

Planning Application LCC/2022/0049

Construction of a new railway station at Cottam, including; station building and forecourt , 2 platforms, footbridge over the railway, associated parking and infrastructure, new public highway access road (0.75km; from the Cottam Link Road to Lea Road), a bus gate at the junction with Lea Road, a change of use of Sidgreaves Lane to be a segregated cycle and pedestrian track, segregated cycle and pedestrian track along new access road and the construction of a new bridge over the Lancaster Canal with cattle creeps. The diversion of a Public Right of Way, water attenuation pond, the construction of a secondary means of escape and access to it from Lea Road, landscape and ecological mitigation areas and temporary soil / material / plant storage and compound areas.

Response to Technical Note (Ecology), Atkins 15/05/2023 (Updated 19/05/23)

An Environmental Statement and shadow habitats regulations assessment were submitted with the above planning application. The Environmental Statement included an Ecology Chapter and associated appendices. In response to these documents, Atkins have provided ecology advice to Lancashire County Council Development Management, to inform determination of planning application LCC/2022/0049. This is in the form of a Technical Note dated 15/05/2023 and updated on 19/05/2023.

In summary, the Technical Note provided by Atkins raises the following matters:

- Further information is required to assess the impacts of the Scheme on notified features of the Newton Marsh SSSI.
- Further information is required regarding the impacts of the Scheme on the Lancaster Canal BHS and any necessary mitigation measures.
- Further information is required to evidence the mitigation hierarchy with respect to brown hare.
- Further information is required regarding impacts of the Scheme on the aquatic communities (including fish) and any necessary mitigation and licencing requirements.
- Further information is required regarding impacts of the Scheme on great crested newts and any necessary mitigation and licencing requirements.
- Updated surveys of European protected species will need to be undertaken if survey data is no longer valid and mitigation measures and appropriate licences will be required. A series of conditions will be required to ensure this.
- Further information regarding the impacts of the Scheme on Himalayan balsam and other invasive non-native plant species is required to identify any necessary mitigation and control measures.
- Further information is required, including a completed Defra Biodiversity Metric 3.1 Calculation Tool to review if the Scheme meets the 10% BNG target. A LEMP should be made one of the conditions.

The statement below, and associated documents, respond to the comments within the above Technical Note, to enable determination of the application.

Newton Marsh SSSI

The matters raised by Atkins in relation to Newton Marsh SSSI have now been addressed in the following document:

- Assessment of Potential Impacts to Newton Marsh SSSI, Technical Memorandum, Jacobs, 6 June 2023.

Comments from Natural England, dated 27 March 2023, include the following statements:

"Based on the plans submitted, Natural England considers that the proposed development will not have significant adverse impacts on designated sites and had no objection".

"Natural England has reviewed the Assessment of potential impacts upon Newton Marsh SSSI, which was submitted on the 13th of March 2023. Having considered the assessment Natural England advises that we concur with the assessment conclusions. Therefore, based on the plans submitted, Natural England considers that the proposed development will not damage or destroy the interest features for which the site has been notified and has no objection".

Lancaster Canal

The Canal and Rivers Trust support the proposed sheet piling underneath the proposed bridge. It is acknowledged that the proposed development would result in an unavoidable loss of marginal vegetation within Lancaster Canal. However, the Environmental Impact Assessment did not find the impacts to be significant.

To compensate for these unavoidable impacts, a new pond is proposed in the immediate vicinity of each affected canal bank (See Environmental Masterplan and Environmental Statement Table 6.4.1). Additional tree/woodland planting in the vicinity of the canal bridge (as suggested by Atkins) could adversely affect the integrity of the structure in the long-term and has therefore purposely been excluded. The scheme will provide overall biodiversity gains (see below) and The Canal and Rivers Trust acknowledge that the proposed landscaping will *"add valuable habitat to the overall location"* (CRT Planning response 31/10/22). As suggested by The Canal and Rivers Trust, affected marginal vegetation could be transplanted within the canal or into the proposed ponds. This detail can be addressed by planning condition.

