

# **A585 Windy Harbour to Skippool Improvement Scheme**

**TR010035**

## **8.1 Draft Statement of Common Ground with Natural England**

APFP Regulation 5(2)(q)

Planning Act 2008

Infrastructure Planning (Applications: Prescribed  
Forms and Procedure) Regulations 2009

Volume 8

May 2019

Infrastructure Planning

Planning Act 2008

The Infrastructure Planning  
(Applications: Prescribed Forms and  
Procedure) Regulations 2009

**A585 Windy Harbour to Skippool  
Improvement Scheme**  
Development Consent Order 20[ ]

---

**STATEMENT OF COMMON GROUND WITH NATURAL  
ENGLAND**

---

<b>Regulation Number:</b>	Regulation 5(2)(q)
<b>Planning Inspectorate Scheme Reference</b>	TR010035
<b>Application Document Reference</b>	TR010035/APP/8.1
<b>Author:</b>	A585 Windy Harbour to Skippool Improvement Scheme Project Team, Highways England

<b>Version</b>	<b>Date</b>	<b>Status of Version</b>
Rev 0	May 2019	Deadline 2 Submission

**STATEMENT OF COMMON GROUND**

**This Statement of Common Ground has been prepared and agreed by (1) Highways England Company Limited and (2) Natural England**

**Signed.....**  
**Name (1)**  
**Project Manager**  
**On behalf of Highways England**  
**Date:**

**Signed.....**  
**Name (2)**  
**Position (2)**  
**On behalf of Natural England**  
**Date:**

*Page Left Intentionally Blank*

## CONTENTS

<b>1</b>	<b>Introduction</b> .....	<b>1</b>
1.1	Purpose of this document.....	1
1.2	Parties to this Statement of Common Ground.....	1
1.3	Terminology .....	1
<b>2</b>	<b>Record of Engagement</b> .....	<b>2</b>
<b>3</b>	<b>Statements of Common Ground</b> .....	<b>6</b>
3.1	Environmental Statement (ES).....	6
3.2	Habitat Regulations Assessment (HRA) Report.....	11
3.3	European Protected Species (EPS) Licensing .....	19
3.4	Draft Development Consent Order (DCO).....	19

## APPENDICES

<b>Appendix A – Record of Engagement</b> .....	
<b>Appendix B – Shooting Rights Figure</b> .....	

## LIST OF TABLES

Table 2-1: Record of Engagement.....	2
--------------------------------------	---

*Page Left Intentionally Blank*

## **1 INTRODUCTION**

### **1.1 Purpose of this document**

- 1.1.1 This Statement of Common Ground (SoCG) has been prepared in respect of the proposed A585 Windy Harbour to Skippool Improvement Scheme (the Application) made by Highways England to the Secretary of State for Transport (Secretary of State) for a Development Consent Order (DCO) under Section 37 of the Planning Act 2008.
- 1.1.2 This SoCG does not seek to replicate information which is available elsewhere within the Application documents. All documents are available in the deposit locations and/or the Planning Inspectorate's website.
- 1.1.3 The SoCG has been produced to confirm to the Examining Authority where agreement has been reached between the parties to it, and where agreement has not (yet) been reached. SoCGs are an established means in the planning process of allowing all parties to identify and so focus on specific issues that may need to be addressed during the examination.

### **1.2 Parties to this Statement of Common Ground**

- 1.2.1 This SoCG has been prepared by (1) Highways England as the Applicant and (2) Natural England.
- 1.2.2 Highways England became the Government-owned Strategic Highways Company on 1 April 2015. It is the highway authority in England for the strategic road network and has the necessary powers and duties to operate, manage, maintain and enhance the network. Regulatory powers remain with the Secretary of State. The legislation establishing Highways England made provision for all legal rights and obligations of the Highways Agency, including in respect of the Application, to be conferred upon or assumed by Highways England.
- 1.2.3 Natural England is an executive non-departmental public body sponsored by the Department for Environment, Food and Rural Affairs (Defra). Natural England is the government's advisor for the natural environment in England, helping to protect England's nature and landscape for people to enjoy and for the services they provide.

### **1.3 Terminology**

- 1.3.1 In the tables in Section 3 of this SoCG, 'Not Agreed' indicates a final position, and "Under discussion" where these points will be the subject of on-going discussion wherever possible to resolve, or refine, the extent of disagreement between the parties. "Agreed" indicates where the issue has been resolved.
- 1.3.2 It can be taken that any matters not specifically referred to in Section 3 of this SoCG are not of material interest or relevance to Natural England, and therefore have not been the subject of any discussions between the parties. As such, those matters can be read as agreed, only to the extent that they are either not of material interest or relevance to Natural England.

## 2 RECORD OF ENGAGEMENT

2.1.1 A summary of the meetings and correspondence that has taken place between Highways England and Natural England in relation to the Application is outlined in Table 2-1.

**Table 2-1: Record of Engagement**

Date	Form of correspondence	Appendix A reference	Key topics discussed and key outcomes (the topics should align with the Issues tables)
26 November 2015	Email	N/A	Initial consultation regarding potential impacts and proposed scope of bird surveys. (Refer to 16 December Discretionary Advice Service (DAS) Written Advice for details of these discussions).
3 December 2015	Teleconference		
11 December	Email		
14 December 2015	Teleconference		
16 December 2015	DAS Written Advice	1.1	Advice in relation to the required scope of bird survey work. The response encompasses information provided by emails dated 26 November and 3, 11, 14 December 2015. The advice provided details on potential impacts that should be considered, survey extents and possible mitigation/enhancement measures that could be considered.
2 November 2016	Email correspondence	1.2	Consultation in relation to the scope and agreement of wintering bird surveys. Natural England confirmed largely happy with proposed methodology but advised to include a dusk/dawn element.
28 November 2016	Email correspondence (details from Teleconference held on 10 Nov 2016)	1.3	Follow up from telephone conversation relating to current surveys completed and proposed survey effort for 2017, including updated wintering bird methodology. Natural England suggested amendments to bat, otter and water vole surveys and these were incorporated into the survey methodologies. Natural England requested further clarification on Great Crested Newt (GCN) surveys and wintering birds. All other surveys/current data was considered satisfactory in principle.
28 February 2017	Email correspondence	1.4	Additional information provided to Natural England regarding GCN and



Date	Form of correspondence	Appendix A reference	Key topics discussed and key outcomes (the topics should align with the Issues tables)
			<p>wintering birds as requested in email dated 28 November.</p> <p>Natural England agreement on wintering bird methodology.</p> <p>Natural England provided further advice in relation to the GCN survey and assessment.</p>
17 August 2017	Meeting	1.5	<p>Consultation meeting in relation to Habitat Regulations Assessment (HRA) to update Natural England on the HRA progress to date and to discuss mitigation proposals.</p>
6 November 2017	Email correspondence	1.6	<p>Email correspondence relating to ecological features to be scoped in for detailed assessment and those left out in scoping report. Also, consultation relating to the scope of GCN surveys</p>
9 February 2018	Meeting	1.7	<p>A meeting to discuss GCN licence, discussion on eDNA results, populations size class assessment results and rapid risk assessment, impact assessment results, licence type. A draft licence application to be submitted via the Pre-Screening Service prior to DCO for Natural England to agree in principle subject to application. Also, discussions around bat survey findings and licensing.</p>
26 February 2018	Email	1.8	<p>An email received from Natural England providing advice on potential impacts on designated or proposed designated sites, advice on scope of survey methodology or draft survey methodology, advice on the information for a draft HRA.</p>
17 April 2018	Meeting	1.9	<p>Consultation in relation to HRA to update Natural England on the HRA progress to date and emerging findings and mitigation proposals. Agreement of distance of 300m from the Scheme, for potential disturbance/ displacement effects.</p>
17 May 2018	Email correspondence (including comments)	1.10	<p>Response to consultation meeting of 17 April 2018. Comments on meeting minutes and additional advice in relation</p>

Date	Form of correspondence	Appendix A reference	Key topics discussed and key outcomes (the topics should align with the Issues tables)
	on meeting minutes from 17 April)		to shooting rights and calculating the waterbird assemblage.
5 June 2018	Teleconference	1.11	Consultation regarding bat licence and proposed mitigation (including HRA mitigation).
15 June 2018	Email (minutes of Teleconference meeting of 5 June and additional email comments)		A meeting to update Natural England on the HRA and bat and GCN licence progress to date. Explanation for why now proposing 1 area of mitigation (Area 1) and not including Area 2. Confirmed use of the new Highways England biodiversity matrix (April 2018). Seeking agreement on HRA conclusions and mitigation on bat and GCN licence application information. Approach to GCN mitigation outlined, discussions around potential bat boxes/brick locations.
15 June 2018	Email correspondence (comments on draft HRA)	1.12	Consultation in relation to the HRA. Agreement that no operational phase mitigation is required.
28 June 2018	Email correspondence	1.13	Agreement on nature of the proposed bat mitigation and advice on the type of bat boxes to be used.
2 July 2018	Email correspondence	1.14	Consultation in relation to the HRA. Agreement of size and location of mitigation area.
9 July 2018	Email correspondence	1.15	Confirmation of Natural England agreement on an amendment to the bat mitigation proposals.
12 October 2018	Email correspondence	1.16	Natural England confirmed agreement with the proposal to undertake a soil survey to inform the Soil Management Plan in advance of construction activity
24 October 2018	Email correspondence	1.17	Advice in relation to shooting rights over the Wyre Estuary Site of Special Scientific Interest (SSSI), confirming contact details for the Fylde Wildfowler Association who hold rights close to the proposed mitigation area.
14 November 2018	Email correspondence	1.18	Consultation response on the proposed mitigation area, Natural England in agreement with the size and location and further advice provided in relation to

Date	Form of correspondence	Appendix A reference	Key topics discussed and key outcomes (the topics should align with the Issues tables)
			the preferred cropping regime from the options presented within the mitigation strategy. Natural England confirmed the importance of removing potential for disturbance as a result of shooting close to the mitigation area.
25 April 2019	Email. Comments on updated HRA	1.19	<p>Comments received from Natural England on the HRA following updates made in response to Natural England's Relevant Representation dated 17 March 2019.</p> <p>Natural England confirmed agreement to the majority of the amendments. Further clarifications were requested in respect of water quality (specifically in relation to the Pollution Control Plan), night-time working (and associated measures included in the Record of Environmental Actions and Commitments), noise disturbance and the mitigation area.</p> <p>Comments raised have been addressed in Revision 2 of the HRA (document reference TR010035/APP/5.2 – Rev 2) submitted at Deadline 2.</p>
16 May 2019	Meeting	TBC	Meeting to discuss outstanding queries on the great crested newt and bat licences.

2.1.2 It is agreed that this is an accurate record of the key meetings and consultation undertaken between (1) Highways England and (2) Natural England in relation to the issues addressed in this SoCG.

### 3 STATEMENTS OF COMMON GROUND

#### 3.1 Environmental Statement (ES)

Matters of Agreement	Highways England in Agreement	Natural England in Agreement	Status
<b>Scope of the Assessment</b>			
<p>Section 8.3, paragraph 8.3.1 of ES Chapter 8: Biodiversity (document reference TR010035/APP/6.8) states that the assessment on biodiversity covers the following ecological receptors only:</p> <ul style="list-style-type: none"> <li>• Designated sites (including wintering and passage birds)</li> <li>• GCN</li> <li>• Breeding birds</li> <li>• Schedule 1 birds</li> <li>• Bats</li> <li>• Badgers</li> <li>• Otters</li> </ul> <p><i>Natural England agree with the scope of the assessment (refer to section 1.6 of Appendix A).</i></p>	Agreed	Agreed	<b>AGREED</b>
<p>ES Chapter 8: Biodiversity (document reference TR010035/APP/6.8) outlines that the following ecological receptors were scoped out of further assessment (Table 8-3):</p> <ul style="list-style-type: none"> <li>• River Wyre (watercourse)</li> <li>• Other (non-Section 41) habitats</li> <li>• Protected and notable plant species (including fungi)</li> <li>• Invasive flora</li> <li>• Aquatic invertebrates</li> <li>• Terrestrial invertebrates</li> <li>• Reptiles</li> <li>• Fish <i>spp</i></li> </ul>	Agreed	Agreed	<b>AGREED</b>

Matters of Agreement	Highways England in Agreement	Natural England in Agreement	Status
<ul style="list-style-type: none"> <li>• Other amphibian species (not including great crested newts)</li> <li>• Hedgehog</li> <li>• Brown hare</li> <li>• Water voles</li> </ul> <p><i>Natural England agree with the ecological receptors that were scoped out of the assessment (refer to section 1.6 of Appendix A).</i></p>			
<b>Methodology</b>			
<p>ES Chapter 8: Biodiversity (document reference TR010035/APP/6.8) paragraphs 8.3.4 to 8.3.7 (including Table 8-2) summarises the desk study and survey methodology. Detailed survey methodologies are presented in Technical Appendices 8.1 to 8.8. The surveys were carried out following standard methods and best practice guidance.</p> <p><i>Natural England agrees with the scope and methodologies adopted to undertake the surveys (refer to sections 1.1, 1.2, 1.3, 1.4 and 1.8 of Appendix A).</i></p>	Agreed	Agreed	<b>AGREED</b>
<p>ES Chapter 8: Biodiversity (document reference TR010035/APP/6.8) outlines the assessment methodology. The assessment methodology (paragraphs 8.3.9 to 8.3.23) has been undertaken in accordance with Design Manual for Roads and Bridges (DMRB) Volume 11, Section 3, Part 4 Ecology and Nature Conservation (Highways Agency, 1993) and Interim Advice Note (IAN) 130/10 Ecology and Nature Conservation: Criteria for Impact Assessment (Highways Agency, 2010). Where appropriate, the Chartered Institute of Ecology and Environmental Management (CIEEM) Guidelines have also been considered.</p>	Agreed	Agreed	<b>AGREED</b>

Matters of Agreement	Highways England in Agreement	Natural England in Agreement	Status
<i>Natural England agrees with the methodology adopted to undertake the assessment.</i>			
<b>Baseline</b>			
<p>Section 8.5 of ES Chapter 8: Biodiversity (document reference TR010035/APP/6.8) summarises the existing ecological baseline information identified during the desk study, consultations and field surveys. Full details of the field survey results are provided in Technical Appendices 8.1 to 8.8. The baseline reported in Chapter 8: Biodiversity and associated appendices clearly presents a summary of the existing and future ecological conditions.</p> <p><i>Natural England considers the baseline presented is appropriate</i></p>	Agreed	Agreed	<b>AGREED</b>
<b>Mitigation and Enhancement Measures</b>			
<p>Paragraphs 8.6.1 to 8.6.27 of ES Chapter 8: Biodiversity (document reference TR010035/APP/6.8) set out the construction and operational phase mitigation measures for the Scheme. Details of the mitigation will be secured through the Register of Environmental Actions and Commitments (REAC) (document reference TR010035/APP/7.3 – Rev 1).</p> <p><i>Natural England agrees with the mitigation measures proposed as outlined in Chapter 8: Biodiversity and the Outline CEMP (the REAC is an appendix of the Outline CEMP). <b>Note: Mitigation associated with the great crested newt and bat licences are considered separately in Section 3.3.</b></i></p>	Agreed	Agreed	<b>AGREED</b>
<p>Paragraphs 8.6.28 to 8.6.33 of ES Chapter 8: Biodiversity (document reference TR010035/APP/6.8) set out the enhancement measures which have been incorporated into the Scheme (as set out within the Enhancement Strategy appended to the Outline</p>	Agreed	Agreed	<b>AGREED</b>

Matters of Agreement	Highways England in Agreement	Natural England in Agreement	Status
<p>CEMP (document reference TR010035/APP/7.2 – Rev 1). The measures implemented demonstrate that the Scheme will have an overall biodiversity net gain.</p> <p><i>Natural England agrees with the enhancement measures which have been included in the Scheme. <b>Note: Enhancement associated with the great crested newt and bat licences are considered separately in Section 3.3.</b></i></p>			
<b>Residual Effects and Conclusions</b>			
<p>The Scheme’s residual effects are outlined in Section 8.7 of ES Chapter 8: Biodiversity (document reference TR010035/APP/6.8) in relation to biodiversity and have been predicted to be slightly negative, neutral or slightly positive, but not significant in terms of the EIA Regulations.</p> <p><i>Natural England agrees with the residual effects conclusions presented in the ES.</i></p>	Agreed	Agreed	<b>AGREED</b>
<b>Monitoring</b>			
<p>Section 8.8 of ES Chapter 8: Biodiversity (document reference TR010035/APP/6.8) sets out the monitoring requirements for the Scheme, which is secured through the REAC (document reference TR010035/APP/7.3 – Rev 1). Monitoring is not required to inform the accuracy of the assessment of effects; however, to ensure the successful implementation of mitigation measures, monitoring would be undertaken before, during and after the construction phase. The results of the monitoring would be reviewed to ensure that the mitigation measures for the Scheme continue to be appropriate and effective.</p>	Agreed	Agreed	<b>AGREED</b>

