

Mr J Cowley
Mineral and Resource Planning Associates Ltd
23 Bayfran Way
Blandford Forum
DORSET
DT11 7RZ

Phone: 01772 534130

Email: DevCon@lancashire.gov.uk

Your ref:

Our ref: LCC/2021/0012 JMH

Date: 18 May 2021

Dear Mr Cowley

PLANNING APPLICATION LCC/2021/0012 – LOWER HALL FARM, SALMESBURY

I refer to your planning application for extraction of sand and gravel from land at Lower Hall Farm, Salmesbury. Further to our phone conversation on May 2021 I am writing to provide an update of the issues that have emerged from the consultation exercise and from the representations that have been received together with my own review of the application. Please note that I am still awaiting comments from Natural England, LCC Landscape advisor and Salmesbury Parish Council.

Please treat this letter as a request for further information under regulation 25 of the EIA Regulations 2017.

Geology / Mineral Reserves:

One issue that have been raised in representations is the quality of the reserves. The concern that has been expressed is that as part of the public inquiry into the Higher Brockholes quarry, site evidence was submitted by Tilcon (the applicants for that site) which stated that the mineral resource within the Lower Hall Farm site was of a lower quality with too high a proportion of silt for an economically viable deposit.

The Richard Fox report that has been submitted to demonstrate the geology only includes the appendices. Is there another part of this report that should have been submitted?

The M and B Geotechnical Services report contains the grading analysis for each of the boreholes. The borehole references in this report do not correspond to those in the Richard Fox report so it is difficult to make a comparison. However, the depth of the boreholes recorded on the Mand B information seems to be quite shallow so does the analysis in this report represent a fair understanding of the whole sand and gravel resource on this site.

The M and B Report is also only appendix 4 so is there other information that should

have been submitted?

Policy CS4 of the Lancashire Minerals and Waste Core Strategy sets out the requirement for sand and gravel provision by 2021 and states that preference will be given to the release of sand and gravel reserves which provide for the maximum practicable contribution of high quality sand. It is appreciated that there is a debate about the timescale of the plan. However, the requirement to provide high quality reserves that meet the need for particular construction materials are still relevant beyond 2021 particularly in the context of assessing the need for the resource against the environmental impacts of working the site and in particular the requirement to demonstrate very special circumstances for a development that might affect the openness of the Green Belt. You have provided information on the tonnages sand that would be provided from this site in particular in terms of the BS standards for concreting sand but would the resource also meet BS standards for other construction materials with recognised quality requirements such as asphalt / general building sands.

There does not appear to be a plan within the Geological Report showing the locations of the exploration boreholes. However, there is a drawing at Fig 10 of the Hydrogeological report which shows borehole locations and it is assumed that these are the same as the exploration boreholes. In the northern part of the site, the distribution of boreholes is significantly less. From my site visit it is clear that there has been some previous working in this area so in the absence of borehole information, can I ask what assumptions have been used to assess the remaining mineral reserves within this area?

Site Design

Plant area : A cross section through this area would be helpful to show the base levels of the plant area / stockyard, the heights of the plant / stockpiles and how they compare to the height of the screening mound that is proposed to the south and east of the plant site.

Will the plant and stockpile area be surfaced in concrete or other hard material? If so how will the run off from this area be controlled?

I note that the mound surrounding the plant site is proposed to be 8 metres in height. A mound of this height will be a significant feature in its own right – does the mound need to be this high?

On the lower part of this mound to the north, planting is shown on the quarry (west facing) side of the mound. What is the rationale for providing the planting on this side of the mound which will be a temporary feature?

What would be the method of working? – would sand and gravel be worked continually, or would there be a campaign dig to create a stockpile which would then be progressively worked to feed the plant? This was the method of working which was used at both Higher and Lower Brockholes. A continual dig method may be more difficult during times of flooding or when the water table is very high.

Soils: Would the mounds around the plant area be formed by the soils from this area or would they also be formed from soils stripped from phase 1A/ 1B? Normally the soils

and over burden from the first phase would be stored for use in restoration of the final phase.

A large area of the restoration would be water based whereas almost the whole of the existing site is covered with soils. What would happen to the excess top / sub soils that would not be required for restoration purposes?

