is expressed only in terms of a 55 dB(A) limit. There is an argument that this may not comply with the policy on noise from mineral workings in the Planning Practice Guidance. This states that noise from mineral workings should not exceed the background level by more than 10 dB(A) and that in any event the 55 dB(A) level should not be exceeded. Therefore, the background noise +10 dB(A) is the preferred approach. The assessment should consider whether that limit can be complied with.
- There are no conditions on hours of working on the existing permission except in relation to blasting and soil stripping. It is assumed that the operator will wish to retain this flexibility. If this is the case, issues are raised regarding the impacts of night time noise. The assessment should include a survey of background noise at this location so that the potential impacts of night time working can be assessed.

Dust

Your proposals to assess dust / air quality impacts are noted and are acceptable subject to the following:

- Traffic related air quality : The same comment applies as has been made above in relation to output levels. If there is a reasonable expectation that output levels at this site will increase, the assessment will need to be based upon the expected level of traffic and not the existing level.
- Given the concerns that have been raised in the local area regarding health impacts of dust, the assessment should also consider health related air quality issues. The scoping report only mentions pm10 impacts but from the health perspective, pm2.5's should also be assessed. Given the small particle size, pm2.5 dust particles can potentially be carried over a wider area than the 400 metre distance quoted in the scoping report.
- Any assessment of pm 2.5's should take account of any levels provided in WHO guidance or any levels that may be contained in guidance published pursuant to the Environment Act 2021.
- The period of background monitoring described in paragraph 5.9.3 should be over a suitable duration of time and seasons to cover periods when dust impacts would be more significant. The monitoring exercise should also be accompanied by local weather data allowing correlation with dust level recordings.

Blasting vibration

The proposals to assess blasting impacts are considered to be acceptable subject to the following:-

- An assessment should be made of the likely vibration and air over pressure impacts of blasting at greater depth and the mitigation measures that will be

employed to ensure that impacts at the nearest properties are minimised. The City Council EHO considers that the methodology in Parts 1 and 2 of BS7385 should be used.

Climate Change:

The proposed content of the climate change topic area is considered acceptable.

General Pre application advice : This does not form part of the scoping opinion but the following advice is offered to aid preparation of the planning application and to raise issues which should be addressed.

The proposal would release a sizable tonnage of aggregate over a significant timescale. The current Lancashire Minerals and Waste Local Plan has a timeframe up until 2021. No replacement plan is yet in place but it is likely that the timescale of the proposal will considerably exceed the timeframe of any replacement plan. This may give rise to an argument that the proposed deepening / extension of the quarry would represent an over commitment compared to the likely need for aggregates over the next plan period. Your application should address this point and set out why such a large release of reserves is needed at this time.

Your planning application should consider the need issues having regard to the development plan policies that are in force at the time of the application and also the latest version of the Local Aggregates Assessment.

The site currently benefits from a planning permission relating to the quarry and a separate permission relating to the western embankment tip area. If further tipping capacity is required the red line should also extend around the tip area.

I hope these comments are useful to you. Please do not hesitate to contact the case officer, Jonathan Haine if you wish to discuss further the content of any ES or submit a draft ES for initial consideration.

Yours sincerely,

Jonathan Haine
Team Leader – Development Management