Matters of Agreement	Highways England in Agreement	Natural England in Agreement	Status
<i>Natural England agrees with the monitoring proposed within the ES.</i>			
<b>Other Environmental Statement Chapters</b>			
<p>Chapter 10: People and Communities (document reference TR010035/APP/6.10).</p> <p>Natural England confirmed agreement with the proposal to undertake an agricultural land survey to inform the production on the final Soil Management Plan (SMP) in advance of construction activity commencing rather than undertaking the agricultural land classification survey prior to the assessment in the ES being finalised. Most of the agricultural land under the Scheme is Grade 2 with a small area of Grade 3. Therefore, the results of an agricultural land survey undertaken pre-submission would not affect the results of the assessment.</p> <p><i>Natural England agrees with this proposal (refer to section 1.16 of Appendix A).</i></p>	Agreed	Agreed	<b>AGREED</b>



### 3.2 Habitat Regulations Assessment (HRA) Report

Matters of Agreement	Highways England in Agreement	Natural England in Agreement	Status
<b>STAGE 1: SCREENING</b>			
<b>Methodology</b>			
<p>Section 5.3 of the HRA (document reference TR010035/APP/5.4 – Rev 2) outlines the methodology adopted to undertake the screening stage of the HRA. This included a desk study exercise to identify European sites which the Scheme could affect and to identify potential impact pathways. The Screening Stage was undertaken in accordance with the Inspectorate’s Advice Note 10 (version 8, November 2017).</p> <p><i>Natural England agrees with methodology adopted for the Screening Stage.</i></p>	Agreed	Agreed	<b>AGREED</b>
<p>Field surveys to determine the baseline environment for the Scheme were conducted between 2016 and 2018 (refer to Section 5.4).</p> <p><i>The survey area and methodologies were agreed in consultation with Natural England in late 2016 (refer to section 1.2 of Appendix A).</i></p>	Agreed	Agreed	<b>AGREED</b>
<b>Screening Assessment Findings and Conclusions</b>			
<p>Table 7 shows the European sites identified at the Screening Stage. Potential impacts on 5 of the European sites (Table 5) were ruled out (Morecambe Bay SAC, Ribble and Alt Estuaries SPA, Ribble and Alt Estuaries Ramsar site, Liverpool Bay SPA and Shell Flat and Lune Deep SAC).</p> <p><i>Natural England agrees with the European sites and potential</i></p>	Agreed	Agreed	<b>AGREED</b>

Matters of Agreement	Highways England in Agreement	Natural England in Agreement	Status
<i>impacts screened out of further assessment (refer to section 1.8 of Appendix A).</i>			
<p>The Screening exercise concluded (Table 8) that potential impacts on 2 European sites could not be ruled out (Morecambe Bay and Duddon Estuary SPA and Morecambe Bay Ramsar site).</p> <p><i>Natural England agrees with the European sites screened in for further assessment.</i></p>	Agreed	Agreed	<b>AGREED</b>
<p>Section 6.6 sets out the screening of the qualifying features of the Morecambe Bay and Duddon Estuary SPA / Morecambe Bay Ramsar site. The qualifying features identified to be taken forward for further assessment included: pink-footed geese, curlew, lapwing, little egret and the overwintering waterbird assemblage (Table 11).</p> <p><i>Natural England agrees with the qualifying features taken through for further assessment (refer to section 1.9 of Appendix A).</i></p>	Agreed	Agreed	<b>AGREED</b>
<p>Section 6.8 sets out the screening of the potential impacts on the Morecambe Bay and Duddon Estuary SPA / Morecambe Bay Ramsar site. The potential impacts to be taken forward for further assessment included: disturbance / displacement (construction and operation), and water quality (construction only) (Table 12).</p> <p><i>Natural England agrees with the potential impacts taken through for further assessment.</i></p>	Agreed	Agreed	<b>AGREED</b>
<b>In-Combination Effects</b>			
<p>The in-combination assessment (Table 13) concluded no Likely Significant Effects (LSE) with 6 of the 7 plans / projects. Further assessment was required for Fleetwood – Thornton Area Action</p>	Agreed	Agreed	<b>AGREED</b>

Matters of Agreement	Highways England in Agreement	Natural England in Agreement	Status
<p>Plan (in relation to disturbance and water quality).</p> <p><i>Natural England agrees with the in-combination effects screened in and out of further assessment.</i></p>			
<b>STAGE 2: APPROPRIATE ASSESSMENT</b>			
<b>Methodology</b>			
<p>The Appropriate Assessment was undertaken in accordance with the Inspectorate's Advice Note 10 (version 8, November 2017). The HRA Report aims to provide the information required by the competent authorities (in this case the inspectorate) to enable them to undertake the Appropriate Assessment of the Scheme in accordance with Article 6(3) of the Habitats Directive.</p> <p><i>Natural England agrees HRA methodology adopted</i></p>	Agreed	Agreed	<b>AGREED</b>
<p>A disturbance / displacement distance of 300m has been used when considering potential noise and visual disturbance / displacement associated with the Scheme. Birds outside of the 300m buffer have been excluded from the assessment.</p> <p><i>Approach agreed in consultation with Natural England (refer to section 1.10 of Appendix A).</i></p>	Agreed	Agreed	<b>AGREED</b>
<p>In order to determine whether the area within 300m of the Scheme supported 1% or greater of the overwintering waterbird assemblage population, the peak count of each waterbird species (excluding gulls) utilising the habitats within 300m of the Scheme, was calculated (Table 18).</p>	Agreed	Agreed	<b>AGREED</b>

Matters of Agreement	Highways England in Agreement	Natural England in Agreement	Status
<p><i>This method for calculating the waterbird assemblage was agreed in consultation with Natural England (refer to section 1.9 of Appendix A).</i></p>			
<p><b>Appropriate Assessment Findings and Conclusions (construction phase)</b></p>			
<p>Paragraphs 7.4.6 to 7.4.43 outline the Appropriate Assessment associated with noise and visual disturbance. The assessment concludes that pink-footed geese, lapwing and curlew could be affected by noise and visual disturbance / displacement from the construction works and the potential for adverse effects on the integrity of the SPA / Ramsar site cannot be ruled out. Mitigation measures would therefore be implemented during the construction phase to provide alternative feeding habitats for these species through the provision and management of a bird mitigation area to the north west of the Scheme and adjacent to the River Wyre. No specific mitigation measures are required for little egret, or the over-wintering waterbird assemblage (however, they would also be able to utilise the mitigation area as a feeding resource should they wish to).</p> <p><i>Natural England is in agreement with this conclusion.</i></p>	<p>Agreed</p>	<p>Agreed</p>	<p><b>AGREED</b></p>
<p>Paragraphs 7.4.44 to 7.4.53 outline the Appropriate Assessment associated with loss of foraging habitat. The assessment concludes that whilst there would be a small amount of habitat loss as a result of the construction phase of the Scheme, it would not significantly reduce the available foraging habitat for species associated with the SPA / Ramsar site. Specific mitigation for loss of habitat is therefore not proposed. However, the mitigation measures put in place for disturbance / displacement during the construction phase of the Scheme, would provide suitable alternative foraging habitat for SPA</p>	<p>Agreed</p>	<p>Agreed</p>	<p><b>AGREED</b></p>

Matters of Agreement	Highways England in Agreement	Natural England in Agreement	Status
<p>/ Ramsar site species during the construction phase.</p> <p><i>Natural England is in agreement with this conclusion.</i></p>			
<p>Paragraphs 7.4.54 to 7.4.46 outline the Appropriate Assessment associated with water quality. The assessment concludes that (with mitigation in place as outlined in Appendix G of the Outline CEMP – Rev 1) there would be no adverse impacts on Morecambe Bay and Duddon Estuary SPA and Morecambe Bay Ramsar site.</p> <p><i>Natural England is in agreement with this conclusion.</i></p>	Agreed	Agreed	<b>AGREED</b>
<b>Construction phase mitigation and monitoring</b>			
<p>Table 20 sets out the mitigation measures for the Scheme incorporated within the Outline CEMP (document reference TR010035/APP/7.2 – Rev 1). Water quality mitigation is provided in Appendix G: Pollution Control Plan which will ensure the measures detailed in Table 20 are carried out.</p> <p><i>Natural England is in agreement with the principles of the mitigation measures proposed in Table 20</i></p>	Agreed	Agreed	<b>AGREED</b>
<p>The Bird Mitigation Strategy (appended to the Outline CEMP (document reference TR010035/APP/7.2 – Rev 1) sets out the details of the management of the Bird Mitigation Area for the duration of the construction phase of the Scheme.</p> <p>Highways England will secure temporary possession of the fields within and surrounding the Bird Mitigation Area as part of the DCO process. The parcels of land surrounding the Bird Mitigation Area to the east and southwest would be under the control of Highways England for the duration of the construction period (as indicated by</p>	Consultation ongoing with respect to agreements of shooting rights in and around the Mitigation Area; and the management of the Mitigation Area during construction.		<b>UNDER DISCUSSION</b>

Matters of Agreement	Highways England in Agreement	Natural England in Agreement	Status
<p>the light green areas on Figure 1 at Appendix B). No shooting would be permitted on the land under the control of Highways England during the construction period, including the Bird Mitigation Area and land surrounding the Bird Mitigation Area (shown as light green on Figure 1 at Appendix B). This will ensure birds can use the full extent of the Bird Mitigation Area.</p> <p>Highways England are in discussions with the Duchy of Lancaster to suspend sporting rights over the wintering period held by the Fylde Wildfowlers for 3 years over the land north of the Bird Mitigation Area which covers the River Wyre (refer to Figure 1 at Appendix B). This would ensure birds can utilise the full extent of the Bird Mitigation Area. Note: An agreement for 3 years, is on a precautionary basis to account for any significant delays to the start of works.</p> <p>Other parcels of land adjacent to the Bird Mitigation Area but outside the ownership / management of either the Duchy or Highways England will include the Wyre Way Recreational Route along the northern boundary of the Bird Mitigation Area (refer to Figure 1 at Appendix B) and a number of residential properties. The ownership the Wyre Way Recreational Route cannot be identified, however, Highways England is not aware of anyone having rights to shoot within this strip of land or within land adjacent to it. The owners / occupiers of residential properties identified on Figure 1 at Appendix B, were approached and asked if they or anyone else shot birds on their land and they confirmed that they did not.</p>			

Matters of Agreement	Highways England in Agreement	Natural England in Agreement	Status
<p><i>Subject to the agreement being finalised with the Duchy of Lancaster to suspend the Fylde Wildfowlers sporting rights adjacent to the Bird Mitigation Area, Natural England are content with the above.</i></p>			
<p>Monitoring would be undertaken during the construction phase of the Scheme. This would specifically look at the responses of birds to the Scheme in relation to the provision of alternative habitat for pink-footed geese, lapwing, curlew and little egret. The results of the monitoring would be regularly reviewed to ensure that the mitigation measures for the Scheme continue to be appropriate and effective. The monitoring would be secured through the REAC (document reference TR010035/APP/7.3 – Rev 1), and is outlined within the Outline CEMP (document reference TR010035/APP/7.2 – Rev 1) and Bird Mitigation Strategy appended to the Outline CEMP.</p> <p><i>Details of the monitoring strategy would be determined in consultation with Natural England.</i></p>	Agreed	Agreed	<b>AGREED</b>
<b>In-Combination Effects</b>			
<p>The in-combination assessment (Section 7.5) concluded that there would be no adverse in-combination affects associated with the Scheme and development which takes place within the Fleetwood – Thornton Area Action Plan area during the construction phase of the Scheme.</p> <p><i>Natural England is in agreement with this conclusion.</i></p>	Agreed	Agreed	<b>AGREED</b>
<b>Appropriate Assessment Findings and Conclusions (operational phase)</b>			
<p>Paragraphs 7.7.2 to 7.7.8 outline the Appropriate Assessment associated with disturbance / displacement. The assessment</p>	Agreed	Agreed	<b>AGREED</b>

Matters of Agreement	Highways England in Agreement	Natural England in Agreement	Status
<p>concludes that there would be no long-term effects from disturbance / displacement of the completed Scheme which would be significantly detrimental to the fulfilment of the conservation objectives for the SPA / Ramsar site. The Scheme could potentially have some net beneficial effects through the decrease in noise levels adjacent to the SPA / Ramsar site.</p> <p><i>Natural England is in agreement with this conclusion.</i></p>			
<p>Paragraphs 7.7.9 to 7.7.12 outline the Appropriate Assessment associated with loss of foraging habitat. The assessment concludes that the small-scale loss of less than 4ha would not be significantly detrimental to the fulfilment of the conservation objectives for the SPA / Ramsar site.</p> <p><i>Natural England is in agreement with this conclusion.</i></p>	Agreed	Agreed	<b>AGREED</b>
<p>No operational phase mitigation or monitoring are required.</p> <p><i>Natural England is in agreement with this conclusion (refer to section 1.12 of Appendix A).</i></p>	Agreed	Agreed	<b>AGREED</b>
<b>Overall Conclusion</b>			
<p>The Scheme would not prevent Morecambe Bay and Duddon Estuary SPA / Morecambe Bay Ramsar site from achieving their Conservation Objectives, and therefore there would be <b>no adverse effect on the integrity</b> of any European sites as a result of the Scheme, alone (with mitigation in place as detailed in the Outline CEMP – document reference TR010035/APP/7.2 – Rev 1) or in-combination with other plans and schemes. The need for a further examination of alternative designs, activities and process is therefore not considered necessary.</p>	Agreed	<b>Agreed in principle, but NE still needs to see and agree the final version of the bird mitigation strategy before this can be fully agreed</b> <b>16.05.19</b>	<b>UNDER DISCUSSION</b>



Matters of Agreement	Highways England in Agreement	Natural England in Agreement	Status
<i>Natural England are in agreement with this conclusion.</i>			

### 3.3 European Protected Species (EPS) Licensing

Licence	Natural England in agreement	Natural England in agreement	Status
A Letter of No Impediment will be issued by Natural England in due course for the draft bat licence.			<b>UNDER DISCUSSION</b>
A Letter of No Impediment will be issued by Natural England in due course for the draft great crested newt licence providing all comments raised at the meeting on the 16/05/2019 are addressed and accepted.			<b>UNDER DISCUSSION</b>

### 3.4 Draft Development Consent Order (DCO)

	Natural England in agreement	Natural England in agreement	Status
<i>Natural England has reviewed the draft DCO (document reference TR010035/APP/3.1) including all Articles and Requirements and agrees with its contents.</i>		<b>Not yet Agreed – comments made in Written Representation 16.05.19</b>	<b>UNDER DISCUSSION</b>

## Appendix A – Record of Engagement

## 1.1 16 DECEMBER 2015 – DAS WRITTEN ADVICE

Date: 16 December 2015  
Our ref: DAS 1931 – Case 10202\_172812\_A858  
Your ref: A585 route options



Lucy Fay (Arcadis)

**BY EMAIL ONLY**

Cc  
[commercialservices@naturalengland.org.uk](mailto:commercialservices@naturalengland.org.uk)  
Martina Girvan - Arcadis  
Andy Gregory - Arcadis  
Richard Bernhardt – Highways England (HE)  
Sophie Diver - HE

Customer Services  
Hornbeam House  
Crewe Business Park  
Electra Way  
Crewe  
Cheshire  
CW1 6GJ

0300 060 3900

Dear Lucy

**Discretionary Advice Service (Charged Advice)**

DAS 1931\_10202\_172812\_A858

**Development proposal and location:** A585 Windy Harbour to Skippool

Thank you for your consultation on the above dated 07 December 2015.

This advice is being provided as part of Natural England's Discretionary Advice Service. Arcadis has asked Natural England to provide advice upon:

- Potential impacts on designated sites
- Survey methodology
- Advice on significance in respect of the Habitat regulations Assessment.
- Advice on Functionally Linked Land)

Advice will be delivered via teleconference and written follow up

This advice is provided in accordance with the Quotation and Agreement dated 7 December 2015.

The following advice is based upon the information issued by Lucy Fay and Martina Girvan to Natural England - Emails of 26 November, 3 December, 11 December, and 14 December.

**The Wildlife and Countryside Act 1981 (as amended)**

**The Conservation of Habitats and Species Regulations 2010 (as amended)**

**Town and Country Planning (Development Management Procedure) (England) Order 2010 (as amended)**

**Protected Sites**

This proposal is in proximity to the following designated site for which development has the potential to impact;



- Wyre Estuary SSSI, which forms part of the Morecambe Bay SPA and Ramsar site and Morecambe Bay Special Area of Conservation (SAC) (approximately 260m north of the development site);

There are other designated sites where at least one of the interest features of the SPA is associated. Pink-footed geese are also an interest feature of the Ribble and Alt Estuary SPA and Martin Mere SPA. Given the location of this development, it is the advice of Natural England that that your development is unlikely to impact on these SPA's (and associated SSSI's) and hence will not require any further assessment.