The phasing drawings show the progressive development along phases 1 – 3 but it is only when phase 4 is reached that a more naturalistic form of restoration on the river side of the site is proposed. Is there any reason why the riverside edges of phases 1 to 3 cannot be restored in this way whilst still functioning as silt / clean water ponds?

Design of access road: What arrangements if any are proposed for where the access road crosses Potters Lane? Which traffic would have right of way and are any measures necessary to secure highway safety at this location?

Immediately to the south of Potters Lane the access road would need to negotiate a steep bank (described as a former mineral working in the Planning Statement). There isn't much graphical detail in the application of the works that would be required at this location. Presumably there would need to be some form of cutting in this location. How would the sides of the cutting be supported and what would the implications be on adjacent vegetation?

In the middle section of the access road, the road would run across the hillside parallel to Potters Lane. The field here slopes so I presume that some cut and fill would be required in this location to create a flat access road. Some cross-sectional detail would be useful here to illustrate how the access road would be constructed, what its impacts would be and the effectiveness of the planting in this location.

Some further detail of the access road construction would be useful beyond that in the Planning Statement. Would it have kerbing along its full length? – see ecology comments.

Green Belt

These issues are discussed in section 1.34 – 1.37 of the Planning Statement. You rightly point out that mineral extraction is not inappropriate in the Green belt providing that it preserves openness. However, my view is that there are a number of aspects of the development that would impact on openness such as the new junction, access road and the plant area. The proposal should therefore be considered as inappropriate development for which very special circumstances will need to be demonstrated.

Tree Survey / Arboricultural Report

Although you have submitted a bat survey of the tree to be removed on Potters Lane and there is some other information on trees within the Ecology report, there is no information detailing the impacts on trees within and adjacent to the proposed development. Although from my site visit it is clear that the development has been designed to avoid impacts on existing trees wherever possible, it would appear that there are some locations where the development would have direct / indirect impact on

existing trees. However, there is no information which sets out exactly which trees / vegetation will be removed, and which will be retained. In particular, the areas to the west of the access onto the A59, where the access road cuts through the existing hedgerow / lines of trees just to the north of the access point, where the access crosses the footpath just east of Potters Lane, on Potters Lane itself and where the access road crosses the Bezza Brook. An application of this scale should be accompanied by a tree survey / arboricultural report.

Highways Issues:

I would draw your attention to the issues raised in the response from LCC Highways. Highways consider that the Highways Statement is based upon out of date survey information and needs to be updated. There have been some significant changes in this area in relation to both road layouts and possibly traffic levels arising from the Enterprise Zone development at BAE Samlesbury which should be taken into account in the Highways information.

Highways are also asking for a clear drawing showing the access layout and visibility splays as the evidence that has been presented does not adequately demonstrate this. This drawing should also allow an assessment of any trees or other vegetation that would need to be removed to create adequate visibility. You will note that Highways have also raised the issue about providing adequate acceleration / deceleration lanes off the A59. If such lanes are required, they would have implications for the environmental impacts of the access construction. Again, if these works are required to allow construction of a safe access, a drawing should be prepared which allows an accurate assessment of the impacts of these works in terms of landscape and ecology.

You mentioned in our recent conversation that the traffic past the site entrance on the A59 is not evenly distributed due to the traffic lights at junction 31 M6. If it is considered that this is a factor that would mitigate against the requirement to include any acceleration / deceleration lanes, you would need to provide some evidence of this.

You will note that Highways England are satisfied that the proposed development would have no implications for the operation of the motorway or junction 31.

Noise / Dust:

The response from the Borough Council is on our website. You will note that the EHO is concerned that the noise report is based upon monitoring work carried out in 2015 and which is considered out of date. Although I would be surprised if there had been a reduction in background noise levels since then, you may wish to obtain some updated background noise readings to address the concerns of the EHO.

The EHO is concerned that the noise assessment is based upon an earlier iteration of the site design where the site was further from the affected properties. I have measured the distance from the façade of the two properties on Potters Lane to the site boundary (adjacent to the plant site) as 165 metres which is significantly less than the 225 metres quoted in paragraph 1.2 of the noise assessment. It therefore appears that the noise

assessment may need to be reworked based upon the actual distances between the site and the nearest properties.

