

FAO: Jonathan Haine
Planning Application No: LCC/2023/0030
Location: Land off Bourbles Lane, Preesall
District: Wyre
Date: 15/01/2025

Proposals: The extraction and processing of sand and gravel including the construction of new site access roads, landscaping and screening bunds, minerals washing plant and other associated infrastructure with restoration to leisure end-uses, agricultural land and biodiversity enhancement, using imported inert fill.

Ecological Comments

I originally commented on this application on the 5th October 2023. The applicant has since provided updated documentation in relation to this application.

Surveys relating to the following species have now been adequately completed:

- Common toad
- Water vole
- Bats.

All other requirements from the previous consultation response remain valid and additional comments based on the updated information submitted are provided below.

Statutory designated sites

The development proposal lies within the SSSI Impact Risk Zone of the following statutory sites:

- Morecambe Bay Ramsar and Special Area of Conservation (SAC)
- Morecambe Bay and Duddon Estuary Special Protection Area (SPA)
- Lune estuary Site of Special Scientific Interest (SSSI)
- Wyre Estuary SSSI
- Wyre – Lune Marine Conservation Zone.

With regard to the above statutory designated sites, I will reserve comment on impacts on the statutory protected sites and the wildfowl they support, and the appropriateness of any mitigation, until such time as LCC has been provided with all necessary information required to undertake a Habitat Regulations Assessment (HRA). It is recommended that this is in the form of a shadow HRA and is required prior to determination of the application.

The shadow HRA should include information covering the following:

- More than 1% of the overwintering population of shelduck associated with the adjacent SPA/Ramsar were identified to be using the on-site lake which will be lost to development. Within the HRA it should be shown whether or not an adverse effect on the integrity of the SPA/Ramsar is likely to occur. Where such an adverse effect on the site cannot be ruled out, and no alternative solutions can be identified, then the project can only then proceed if there are imperative reasons of over-riding public interest and if the necessary compensatory measures can be secured¹.
- The updated overwintering bird report states that "use of the site by larger geese and swans was not recorded and the increase in enclosure of the fields on site would therefore not impact these species". However, this is not supported by the findings of the overwintering bird report which shows pink footed goose recorded on site in figures 12, 16 and 20.
- The updated overwintering bird report recorded populations consisting of more than 1% of the SPA population of curlew and shelduck. As these populations were identified on land outside the zone of influence it concludes impacts on these populations are unlikely, however curlew was recorded on site on at least 7 of the survey visits and little egret recorded on site on at least 1 visit. Further information should be provided on the potential of the site to support important populations of these birds and any necessary mitigation.
- In the planning response from the RSPB, as referenced in the overwintering bird report, the available desktop records for the site showed that within the zone of influence there had been a peak count of 7,000 pink footed geese (accounting for 44% of the SPA population) and a peak count of 78 whooper swan (accounting for 69% of the SPA population). It should be ensured that any predicted impacts or required mitigation are based on the likely peak count of these species.
- Copies of the desktop study data gathered for this assessment should be submitted for review.
- Natural England Technical Information Note TIN06 recommends that at least two full years of winter bird survey data are provided. At present one full year and one partial year of survey data is available. The applicant should provide robust justification for the lack of survey data and demonstrate it doesn't place any limitations on the conclusions of the HRA, or, where not possible, should undertake additional wintering bird surveys.
- It is stated in Regulation 25 submission of supplementary information response that a crusher is to be brought on to site periodically to crush oversize material. Is there any additional potential for noise or dust impacts from use of this machinery?
- It is stated in Regulation 25 submission that product stockpiles are to be created ranging between 3.6 and 10m in height. What will the effect of these mounds be on the flight/sight lines of birds using the site and surrounding functionally linked land.
- The applicant states within the regulation 25 response letter that "To complete the Habitat Regulations Assessment more fully a review of the potential water and dust discharges from site will need to be assessed". This review must be completed prior to determination of the application. In addition, noise impacts will need to be fully considered.

¹ Natural England Standard, Habitats Regulations Assessment (HRA), 02.04.2019 V1.4

- Section 4.6 of the ES (Ref: BCL/BFP/105) indicates that all mobile plant will operate with lighting fitted and that areas around the offices will be illuminated. Section 4.6 goes on to state that "the proposed lighting on the site proposed will comprise low emission light where possible and will be directional and shielded to minimise their off-site impact". Any lighting impacts which could be relevant to the HRA or could impact on any other protected or priority species should be made clear and detail provided on how impacts will be avoided.
- The HRA should take account of previous consultation responses provided by RSPB, Fylde Bird Club, Lancashire Wildlife Trust and Natural England.

Natural England identified in their previous response to this application (dated 16th October 2023) that a Marine Conservation Zone assessment is required for this application. This does not appear to have been undertaken and is required prior to determination.

Non-statutory designated sites

As discussed previously, the proposed development will result in the loss of part of Pilling Moss – Head Dyke BHS. The scheme should only be approved if Lancashire County Council is first satisfied that there is no satisfactory alternative location or design solution with a reduced ecological impact. It needs to be clearly demonstrated that the mitigation hierarchy (avoid/mitigate/remediate/compensate) has been applied to all elements of the scheme in accordance with the principles stated within the NPPF and the requirements of the Environment Act 2021. In particular it seems likely that the scheme could be revised to avoid or mitigate impacts on Pilling Moss – Head Dyke BHS. This should be considered and appropriate amendments made wherever possible.