SPAs, Ramsars and SACs are European designations, affording protection under the Conservation of Habitats and Species Regulations 2010, as amended (the 'Habitats Regulations'). In considering the European site interest, Natural England advises that you, as a competent authority under the provisions of the Habitats Regulations, should have regard for any potential impacts that a plan or project may have<sup>1</sup>. The Conservation objectives for each European site explain how the site should be restored and/or maintained and may be helpful in assessing what, if any, potential impacts a plan or project may have.

### SSSI Impact Risk Zones

The Town and Country Planning (Development Management Procedure) (England) Order 2015 requires local planning authorities to consult Natural England on "Development in or likely to affect a Site of Special Scientific Interest" (Schedule 4, w). Our SSSI Impact Risk Zones are a GIS dataset designed to be used during the planning application validation process to help local planning authorities decide when to consult Natural England on developments likely to affect a SSSI. The dataset and user guidance can be accessed from the [data.gov.uk](http://data.gov.uk) website.

### Functionally linked land and Likely Significant Effect (LSE)

The term 'functionally linked land' refers to the role or 'function' that land or sea beyond the boundary of a European site might fulfil in terms of ecologically supporting the populations for which the site was designated or classified. Such land is therefore 'linked' to the European site in question because it provides an important role in maintaining or restoring the population of qualifying species at favourable conservation status.

Functionally linked land could be anywhere outside the defined European sites boundary, where there is suitable habitat for roosting / loafing at high tide and foraging. It is not possible to provide a boundary around functionally linked land given the mobile nature of the interest feature of a European designated site and that it would be entirely impractical to attempt to designate or classify all of the land or sea that may conceivably be used by the interest feature.

Assessment of functionally linked land is important, as it needs to be considered in the Habitats Regulations Assessment (HRA). The concept of functional linkage is relevant to both the stage 1 'screening decision' and the stage 2 'integrity test' of the HRA. If effects on functionally linked land or sea are likely to have a significant effect on the population of species for which a European site was designated or classified, those effects must be considered fully in an HRA.

With regard to the assessment of Likely Significant Effect (LSE), the trigger for LSE should be 1% of the last five year mean peak for that bird species.

### Desk Study and Survey Methodology – Winter, Autumn, Spring Passage and Breeding

The information obtained from bird clubs such as Fylde Bird Club (FBC) are very useful but that they cannot be solely relied upon on its own, as these data is not based on systematic monitoring. During our teleconference call on 14 December, I advised you to speak directly with Paul Ellis of Fylde Bird Club to obtain some clarification on some of the entries in the bird club data with the aim to quantify/ obtain clarity on whether the records obtained in this area is a result of under-recording

or that the area in question is not known to be a regular location to find SPA birds across the passage/ winter/ spring period.

Given the limitations of the FBC data, I advised that surveys are likely to be required and I provided you with an indication of the level of survey effort we would be expecting to see. For the avoidance of doubt, I have detailed the level of survey effort below;

Vantage Point surveys (following [SNH methodologies<sup>1ii</sup>](#)). The site is designated for passage, breeding and wintering birds, therefore we would expect to see;

- weekly visits between September to November for autumn passage - Weekly count visits are advised given the high turnover of birds during migration,
- 2 surveys per month between October to March for wintering;
- weekly visits between March to mid-May for spring passage - Weekly count visits are advised given the high turnover of birds during migration

The surveys should cover different tide states – taking into account dawn and dusk to account for birds flying to and from High Tide roost. Observations should be conducted one hour before and one after dawn, dusk, and include, where feasible, times of poor visibility.

With regard to breeding bird surveys, we normally advise that an adapted Common Bird Census (CBC) method be utilised. In the strictest terms, the CBC method requires 10 survey visits where each visit takes you to within 50 m of each part of the site. We consider 10 to be excessive for development assessment purposes and hence advise that 4 to 5 visits are undertaken. Open fields can typically be surveyed from field boundaries and therefore would not require you to undertake surveys from within 50 m of each part of the site. The only exception to this would be for a site that contained woodland. However, if your ornithologist considers that the breeding birds surveys are not required; this must be backed up with evidence and justified reasoning for this survey being scoped out.

Whilst it is acknowledged that access to the land has not yet been sought, my advice to you would be to start doing the surveys as soon as practicable. The autumn passage survey period has gone and we are currently in the wintering bird period. If you miss the window for wintering and potentially spring passage then this will impact on HE's ability to submit the DCO at the end of 2017, with the appropriate amount of survey.

### Survey extents

We discussed the distance at which birds surveys should be undertaken. You should follow the guidance in Design Manual for Road and Bridges (DMRB), where it states that for an undefined route the study area should include the proposed route plus 500m on either side. I consider this distance to be an appropriate distance to consider those interest features of the above-designated sites. This advice is provided for SPA bird species only. You should ensure that consideration is given what distance criteria will be implemented for other flora and fauna that could be impacted by the development.

### Noise

During the call, you explained that noise behavioural monitoring assessment will be undertaken. I mentioned the work that Cutts et al has done in respect of noise and behaviour of waterfowl. Attached is the link to this research. I think potentially the methods that you discussed on the call may well have utilised this research;

- **Cutts, N; Phelps, A; Burdon, D. (2008). Construction and Waterfowl: Defining Sensitivity, Response, Impacts and Guidance. Report to Humber INCA. Institute of Estuarine and Coastal Studies, University of Hull**

### **Mitigation/ enhancement**

During the call you asked if there were any specific types of mitigation/ enhancement that you could consider for this development that could potentially feed into proposals already on the ground or in the pipeline. There are areas in which you could provide some enhancement/ mitigation but a lot would depend on you and HE are able/ prepared to go to. The Wyre Estuary site lead has suggested the following;

- Habitat improvements for SPA wintering birds
- Development and support towards a reduction in recreational disturbance
- Scrub and invasive species management around the saltmarshes
- Buying out the shooting rights around the estuary

As it is not yet understood the full implications of the proposed route for the A585 it is difficult to provide any more detail on what would be appropriate. If it were determined that the road would result in LSE, then the mitigation would need to be specific to those impacts. I think given the unknowns at this stage it would be best waiting until we know what we are dealing with. This is one subject that we would cover under an undefined scope Discretionary Advice Service contract as described below.

### **Discretionary Advice Service (DAS)**

This letter concludes Natural England's Advice within the Quotation and Agreement dated 7 December 2015.

During the call, I discussed the opportunity to set up an un-defined scope contract with you, to be used during the NSIP process for this development. Undefined scope contracts are used to enable flexibility for the customer when it is a large contract and the work to be done is not clear or too difficult to break down. The principle behind this is that the customer allocates a pot of money to be used by Natural England when HE and their consultants wish to obtain advice. Invoices will be sent out monthly advising what and when the advice was provided. The advice provided under the DAS contract will only be used during the non-statutory phases. I have provided a link to our DAS page below. However, it was asked whether I could give an indication of how many hours say a pot of money would last. If say £5000 were set aside, this would equate to 45 hours of an adviser.

<https://www.gov.uk/guidance/developers-get-environmental-advice-on-your-planning-proposals>

If you wish to enter in an undefined DAS contract, I do not expect you to complete a further DAS form. Assuming that all the details are correct (re invoicing etc) and remain valid as per the recent DAS request form all I would require from you would be an email confirmation that you wish to enter into an undefined scope DAS contract stating that you wish to receive advice on various topics throughout the NSIP process and advise on the amount of money you wish to set aside. I will then contact commercial service and get the contract set up, which will be issued to you alongside our Terms and Conditions.

I trust the above provides you with all the points we discussed on our call on 14 December 2015. For clarification of any points in this letter, please contact Claire Storey on 01904 608498.

I have attached a feedback form to the email and would welcome any comments you might have about the service offered in this letter.

The advice provided within the Discretionary Advice Service is the professional advice of the Natural England adviser named below. It is the best advice that can be given based on the information provided so far. Its quality and detail is dependent upon the quality and depth of the information, which has been provided. It does not constitute a statutory response or decision, which will be

Page 4 of 5



Natural England is accredited to the Cabinet Office Service Excellence Standard

made by Natural England acting corporately in its role as statutory consultee to the competent authority after an application has been submitted. The advice given is therefore not binding in any way and is provided without prejudice to the consideration of any statutory consultation response or decision, which may be made by Natural England in due course. The final judgement on any proposals by Natural England is reserved until an application is made and will be made on the information then available, including any modifications to the proposal made after receipt of discretionary advice. All pre-application advice is subject to review and revision in the light of changes in relevant considerations, including changes in relation to the facts, scientific knowledge/evidence, policy, guidance, or law. Natural England will not accept any liability for the accuracy, adequacy, or completeness of, nor will any express or implied warranty be given for, the advice. This exclusion does not extend to any fraudulent misrepresentation made by or on behalf of Natural England.

Yours sincerely

Claire Storey  
Sustainable Development Lead Adviser  
Cheshire, Greater Manchester, Merseyside and Lancashire Area Team

---

<sup>i</sup> Requirements are set out within Regulations 61 and 62 of the Habitats Regulations, where a series of steps and tests are followed for plans or projects that could potentially affect a European site. The steps and tests set out within Regulations 61 and 62 are commonly referred to as the 'Habitats Regulations Assessment' process.

The Government has produced core guidance for competent authorities and developers to assist with the Habitats Regulations Assessment process. This can be found on the Defra website. <http://www.defra.gov.uk/habitats-review/implementation/process-guidance/guidance/sites/>

<sup>ii</sup> Natural England recognise that the SNH guidance is written for impacts associated with wind turbines (collision risk) but it is acknowledged in the guidance (page 14) that VP surveys provides useful information and overview of bird usage of a site specifically in relation to potential disturbance and displacement. Natural England consider the use of the SNH guidance for VP is an appropriate methodology to be used for other developments that can impact on SPA birds.



## 1.2 2 November 2016 – Email

**From:** Knowles, Elizabeth D (NE) [<mailto:Elizabeth.Knowles@naturalengland.org.uk>]

**Sent:** 02 November 2016 13:09

**To:** Neil Madden <[Neil.Madden@arcadis.com](mailto:Neil.Madden@arcadis.com)>

**Subject:** RE: A585 Skippool to Windy Harbour

Hi Neil,

Thank you for your email.

This advice is being provided as part of Natural England's Discretionary Advice Service. Highways England has asked Natural England to provide advice upon:

- Advice on potential impacts on designated or proposed designated sites,
- Advice on scope of biological survey methodology or draft biological survey methodology,
- Advice on the information for a draft Habitats Regulations Assessment (HRA).

This advice is provided in accordance with the undefined scope contract quotation and agreement no. DAS2055 dated 03 March 2016.

The following advice is based upon the information within the attached email below dated 24 October 2016.

I have reviewed your survey methodology and have the following advice;

- You do need to consider dusk and dawn surveys. For sites which potentially affect birds moving between roost sites, observations should be considered 1 hour before and 1 hour after dusk and dawn during the respective bird survey season (ie. winter, spring and autumn passage). It is possible that these visits would coincide with the different tidal states but if they don't, I advise that the visits need to be carried out separately.
- The proposed VP and transect counts are welcomed, however, prior to undertaking the transects, I would expect you to first check the route for the presence of birds, as transect surveys have the potential to flush out birds thereby hindering good survey results.

Please let me know if you require any further clarification.

Liz

Elizabeth Knowles  
Lead Advisor, Planning Casework  
Lancashire Team  
Cheshire, Grtr Manchester, Merseyside & Lancashire Area Team  
Natural England  
2<sup>nd</sup> Floor, Arndale House  
Manchester, M4 3AQ  
Tel: 0208 225 7506

[www.gov.uk/natural-england](http://www.gov.uk/natural-england)

**We are here to secure a healthy natural environment for people to enjoy, where wildlife is protected and England's traditional landscapes are safeguarded for future generations.**

**From:** Neil Madden [<mailto:Neil.Madden@arcadis.com>]

**Sent:** 24 October 2016 12:04  
**To:** Hymas, Roy (NE)  
**Cc:** Knowles, Elizabeth D (NE)  
**Subject:** RE: A585 Skippool to Windy Harbour

Thanks Roy,

Hi Liz – I hope you are well.

I wondered if it would be possible/if you thought it was worthwhile, that we had a quick chat? Nothing too onerous, more a brief introduction?

We propose to send over a summary of the identified ecological features that require further investigation and the survey methodology proposed in the next week or so.

However, due to the time of the year we have started to the wintering bird surveys and are keen ensure the methodology is acceptable before we delve deeper into the survey season.

Clare Storey had recommended (in November 2015) that survey methodology is based on vantage point (VP) surveys developed by Scottish Natural Heritage (SNH) for modelling potential bird strikes at proposed wind farm sites. Our understanding of the site has since improved and owing to the addition of a substantial 'mitigation area' to the south of the Scheme, we have developed the survey methodology as follows:

- Weekly visits between mid-September to October for autumn passage in 2016 and 2017;
- Two surveys per month between November to March (2016-17 and 2017-18); and,
- Weekly visits between March to mid-May in both 2016 and 2017 for spring passage.

The study area is relatively flat and obtaining sufficient vantage over large areas is hindered by hedge and tree lines. For these reasons, the survey methodology has been adapted to include both transect and VP counts in order to ensure all suitable habitats are surveyed. For the purposes of these surveys, the study area (which encompasses an area within 500 m of the route corridor) has been divided into five separate 'survey areas' and each will be surveyed over fixed sessions of approximately three hours.

The primary aim of the original SNH VP methodology is to map flight directions and heights. As the main objective of our survey is to map wintering bird distribution on the ground, it is not deemed necessary to include a mixture of dawn and dusk surveys or to record flight heights (as stated within the SNH methodology). The surveys will however cover different tide states and as wide a range of weather conditions as possible. Flight lines would also still be mapped, as it will be helpful to gauge the directions of movement of birds from one place to another, and following flocks in flight will aid the observer in pinpointing destinations. Observers will record onto maps, as accurately as possible, the locations of all waterfowl together with, where possible, any other species or groupings of species they consider to be of interest, assigning a registration number to all records. On a separate recording sheet, they will record time, weather conditions, visibility, species, numbers and behaviour (feeding, roosting, loafing etc) against each registration number.

We would be very grateful if you could confirm whether this approach sounds acceptable or not?

Best regards,  
Neil

**Dr Neil Madden** BSc(Hons), MCIEEM | Principal Ecologist | [neil.madden@arcadis.com](mailto:neil.madden@arcadis.com)  
**Arcadis** | 5th Floor, 401 Faraday Street, Birchwood, Warrington | WA3 6GA | England  
[www.arcadis.com](http://www.arcadis.com)

### 1.3 28 November 2016 – Email

**From:** Knowles, Elizabeth D (NE) [<mailto:Elizabeth.Knowles@naturalengland.org.uk>]

**Sent:** 28 November 2016 15:54

**To:** Neil Madden <[Neil.Madden@arcadis.com](mailto:Neil.Madden@arcadis.com)>

**Cc:** Kate Burrows <[Kate.Burrows@arcadis.com](mailto:Kate.Burrows@arcadis.com)>; Nick Henderson <[Nicholas.Henderson@arcadis.com](mailto:Nicholas.Henderson@arcadis.com)>; David Hourd <[David.Hourd@arcadis.com](mailto:David.Hourd@arcadis.com)>; Stewart Lowther <[Stewart.Lowther@arcadis.com](mailto:Stewart.Lowther@arcadis.com)>; [Tristram.Bardrick@highwaysengland.co.uk](mailto:Tristram.Bardrick@highwaysengland.co.uk)

**Subject:** RE: DAS2055 - A585 Windy Harbour to Skippool, Lancashire – 177663

Hi Stewart,

This advice is being provided as part of Natural England's Discretionary Advice Service. Highways England has asked Natural England to provide advice upon:

- Advice on potential impacts on designated or proposed designated sites,
- Advice on scope of biological survey methodology or draft biological survey methodology,
- Advice on the information for a draft Habitats Regulations Assessment (HRA).

This advice is provided in accordance with the undefined scope contract quotation and agreement no. DAS2055 dated 03 March 2016.

Further to your email below, I have the following comments to make on the Ecology Survey Summary (Ref. HE548643-ARC-GEN-A585-TN-EN-2005 Version 3.0, Arcadis, 39 November 2016);

Aquatic Flora, Aquatic Invertebrates and Fish

Satisfactory in principle

Terrestrial Invertebrates

Satisfactory in principle

Great Crested Newts

You need to clarify where the 500m is being taken from. I would expect you to take the 500m measurement from the extent of the scheme boundary and not the centreline of the proposed road – offline option – ie. bypass to the south.

It is also not clear how many ponds are left to be surveyed – this should be clarified.

