Lancashire County Council
Development Management Group
Environment Directorate
PO Box 100
Preston
Lancashire
PR1 0LD

Our ref: NO/2021/113451/01-L01
Your ref: LCC/2021/0012

Date: 23 April 2021

Dear Sir/Madam

EXTRACTION OF SAND AND GRAVEL INCLUDING CONSTRUCTION OF NEW ACCESS ROAD AND NEW JUNCTION WITH A59 PRESTON NEW ROAD, CREATION OF PLANT SITE, WEIGHBRIDGE AND STOCKPILING AREA, SILT PONDS, LANDSCAPING INCLUDING SCREEN MOUNDING, WITH PROGRESSIVE RESTORATION TO WETLAND AND PASSIVE FLOOD MANAGEMENT FACILITY, WOODLAND AND AGRICULTURE.
LOWER HALL FARM, SAMLESBURY.

Thank you for consulting us on the above application which we received 25 March 2021.

Environment Agency position

We object to the planning application as proposed and recommend that at this stage planning permission is refused pending the submission of further detail regarding the environmental impacts of the proposed sand and gravel extraction.

We wish to emphasise that we are not objecting to the principle of the extraction at this site but that we object on technical grounds until further information can be supplied.

Ground Water

Reasons

- The development is situated on a Principal & Secondary A aquifer, therefore activity on the site could contribute to pollution of ground water in this location. Insufficient information to indicate how water will be managed on the site has been submitted with this application.
- The Hydrogeological Impact assessment requires updating to include a water feature survey and details of water abstractions that could potentially be affected by the development.

Our detailed comments can be found below:

Proposed extraction of sand and gravel is within the meander of the River Ribble, north east from the existing Brockholes Nature Reserve.

We have reviewed the submitted Hydrogeological and Flood Risk Assessment Report with associated attachments, dated June 2016. We have no objection in principle to the proposal, however the developer will need to submit additional information for further assessment, please see our detailed comments below.

The whole site covers some 57ha. It is proposed to excavate the sand and gravel deposits to its base at varied depths across the site between 6 and 12 mAOD. The proposal outlines work to extract unsaturated, dry deposits and also minerals below the water table, wet excavations with no dewatering processes intended.

The superficial deposits to be excavated are river terrace deposits, which are designated as a Secondary A Aquifer, however the underlying Sherwood Sandstone is designated as a Principal Aquifer. Some alluvial and glacial till is shown in the site's vicinity and this was confirmed by the site investigation. It is expected that where this is absent, superficial deposits will be in hydraulic continuity with the bedrock aquifer. The site is also within the source protection zone 3 SPZ3, (the total catchment) for several water abstractions in the area that are being used for drinking water supply.

Point 2.8 within the Environmental Statement indicate that water in the processing plant will be sourced from the excavated clean water pond and after use, it will be returned to a silt pond. The highly permeable nature of the superficial deposits at the surface, high water table, proposed removal of soil and excavation of mineral below the water table and hydraulic continuity between the two aquifers causes groundwater at this locality to be highly vulnerable to pollution.

Overcoming our objection

- Taking the above into account, it is considered that a water management plan and a proposed method of working should be submitted for further assessment. The developer will need to consider the anticipated requirements of water for uses such as mineral processing, transport, dust suppression, wheel or vehicle washing and also disposal or discharge of any effluent and the means of protecting water resources from pollution.
- An updated Hydrogeological Impact Assessment should be submitted, which includes more recent information with regard to a water feature survey, particularly any water abstractions (licensed or private) that could potentially be affected by the proposed development.

Please note that abstraction of more than 20 m3 of water in any day will require a water abstraction license.

<u>Flood Risk</u>

Reasons

- The submitted FRA and supporting documentation fails to:
  - Identify the current and proposed flood mechanisms on site and consider flood risk elsewhere.
  - Provide details of the volume provided within the wetlands and excavation holes and the impact of the engineered bunds proposed for the site. It must be demonstrated that the location of the bunds do not impede flow routes on site and increase flood risk elsewhere.
  - Adequately indicate how the site office will be protected from flooding.

Cont/d..