Habitats

Hedgerows

It is stated by the applicant in the Regulation 25 Response Letter that "We are not sure about the exact length of the "hedgerows" to be removed as the hedges are patchy" and that "A detailed scheme of hedgerow removal can be provided as part of the post-determination planning conditions". However, to inform the biodiversity net gain assessment and accurately assess ecological impacts from the loss of hedgerows, details of hedgerow losses should be provided prior to determination of the application.

It is recommended that the hedgerow proposed across the two fields associated with field 3a and 3b in the remediation strategy is replaced with a post and rail/sheep net fence to maintain open sight lines preferred by overwintering birds. This should be kept as low as is appropriate in order to reduce predator perching potential.

Peat

Within the Regulation 25 response letter, the applicant states that "No peat was recorded in any of the boreholes drilled within the proposed extraction area. The overburden covering the sand and gravel generally comprised thin soils less than 0.8m thick". However, peat is listed in the borehole log for boreholes 21-02 and 21-11 which

appear to be within worked areas based on review of the borehole map (Ref: Plan PA23-3 v2) and the Phasing Scheme plan (Ref: Appx3-A/24).

LCC should, prior to determination, be satisfied that there will be no extraction of peat as part of these works in line with Paragraph 224 part (d) of the NPPF which states that planning authorities should not grant planning permission for peat extraction from new or extended sites.

Species

Amphibians

The plans show that the southernmost fishing lake is to be used as a silt lagoon throughout the works. Mitigation should be included to ensure there is no harm to common toad or other amphibians which may use the lake. Measures should also be included to ensure there is no unnecessary harm to fish. This should be conditioned in the Precautionary Working Methods Statement (PWMS), discussed in the previous response.

The applicant has advised that making one of the proposed lakes suitable for amphibians (having gently sloping margins (1:15 – 1:20 slopes) with a variety of water depths) would not be possible. I would therefore recommend the inclusion of a purpose-built wildlife pond, separate to the retained waterbodies capable of supporting amphibians and aquatic invertebrates. I recommend that this be designed in line with the Freshwater Habitats Trust pond creation toolkit.²

Brown Hare

The updated Ecological Impact Assessment identifies the site as having potential to be used by brown hare and a peak count of three hares was recorded. Mitigation has been proposed within the Ecological Impact Assessment, which should be adhered to throughout the works, and should also include measures to prevent harm to leverets during site clearance works which may present during the breeding season. This should be conditioned within the PWMS.

It is recommended that arable field margins are included within any post development design and are suitably managed to provide cover for brown hares.

Biodiversity net gain

At present a copy of the biodiversity metric spreadsheet has not been provided, upon receipt of a completed BNG metric spreadsheet there may be a requirement for further comments.

Following review of the information provided within the updated biodiversity net gain assessment, the following should be addressed within an amended report prior to determination to ensure there is no net loss of biodiversity:

- The BNG assessment has been completed using biodiversity metric 4. Although not subject to mandatory BNG requirements It is recommended that

² <https://freshwaterhabitats.org.uk/advice-resources/pond-creation-hub/pond-creation-toolkit/>

the application is reviewed using the latest statutory biodiversity metric to ensure no net loss requirements under NPPF are adhered to.

- Confirmation should be provided in the report that the author is suitably qualified and experienced to complete this assessment.
- No GIS reference is provided in the baseline metric table making it difficult to determine which habitat is being referenced.
- Areas of good condition other neutral grassland are included within the post development calculations, however there is no corresponding condition assessment for this habitat type in good condition. Detailed information should also be provided on how good condition other neutral grassland is to be achieved including details of the proposed planting substrate and its likely nutrient value.
- Within the post development calculations, the field referenced as point 11 on the proposed landscape plan is entered as other neutral grassland in moderate condition. However, it states in the latest landscape proposals that this will be returned to proposed arable/pasture farmland. Confirmation of the proposed use of this land should be provided and the BNG metric amended as appropriate.
- Further information should be provided on how water quality within the ditch will be enhanced to being of good quality.
- The BNG assessment shows medium urban and rural trees to be installed post development. In line with latest guidance all trees to be installed on site should be considered to be of a small size.
- It is considered unlikely that new rural trees will pass condition assessment criteria E (Natural ecological niches for vertebrates and invertebrates are present, such as presence of deadwood, cavities, ivy or loose bark).

Other matters

Section 4.10.15 of the EIA details a methodology for Cumulative Impact Assessment, however there is no evidence within the EIA that a cumulative impact assessment has been undertaken and no list of sites/projects considered. The EIA should be updated to include a cumulative impact assessment prior to determination.

Although not a purely ecological matter, the Arboricultural report provided covers only part of the site. An updated Arboricultural report is needed prior to approval which covers the entire redline boundary and details the appropriate root protection area for all trees.

Yours Sincerely

Ian Holland
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Lancashire County Council