Reptiles

Satisfactory in principle

Wintering Birds

Your recommendations of weekly bird surveys do not correlate with what we have previously agreed and what is in your email below. This should be corrected.

Breeding Birds

Satisfactory in principle

Bats – Roosting

Satisfactory in principle

#### Bats - Activity

It is important to ensure that the transect/activity surveys capture bats flying across the current road as this will help to determine the type of mitigation required to ensure that severance is catered for within the design proposals. You could look at the survey effort for the A556 proposal because your Option 1 (bypass to the south) is also an offline proposal.

#### Otter and Water Vole

Consideration needs to be given as to when to carry out otter surveys. They can be present all year round but it is best to survey them when the vegetation is not too high. It is important that the water courses are not surveyed for at least two weeks following a flood event as field signs may have been washed away.

#### Badger

Satisfactory in principle

#### Protected Flora / Habitats

Satisfactory in principle

Please let me know if you require any further clarification.

Liz

Elizabeth Knowles  
Lead Advisor, Planning Casework  
Lancashire Team  
Cheshire, Grtr Manchester, Merseyside & Lancashire Area Team  
Natural England  
2<sup>nd</sup> Floor, Arndale House  
Manchester, M4 3AQ  
Tel: 0208 225 7506

[www.gov.uk/natural-england](http://www.gov.uk/natural-england)

**We are here to secure a healthy natural environment for people to enjoy, where wildlife is protected and England's traditional landscapes are safeguarded for future generations.**

**In an effort to reduce Natural England's carbon footprint, I will, wherever possible, avoid travelling to meetings and attend via audio, video or web conferencing.**

**From:** Neil Madden [<mailto:Neil.Madden@arcadis.com>]

**Sent:** 10 November 2016 19:32

**To:** Knowles, Elizabeth D (NE)

**Cc:** Kate Burrows; Nick Henderson; David Hourd; Stewart Lowther; [Tristram.Bardrick@highwaysengland.co.uk](mailto:Tristram.Bardrick@highwaysengland.co.uk)

**Subject:** DAS2055 - A585 Windy Harbour to Skippool, Lancashire – 177663

Hi Liz,

Thank you for the below email and for your time earlier.

As discussed, please find attached:

- 1) Ecology Survey Summary document that details the information we have currently obtained for the Scheme and the survey effort proposed for 2017;
- 2) Phase 1 habitat plan (NB: this is draft and may be subject to minor changes) – this is not attached for review, but we thought it would be useful to you whilst reviewing the survey methodology.

With regards to the wintering bird surveys, we intend to include dusk and dawn surveys as advised below (and indicated in an earlier email from Stewart) and we intend to update the attached once the survey effort is agreed with you/NE.

I am conscious that the survey season is already underway. It goes without saying that the survey methodology needs to be comprehensive, but we need to agree the survey effort quickly so that we can implement this this month/next week.

Day time surveys have been undertaken or are proposed for the following dates:

- Weekly from mid-September (23<sup>rd</sup> & 30<sup>th</sup>);
- Weekly in October (7<sup>th</sup>, 14<sup>th</sup>, 21<sup>st</sup> & 28<sup>th</sup>);
- Bi-weekly in November (11<sup>th</sup> & 25<sup>th</sup>), December, January, February;
- Weekly in March, April and up to mid-May.

We can supplement these with an additional dusk and dawn visits each month from November until the birds have left (i.e. up to mid-May but likely March/April depending on the results of the day time surveys).

We would extremely appreciate if you could confirm whether one dusk and dawn survey per month meets NE requirements?

Similarly (but not nearly as time critical), we would be grateful if you could review the proposed survey methodology for the additional species (and the species we have scoped out of further assessment) and indicate whether this is satisfactory in principle.

Thanks again for your assistance with this,

Best regards,  
Neil

**Dr Neil Madden** BSc(Hons), MCIEEM | Principal Ecologist | [neil.madden@arcadis.com](mailto:neil.madden@arcadis.com)  
**Arcadis** | 5th Floor, 401 Faraday Street, Birchwood, Warrington | WA3 6GA | England

[www.arcadis.com](http://www.arcadis.com)



**Be green, leave it on the screen.**

Arcadis Consulting (UK) Limited is a private limited company registered in England & Wales (registered number 02212959). Registered office at Arcadis House, 34 York Way, London, N1 9AB. Part of the Arcadis Group of Companies along with other entities in the UK.

## 1.4 28 February 2017 – Email

**From:** Knowles, Elizabeth D (NE) [<mailto:Elizabeth.Knowles@naturalengland.org.uk>]

**Sent:** 28 February 2017 10:54

**To:** Neil Madden <[Neil.Madden@arcadis.com](mailto:Neil.Madden@arcadis.com)>

**Cc:** Kate Burrows <[Kate.Burrows@arcadis.com](mailto:Kate.Burrows@arcadis.com)>; Nick Henderson <[Nicholas.Henderson@arcadis.com](mailto:Nicholas.Henderson@arcadis.com)>; David Hourd <[David.Hourd@arcadis.com](mailto:David.Hourd@arcadis.com)>; Stewart Lowther <[Stewart.Lowther@arcadis.com](mailto:Stewart.Lowther@arcadis.com)>; 'Tristram.Bardrick@highwaysengland.co.uk' <[Tristram.Bardrick@highwaysengland.co.uk](mailto:Tristram.Bardrick@highwaysengland.co.uk)>

**Subject:** RE: DAS2055 - A585 Windy Harbour to Skippool, Lancashire – 177663

**Importance:** High

Hi Neil,

This advice is being provided as part of Natural England's Discretionary Advice Service. Highways England has asked Natural England to provide advice upon:

- Advice on potential impacts on designated or proposed designated sites,
- Advice on scope of biological survey methodology or draft biological survey methodology,
- Advice on the information for a draft Habitats Regulations Assessment (HRA).

This advice is provided in accordance with the undefined scope contract quotation and agreement no. DAS2055 dated 03 March 2016.

Further to your email received on 12 December 2016 regarding the GCN surveys and bird surveys, I have received the following comments from the Wildlife Adviser regarding the GCN surveys;

Q1:

- As there is mention of two options for this proposal, it is presumed that things are still some way from works being implemented on site. It will be important to consider the age of any survey data when there is a clearer understanding of the work programme. If there is a significant gap between now and the construction occurring, then it may well be necessary for updated surveys to be carried out.
- P1, P52 and P53 are 40m-170m from the O1 route option (500m from S1). If option O1 is followed, all works in this section will be within the existing road structure and the nearest modifications of the road would be 300m to the east and south. The road is an existing barrier to dispersal to the south. However, if temporary amphibian fencing (TAF) is not used, it will be necessary to ensure a precautionary approach is in place to ensure that no suitable resting or hibernation opportunities are provided within the site that may encourage GCN into the works footprint.
- P36-40 and P48-51 – No surveys have been proposed (as this is poor quality habitat consisting of old landfill and improved grassland) but works will run through centre of this pond network. It's unclear just how unsuitable this habitat may be and as no eDNA surveys have been carried out, the presence of a GCN population is unknown. However, the works are only 60m from the nearest pond. The proposed modifications are minor and will take place within the road but what are these 'minor' works? It may be that a precautionary works approach could be used here but more information would be needed before it could be determined that no survey of these ponds is necessary.
- 8 ponds have not been surveyed due to private access issues but all are recommended for survey in 2017. If access cannot be gained, there may be a need for precautionary mitigation/a precautionary works approach. All evidence of the attempts to gain access needs to be included in any formal licence submission.
- Natural England are clear that the use of habitat suitability index scores (HSI) are not sufficient in themselves to discount ponds from a survey. In the case of P7A which has a below average score, but was positive from the eDNA survey, it is not considered acceptable at this stage to assess this as a

likely false positive. There are many occasions where ponds with below average HSI scores are found to support GCN.

- The level of survey required in relation to each pond i.e. whether presence/absence or population size class assessment, needs to be determined from the guidance set out in the GCN mitigation licence method statement based on the distance from the ponds and the amount of habitat being affected by the development.

Q2 – I am happy with your approach to the wintering bird surveys.

Please let me know if you require any further information.

Liz

Elizabeth Knowles  
Lead Advisor, Planning Casework  
Lancashire Team  
Cheshire, Grtr Manchester, Merseyside & Lancashire Area Team  
Natural England  
2<sup>nd</sup> Floor, Arndale House  
Manchester, M4 3AQ  
Tel: 0208 225 7506

[www.gov.uk/natural-england](http://www.gov.uk/natural-england)

**We are here to secure a healthy natural environment for people to enjoy, where wildlife is protected and England's traditional landscapes are safeguarded for future generations.**

**In an effort to reduce Natural England's carbon footprint, I will, wherever possible, avoid travelling to meetings and attend via audio, video or web conferencing.**

**From:** Neil Madden

**Sent:** 03 January 2017 08:35

**To:** 'Knowles, Elizabeth D (NE)' <[Elizabeth.Knowles@naturalengland.org.uk](mailto:Elizabeth.Knowles@naturalengland.org.uk)>

**Cc:** Kate Burrows <[Kate.Burrows@arcadis.com](mailto:Kate.Burrows@arcadis.com)>; Nick Henderson <[Nicholas.Henderson@arcadis.com](mailto:Nicholas.Henderson@arcadis.com)>; David Hourd <[David.Hourd@arcadis.com](mailto:David.Hourd@arcadis.com)>; Stewart Lowther <[Stewart.Lowther@arcadis.com](mailto:Stewart.Lowther@arcadis.com)>; 'Tristram.Bardrick@highwaysengland.co.uk' <[Tristram.Bardrick@highwaysengland.co.uk](mailto:Tristram.Bardrick@highwaysengland.co.uk)>

**Subject:** RE: DAS2055 - A585 Windy Harbour to Skippool, Lancashire – 177663

Good Morning Liz and Happy New Year,

Please find the attached plans with pond locations.

We have also mapped all ponds on google earth; I have attached the .kmz file just in case you/your colleges find this useful.

Best regards,  
Neil

**Dr Neil Madden** BSc(Hons), MCIEEM | Principal Ecologist | [neil.madden@arcadis.com](mailto:neil.madden@arcadis.com)  
**Arcadis** | 5th Floor, 401 Faraday Street, Birchwood, Warrington | WA3 6GA | England

[www.arcadis.com](http://www.arcadis.com)



Be green, leave it on the screen.

Arcadis Consulting (UK) Limited is a private limited company registered in England & Wales (registered number 02212959). Registered office at Arcadis House, 34 York Way, London, N1 9AB. Part of the Arcadis Group of Companies along with other entities in the UK.

**From:** Knowles, Elizabeth D (NE) [<mailto:Elizabeth.Knowles@naturalengland.org.uk>]

**Sent:** 22 December 2016 10:45

**To:** Neil Madden <[Neil.Madden@arcadis.com](mailto:Neil.Madden@arcadis.com)>

**Cc:** Kate Burrows <[Kate.Burrows@arcadis.com](mailto:Kate.Burrows@arcadis.com)>; Nick Henderson <[Nicholas.Henderson@arcadis.com](mailto:Nicholas.Henderson@arcadis.com)>; David Hourd <[David.Hourd@arcadis.com](mailto:David.Hourd@arcadis.com)>; Stewart Lowther <[Stewart.Lowther@arcadis.com](mailto:Stewart.Lowther@arcadis.com)>; 'Tristram.Bardrick@highwaysengland.co.uk' <[Tristram.Bardrick@highwaysengland.co.uk](mailto:Tristram.Bardrick@highwaysengland.co.uk)>

**Subject:** RE: DAS2055 - A585 Windy Harbour to Skippool, Lancashire – 177663

Hi Neil,

I have had confirmation this morning that the specialists will look at the GCN survey details in the New Year but they have asked if you have a map of the area showing where the ponds are in relation to the development – is this something you can send me?

Liz

Elizabeth Knowles  
Lead Advisor, Planning Casework  
Lancashire Team  
Cheshire, Grtr Manchester, Merseyside & Lancashire Area Team  
Natural England  
2<sup>nd</sup> Floor, Arndale House  
Manchester, M4 3AQ  
Tel: 0208 225 7506

[www.gov.uk/natural-england](http://www.gov.uk/natural-england)

**We are here to secure a healthy natural environment for people to enjoy, where wildlife is protected and England's traditional landscapes are safeguarded for future generations.**

**In an effort to reduce Natural England's carbon footprint, I will, wherever possible, avoid travelling to meetings and attend via audio, video or web conferencing.**

**From:** Neil Madden [<mailto:Neil.Madden@arcadis.com>]

**Sent:** 12 December 2016 09:57

**To:** Knowles, Elizabeth D (NE)

**Cc:** Kate Burrows; Nick Henderson; David Hourd; Stewart Lowther; 'Tristram.Bardrick@highwaysengland.co.uk'

**Subject:** FW: DAS2055 - A585 Windy Harbour to Skippool, Lancashire – 177663

Hi Liz,

Thank you for your email below. We note your suggestions for the Bats, Otter and Water Vole surveys and will ensure these are factored into the surveys.



With regards to the points you made relating to great crested newts and wintering birds, can I ask you have a read through the following please?

Apologies for the length of the great crested newt text - as expected for a project of this size, potential impacts to newts varies significantly in different locations and I thought best to justify the location of further survey and where we have scoped ponds out.

### **Great Crested Newts**

Please take this as confirmation that the 500 m study area was measured from the combined outmost extend of the footprint of both Scheme options.

In summary, it is recommended that further surveys are undertaken on a total of 28 ponds as follows: P5; P7A; P12A; P12C; P14; P15; P19; P20; P59; P61; P62A; P62B; P63; P64; P68; P69; P71; P77; P80; P81; P83; P96; P104; P107; P108; P109; P109A; and P110.

### **Defining the Study Area**

Natural England (2015) prefer a proportionate and risk-based approach, and thus provide guidance on reasonable survey boundaries. The Great Crested Newt Mitigation Guidelines (English Nature, 2001) explain that ponds up to around 500 m from a development might need to be surveyed. The decision on whether to survey depends primarily on how likely it is that the development would affect newts using those ponds. For developments resulting in habitat loss at distances over 250 m from the nearest pond, they advise that careful consideration is given as to whether a survey is appropriate. Surveys of land at this distance from ponds are normally appropriate when all of the following conditions are met: (a) maps, aerial photos, walk-over surveys or other data indicate that the pond(s) has potential to support a large great crested newt population, (b) the footprint contains particularly favourable habitat, especially if it constitutes the majority available locally, (c) the development would have a substantial negative effect on that habitat, and (d) there is an absence of dispersal barriers.

The Great Crested Newt Mitigation Guidelines (English Nature, 2001) also state that the following aspects should be considered when interpreting survey results to assess overall site importance (i.e. site status assessment):

- Quantitative: the number and size of populations;
- Qualitative: nature of the habitats and the population – how typical or unusual are they? Does breeding occur on site?
- Functional: how does the site contribute to the connectivity or fragmentation of populations in the area (are newts on the site part of a wider metapopulation?); and,
- Contextual: the local significance of the population, and its relation to wider great crested newt status.

The functional (and to a lesser degree the contextual) assessment can under certain circumstances, dictate the size of the survey area. All roads inhibit great crested newt movements to some degree. This can be from direct mortality (i.e. collisions with traffic). However, movements most often take place at night, probably to reduce the risk of predation and desiccation, so heavy rush-hour and daylight traffic is probably not relevant); avoidance behaviour (brought about from the dry, exposed nature of the road); and direct inhibition of movements from kerb stones, concrete safety barriers and gully pots. However, great crested newts do cross roads when circumstances dictate a need to (such as ponds close to roads or severing historic dispersal pathways), or when the population is sufficiently large to support wide range dispersal.

Based on the information obtained (i.e. from the desk based study, the Phase 1 Habitat Survey, HSI results and widespread nature and limited number of the positive eDNA results), it is reasonably unlikely that a large

population will be supported by the development footprint of either Option. Further, the proposed land takes do not include any particularly favourable habitat (with the exception of minor woodland and hedgerow losses) and the A585 and associated roads do, to varying degrees, provide existing barriers to potential dispersal. Therefore, for both Options, assessing ponds greater than 250 m appears un-proportionate/unnecessary with a few exceptions (described further below).

