Our ref: NO/2021/113451/02-L01
Your ref: LCC/2021/0012

Date: 17 January 2024

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

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 re-consulting us on the above application on 05 December 2023, following the submission of additional information.

Environment Agency position
We have reviewed the submitted document titled Response to Regulation 25, comments of the Environment Agency and Lead Local Flood Authority prepared by Mineral & Resource Planning Associates Ltd dated September 2023 which has been submitted in response to the Environment Agency's consultation response to the Planning Authority of 23 April 2021. The submitted information seeks to overcome the Environment Agency's objections relating to groundwater, flood risk and fisheries, biodiversity and geomorphology. Whilst this information addresses some of the points raised, a number of issues remain and therefore we maintain our technical objections as outlined below, pending the submission of information that addresses these concerns.

Groundwate
A water management plan was requested in our previous response and although this has not been submitted, information included in the original Hydrological and Flood Risk Assessment (2016) together with information within the latest submission is sufficient to provide us with adequate assessment at this point. Therefore we can now withdraw our groundwater objection to the proposal. We recommend however that a condition is included in any planning approval that requires the submission of a water management plan before development commences.

Figure 3 included in the Hydrogeological & Flood Risk Assessment dated June 2016, shows the location of 8 piezometers around the site and within the meander of the river. Six of those boreholes monitor groundwater in the shallow aquifer and two were installed into the underlying sandstone. As indicated within the H&FRA groundwater levels have been monitored since August 2009 and provide a good representation of hydrogeological conditions at the site prior to potential development.

Comparison of groundwater levels and surface water levels in the River Ribble and Bezza Brook show that groundwater in the superficial deposit is at least 1-2 m above river levels. This suggests that the River Ribble forms a controlling hydraulic head around most of the site and forms a hydraulic barrier for shallow groundwater within the site. This means that any groundwater dependent surface water features on the opposite site of the river are not at risk from proposed activities on site affecting shallow groundwater.

It also indicates that the river receives baseflow from groundwater and it will have levelling effect on groundwater levels within the site. Interpretation of groundwater levels and monitoring locations suggests that this influence and interaction is limited to approximately 50m from the riverbanks. This impact however may be more noticeable on water levels in the river and open water when sand and gravel is gradually removed.

Taking all the above into consideration, it is vital to have an enclosing envelope of groundwater monitoring points maintained throughout the development (replaced if necessary) and monitored at monthly intervals along with water in mineral excavation as well as river levels up and downstream, taking into account the level step change at the weir. The existing network is sufficiently spaced and provides adequate coverage around the proposed excavation. These levels should be measured and recorded monthly throughout the development and related to Ordnance Datum. This should be reported to the Planning Authority for approval at intervals of not more than 12 months.

The location and construction details of each monitoring point should also be included for reference. This also should be implemented by condition attached to any planning permission to make sure that the site monitoring network is fit for purpose, maintained throughout the development, and provide information to enable developers and regulators to determine whether the site is operating within the expected range of conditions. In the event of unforeseen or detrimental conditions arising it will give information that may help identify the cause and design of potential mitigation or remediation.

The Planning Authority may also wish to obtain assurance of the geotechnical security of any residual un-worked ground barriers or constructed barriers between the works and the river.

<u>Flood Risk</u>
The Environment Agency's consultation response dated 23 April 2021 contained a complex objection to the proposed development on flood risk grounds and although the latest document is not in the form of a revised FRA as request, it does set out to interpret and address the points raised in our consultation response letter in order. We have therefore reviewed the document without prejudice and on its merits, in so far as it relates to our remit, and while many of the points have been covered, the notable exceptions are in providing satisfactory consideration of updated climate change allowances, irrespective of the deemed 'water compatible' vulnerability classification of the development as proposed.

Cont/d..

The guidance makes it clear that water compatible development, must also be considered against the central peak river flow allowance for the relevant epoch. https://www.gov.uk/guidance/flood-risk-assessments-climate-change-allowances

The proposed development must define the design flood event in order to assess the proposals against NPPF 167

What is meant by a “design flood”?
This is a flood event of a given annual flood probability, which is generally taken as:
• river flooding likely to occur with a 1% annual probability (a 1 in 100 chance each year); or
• tidal flooding with a 0.5% annual probability (1 in 200 chance each year); or
• surface water flooding likely to occur with a 1% annual probability (a 1 in 100 chance each year),
plus, an appropriate allowance for climate change.
https://www.gov.uk/guidance/flood-risk-and-coastal-change#para2

In this regard, the document has failed to address the following bullet points of our letter referred to previously. For avoidance of doubt these are the bullet points from our letter on the subject of:

- Mitigation measures proposed for the site office.
- Satisfactory consideration safe access and egress.
- Correctly consider the effects of climate change.