You will also note that the EHO raised a number of additional matters that they consider are missing from the noise assessment. These matters should be addressed by you. In relation to noise levels at Lower Hall Farm itself, I presume that as this property is in the landowners control, a decision can be made not to let this property during the period of the development if satisfactory noise levels cannot be achieved.

The EHO has also raised dust issues particularly in terms of dust emissions from HGV traffic on the access road. Some further information on the proposed construction of this road might assist in addressing this point depending on the method of construction proposed.

I do not have any major concerns about dust impacts from the quarry site in general given the wet method of working. The only other likely source of dust emissions would be from the movement of plant between the excavation areas and the plant site and from vehicle movements in the plant / stockpile area itself which presumably would not be hard surfaced. What forms of dust mitigation would be provided in these areas? The EHO has also said that your Air Quality Assessment does not follow the South Ribble low emission strategy. I am not sure what is meant by this and I will make further enquiries.

Ecology.

As mentioned above I am still awaiting a response from Natural England. I understand they will be making detailed comments as the site lies within an SSSI consultation zone. I have agreed a time extension with EN until 21st May. The following comments are those raised by the LCC Ecologist.

At present the LCC Ecologist considers that there is insufficient ecological information on which to determine the planning application.

Surveys: the ecologist states that although the existing surveys (carried out in 2015) provide useful background information, they are out of date and need to be updated.

The ecologist considers that the following surveys should be updated:

- Updating of existing phase 1 survey to assess whether there is any change in ground conditions
- Phase 2 survey of any semi natural habitats, priority habitats or any habitats with the potential to support species of interest as identified by the phase 1 survey (this should include mapped plant communities and species lists showing relative abundance)
- Breeding bird surveys
- Otter surveys of River Ribble, Bezza Brook and any other suitable habitat identified in phase 1 survey
- Water vole survey to include the Bezza Brook

- Bat activity survey of any trees that would be affected – this relates also to the issues raised above in terms of the tree surveys and highway matters. Any trees that would be affected by any access improvements should be surveyed whilst there is opportunity in the forthcoming summer period to do so.
- Great Crested Newt survey update (unless the applicant decides to use the GCN district level licencing)
- Surveys to establish the use of the affected ponds by other amphibians including toads.
- Badger survey including a plan to show any changes in the location of the setts across the site.

Assessments:

The ecological assessment states that detailed proposals were not available at the time of preparation. There are a number of aspects of the development that would have ecological implications upon which ecological input should be sought and which might lead to modification of the design or mitigation measures. These aspects include the incorporation of cattle grids on the access road together with fencing and kerbs which might have the potential to fragment habitat or create issues for certain species. The Planning Statement also talks about a construction compound located close to the A59 for the access works. Presumably this will be located on an area of agricultural land and will therefore have little ecological impact. However, the location of the compound should be shown on a drawing and confirmation provided that the area has at least been subject to the phase 1 survey.

It is also stated in the Ecological Assessment that the site lies close to four woodland BHS's (para5.7) – however, the access road and junction would appear to result in the partial loss of woodland within the 'Wood by St Mary's Church BHS'. Again further detail should be provided to allow a thorough assessment of the impacts in this area whether or not further improvements are required to satisfy the highway comments.

Attention is drawn to the potential impacts of the development listed in the Ecologists response and the need to comply with the hierarchy in paragraph 175 of the NPPF : avoidance - mitigation – compensation.

The ES discusses the evaluation of different access options. However, it is not clear if this has included the ecological implications of the access road presented in the planning application. There may be other options available to reduce the impacts of the road including moving the junction location to the east or looping the road around the scrub / pond complex located just to the north of the junction location.

A comment is made about the management of surface water from the access road. Would it be possible not to kerb the road and allowing surface water to run off in a more dispersed pattern?

There is a debate in the Ecologists comments about the effect on ancient woodland. The key point for you to address here in my view is to ensure that information is submitted to allow the impact on woodland (regardless of status) to be assessed. I do not think that

the current application allows such an assessment as there is no tree survey and tree removal / retention plan based upon an accurate engineering drawing of the access.