### **Ponds Scoped Out of Further Assessment**

As above, the existing landscape is already fragmented by the A585 and associated road networks. Consequently, the functional importance of most ponds within the study area is restricted and this allows several ponds to be scoped out of further detailed survey. A total of 120 ponds were identified within the study area. Ponds were typically associated with agricultural fields, occasionally within small copses and several were associated with residential gardens. Of these, the following were scoped out of further occupancy survey:

- The eDNA results produced a total of 56 negative results and with the exception of four ponds (P62A, P62B, P63 and P81; see below), these ponds have been scoped out of further assessment;
- P1, P52 and P53 are situated within or adjacent to the River Wyre Caravan Park, c. 40-170 m north of the O1 Option. Nevertheless, the Scheme does not require any modification outside of the existing road network at this location (the nearest modification is situated c. 300 m east and to the south of the existing A585). The ponds are also situated greater than 500 m and terrestrially isolated from the S1 Option;
- P16-P18, P21-P23 and P43-P47 are situated within the agricultural fields to the south of the A585/Scheme (both Options). They are all situated greater than 250 m from the Scheme (between c. 270 m and 430 m) and had very limited connectivity with the Scheme, restricted to field boundaries (hedgerows and ditches). Further, as the A585 provides an existing barrier to dispersal to the north of these ponds, and there are no favourable terrestrial habitats within the Scheme footprint at this location (i.e. no motivation for dispersal north of these pond/in the direction of the Scheme), the Scheme (both Options) is not considered to have the potential to impact upon the function of these ponds should Great Crested Newts be present;
- P25 is no longer present;
- P32-35A are situated within Windy Harbour Holiday Park approximately 180-420 m north of the S1 Option. Similarly to above, there is only limited connectivity between these ponds and the Scheme and the Scheme (both Options) is not considered to have the potential to impact upon the function of these ponds should Great Crested Newts be present;
- P36-P40 and P48-P51 are either situated within a former landfill site comprising short poor semi-improved grassland that was historically subject to high levels of disturbance, or within the agricultural fields with limited connectivity to the wider landscape. They are situated between 60 and 320 m from the eastern most extent of the Scheme where only minor modification is required to the existing road layout;
- P84-P88 are situated within pastureland approximately 180 to 430 m south of the S1 Option (they are terrestrially isolated from the O1 Option). Main Dyke is situated between the ponds and the Scheme and this is considered to provide a minor natural barrier to dispersal. Further, these ponds were surveyed by ERUP (2013) in support of a proposed residential development (Planning Reference: 15/00298/LMAJ). No Great Crested Newts were discovered during these surveys;
- P97, P98, P99, P100, P101, P102 and P103 are situated approximately 220 to 460 m west of the Scheme at the western most extent of the Scheme where only minor modification is required to the existing road layout; and,
- P106B is situated within the rear garden of a residential property off the A585 at Mains Lane. The property owner/occupier refused access during the 2016 surveys. Nevertheless, the pond is terrestrially isolated from both Options by the residential properties and existing A585.

### **Ponds Scoped In for Further Assessment**

The eDNA occupancy study yielded a positive result in six ponds (P7A, P12A, P59, P68, P77 and P83). The result

was inconclusive in two ponds (P5 and P61) and negative in the remaining waterbodies. Further surveys are needed to confirm the status of the positive and inconclusive ponds and to determine the population size class where presence is established (i.e. following the methodology provided by English Nature, 2001). The six ponds that yielded a positive result were as follows:

#### P7A (E338609 N439835)

P7A was situated within the grounds of a derelict residential garden, approximately 200 m north of the Scheme (both Options). The pond scored Below Average on the HSI and its small size and ephemeral nature were its major degeneracies. There are few ponds in close proximity of P7A and all within 500 m have been found not to support Great Crested Newts, with the exception of P32 which has not been surveyed but is an ornamental pond within Windy Harbour Holiday Park situated 420 m north east of P7A.

It is considered unlikely that P7A could support a sustainable Great Crested Newt population on its own and there does not appear to be any other ponds in proximity with it that support the species either. The presence of Great Crested Newts within this pond should be assumed until further survey proves otherwise; however, given its HSI score and isolated nature, it is assessed that there is low likelihood of presence and the positive eDNA result is likely a false positive.

#### P12A (E337648 N438997)

P12A was situated within the grounds of Singleton Park, approximately 115 m south of the S1 Option and 450 m south of the O1 Option. It scored Excellent on the HSI and thus there is a high likelihood that Great Crested Newts are present within this pond. Further, there are four ponds (P12C, P14, P15 and P20) within 500 m of this pond (and the Scheme) that the status is currently unknown; it is recommended that these ponds are surveyed along with P12A to determine the function of P12A (i.e. as part of a meta-population, if a Great Crested Newt population is discovered).

#### P59 (E337448 N439444)

P59 was situated within a well maintained residential garden, immediately adjacent to the O1 Options proposed modification to the A586 and approximately 250 m north of the S1 Option. It scored Poor on the HSI; it was well stocked with fish and this was its major degeneracy. As with P7A, the presence of Great Crested Newts within this pond should be assumed until further survey proves absence; however, given the poor suitability for Great Crested Newts, it is assessed that there is low likelihood of presence and the positive eDNA result is likely a false positive.

It should however be noted that an inconclusive eDNA result was obtained for P61 situated c. 250 m south of P59. It is recommended that P61 is also surveyed in 2017. There is sufficient connectivity between P59 and P61, and P61 and P12A, that these ponds could support the same meta-population. The historical records supplied by LERN and LARA also support a population of Great Crested Newts in this area. There are historical records (from 2005) of Great Crested Newt in the vicinity of P62A and P62B, and within P63. These ponds yielded a negative eDNA result during the 2016 surveys but it is recommended that they are surveyed again with P64 in 2017 to rule out the possibility of a false negative and determine whether a widespread population is present in this area.

#### P68 (E336816 N439865)

P68 was situated within a horse paddock that was also grazed by domestic geese and ducks. The proposed O1 Option would pass immediately adjacent to the pond along the existing A585, whereas the S1 Option would be situated approximately 300 m south. It scored Good on the HSI and thus there is a high likelihood that Great Crested Newts are present within it. It is recommended that this pond is subject to a population size class assessment during the 2017 survey period along with P69 and P71, which are situated within 130 m and were inaccessible for survey during 2016. P68 may support the same meta-population as P83 which also tested positive for Great Crested Newt DNA and is situated 250 m.

#### P77 (E336776 N440412)

P77 was situated within the centre of a large agricultural field, approximately 220 m east of the O1 Option (this pond is terrestrially isolated from the S1 Option). The pond was heavily grazed by wildfowl, contained fish and lacked terrestrial habitats, contributing towards its Poor HSI Score. Accordingly, it is assessed that there is low likelihood of presence within this pond and the positive eDNA result is likely a false positive. Nevertheless, it is recommended that further survey is undertaken in 2017 to confirm this and that the survey also includes P80 and P81.

P80 is situated further north and was not surveyed during the 2016 eDNA survey. P81 is situated within a residential garden to the south. A negative result was returned for the eDNA sample from this pond; however, it scored Excellent on the HSI and it is recommended that it is re-surveyed to rule out the possibility of a false negative.

#### P83 (E336779 N439597)

P83 was situated within a large residential garden approximately 80 m north of the S1 Option and 240 m south west of the O1 Option. It scored Good on the HSI and thus there is a high likelihood that Great Crested Newts are present within it. It is recommended that this pond is subject to a population size class assessment during the 2017 survey period along with P110, which was situated within the adjacent garden and was inaccessible for survey during 2016.

#### Inconclusive Results

Great Crested Newt DNA detection was inconclusive for two of the tested ponds as follows:

- P5 (E338021 N439726) was situated approximately 230 m and 420 m north of the O1 and S1 options, respectively. It scored Poor on the HSI, mainly because it was subject to high levels of wildfowl grazing and lacked terrestrial habitats. Accordingly, it is assessed that there is negligible likelihood of presence within this pond. Nevertheless, it is recommended that further surveys should be undertaken in 2017 to confirm this;
- P61 (E337352 N439194) was situated within a large agricultural field, immediately north of the S1 Option and approximately 245 m south of the O1 Option. It scored Below Average on the HSI, mainly due to its high fish content. It is considered unlikely that this pond supports Great Crested Newts, but as above, it does have connectivity with P12A and P59 (that had positive eDNA results) and P62A, P62B and P63 (that are assumed to have historically supported Great Crested Newts, based on the historical records).

#### Additional Ponds

Several ponds were not accessible during the 2016 eDNA surveys either because access was denied by, or we were unable to make contact with the landowner/occupier. Eight of these (P69, P71, P96, P107, P108, P109, P109A and P110) potentially have terrestrial connectivity with the Scheme (one or both Options) and it is recommended that they be surveyed in 2017.

P19 was dry at the time of the 2016 eDNA surveys and it is recommended that the status of this pond is assessed again in 2017. If the pond is found to be holding water, it is further recommended that the pond is the subject of an occupancy study.

**Q1. Please can you confirm that NE are satisfied with this approach, particularly with regards to the ponds that have been scoped out of further assessment?**

#### Wintering Birds

Apologies for the confusion. To clarify we propose to undertake a monthly dusk or dawn survey in addition to the daytime surveys that are already scheduled. To date we have undertaken surveys as follows:

- Mid- to end of September – 2 x daytime surveys;
- October – 4 x daytime surveys;
- November – 2 x daytime and 1 x dawn survey;
- December – 1 x daytime (another daytime and a dusk survey is scheduled for next week).

**Q2. Please can you confirm that NE are satisfied with this approach?**

Please do not hesitate to contact me should you wish to discuss anything through further.

Thanks again,

Best regards,  
Neil

**Dr Neil Madden** BSc(Hons), MCIEEM | Principal Ecologist | [neil.madden@arcadis.com](mailto:neil.madden@arcadis.com)  
**Arcadis** | 5th Floor, 401 Faraday Street, Birchwood, Warrington | WA3 6GA | England

[www.arcadis.com](http://www.arcadis.com)



**Be green, leave it on the screen.**

Arcadis Consulting (UK) Limited is a private limited company registered in England & Wales (registered number 02212959). Registered office at Arcadis House, 34 York Way, London, N1 9AB. Part of the Arcadis Group of Companies along with other entities in the UK.

## 1.5 17 August 2017 – Meeting

### MINUTES



working on behalf of



**MEETING TITLE**  
A585 Habitats Regulations Assessment (HRA) Stage 2

**CHAIR PERSON**  
D Hourd, Arcadis

**DATE** 17 August 2017  
**TIME** 1000-1200

**ORGANISER**  
D Hourd

**LOCATION**  
Pankhurst Room, Arcadis Manchester

**COPIES TO**  
N Henderson, K Burrows, T Rankin, P Thomas, N Madden,  
L Turley, J Weaver

**PARTICIPANTS**  
S Crombie, Highways England (HE) [SC]  
D Hopkin, HE [DHn]  
Tamlyn Embley, HE [TE]  
Liz Knowles, Natural England (NE) [LK]  
Emma Hawthorne, NE [EH]  
Stewart Lowther, Arcadis [SL]  
David Hourd, Arcadis [DHd]

**APOLOGIES**  
N Henderson, K Burrows

---

**ACTION** **WHO** **WHEN**

#### 1. Introductions and Purpose of Meeting

- 1.1 All introduced themselves.
- 1.2 DHd introduced purpose of meeting to update NE on scheme progress and to discuss HRA Screening findings and next steps.

#### 2. Scheme Update

- 2.1 DHn provided overview of scheme purpose, timings and latest developments.
- 2.2 DHn identified preferred route announcement (PRA) expected in September/October 2017 and, informally, the southern bypass is being recommended for this. DCO application expected October 2018 latest. Draft red line boundary required to be published very soon after PRA hence the importance to clarify if any potential mitigation land required at this stage as it would need to form part of the draft red line boundary.
- 2.3 NE confirmed they understood the proposals thus far.

#### 3. Update on HRA and Bird Surveys

- 3.1 SL gave introduction to background of the HRA Screening and conclusions so far. This included how the European Sites were identified and screened with reference to an earlier meeting with NE. The focus has, therefore, been on the Morecambe Bay Special Protection Area (SPA) and Ramsar site. He explained the site surveys to-date and summarised the main findings relating to pink footed geese (PFG) curlew and lapwing with reference to the survey results maps. SL concluded that whilst there were numerous records of these birds, numbers only exceeded the agreed "critical" threshold of 1% of the SPA population occasionally and irregularly, and that there did not appear to be any pattern to their distribution or

Arcadis Consulting (UK) Limited, 401 Faraday Street, Birchwood Park, Warrington, WA3 6GA, United Kingdom, T +44 (0)1925 800 700 [arcadis.com](http://arcadis.com)

Arcadis Consulting (UK) Limited is a private limited company registered in England & Wales (registered number 02212959). Registered Office at Arcadis House, 34 York Way, London, N1 9AB, UK. Part of the Arcadis Group of Companies along with other entities in the UK.

C:\Users\sjaj00182\AppData\Local\Microsoft\Windows\Temporary Internet Files\Content.Outlook\FD6F8STR\Meeting Notes from A585 HRA Meet with NE 15-8-17.docx  
C:\Users\sjaj00182\AppData\Local\Microsoft\Windows\Temporary Internet Files\Content.Outlook\FD6F8STR\Meeting Notes from A585 HRA Meet with NE 15-8-17.docx

Incorporating



ACTION	WHO	WHEN
<p>frequency which has led to the conclusion that the new road would not result in likely significant effects (LSE) on the Morecambe Bay SPA/Ramsar. SL also showed how we had surveyed a large area of mitigation potential (marked in blue) to the south of the scheme on a precautionary basis in case it was required. However, this area showed it was already being used by the bird species in question more than the area that would be affected by the scheme.</p>		
<p>3.2 NE agreed with the survey methodology and that it was comprehensive. NE requested sight of the full dataset of bird survey results.</p>	SL to provide.	Via email by end August.
<p>3.3 NE suggested that for the next season of surveys, it will only be necessary to survey a smaller corridor around the preferred route – 300m. The wider survey data is still relevant as background to-date but we should now focus more tightly on the areas potentially affected.</p>	SL to discuss scope of next survey with Neil Madden and team.	
<p>3.4 EH asked if the scheme was likely to be constructed in sections to spread out any potential disturbance effects. SC suggested that this was unlikely as it was usual to first clear the entire route and install haul roads, compounds etc. The rest of the construction programme is unknown at this stage. It was therefore better to assume a worst-case that all areas of the scheme would be disturbed at the same time during construction.</p>		
<p>3.5 NE asked if we could also review bird club data and engage a contact at the bird clubs to help provide more locational accuracy of the desk-study records. SL confirmed we have looked at bird club data and contacts at the bird clubs had thus far been unwilling to get involved in this level of detail. Arcadis will confirm if any further location detail had been obtained for their work with Wyre Council's Local Plan HRA.</p>	SL to discuss with Liz Turley and Jo Weaver about including detailed bird club data on the maps for this HRA.	For Stage 3 HRA.
<p>3.6 NE also asked if we had used some recent bird data in the area collated by Manchester Metropolitan University (MMU). SL/DHd confirmed we were not aware of this from our work with Wyre Council but it sounded useful. NE to request that Janet Baguley at NE passes this on to the team.</p>	LK/EH to ask Janet Baguley to provide Arcadis with the MMU data.	ASAP
<p><b>4. Discussion around HRA Findings and Mitigation</b></p>		
<p>4.1 NE made a distinction between the effects and potential mitigation at the construction phase and those at the operational phase and it may be necessary to consider mitigation for both stages. No reason why this could not be the same area if possible. SL discussed how measures such as screening and appropriate Code of Construction Practices such as the Construction Environmental Management Plan (CEMP) would be used to minimise disturbance during construction. NE said this information would need to be included in the final HRA. However, it may be simpler to focus construction mitigation on a distinct mitigation area instead.</p>		
<p>4.2 It was agreed that it would be easier for HE to manage and obtain the mitigation area if it was close to the scheme, so long as it was away from areas of key disturbance such as busy</p>		

ACTION	WHO	WHEN
<p>junctions. Together with the results of the surveys to-date which show that the 'blue area' is already heavily used by the birds of interest, it was agreed that there should be a greater focus on looking for the potential mitigation area near to/adjacent to the scheme.</p>		
<p>4.3 Consequently, opportunities should be sought to combine this mitigation with other environmental mitigation (e.g. landscaping, other ecological mitigation and drainage) where possible. NE are keen to promote biodiversity enhancements in general. SC confirmed that we can only include land in the DCO for mitigation rather than enhancement. However, NE offered to assist in the general discussions around these measures going forward as part of the DAS agreement.</p>		
<p>4.4 SC highlighted the potential link between the mitigation area and the scheme drainage design where there may be potential to retain wetter fields or even drainage features such as balancing ponds as part of this. The drainage details were not sufficiently known at the meeting to discuss this further but Arcadis committed to finding out afterwards and arranging a meeting of their specialists (ecology, drainage, landscape) to help develop some options.</p>	<p>SL and DHd to arrange meeting of specialists to identify options ASAP</p>	<p>ASAP in August.</p>
<p>4.5 LK mentioned that it would be necessary to include in the HRA reference to potential impacts on water course pollution, sedimentation etc. SL confirmed this has been/will be considered.</p>	<p>SL to ensure this is covered in HRA going forward.</p>	
<p><b>5. Next Steps</b></p>		
<p>5.1 It was agreed that at Stage 3, it was likely that the HRA should include the Appropriate Assessment stage.</p>		
<p>5.2 Potential mitigation area options to be defined ASAP to feed into draft red line.</p>	<p>SL</p>	<p>ASAP before PRA.</p>
<p>5.3 Arrange a follow-up meeting with NE in Spring 2018 following second round of winter bird surveys. Also maintain liaison with NE regarding potential mitigation areas and scope for wider biodiversity benefits.</p>	<p>DHd</p>	<p>2018</p>
<p>5.4 SC confirmed that she is happy to sign off the Stage 2 HRA subject to inclusion of the current minor updates and a copy of these meeting notes being appended.</p>	<p>SL to finalise document</p>	<p>Following agreement of these notes</p>
<p>Enc. [Click to type Enclosures or delete]</p>		



## 1.6 6 November 2017 – Email

Hi Pete

This advice is being provided as part of Natural England's Discretionary Advice Service. Highways England has asked Natural England to provide advice upon:

- Advice on potential impacts on designated or proposed designated sites,
- Advice on scope of biological survey methodology or draft biological survey methodology,
- Advice on the information for a draft Habitats Regulations Assessment (HRA).