Habitat creation details, a Construction Environmental Management Plan (CEMP) and a Landscape & Ecology Management Plan (LEMP) can all be submitted for approval by planning condition. These documents can address details such as timing of works including habitat creation, precautionary working methods including minimising disturbance of the canal and the control of invasive plants.

Brown Hare

Consideration of the mitigation hierarchy in respect of brown hare is now further described in a Technical Memorandum (Jacobs, 6th June 2023). In summary, the impacts on brown hare arise from the cumulative impacts of a number of

developments, including Planning Application LCC/2022/0049 and surrounding housing development (North West Preston strategic residential development area identified in the Preston City Local Plan). There is not an alternative location or scheme design that would avoid impacts on brown hare. No alterations to the alignment or reduction in footprint of the scheme would reduce the impacts on brown hare, given the cumulative impacts resulting from the wider North West Preston strategic residential development area.

The planting schemes associated with Planning Application LCC/2022/0049 will provide cover that could be exploited by brown hare. However, acquisition of land and/or agreements for the sensitive management of farmland for brown hare in the vicinity of the scheme will not be achievable owing to advancement of the North West Preston strategic residential development area.

Aquatic communities (including fish)

Further information regarding impacts of the Scheme on the aquatic communities/fish is now described in a Technical Memorandum (Jacobs, 6th June 2023). No significant impacts from the Scheme are predicted for fish. Consultation responses from the Environment Agency and the Canal and Rivers Trust do not appear to raise any objections in relation to aquatic communities/fish.

Great crested newts and Updated surveys of European protected species

The issues raised by Atkins in respect of great crested newts and other European Protected species appear to relate to the potential for future changes to population distribution. It is acknowledged that great crested newts could colonise suitable habitats from the wider area prior to commencement of the development and the distribution of other European protected species could also change.

The Environmental Statement provides sufficient information on populations of European Protected Species (including bats, otters and great crested newts) to enable the planning authority to discharge its statutory obligations under the Conservation of Species & Habitats Regulations 2017 (as amended) when determining the planning application. However, the possibility of changes in species distribution prior to commencement of development does need to be addressed. This can be dealt with through precautionary pre-construction repeat surveys for these species, to provide current data to inform the need for Natural England Licences. In the case of great crested newts district level licensing would also be an option. The need for these pre-construction survey updates can be addressed by planning condition.

Invasive non-native species

Invasive non-native plant species (such as Himalayan balsam) are present on the site as acknowledged within the planning submission. The distribution of such species could change prior to commencement of construction. Pre-construction survey updates will therefore be necessary in order to inform the necessary control measures. Detailed measures to prevent the spread of these species, to avoid any

breach of related legislation and to eradicate them from the site will be described in a Construction Environmental Management Plan (CEMP) and will be included within the contract specification for the scheme. Survey updates and agreement of necessary control measures within the CEMP and other construction documents can be addressed by planning condition.

Biodiversity Net Gain

The mandatory requirement for a development to provide 10% Biodiversity Net Gain is expected to apply to all new developments from November 2023. As such there is no statutory requirement for this scheme to provide 10% Biodiversity Net Gain. Nevertheless, this scheme aims to meet or exceed 10% Biodiversity Net Gain wherever possible. This is in excess of current requirements stated within the National Planning Policy Framework. The complete Defra Biodiversity Metric 3.1 Calculation Tool has been included as part of this response as evidence of the biodiversity gains that will be provided. Submission of a Landscape and Ecology Management Plan for the scheme can be addressed by planning condition.

Planning Conditions

All outstanding matters relating to ecology/biodiversity on this scheme can be addressed by planning condition. It is anticipated that this will include (among other things):

- A requirement for pre-construction ecology survey updates, including protected species, invasive species etc.
- Submission of documents for approval, including:
 - Updated constraints plan
 - Detailed design
 - Details of licences acquired
 - Construction Environmental Management Plan, including precautionary working measures, avoidance of any breach of wildlife protection legislation, invasive species management proposals etc.
 - Habitat creation, establishment and enhancement proposals
 - Details of species mitigation measures
 - Landscape and Ecology Management Plan
 - Ecological monitoring requirements.