Mitigation proposals: The ecologist considers that the mitigation measures have not been developed to the level that would normally be required. Whilst these matters could be the subject of planning conditions, at the planning application stage you do need to demonstrate that mitigation measures are capable of being implemented and will be successful. For example, para 5.14 of the planning statement states that three new ponds will be constructed. However, there is no detail of where these would be, their design and whether they would be successful. In relation to the GCN issues and the access road, some further detail of the design of the access road might help to address concerns about mitigation for that species. Similarly, with the badgers, a suggestion is provided of a new sett but more details need to be provided to demonstrate that the mitigation would be successful.

Natural England Licencing: It appears that licences would be required for GCN and badgers. If so, the application should only be approved if the three Habitats Regulations tests can be satisfied. You have submitted information to address the first two tests but more information as highlighted above will need to be submitted to address the third test (maintenance of the population at a favourable conservation status)
In relation to GCN's you also have the option of the District Level Licencing – see further information in Ecologist's response.

Woodlands, Trees and Hedgerows: You will see that the Ecologist has raised an issue with regard to the assessment of woodland loss. I assume that the difference relates largely to whether the regenerated woodland in the northern part of the extraction area is counted as 'woodland'.

There do appear to be some discrepancies between information presented in the Planning Statement / ES and that in the Ecological Assessment with regard to the trees that would be removed and impacts on bats. A bat survey has only been provided of the oak tree on Potters Lane that would need to be removed. However, the Planning Statement (para 5.21) appears to imply that a large ash may need to be removed on the slope above Potters Lane and that a further large ash will require removal where the access crosses the greenway / footpath (para 5.24). The position with these trees with respect to felling / retention needs to be confirmed and have these trees been subject to assessment for bats or a full bat survey if required?

Ponds: The Ecologist considers that the proposed pond mitigation is not sufficient to offset the losses as it is based upon the SUDs provision of the access road. Further standalone ponds should be provided to mitigate for those lost and which should be provided as close as possible to the ponds that would be removed.

Replacement habitats – losses and gains:

You will see that the Ecologist has raised a number of issues about compensation for habitat losses and in particular the need to carry out some habitat creation in advance of the final restoration.

A plan would be helpful showing the phasing of habitat creation. It does appear that there would be some scope to undertake some advance planting on the unworked areas of the site adjacent to the River Ribble and there are other areas within the red line area and potentially some scope to undertaken some reinforcement of existing hedgerows within and on the boundaries of the site.

You will note that the Ecologist recommends the use of the DEFRA biodiversity net gain metric in order to demonstrate the losses and gains of the scheme.

Restoration / Landscaping: You will see that the Ecologist has raised some comments about some of the planting mixes and ensuring that the mixes are appropriate to the locality. Comments are also made about the design of the planting blocks. I would agree with these comments. Much of the planting undertaken on the Higher Brockholes site was undertaken in a block planting / geometric pattern which leads to rather unnatural woodlands with tall, spindly trees that require a lot of thinning.

Restoration : You will note that the Ecologist has made a number of comments relating to the restoration scheme mainly by improving the benefits for ecology by having more gradation of slopes to provide more marginal areas and a greater variety / mosaic of habitats. I assume this can be done as it has been achieved at Higher Brockholes which is a site with very similar geology / characteristics.

Aftercare / Management; I think greater consider needs to be given to the long term management on this site. A period of ten years is proposed for the restored site which the ecologist does not consider is long enough. The Ecologist raises the issue about long term management by a suitable conservation organisation. It seems to me that there is a suitable organisation located on the adjacent site that has experience of managing restored mineral workings for the benefit of wildlife.

Archaeology:

The response from the County Council's Historic Environment Service can be viewed on the website. The main issues are: -

- A non-designated heritage asset lies within your orange line development boundary. This is an unidentified earthwork which may be the site of a former motte and bailey castle. If this is the case, these earthworks might be of sufficient significance to justify preservation in situ in which realignment of the access road might be required. Further evaluation of area is therefore needed before determination of the planning application to allow this issue to be resolved.
- A number of Neolithic and Early Bronze age finds were uncovered during soil stripping for the Lower Brockholes Quarry and the proposals at Lower Hall Farm would work the same terrace deposit. There is therefore a high potential that similar finds would be made at the application site. Further work is therefore needed prior to determination to establish the area of most likely interest in terms of fieldwork and to determine any further archaeological work that might be required.