This advice is provided in accordance with the undefined scope contract quotation and agreement no. DAS2055 dated 03 March 2016.

Further to your email below and following consultation with our Senior Wildlife Adviser, I can confirm that we are satisfied with the current scope and the work completed so far. We have previously raised the importance of ensuring that the baseline data is kept up-to-date and we are pleased that this has been noted and further GCN surveys are anticipated prior to construction. It is important that the baseline data is kept up to date and used to inform future planning and construction of the scheme.

Liz

Elizabeth Knowles  
Lead Advisor, Planning Casework  
Coast and Marine Team  
Cheshire, Grtr Manchester, Merseyside & Lancashire Area Team  
Natural England  
2<sup>nd</sup> Floor, Arndale House  
Manchester, M4 3AQ  
Tel: 0208 225 7506

[www.gov.uk/natural-england](http://www.gov.uk/natural-england)

**We are here to secure a healthy natural environment for people to enjoy, where wildlife is protected and England's traditional landscapes are safeguarded for future generations.**

**In an effort to reduce Natural England's carbon footprint, I will, wherever possible, avoid travelling to meetings and attend via audio, video or web conferencing.**

**From:** Pete Owens [<mailto:Pete.Owens@arcadis.com>]

**Sent:** 20 November 2017 15:30

**To:** Knowles, Elizabeth D (NE) <[Elizabeth.Knowles@naturalengland.org.uk](mailto:Elizabeth.Knowles@naturalengland.org.uk)>

**Cc:** Stewart Lowther <[Stewart.Lowther@arcadis.com](mailto:Stewart.Lowther@arcadis.com)>; David Hourd <[David.Hourd@arcadis.com](mailto:David.Hourd@arcadis.com)>; Kate Burrows <[Kate.Burrows@arcadis.com](mailto:Kate.Burrows@arcadis.com)>; Neil Madden <[Neil.Madden@arcadis.com](mailto:Neil.Madden@arcadis.com)>; Nick Henderson <[Nicholas.Henderson@arcadis.com](mailto:Nicholas.Henderson@arcadis.com)>; David Hopkin <[david.hopkin@highwaysengland.co.uk](mailto:david.hopkin@highwaysengland.co.uk)>

**Subject:** RE: DAS2055 - A585 Windy Harbour to Skippool, Lancashire – 177663

Hi Liz,

Thank you for your email. I'm pleased that we're in agreement on the scope of the receptors for the Environmental Statement.

Further to my previous email I have prepared an update on the great crested newt surveys:

The preferred route Option, the Southern Bypass Option (S1), for the A585 project has recently been announced by Highways England. So, I thought now would be a good time to respond to the comments, in your previous email (dated 28 February 2017), from the Wildlife Advisor in relation to great crested newts, as discussions can now be informed by the refined route Option and the additional survey data from the 2017 season.

Attached is a figure showing the route option being taken forward. For convenience I have copied here the comments from your previous email; responses to each comment follow in turn, in red.

- As there is mention of two options for this proposal, it is presumed that things are still some way from works being implemented on site. It will be important to consider the age of any survey data when there is a clearer understanding of the work programme. If there is a significant gap between now and the construction occurring, then it may well be necessary for updated surveys to be carried out.
- A single option, S1, is now being taken forward. Construction is currently scheduled for March 2020, so the comment relating to the age of data is still relevant. The age of data will be considered throughout the work programme (noting the different requirements of pre-application and construction phases). Due to the timeframe between now and construction additional surveys to update the baseline, or to support an EPSL application, are anticipated.
- P1, P52 and P53 are 40m-170m from the O1 route option (500m from S1). If option O1 is followed, all works in this section will be within the existing road structure and the nearest modifications of the road would be 300m to the east and south. The road is an existing barrier to dispersal to the south. However, if temporary amphibian fencing (TAF) is not used, it will be necessary to ensure a precautionary approach is in place to ensure that no suitable resting or hibernation opportunities are provided within the site that may encourage GCN into the works footprint.
- Option O1 is no longer being considered; however, minor works within the footprint of the existing road scheme may still be required for the S1 proposals. Potential impacts from these minor works would be considered fully on a case-by-case basis. Mitigation measures, including consideration of TAF will be considered during the production of the Environmental Statement. All necessary mitigation measures during construction would be detailed in the site-specific CEMP produced in support of the Scheme.
- P36-40 and P48-51 – No surveys have been proposed (as this is poor-quality habitat consisting of old landfill and improved grassland) but works will run through centre of this pond network. It's unclear just how unsuitable this habitat may be and as no eDNA surveys have been carried out, the presence of a GCN population is unknown. However, the works are only 60m from the nearest pond. The proposed modifications are minor and will take place within the road but what are these 'minor' works? It may be that a precautionary works approach could be used here but more information would be needed before it could be determined that no survey of these ponds is necessary.
- In addition to the poor habitat quality, reasoning for not proposing occupancy surveys includes three main aspects: poor habitat connectivity, minor nature of works and distance from confirmed GCN ponds.

#### **Poor habitat connectivity**

Windy Harbour Junction is a recently-constructed, wide junction. New sections of the junction are lined on all sides by a combined kerb and drainage, which, due to design, result in a greater likelihood of amphibians passing in to the drainage system than successfully navigating past the kerb. Due to the scale of the junction and the drainage design, the junction is considered to be a substantial barrier to GCN dispersal.

#### **Small scale of works**

The works proposed in closest proximity to P36-40 and P48-51 are relatively minor. The road

approaching the Windy Harbour Junction will be upgraded to dual carriageway; works to facilitate this upgrade will be undertaken within the footprint of the existing road. Works within the footprint of the existing road may include: road resurfacing; and re-positioning of street lights, traffic signage, traffic lights, etc. The southern extent of the road will be extended to accommodate the new wider layout. As the existing road is likely a substantial constraint to dispersal, in the unlikely event that a large GCN population were present in the P36–40 and P48–51 cluster, impacts to GCN in these ponds would still be highly unlikely to occur. Please note that the blue Scheme boundary on the attached figure illustrates the existing road layout at the Windy Harbour Junction; no works are proposed outside the red DCO Boundary.

#### **Distance from confirmed GCN**

The nearest pond to the P36–40 and P48–51 cluster in which GCN were confirmed is approximately 800m to the west of P38, and GCN were not recorded in any of the intervening ponds between P38 and the P36–40 and P48–51 cluster.

The combination of factors outlined above suggest impacts to GCN in the vicinity of P36–40 would be highly unlikely and precautionary measures would therefore be appropriate and proportionate to the level of risk. Further surveys to inform this conclusion are considered unnecessary.

- 8 ponds have not been surveyed due to private access issues but all are recommended for survey in 2017. If access cannot be gained, there may be a need for precautionary mitigation/a precautionary works approach. All evidence of the attempts to gain access needs to be included in any formal licence submission.
- In 2017, access was obtained to six of the eight ponds. The only ponds that remain un-surveyed are P109 and P109A, situated c. 150m and 50m, respectively, from the Scheme Option. Attempts to contact the landowner have been documented, details of which would be provided in support of an EPSL application, if applicable. The minor limitations associated with the absence of survey data for these two ponds will be factored in to the assessment of effects and the development of mitigation proposals.
- Natural England are clear that the use of habitat suitability index scores (HSI) are not sufficient in themselves to discount ponds from a survey. In the case of P7A which has a below average score, but was positive from the eDNA survey, it is not considered acceptable at this stage to assess this as a likely false positive. There are many occasions where ponds with below average HSI scores are found to support GCN.
- We agree with this and had always planned to survey P7A using traditional occupancy methods in 2017. As eDNA had provided a positive result for GCN in P7A, six surveys using traditional presence/absence methods were scheduled. P7A was however dry by the 5<sup>th</sup> visit, at which time surveys was ceased on this pond. No GCN were recorded using traditional methods.
- The level of survey required in relation to each pond i.e. whether presence/absence or population size class assessment, needs to be determined from the guidance set out in the GCN mitigation licence method statement based on the distance from the ponds and the amount of habitat being affected by the development.
- **Noted.**

I trust the information provided above is sufficient to satisfy the concerns of Natural England relating to the scope of GCN surveys conducted. If you would like any additional information then please don't hesitate to contact me. Otherwise, would you please confirm whether Natural England is happy with the scope of work completed?

Thanks

Pete

**Pete Owens** BSc(Hons) MSc MCIEEM | Principal Ecologist | [pete.owens@Arcadis.com](mailto:pete.owens@Arcadis.com)  
**Arcadis** | 5th Floor, 401 Faraday Street, Birchwood, Warrington | WA3 6GA | England  
[www.arcadis.com](http://www.arcadis.com)



**Be green, leave it on the screen.**

Arcadis Consulting (UK) Limited is a private limited company registered in England & Wales (registered number 02212959). Registered office at Arcadis House, 34 York Way, London, N1 9AB. Part of the Arcadis Group of Companies along with other entities in the UK

**From:** Knowles, Elizabeth D (NE) [<mailto:Elizabeth.Knowles@naturalengland.org.uk>]  
**Sent:** 17 November 2017 14:25  
**To:** Pete Owens  
**Cc:** Stewart Lowther ; David Hourd ; Kate Burrows ; Neil Madden ; Nick Henderson ; David Hopkin  
**Subject:** RE: DAS2055 - A585 Windy Harbour to Skippool, Lancashire – 177663

Hi Pete

This advice is being provided as part of Natural England's Discretionary Advice Service. Highways England has asked Natural England to provide advice upon:

- Advice on potential impacts on designated or proposed designated sites,
- Advice on scope of biological survey methodology or draft biological survey methodology,
- Advice on the information for a draft Habitats Regulations Assessment (HRA).

This advice is provided in accordance with the undefined scope contract quotation and agreement no. DAS2055 dated 03 March 2016.

Further to your email below, I can confirm that I am in agreement with the ecological features, listed in Table 2, which are currently scheduled to be scoped-out of the assessment.

I look forward to receiving the update on the survey results and land access restrictions.

Liz

Elizabeth Knowles  
Lead Advisor, Planning Casework  
Coast and Marine Team  
Cheshire, Grtr Manchester, Merseyside & Lancashire Area Team  
Natural England  
2<sup>nd</sup> Floor, Arndale House  
Manchester, M4 3AQ  
Tel: 0208 225 7506

[www.gov.uk/natural-england](http://www.gov.uk/natural-england)

**We are here to secure a healthy natural environment for people to enjoy, where wildlife is protected and England's traditional landscapes are safeguarded for future generations.**

**In an effort to reduce Natural England's carbon footprint, I will, wherever possible, avoid travelling to meetings and attend via audio, video or web conferencing.**

**From:** Pete Owens [<mailto:Pete.Owens@arcadis.com>]

**Sent:** 06 November 2017 12:55

**To:** Knowles, Elizabeth D (NE) <[Elizabeth.Knowles@naturalengland.org.uk](mailto:Elizabeth.Knowles@naturalengland.org.uk)>

**Cc:** Stewart Lowther <[Stewart.Lowther@arcadis.com](mailto:Stewart.Lowther@arcadis.com)>; David Hourd <[David.Hourd@arcadis.com](mailto:David.Hourd@arcadis.com)>; Kate Burrows <[Kate.Burrows@arcadis.com](mailto:Kate.Burrows@arcadis.com)>; Neil Madden <[Neil.Madden@arcadis.com](mailto:Neil.Madden@arcadis.com)>; Nick Henderson <[Nicholas.Henderson@arcadis.com](mailto:Nicholas.Henderson@arcadis.com)>; David Hopkin <[david.hopkin@highwaysengland.co.uk](mailto:david.hopkin@highwaysengland.co.uk)>

**Subject:** DAS2055 - A585 Windy Harbour to Skippool, Lancashire – 177663

Hi Liz,

By way of introduction, I am a colleague of Neil Madden with whom you've had previous correspondence. As part of my role here at Arcadis I will now be overseeing the ecology aspects of the A585 Scheme. Neil has brought me up to speed with the correspondence to date between Natural England and ourselves, so I'm sure it will be a smooth transition.

We are currently compiling the Scoping Report for the A585 Scheme which is due to be submitted to PINS imminently. To help ensure we implement a robust assessment, we would like to confirm the scope of our assessment with Natural England. We have contacted you in parallel to our Scoping Submission to PINS due to the very tight timescales required for the Scheme and due to recent feedback from PINS that they like to see evidence of prior agreements of scope with statutory bodies where possible – we hope that this email can assist you with this process. Below, are two tables: Table 1 contains receptors which will be included in our assessment; receptors which we would seek to scope out of the assessment at this stage, and details of the reasoning behind the decision has been provided in Table 2.

Decisions on which receptors to include in the assessment have been based on the information gathered to date from targeted surveys, the scope of which has been confirmed in previous DAS correspondence dated: 28/11/2016 and 28/02/2017, plus contextual information generated through data searches and consultation.

Based on data generated to date it is considered that receptors in Table 1 are either: likely absent from the survey area; or although present within the study area, due to their local status and low value, or distance from the Scheme, significant effects are very unlikely.

**Table 1 Ecological Features to be Scoped In for Detailed Assessment**

Designated Sites	Habitats	Fauna
Morecambe Bay and Duddon Estuary SPA	Deciduous woodland S41 Habitat	Great Crested Newts
Morecambe Bay Ramsar site	Hedgerow S41 Habitat	Wintering/passage birds
Wyre Estuary SSSI	Coastal Saltmarsh & Mudflats S41 Habitat	Breeding birds
Wyre-Lune rMCZ	Coastal and Floodplain Grazing Marsh S41 Habitat	Bats
Skippool Marsh and Thornton Bank BHS	Ponds S41 Habitat	Otter

Shard Bridge Field Ditch BHS	Other Rivers S41 Habitat	
River Wyre – Upper Tidal Section BHS	Skippool Creek	
	Main Dyke	

3.4.1

Table 2 Ecological Features to be Scoped Out of Detailed Assessment

Feature	Reason
River Wyre – S41 Habitat	Potential negative effects are largely restricted to pollution via contamination of watercourses which flow into the River Wyre. Potential pollution effects would be sufficiently mitigated by water management processes that will be detailed within a dedicated chapter.
Other (non-S41) Habitats	No notable or protected other (non-S41) habitats were recorded within the survey area. Potential significant effects on other (non-S41) habitats which are not notable or protected are highly unlikely to occur
Protected and Notable Plants (including Fungi)	Records of BAP species identified during the desk study were low in number and situated well outside of the footprint of the Scheme. The study area was assessed as being of Negligible to Low value for protected and notable plants (including fungi)
Invasive Flora	A restricted diversity and distribution of invasive flora were identified during habitat and protected species surveys. Responsibilities relating to invasive flora will be managed through standard mitigation procedures during construction, operation and decommissioning of the Scheme.
Aquatic Invertebrates	White-clawed crayfish were not identified within the study area and the species is thought to be locally absent. No records of other aquatic invertebrates were identified during the desk study and the habitats within the study area are likely to be of value only to common, widespread species
Terrestrial Invertebrates	Suitable habitats for terrestrial invertebrates within the Scheme footprint were of limited extent and likely to support an invertebrate assemblage typical of the region and of Low value
Fish	No records of fish were identified during the desk study. Waterbodies within the survey area are likely to support common and widespread species only
Reptiles	No reptiles were recorded during the targeted surveys and it is considered likely that they are absent from the survey area.
Other Amphibian Species (i.e. not Great Crested Newts)	Although present within the survey area, the assemblage of other amphibian species recorded are considered to be of Low value. A small number of waterbodies, representing a nominal proportion of the waterbodies in the wider landscape, will be lost as a result of the Scheme. Mitigation and compensation measures proposed for great crested newts will sufficiently mitigate any potential impacts to other amphibian species.
Water Vole	No evidence of water vole was recorded during the targeted and it is considered likely that they are absent from the survey area.
Badger	No setts were identified within close proximity to the Scheme; limited evidence of foraging activity was recorded and habitats within the survey area were typically of Low value. It is therefore unlikely that badger populations of greater than Low value are present locally.
Hedgehog	The hedgehog population within the survey area is considered likely to be of Low value due to their widespread distribution. Habitats within the survey area were broadly suitable for this

	species, the Scheme will therefore result in the loss of a nominal proportion of the available habitat
Brown Hare	The brown hare population within the survey area is considered likely to be of Low value due to their widespread distribution. Additionally, habitats within the footprint of the Scheme were largely sub-optimal; more suitable habitats, in which brown hare are more likely to be concentrated, were however present within the wider survey area; impacts to which are considered unlikely.