- Adequately consider safe access and egress
- Correctly consider the effects of climate change

Our detailed comments can be found below:

We have reviewed the submitted documents, principally the Hydrogeological and Flood Risk Assessment of the Proposed Mining Extraction, produced by Envireau Water, Revision 2, 17/06/2016. We have no objection in principle to the proposal, however with regards flood risk on the development site, the developer will need to submit additional information for further assessment with a revised FRA, please see our detailed comments below.

The application site is located within Flood Zone 3 on the Environment Agency Flood Map for Planning. In the Planning Practice Guidance (PPG) to the National Planning Policy Framework (NPPF), Flood Zone 3 is defined as having high probability of flooding.
The submitted FRA does not adequately assess the development's flood risks. In particular, the FRA fails to:

- Identify the current and proposed flood mechanisms on site and consider flood risk elsewhere.

The proposed development will consist of the extraction of sand and gravel from the floodplain of the main River Ribble. The FRA contains no quantitative data and evidence on the existing flood mechanisms on site, including flood levels and how the development will impact this. The FRA was produced in 2016 and does not contain any modelled flood data. We would suggest that you submit a request to us for an up to date Product 4 flood risk information package which is applicable to this site to inform your FRA. Requests can be sent to Inforequests.cmblnc@environment-agency.gov.uk.

We would like to see a phase-by-phase assessment of flood flow routes into and out of the development. It should be demonstrated, through assessment of bank heights, topographical data and modelling when and where:
- Flood flows currently enter, flow through and exit the site,
- Flood flows will go during extraction development and,
- Flood flows will enter, flow through and exit the site following restoration.

It would need to be demonstrated that flood flows can enter and leave the site to ensure that the development remains safe throughout its lifetime and that flood risk is not increased elsewhere.
It should also be confirmed whether flows into and out of site will be controlled, through the use of weirs or spillways. Any use of weirs or spillways should be designed so as not to affect the passage of aquatic life and may be subject to an Environmental Permit Application (see informative).

- The proposals include the excavation of a number of wetlands and the construction of bunds to allow conveyance across the floodplain.

  Further details of the volume provided within the wetlands and excavation holes should be submitted. Cross-sections and location details of the bunds should be provided. It must be demonstrated that the location of the bunds do not impede flow routes on site and increase flood risk elsewhere.

- Mitigation measures proposed for the site office

  It is currently proposed that site offices will be located either within Flood Zone 1 or on a raised framework, 300mm above the 1 in 100 year flood level if located in Flood Zone 3. Any proposed raising of floor levels for the offices should be compared to the levels provided within a Product 4 package and elevation drawings provided to demonstrate how the offices will be raised and whether this will impact flow routes in the site. No ground raising within the Q100 climate change allowance should occur unless adequate, level for level compensatory storage is provided.

- Consider safe access and egress

The FRA states that the proposed private access road to the A59 will be designed to be unfenced and level with adjacent land. However this is also to be used as the development's safe access and egress in a flood event. Safe access and egress is in the remit of the LPA and we would therefore recommend that the applicant demonstrates that the proposed private access road will remain dry within the design flood event, Q100 plus climate change allowance. The LPA should satisfy themselves that safe access and egress can be met on site for its lifetime.

- Correctly consider the effects of climate change

Due to the FRA being produced in 2016, the reference to climate change allowances is now out of date. The FRA should be revised to reflect the most recent 2020 climate change guidance which can be found on our website here. It is noted that the proposed development lifetime will be up to 2039, however consideration to other climate change allowances should be made due to the longer-term proposals of providing additional floodplain storage within a number of wetlands on site.

Overcoming our objection
The applicant can overcome our objection by submitting a revised FRA and supporting plans which address the deficiencies highlighted above. The FRA must satisfactorily demonstrate that the development will be safe for its lifetime without increasing risk elsewhere and where possible reduces flood risk overall.

We ask to be re-consulted with the results of any revised FRA and we will provide you with bespoke comments within 21 days of receiving formal re-consultation.