Surface Water / Flooding Issues:

The EA do not object to the principle of your proposal but do object until further information can be supplied:

- The site is located of a Principal and Secondary A aquifer which could be affected by pollution. Insufficient information has been submitted to demonstrate how water on the site will be managed to avoid aquifer pollution. The Hydrological Impact Assessment needs updating to include a water feature survey and details of local abstractions that could potentially be affected. Although it is to my understanding that there would be no pumping of groundwater on the site, presumably there would be some abstraction of water to use for the processing plant. The EA therefore request a more detailed water management plan to describe how any water will be used for the processing activities and how it would be returned to surface / ground water resources including how any pollution would be prevented.
- The EA are also requiring further work on the flooding impacts including identifying the current and proposed flood mechanisms on site and consider flood risk elsewhere. The EA consider that the FRA should be based on more up to date flood data and advise where this data can be obtained from. This can be used to identify flood levels and to calculate how the proposals would affect any flooding patterns in this area.
- The EA consider that a phase by phase assessment of flood flows routes through the site should be produced including where such routes currently lie, where they would go during the working period and what would be the situation following restoration.
- The FRA should contain details of the volume of flood storage capacity provided within the excavation areas. Cross sections through the excavations should be provided to illustrate the storage volumes provided
- The proposed office development should be designed so that it is located about the flood level. Presumably, if the office will be raised off the ground to address flooding impacts, it will be sited on supports that would still allow the passage of flood water without resulting in any loss of storage capacity.
- The access road should be designed so that it remains dry within the design flood event Q100 plus climate change allowance. Presumably this will only be an issue with the section between the plant site and Potters Lane.
- The FRA uses out of date climate change allowances and should be updated to reflect the most recent 2020 climate change guidance
- Fisheries: The EA consider that the ecological assessment contains inadequate evidence of the risk to nature conservation and fisheries. The EA consider that further information is required in relation to the risks of fish entering the excavated areas during flood events, the risks from silt entering the Bezza Brook from the processing plant, dimensioned cross sectional details for the final lake levels and margins and consideration of the erosion potential of the 25 metre margin between the excavation area and the River Ribble.
- Ribchester Parish Council have made representations regarding the impact of the development on flood levels in Ribchester. In your update FRA, I think it would be useful for you include some information about the likely wider flood risks both

upstream and downstream. You will be aware that there is a current River Ribble Flood Defence scheme in Preston / South Ribble and it would be useful for you to include some information on how your development would impact on upstream and downstream flood impacts, both during and following restoration including once the improved flood defences have been carried out. There is a concern in Samlesbury that the improved defences will make flooding in Samlesbury more likely.

- I would have also expected to see a drawing or some other information to show the design of the bridge across the Bezza Brook and how this relates to the flood levels within this brook.

Landscape:

The landscape assessment was undertaken in 2013 but appears to have been updated to reflect major changes in the local landscape since that date.

The main issues that need to be addressed in terms of the landscape assessment are the need to provide a full tree / vegetation survey that accurately allows the amount and value of the vegetation to be removed to be assessed.

Unilateral Undertaking:

I note that you have provided a draft unilateral undertaking within appendix B of your planning statement. However, the matters included with the UU meet the tests in paragraph 56 of the NPPF.

I have some concerns that some of the matters included within the UU could be dealt with through planning conditions

(nos.3,4,5,6,7,8,9,10,11,12,13,14,15,16,17,19,20,21,22,24,25,26, 27 in your draft UU). The tests within paragraph 56 of the NPPF set out that planning obligations should only be met where they are necessary to make the development acceptable in planning terms, are directly related to the development and are fairly and reasonably related in scale and kind to the development. Whilst the matters at 29 and 30 of your UU are worthy objectives, they do not appear to meet these tests. I would have no objection to these matters being pursued independently by the applicant, but they should not form part of the UU.

The main issue missing from the UU is any form of commitment to long term management of the site through the involvement of any organisations with experience of managing a restored mineral working for wildlife purposes.

I hope these comments are useful. If any further issues are raised in other consultation responses / representations I will forward them onto.

Yours faithfully

Jonathan Haine
Team Leader – Development Management