Please can you confirm whether you are in agreement with the receptors which are currently scheduled to be scoped-out of the assessment?

Additionally, further great crested newt surveys have been undertaken since your last correspondence on the subject with Neil Madden. As such, I will send you an email in the next couple of days with an update on the survey results, land access restrictions, etc., with a view to confirming agreement with Natural England regarding the scope of surveys now completed.

If you require any further information, please don't hesitate to contact me.

Thanks

Pete

**Pete Owens** BSc(Hons) MSc MCIEEM | Principal Ecologist | [pete.owens@Arcadis.com](mailto:pete.owens@Arcadis.com)  
**Arcadis** | 5th Floor, 401 Faraday Street, Birchwood, Warrington | WA3 6GA | England

[www.arcadis.com](http://www.arcadis.com)



**Be green, leave it on the screen.**

Arcadis Consulting (UK) Limited is a private limited company registered in England & Wales (registered number 02212959). Registered office at Arcadis House, 34 York Way, London, N1 9AB. Part of the Arcadis Group of Companies along with other entities in the UK

1.7 9 February 2018



**A585 Windy Harbour to Skippool – Meeting Natural England re Great Crested Newt Licence**

9/2/2018

Arcadis, 10<sup>th</sup> Floor, 3 Piccadilly Place, Manchester

**Attendees:**

Liz Knowles (Natural England) LK  
Amy Weir (Natural England) AW  
Delphine Pouget (Natural England) DP [via Skype link and screenshare]  
Neil Madden (Arcadis – Ecology) NM  
David Hourd (Arcadis – Environment) DH

**Apologies:**

Sheena Crombie (Highways England)  
Kate Burrows (Arcadis)  
Nick Henderson (Arcadis)

Item no.	Notes/actions	Action owner
1	<p><i>Introductions:</i> DH made introductions and updated on Scheme progress. Explained programme issues as follows:</p> <p>This A585 scheme is part of the Road Investment Programme, in which the HE / DfT commitment is for all projects to have commenced works by the end of March 2020. At present the DCO decision is not expected until late 2019, which leaves limited time from the decision, to commence works. A great crested newt (GCN) licence and traditional translocation programme secured through standard processes would delay construction until translocation has taken place.</p> <p>Our aim is to implement a GCN mitigation strategy that allows us to maintain the favourable conservation status of GCN, abide by legal requirements and enable construction to start in line with the current programme in March 2020. One option we would like to discuss in order to achieve this aim is a site-wide licence (exercising the new EPS polices).</p>	
2	<p><i>Baseline evidence:</i> NM explained baseline data collated and surveys to-date. DP asked a number of clarifications regarding the eDNA results. NM explained via screenshare. NM explained populations size class assessment results and rapid risk assessment.</p> <p>Small hub of population (low numbers) around ponds 68, 110 and 83 and near Singleton Lodge (ponds 12A, 14, 15, 20). Largest population at pond 14. Unknown potential at ponds 109/109A due to access being denied.</p>	
3	<p><i>Impact Assessment:</i> NM explained impact assessment results; no GCN ponds will be lost but terrestrial habitats associated with GCN ponds will be lost/affected. Following NE guidance, terrestrial habitats were split into three categories based on relative importance: Core (within 50m of the pond and therefore typically of most importance); Intermediate (50-250m); and Distant</p>	<b>NM to work out area of habitat lost and propose a figure to</b>



	<p>(250-500m and therefore typically of least importance). Most terrestrial habitat lost is of low quality; however, two main conflict areas were identified: (1) around Pond 83 as core habitats associated with the pond may be lost/affected during construction but it was noted that these will be replaced by new woodland planting post construction; (2) the intermediate habitats that will be affected around Singleton Lodge as woodland habitats will be lost here.</p> <p>NM asked what approach we should use to calculate area of mitigation and also how best to apply the new EPS policies in this case. Also, should we scope in 109/109A on a precautionary basis?</p> <p>DP asked if we are still trying to survey 109/109A – NM said yes but we currently cannot gain access. DP asked us to consider if it would make a difference if it were included.</p> <p>DP stated there is no set rule for calculating the mitigation area. We should consider the split of loss of habitat, temporary loss and its quality. Once we have worked this out we should propose a figure to Natural England to discuss. The new policies present a trade-off between mitigation and compensation.</p> <p>NM asked about whether a site-wide licence could be used and the prospect of financial compensation. DP was also interested in this approach and is keen to explore a simple option.</p> <p>The use of a metric to determine level of mitigation was discussed. DP suggested that the metric used in the South Midlands district licence was probably overly complicated for a HE scheme and that a metric is not being used for the forthcoming Cheshire district licence. DP stated that it was worth looking at the existing Defra metric tool at least as an exercise but it may be better to develop our own. DP also noted that a new Defa metric is programmed for autumn, but this may be too late.</p> <p>DP says that we <i>could</i> use a site-wide licence approach for GCN but is also interested to explore a package that considers the biodiversity needs for all species as a whole – we need to remain open-minded.</p> <p>NM shared his own calculation of potential GCN fatalities with the new road in place. The numbers were extremely low based on assumptions.</p>	<p><b>NE for replacement area.</b></p>
<p>4</p>	<p><i>Mitigation:</i></p> <p>DP asked if we are looking to keep functionality or compensate for functionality?</p> <p>DP asked what we could achieve in 2019?</p> <p>NM/DH explained it may be possible to create mitigation areas in this time.</p> <p>DP asked if we could do some translocation in 2019. DH/NM didn't think this was allowable as a licence could not be granted without DCO consent. DP suggested this may not be completely out of the question given the new policies and the need to think strategically.</p> <p>NM showed two possible mitigation areas and asked if it is best to group ponds or spread them. DP suggested maybe both as there is no right or wrong answer. She also stated that we need to ensure that fragmentation is sufficiently addressed.</p> <p>DP is happy with the approach in principle (ie site-wide licence and pre-construction mitigation rather than needing translocation) and it should be possible to gain assurance prior to DCO submission (2018) that we will get the licence if we can put a draft licence application together. DH suggested this could be agreed in a Statement of Common Ground as we are doing with other statutory consultees to agree key issues prior to the hearings.</p> <p>DH/NM suggested this could be prepared following the design freeze in June and submitted via DAS. DP has done this before to give assurances to the developer.</p> <p>NM asked how much was needed and how to present data for non-GCN ponds to support this. DP is going to consider this.</p>	<p><b>DP to consider extent of data required to support licence application.</b></p> <p><b>NM to submit draft licence application via DAS prior to DCO submission.</b></p> <p><b>Nat Eng should be able to agree this in</b></p>

		principal subject to application.
5	<p><i>Other issues:</i></p> <p>NM updated on bat survey findings. A number of suitable trees were identified and one building will be lost that contains a bat roost. Again, we would like to agree a licence in advance in draft this year. LK acknowledged this.</p> <p>NM updated on winter bird surveys with respect to the HRA, notably Pink Footed Geese. DH updated on programme and broad approach. LK says if we want to meet them about this in April we need to book them in now.</p> <p>Re HRA mitigation, LK advised to ensure planting proposals were compatible with mitigation eg be careful to locate scrapes away from hedgerows which may conceal predators etc.</p> <p>NE asked that we send them a programme detailing what and when we will send them various licenses, etc.</p>	<p><b>Pete Owens to book meeting with NE for April ASAP to ensure availability.</b></p> <p><b>Pete Owens to send.</b></p>

## 1.8 26 February 2018 – Email (response to meeting minutes in 1.6)

Hi David

This advice is being provided as part of Natural England's Discretionary Advice Service. Highways England has asked Natural England to provide advice upon:

- Advice on potential impacts on designated or proposed designated sites,
- Advice on scope of biological survey methodology or draft biological survey methodology,
- Advice on the information for a draft Habitats Regulations Assessment (HRA).

This advice is provided in accordance with the undefined scope contract quotation and agreement no. DAS2055 dated 03 March 2016.

Further to your email below, our comments on the meeting minutes are as follows -

Regarding Delphine's action for the data: we would suggest to include all confirmed GCN ponds within the Method Statement. As to the others, they can be appended to the application in a raw format.

We also wanted to comment on one of the last action: **NM to submit draft licence application via DAS prior to DCO submission**. We think this should be done in two stages – first submit a mitigation/ compensation proposal that could be further discussed and one this has been agreed, submit a draft application. This would allow to agree the mitigation strategy in advance and ensure that once a draft application is submitted most of the main issues have been resolved and agreed.

Elizabeth Knowles  
Lead Advisor, Planning Casework  
Coast and Marine Team  
Cheshire, Grtr Manchester, Merseyside & Lancashire Area Team  
Natural England  
2<sup>nd</sup> Floor, Arndale House  
Manchester, M4 3AQ  
Tel: 0208 225 7506

[www.gov.uk/natural-england](http://www.gov.uk/natural-england)

**We are here to secure a healthy natural environment for people to enjoy, where wildlife is protected and England's traditional landscapes are safeguarded for future generations.**

**In an effort to reduce Natural England's carbon footprint, I will, wherever possible, avoid travelling to meetings and attend via audio, video or web conferencing.**

**From:** David Hourd [<mailto:David.Hourd@arcadis.com>]

**Sent:** 16 February 2018 15:57

**To:** Knowles, Elizabeth D (NE) <[Elizabeth.Knowles@naturalengland.org.uk](mailto:Elizabeth.Knowles@naturalengland.org.uk)>

**Cc:** Pouget, Delphine (NE) <[Delphine.Pouget@naturalengland.org.uk](mailto:Delphine.Pouget@naturalengland.org.uk)>; Weir, Ami (NE)

<[Ami.Weir@naturalengland.org.uk](mailto:Ami.Weir@naturalengland.org.uk)>; Neil Madden <[Neil.Madden@arcadis.com](mailto:Neil.Madden@arcadis.com)>; Pete Owens

<[Pete.Owens@arcadis.com](mailto:Pete.Owens@arcadis.com)>; Stewart Lowther <[Stewart.Lowther@arcadis.com](mailto:Stewart.Lowther@arcadis.com)>; Kate Burrows

<[Kate.Burrows@arcadis.com](mailto:Kate.Burrows@arcadis.com)>; Crombie, Sheena <[Sheena.Crombie@highwaysengland.co.uk](mailto:Sheena.Crombie@highwaysengland.co.uk)>; UA009921 -

A585 Windy Harbour to Skippool <[UA009921@arcadis.com](mailto:UA009921@arcadis.com)>; David Hopkin

<[david.hopkin@highwaysengland.co.uk](mailto:david.hopkin@highwaysengland.co.uk)>; A585 Windy Harbour to Skippool

<[A585WindyHarbourToSkippool@highwaysengland.co.uk](mailto:A585WindyHarbourToSkippool@highwaysengland.co.uk)>; Sucha Panesar <[Sucha.Panesar@arcadis.com](mailto:Sucha.Panesar@arcadis.com)>;  
Tom Rankin <[Thomas.Rankin@arcadis.com](mailto:Thomas.Rankin@arcadis.com)>; Nick Henderson <[Nicholas.Henderson@arcadis.com](mailto:Nicholas.Henderson@arcadis.com)>  
**Subject:** A585 Meeting Minutes with Natural England re GCN 9-2-18

Hi Liz

It was good to meet you again last week. Please find attached our meeting notes for your review/agreement.

Kind regards  
David

**David L Hourd** BSc MA MIEMA MIEnvSc CEnv | Technical Director – Environmental Planning |  
[david.hourd@arcadis.com](mailto:david.hourd@arcadis.com)  
**Arcadis Consulting (UK) Ltd** | 5<sup>th</sup> Floor, 401 Faraday Street, Birchwood Park, Warrington | WA3 6GA | UK  
[REDACTED]  
[www.arcadis.com](http://www.arcadis.com)



Be green, leave it on the screen.

## 1.9 17 April 2018 - Meeting Minutes



### A585 Windy Harbour to Skippool – Meeting Natural England re Habitats Regulations Assessment (HRA)

17/4/2018 11.00-14.00

Arcadis, 10<sup>th</sup> Floor, 3 Piccadilly Place, Manchester

#### Attendees:

Liz Knowles (Natural England) LK  
Emma Hawthorne (Natural England) EH  
Sheena Crombie (Highways England) SC  
Liz Turley (Arcadis – Ecology) LT  
Jo Weaver (Arcadis – Ecology) JW  
Pete Owens (Arcadis – Ecology) PO  
Stewart Lowther (Arcadis – Ecology) SL  
Kate Burrows (Arcadis – Environment) KB  
David Hourd (Arcadis – Environment) DH

#### Apologies:

David Hopkins (Highways England)  
Nick Henderson (Arcadis)

Item no.	Notes/actions	Action owner
1	<i>Introductions:</i> DH made introductions and identified purpose of the meeting to update Natural England (NE) on the HRA progress to-date and our emerging findings and mitigation proposals.	
2	<i>Survey Results</i> JW described survey results to-date using maps of key species counts. This includes pink-footed geese (PFG), lapwing, curlew and little egret. EH wanted to check that we were using the latest BTO population estimates for the SPA to compare against. LT confirmed that we were using the latest figures from the newly created Morecambe Bay and Duddon Estuary SPA consultation document (5 yr 2010/11-2013/14). NE had no queries on survey results, approach or focus on these four key species.	
3	<i>Impacts and mitigation</i> JW/LT explained that the key concern for PFG was in terms of disturbance during construction. In mitigation we have identified mitigation area 1 (to the north of the Scheme). This would be in place only during the 2 year construction phase and would include measures such as feeding, retaining crop stubble, improving sight-lines and temporary cessation of shooting (EH identified that other developers elsewhere had purchased the shooting rights temporarily to enable this). Bird monitoring of mitigation would be needed during this period only. EH identified another project (energy park on Humber) where construction surveys identified success of mitigation using colour coded plans. LK asked about why there were higher numbers of PFG using the adjacent field and can we re-create those conditions in area 1 – what is the habitat/land management there that	

Item no.	Notes/actions	Action owner
	<p>attracts PFG? EH asked if there was sufficient space in this area given the need to retain a buffer to the shooting area. Also, that feeding at the Queensway site near Lytham St Annes did not work in that instance. LT explained that waders/wildfowl (lapwing, curlew, little egret) have been using the fields to the north of Main Dyke in small numbers and also could be disturbed by the new road. Mitigation area 2 was proposed to the south of the currently proposed Poulton roundabout. This area would be mown and scrapes created. It would be adjacent to the Great Crested Newt mitigation (ponds) area. EH questioned whether the area is big enough and whether birds would still be disturbed by the construction activities nearby. JW identified there would also be an earth mound to screen the construction and we could also incorporate temporary screening as well. EH suggested we could look at Flex MSE as a screening option. LK asked why there were only records in one of the years and if we knew why that year was different? EH asked if there was scope to limit/avoid working in areas near the mitigation area during winter? SC explained that Highways England have done similar elsewhere but at this stage we need to better understand the proposed construction programme. EH wants to better understand the scale of impacts on waders/wildfowl before agreeing to the extent of mitigation. EH asked for the number of birds within 300m to be calculated. This would be needed before agreeing to whether or not this was just a disturbance during construction issue or a long-term issue. SC/EH discussed whether or not the strip of land to the north west of area 2 (between bypass and Main Dyke) could also be added as mitigation and/or enhancement. SC asked if these fields would be viable to the farmer given their residual size and if this lends itself to mitigation/enhancement land instead. SC mentioned that Designated Funds may exist for enhancement measures. SC clarified that 'essential mitigation' areas would need to be permanently acquired and managed by Highways England as part of their soft estate. LK asked to ensure that mitigation would be in place for the first winter construction activities in that area. SL explained why the other two mitigation area options were less favourable (as currently heavily used by birds already) and that the two areas discussed above would be sufficient. LK also identified the importance of covering in-combination impacts in the HRA. EH/LK could not identify any other issues to be considered.</p>	<p><b>LT/JW to find out more about construction programme as it develops from engineers. JW to calculate numbers within 300m and send to EH. DH to raise issue of other strip of land at mitigation meeting with design team on 30<sup>th</sup> April.</b></p>
4	<p><i>Great Crested Newts and other species</i> PO gave a short update on the preparation of draft newt and bat licences. He also gave an update on other ecological features and broad impacts including badgers and otters.</p>	
5	<p><i>Timescales and Review</i> It was agreed that the draft HRA report would be issued to SC and NE at end of May 2018 for review. NE and SC would have three weeks to review in order for Arcadis to make amendments prior to issue of draft to PINS by 13 July as part of their pre-application service.</p>	

## 1.10 17 May 2018 – Email response to meeting minutes

Hi David

This advice is being provided as part of Natural England's Discretionary Advice Service. Highways England has asked Natural England to provide advice upon:

- Advice on potential impacts on designated or proposed designated sites,
- Advice on scope of biological survey methodology or draft biological survey methodology,
- Advice on the information for a draft Habitats Regulations Assessment (HRA).

