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Your ref:

Our ref: AM/JH/KM

Date: 5 December 2017

Dear Ms Cottam

**PLANNING ACT 2008 – INFRASTRUCTURE PLANNING REGULATIONS 2017 –  
APPLICATION BY HIGHWAYS ENGLAND FOR DEVELOPMENT CONSENT FOR  
A585 WINDY HARBOUR TO SKIPOOL IMPROVEMENT**

Thank you for your letter of 9 November 2017 inviting the County Council's comments on a scoping report for the above proposed development.

The County Council is in general agreement with the proposed scope of the EIA as set out in table 6.1 of the scoping report with the following comments:

Section 2.6.3: The report makes reference to the proposal for two borrow pits to be developed to provide additional materials to construct the road. Figure 1.2 showing the general alignment and main features of the scheme only shows one borrow pit location and no details are provided as to the location of the second borrow pit. The ES should contain details of and assess the environmental impacts of all the major components of the scheme including any adjacent land which is to be used to source construction materials.

It is also noted from paragraph 2.6.3 that the borrow pit locations would be designed to allow the land to be returned back to agriculture on completion of excavation works. The means of restoration should be explained in the ES as presumably it will require some importation of additional material to achieve satisfactory levels following material being removed for use in the construction of the scheme.

Air Quality: Table 6-1 indicates that air quality assessment would cover air quality impacts of particulates and NO<sup>2</sup> during the operation of the scheme. Consideration should also be given to air quality impacts during construction particularly potential dust impacts on the nearest residents.

Ecology: It is noted that Highways England are in discussion with Natural England regarding the elements that can be scoped out of the ecology section of the EIA. However, the following comments have been received from the County Council's Ecologist:-

- Maintenance of biodiversity – the scheme objectives are listed at 2.2.1 but with the exception of 'reduce/minimise the impact on the wider environment particularly for air quality and noise, there are no ecological or biodiversity objectives. The scheme should include proposals to enhance biodiversity and the means by which this is achieved should be explained in the ES.
- Topics scoped into/out of assessment: the report identifies that a number of matters are to be scoped out of the ecological assessment but there is not sufficient evidence as to whether this is appropriate. The ES should provide evidence for any scoped out features/species. It is also considered important that any assessment does not just focus on important features/species but has an objective of safeguarding biodiversity in its entirety. Focusing only on features judged to be of district level value or above will not necessarily secure no net loss of biodiversity.
- Consultation and desk study: section 9.4 indicates that data requests were made to the Local Records Centre and Fylde Bird Club in September in September 2015. Whilst the scoping report proposes to carry out further consultation with selected organisations in 2017/18, there appears to be no intention to update the bird club or local records centre search. The ES should be informed by up to date information.
- Ecological Surveys: common toad has been scoped out from the ES. However, if no species specific survey has been carried out for this species, the survey may be unreliable to inform the assessment – it should not be assumed that surveys for GCN's will also cover common toad.
- Potential Effects – Construction – Paragraph 9.7.9 indicates that where the proposals would result in breaches of the Habitats Regulations, mitigation would be developed within a licence issued by Natural England. The ES needs to include sufficient information to demonstrate that offences are unavoidable or that the proposals are licensable.

The ES should include an assessment of construction impacts and proposals for avoidance, mitigation and compensation.

The ES should also address effects of European protected species which whilst potentially not constituting an offence could still result in adverse impacts such as habitat loss and severance of foraging routes for bats.

The Scoping report indicates that protection measures for other species would be addressed as part of the Construction Environment Management Plan. The ES should include at least an outline of the avoidance measures and precautionary working methods for 'other species' which will be included in the Construction Environment Management Plan. For example, common toads are known to be present in the area and the mitigation proposed for GCN's will not necessarily be adequate for common toads given the differing habitat requirements and ecology of these two species.

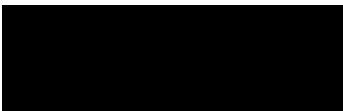
- Potential Effects – Operation – the ES should address the potential for operational effects such as barrier impacts, traffic collisions, lighting, noise and visual disturbance and pollution and the proposals should include mitigation and compensation for such operational impacts as appropriate.
- Habitats Regulations Assessment: the scoping report indicates that there would be no direct effect on the European Site although a further year's survey is being carried out which suggests that there is still some uncertainty at this stage as to the absence of effects. The HRA will need to assess the potential for both direct and indirect effects on statutory sites including loss of functionally linked land, disturbance to species within functionally linked land, potential pollution arising during construction and operation of the road and permanent and operations effects.

Paragraph 9.7.15 notes potential aquatic pathways to the European site and functionally linked land but states that the Construction Environmental Management Plan would ensure that there would be no likely significant effect. Whilst this may be the case, the ES/HRA should include sufficient detail of what specific mitigation measures would be required and implemented as part of the CEMP in order that these can be considered as part of the screening assessment.

- The Scoping Report notes that Highways England's Road Improvement Strategy aims to deliver net gain in biodiversity. The new road will need to include adequate landscaping and habitat creation, ideally beyond the zone of operational impacts to ensure proper delivery of biodiversity gain and to reduce operational mortality of sensitive species. Where currently open water courses are culverted, appropriate new lengths of open water course should be created to compensate. Any ponds or water bodies that are lost should also be replaced with a similar or greater number of new water bodies
- Monitoring of Impacts and success of mitigation: the Scoping report suggests that that monitoring will be dealt with as part of licencing requirements. However, monitoring should be proposed and secured also for non-licenced impacts and this should be reflected in the scoping report.

I would be grateful if the County Council's comments can be incorporated within the scoping opinion that is produced for this scheme; if you have any queries please contact Jonathan Haine on the above number.

Yours sincerely



Andrew Mullaney  
Head of Planning and Environment