Without taking on board our advice in relation to determining the design flood event, the above points cannot be addressed. We are therefore not currently able to withdraw our objection on flood risk grounds and would refer back to our letter to the Planning Authority dated 23 April 2021. We advised that in regards to flood risk on the development site, the developer will need to submit additional information for further assessment with a revised FRA. We would therefore request that the FRA is updated and revised and set out in the form of an FRA following the guidance referred below:

FRA guidance and sources of information – advice to applicant
Guidance on how to prepare a flood risk assessment can be found at:
Flood risk assessments if you're applying for planning permission - GOV.UK (www.gov.uk).

Further advice on what to include in an FRA can be found at https://www.gov.uk/guidance/flood-risk-and-coastal-change#site-specific-flood-risk-assessment-all

Our flood risk data packages (e.g., Product 4 package), which can be used to inform FRAs, can now be requested via the Flood Map for Planning service on GOV.UK: Flood map for planning - GOV.UK (flood-map-for-planning.service.gov.uk). Alternatively, you may submit an information request by email to our local Customers and Engagement team at inforequests.cmblnc@environment-agency.gov.uk.

The applicant can overcome our flood risk 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.

Cont/d..

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[1]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.

Fisheries, Biodiversity and Geomorphology
Whilst we support the final restoration aim of the site following sand/gravel extraction which could bring biodiversity benefits, we maintain our objection to the application as currently submitted as up to date survey information is not provided to inform the application.

The Environment Agency provided charged advice to the applicant in 2017. We highlighted several concerns some of which have been addressed in this latest submission, others are still outstanding:

To overcome our objection, the developer still needs to carry out and submit:
- An updated Phase 1 Habitat Survey
- An updated Protected Species Survey
- An Invasive Non-Native Species management plan

Based on the updated surveys the Environmental Statement should be updated accordingly. The submitted survey information is out of date (some surveys as old as 2015).

Proposed SuDS: ditches, swales and ponds, adjacent to the new access road should not have connectivity to surrounding ditches, streams and watercourses. This would prevent pollution and the risk of invasive species entering the River Ribble and Bezza Brook.

Silt generating activities within the application area should be drained to on-site collection/treatment including use of a dedicated silt pond for settlement. Silt should not be directed towards the River Ribble or Bezza Brook.

Additional comments
If the above objections are resolved, we request that conditions are included in any planning approval which address the following:

Water management plan
We recommend that a condition is included in any planning approval that requires the submission of a water management plan before development commences.

Cont/d..

Extended habitat management plan
An extended habitat management plan, beyond the proposed 5-year period should be submitted to the Planning Authority and agreed with the Environment Agency.

Fish rescue
A protocol for fish rescues should be written and submitted to the Planning Authority and agreed with the Environment Agency. In the event of fish entering the excavated cells or becoming stranded on the floodplain during fluvial flood events, fish should be rescued and returned to the River Ribble.

Erosion potential of 25m margin – monitoring
The current proposal, which includes potential for erosion and scour along a significant length of the banks of the River Ribble and Bezza Brook as flood waters enter and recede from the sectioned compartments during flood events must be continuously monitored.

Monitoring of the site during the proposed works must be undertaken. This needs to be written and agreed upon. This needs to ensure all erosional changes to the channel banks and bed (topography) incision of the River Ribble and Bezza Brook are assessed and if necessary, further mitigation maybe required.

Use of oversize material for "biodiversity improvements" on River Hodder and Bezza Brook
Further information is needed to understand what is being proposed by the applicant. Although there is a need for gravel introduction in the Hodder catchment, further information is needed in relation to the size and composition of material. Locations for sediment introduction should be provided. The location of sediment introduction is key to ensure sufficient entrainment and mobilisation downstream.

The sediment needed to improve the condition of the River Hodder is different to that of the material needed to improve Bezza Brook.

Water Framework Directive Assessment
An updated Water Framework Directive Assessment will be required if the proposals change.

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

Mr Jeremy Pickup (on behalf of Ms Soraya Saghatchi-Moghaddam)
Planning Advisor - Sustainable Places

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

End