Environmental permit - advice to applicant
The Environmental Permitting (England and Wales) Regulations 2016 require a permit to be obtained for any activities which will take place:

- on or within 8 metres of a main river (16 metres if tidal)
- on or within 8 metres of a flood defence structure or culvert (16 metres if tidal)
- on or within 16 metres of a sea defence
- involving quarrying or excavation within 16 metres of any main river, flood defence (including a remote defence) or culvert
- in a floodplain more than 8 metres from the river bank, culvert or flood defence structure (16 metres if it's a tidal main river) and you don't already have planning permission.
  For further guidance please visit https://www.gov.uk/guidance/flood-risk-activities-environmental-permits or contact our National Customer Contact Centre on 03702 422 549. The applicant should not assume that a permit will automatically be forthcoming once planning permission has been granted, and we advise them to consult with us at the earliest opportunity.

Cont/d..

Reasons

- An up to date risk assessment is required to assess how the proposal will affect protected species, habitats, hydromorphology and impact upon fisheries.

Our detailed comments can be found below:

We have reviewed the submitted documents, principally the Ecological Assessment Report dated 2017. The submitted planning application and associated documents contain inadequate evidence to demonstrate that the risk to nature conservation, fisheries, ecology and physical habitats has been assessed in sufficient detail. It is unclear from the assessment provided, if the proposed development can meet the Environment Agency's requirements for nature conservation/fisheries/ecology and physical habitats. It is expected practice to submit updated ecological assessment reports and protected species survey results with a development of this scale and impact. The assessment is required to outline the risks and demonstrate how these risks will be controlled.

Until the revised risk assessment is provided, the risk posed by the development is unacceptable. This objection is supported by paragraphs 170 and 175 of the National Planning Policy Framework (NPPF) which recognises that the planning system should conserve and enhance the environment by minimising impacts on and providing net gains for biodiversity. If significant harm resulting from a development cannot be avoided, adequately mitigated, or as a last resort compensated for, planning permission should be refused.

The Environment Agency provided charged-advice to the applicant in 2017. We highlighted a number of concerns which have not been sufficiently addressed including:

- The impact of this proposal on fish entering the excavated cells or becoming stranded on the floodplain during fluvial flood events. Our advice indicated that fish rescues will be required should this occur and the fish returned to the River Ribble.
- Concerns regarding silt entering Bezza Brook both from the screening bund and the silt pond.
- A request for final lake and reed bed levels and the provision of dimensioned cross-sections for the site has not been provided.
- Consideration of the erosion potential of the 25m stand-off zone when the site gets inundated by flood events and when the water levels in the River Ribble recede.

The issues highlighted above have not been sufficiently addressed and therefore form the basis for our recommendation that planning consent is refused at this stage.

Overcoming our objection

To overcome our objection, the developer will need to carry out and submit:

- An updated Phase 1 Habitat Survey
- A Protected Species Survey
- An assessment of the potential impacts of fish becoming stranded on the floodplain and in the excavated cells during the operation of the site
- An extended habitat creation maintenance and management plan, beyond the proposed 5 year period

Cont/d..

- An Invasive Non-Native Species management plan
- Measures which demonstrate how silt will be prevented from entering Bezza Brook, we would require that there is a significant buffer between the proposed screening bund and Bezza Brook which is an important fish spawning tributary.
- The applicant would need to demonstrate that there is no pathway for sediment to enter the adjacent watercourses, the River Ribble and Bezza Brook, prior to the development of any detailed plans.

The survey and risk assessment should:

- identify any rare, declining, protected or otherwise important flora, fauna or habitats within the site
- assess the importance of the above features at a local, regional and national level
- identify the impacts of the scheme on those features
- demonstrate how the development will avoid adverse impacts
- propose mitigation for any adverse ecological impacts or compensation for loss
- propose wildlife/habitat enhancement measures

Whilst we acknowledge that the design of Surface Water drainage on the site falls under the remit of the Lead Local Flood Authority LLFA, we would request that the following consideration is made with regard to the design of the SUDs scheme for the site;

The Environment Agency request that the proposed SUDs: ditches, swales and ponds, adjacent to the new access road do not have any connectivity to surrounding ditches, streams and watercourses. This would prevent any potential for pollution and the risk of invasive species entering the River Ribble and Bezza Brook.

Please re-consult us regarding any surveys and assessments submitted in connection with this application and any design changes/additional mitigation/compensation/ enhancement measures that might subsequently be proposed.

Yours faithfully

Carole Woosey
Planning Advisor

E-mail clplanning@environment-agency.gov.uk

End