This advice is provided in accordance with the undefined scope contract quotation and agreement no. DAS2055 dated 03 March 2016.

Further to your email below, we have made some additions/added comments on to the meeting notes attached.

In addition;

### Shooting Rights

Partington Caravan Park own the land around the temporary mitigation area (to the north of the road) and the shooting rights are held by a private landowner in the area. Therefore, as part of the mitigation proposals, you'll need to restrict the shooting (at any time) whilst the temporary mitigation is being relied upon.

### Survey Data

The draft documents for the Morecambe Bay & Duddon Estuary SPA designation is currently the most up to date data for SPA birds. This data was consolidated by BTO. The 16/17 data has been recorded separately but BTO are working on combining the data, therefore until this is available, it is appropriate to use the designation data.

### Calculating waterbird assemblage.

The **waterbird assemblage** is not the maximum number of birds present at any one time, but rather the combination of peak counts for all species of naturally occurring wild waterbird, regardless of the month during which the peak count occurred. For example, if the peak count of ringed plover was recorded in October, this would be added to a peak count of knot recorded in January.

What species are protected?

Potentially, any bird species considered a 'waterbird' (waders, herons, ducks, geese, grebes etc. - but not including gulls), occurring within the SPA is protected under this selection stage, as they all contribute to the site's total.

Must waterbird species be listed on the citation to receive protection under the assemblage criterion?

No. Some citations simply list the assemblage, without naming any of the species contributing to the total of >20,000 birds. In this situation, clearly a specific reference to individual species cannot be a pre-requisite to receiving protected status, as otherwise the assemblage would be meaningless. Most citations list those species that meet thresholds for national and international importance in their own right (noting that this would not provide an exclusive list of birds contributing to the SPA's overall total).

Natural England advice

Natural England focuses its statutory advice on those species that are an important component of the assemblage. Important components are defined as species listed on the citation, all species occurring at the

site at levels of more than 1% of the national population, or where more than 2000 individuals are present (JNCC).

Liz

Elizabeth Knowles  
Lead Advisor, Planning Casework  
Coast and Marine Team  
Cheshire, Grtr Manchester, Merseyside & Lancashire Area Team  
Natural England  
2<sup>nd</sup> Floor, Arndale House  
Manchester, M4 3AQ  
Tel: 0208 225 7506

[www.gov.uk/natural-england](http://www.gov.uk/natural-england)



## A585 Windy Harbour to Skippool – Meeting Natural England re Habitats Regulations Assessment (HRA)

17/4/2018 11.00-14.00

Arcadis, 10<sup>th</sup> Floor, 3 Piccadilly Place, Manchester

### Attendees:

Liz Knowles (Natural England) LK  
Emma Hawthorne (Natural England) EH  
Sheena Crombie (Highways England) SC  
Liz Turley (Arcadis – Ecology) LT  
Jo Weaver (Arcadis – Ecology) JW  
Pete Owens (Arcadis – Ecology) PO  
Stewart Lowther (Arcadis – Ecology) SL  
Kate Burrows (Arcadis – Environment) KB  
David Hourd (Arcadis – Environment) DH

### Apologies:

David Hopkins (Highways England)  
Nick Henderson (Arcadis)

Item no.	Notes/actions	Action owner
1	<i>Introductions:</i> DH made introductions and identified purpose of the meeting to update Natural England (NE) on the HRA progress to-date and our emerging findings and mitigation proposals.	
2	<i>Survey Results</i> JW described survey results to-date using maps of key species counts. This includes pink-footed geese (PFG), lapwing, curlew and little egret. EH wanted to check that we were using the latest BTO population estimates for the SPA to compare against. LT confirmed that we were using the latest figures from the newly	



Item no.	Notes/actions	Action owner
	<p>created Morecambe Bay and Duddon Estuary SPA consultation document (5 yr 2010/11-2013/14). NE had no queries on survey results, approach or focus on these four key species.</p>	
3	<p><i>Impacts and mitigation</i> JW/LT explained that the key concern for PFG was in terms of disturbance during construction. In mitigation we have identified mitigation area 1 (to the north of the Scheme). This would be in place only during the 2 year construction phase and would include measures such as feeding, retaining crop stubble, improving sight-lines and temporary cessation of shooting (EH identified that other developers elsewhere had purchased the shooting rights on the mitigation land and surrounding area to enable this). Bird monitoring of mitigation would be needed during this period only. EH identified another project (Able Marine Energy Park on the Humber Estuary) where surveys identified success of mitigation using colour coded plans. LK asked about why there were higher numbers of PFG using the adjacent field and can we re-create those conditions in area 1 – what is the habitat/land management there that attracts PFG? EH asked if there was sufficient space in this area given the need to retain a buffer to the mitigation area. Also, that feeding at the Queensway site near Lytham St Annes did not work in that instance although geese still used other areas of the mitigation site in large numbers. LT explained that waders/wildfowl (lapwing, curlew, little egret) have been using the fields to the north of Main Dyke in small numbers and also could be disturbed by the new road. Mitigation area 2 was proposed to the south of the currently proposed Poulton roundabout. This area would be mown and scrapes created. It would be adjacent to the Great Crested Newt mitigation (ponds) area. EH questioned whether the area is big enough and whether birds would still be disturbed by the construction activities and housing (recreational disturbance) nearby. JW identified there would also be an earth mound to screen the construction and we could also incorporate temporary screening as well. SC suggested that ditches could be used to prevent public access onto the site. EH suggested we could look at Flex MSE as a screening option for the road (although this could be used in other areas). See Flex MSE <a href="http://gravitasint.com/products/flexmse/">http://gravitasint.com/products/flexmse/</a> LK asked why there were only records in one of the years and if we knew why that year was different? EH asked if there was scope to limit/avoid working in areas near the mitigation area during winter? SC explained that Highways England have done similar elsewhere but at this stage we need to better understand the proposed construction programme. EH wants to better understand the scale of impacts on waders/wildfowl before agreeing to the extent of mitigation. EH asked for the number of birds within 300m buffer around the site to be calculated. This would be needed before agreeing to whether or not this was just a disturbance during construction issue or a long-term issue, and therefore would determine whether the proposed mitigation area is sufficient. SC/EH discussed whether or not the strip of land to the north west of area 2 (between bypass and Main Dyke) could also be added as mitigation and/or enhancement. SC asked if these fields would be viable to the farmer given their residual size and if this lends itself to mitigation/enhancement/net gain land instead. SC mentioned that Designated Funds may exist for enhancement measures. SC clarified that ‘essential mitigation’ areas would need to be permanently acquired and</p>	<p><b>LT/JW to find out more about construction programme as it develops from engineers. JW to calculate numbers within 300m and send to EH. DH to raise issue of other strip of land at mitigation meeting with design team on 30<sup>th</sup> April.</b></p>

Item no.	Notes/actions	Action owner
	<p>managed by Highways England as part of their soft estate. LK asked to ensure that mitigation would be in place for the first winter construction activities in that area. SL explained why the other two mitigation area options were less favourable (as currently heavily used by birds already) and that the two areas discussed above would be sufficient. LK also identified the importance of covering in-combination impacts in the HRA. Including in-combination impacts on birds – to inform the mitigation areas required. In mitigation monitoring plan – need to have bird &amp; habitat targets to inform initial management and changes to management of land if required. Need to look at scale of impact before deciding what monitoring is required. Would need to do at least 1 season of monitoring same as other post-construction monitoring. If impacts were permanent then ongoing monitoring would be needed to inform site management; this need not be onerous though. Would need to consider pilling/vibration noise disturbance too as part of HRA. EH/LK could not identify any other issues to be considered.</p>	
	<p>Other issues Water quality &amp; run-off. Need to ensure that sufficient water quality measures are in place to ensure no impact on the River Wyre. This risk is likely to be via the existing main drain (marked on plan) which has been included within the scheme design.</p>	
4	<p><i>Great Crested Newts and other species</i> PO gave a short update on the preparation of draft newt and bat licences. He also gave an update on other ecological features and broad impacts including badgers and otters.</p>	
5	<p><i>Timescales and Review</i> It was agreed that the draft HRA report would be issued to SC and NE at end of May 2018 for review. NE and SC would have three weeks to review in order for Arcadis to make amendments prior to issue of draft to PINS by 13 July as part of their pre-application service.</p>	

## 1.11 5 and 15 June 2018 – Telecom and follow up minutes



### A585 Windy Harbour to Skippool – Meeting Natural England re Habitats Regulations Assessment (HRA) and Licencing

15/06/2018 09.00-11.00

Via teleconference / Skype

#### Attendees:

Liz Knowles (Natural England) LK  
Emma Hawthorne (Natural England) EH  
Delphine Pouget (Natural England) DP  
Sheena Crombie (Highways England) SC  
Liz Turley (Arcadis – Ecology) LT  
Jo Weaver (Arcadis – Ecology) JW  
Stewart Lowther (Arcadis – Ecology) SL  
Kate Burrows (Arcadis – Environment) KB  
David Hourd (Arcadis – Environment) DH  
Neil Madden (Arcadis – Ecology) NM  
David Spencer (Arcadis – Ecology) DS

Item no.	Notes/actions	Action owner
1	<p><i>Introductions:</i></p> <p>SL made introductions and identified purpose of the meeting to update Natural England (NE) on the HRA and bat and Great Crested Newt (GCN) licence progress to-date. Arcadis and Highways England (HE) are seeking agreement from NE on our HRA conclusions and mitigation and our bat and GCN licence application information.</p>	
2	<p><i>HRA:</i></p> <p>SL explained that we are now proposing just mitigation Area 1 and DH explained why we are no longer including Area 2 (due to construction disturbance and no longer the GCN mitigation area). EH asked about the strip of land between Main Dyke and the bypass which would have been good in terms of net biodiversity gain. EH pointed to the good discussions we had in Manchester about the Defra 25 year plan and the new NPPF (which is expected to be out this summer) consultation and its requirement for net gain. KB identified the wording in the National Networks NPS on this which states that net gain is ‘preferable’. SL indicated that biodiversity enhancements had been incorporated within the landscape masterplan as an integrated part of the design.</p> <p>SL also pointed out that it is difficult for us to compulsory purchase land for enhancement without good justification. Arcadis will use the new HE Biodiversity Matric (April 2018) to determine the overall biodiversity gain using habitat loss and quality data for the habitats within the Scheme.</p> <p>LK asked to see a sketch plan of the mitigation proposed in Area 1 so we can be sure that it is appropriate mitigation.</p> <p>LT explained approach to choice of Area 1 and how the area had been calculated based on number of birds over 1% threshold. EH to review and send email to team</p>	<p><b>Further discussion regarding strip of land for enhancement and where HE stands in terms of policy and compulsory purchase – SL/LT/JW.</b></p> <p><b>JW to prepare a sketch plan of mitigation in Area 1 to send to NE.</b></p> <p><b>NE to review HRA and provide email comments this week or next.</b></p> <p><b>A further telecon to be arranged to</b></p>

Item no.	Notes/actions	Action owner
	<p>with comments then another call to be arranged to discuss. LK to review HRA document this week or early next.</p> <p>EH asked if the HRA took account of the recent 'Sweetman 2' decision. SL confirmed that it did.</p> <p>LK reminded that the HRA needs to include an assessment of vibration impacts. EH said the proposals sounds sensible but would need to review the document in detail before providing further comments. EH wants to be sure the landscape/planting proposals do not affect the value of the surrounding areas for bird use.</p>	<p><b>discuss this (SL/LT/JW).</b></p> <p><b>LT/JW to review wider landscape proposals to confirm that this would not deter other bird use.</b></p>
3	<p><i>GCN:</i></p> <p>NM explained approach to GCN mitigation. Different pond location to previously proposed in Manchester – NM explained benefit of ditch, ponds, woodland and grassland.</p> <p>DP has looked at GCN mitigation note. DP would like a clearer image of mitigation (on a plan) and also an assessment of the impacts. DP says it looks OK but would need to see assessment to comment further, so that the appropriateness of the proposed mitigation could be assessed. Policy requires compensation so we need to demonstrate how this is over and above what mitigation would normally be provided. DP says metric isn't clear on amount of available habitat (and its quality/risk) and more details are needed on e.g. what is created, what is lost, enhanced etc. More maps and numbers are needed.</p> <p>DP would prefer not to have a draft licence but rather the specific information requested above. This would be sufficient to inform a Letter of No Impediment. DP stated we also need to be clearer on our terminology, the definitions in the document are not quite right and they need to follow standards licence application terms (rather than the HS2/M4 wording used). The definitions could in fact be removed from the document if easier.</p>	<p><b>NM to send outstanding information to DP this week. Some information requested may be within existing draft application.</b></p>
4	<p><i>Bats:</i></p> <p>DS explained bat survey methods and results including outline mitigation proposals. Also that they are still identifying areas for mitigation and waiting for the planting scheme to be developed.</p> <p>DP stated that HE need to exhaust all options for mitigation where the bats are now to benefit the local colony, before looking elsewhere.</p> <p>Discussion was held around putting bat boxes on the new Skippool Bridge, or indeed bat bricks.</p> <p>As for GCN, the same type of information would be needed in terms of background, impact assessment and mitigation in order for NE to comment and ultimately develop a Letter of No Impediment.</p>	<p><b>DS to provide further information including impact assessment to NE.</b></p>
5	<p>Meeting ended</p>	

Hi Pete

We would only be able to do a call that morning (finishing by 11:30 at the latest). We would also like to see the mitigation strategy (maps and brief proposals) for GCN and bats in advance of the call please.

Liz

Elizabeth Knowles  
Lead Advisor, Planning Casework  
Coast and Marine Team  
Cheshire, Grtr Manchester, Merseyside & Lancashire Area Team  
Natural England  
2<sup>nd</sup> Floor, Arndale House  
Manchester, M4 3AQ  
Tel: 0208 225 7506

[www.gov.uk/natural-england](http://www.gov.uk/natural-england)

**We are here to secure a healthy natural environment for people to enjoy, where wildlife is protected and England's traditional landscapes are safeguarded for future generations.**

**In an effort to reduce Natural England's carbon footprint, I will, wherever possible, avoid travelling to meetings and attend via audio, video or web conferencing.**

**From:** Owens, Pete [<mailto:Pete.Owens@arcadis.com>]

**Sent:** 21 May 2018 17:20

**To:** Knowles, Elizabeth D (NE) <[Elizabeth.Knowles@naturalengland.org.uk](mailto:Elizabeth.Knowles@naturalengland.org.uk)>

**Cc:** Crombie, Sheena <[Sheena.Crombie@highwaysengland.co.uk](mailto:Sheena.Crombie@highwaysengland.co.uk)>; David Hopkin <[david.hopkin@highwaysengland.co.uk](mailto:david.hopkin@highwaysengland.co.uk)>; Madden, Neil <[Neil.Madden@arcadis.com](mailto:Neil.Madden@arcadis.com)>; Lowther, Stewart <[Stewart.Lowther@arcadis.com](mailto:Stewart.Lowther@arcadis.com)>; Turley, Liz <[Liz.Turley@arcadis.com](mailto:Liz.Turley@arcadis.com)>; Weaver, Jo <[Jo.Weaver@arcadis.com](mailto:Jo.Weaver@arcadis.com)>; Burrows, Kate <[Kate.Burrows@arcadis.com](mailto:Kate.Burrows@arcadis.com)>; Hourd, David <[David.Hourd@arcadis.com](mailto:David.Hourd@arcadis.com)>; Henderson, Nick <[Nicholas.Henderson@arcadis.com](mailto:Nicholas.Henderson@arcadis.com)>

**Subject:** DAS2055 - A585 Windy Harbour to Skippool, Lancashire – 177663: Conference Call

Hi Liz,

We would like to arrange a conference call to discuss the HRA, Bat Licence and GCN Licence for the A585 Scheme.

#### **HRA**

Since our last meeting we've progressed the HRA with consideration to the variation points discussed. We'd now like to run through our current mitigation proposals and updated datasets to see if we can come to an agreement on what has been proposed.

#### **GCN Licence**

The first draft of the GCN licence application is nearing completion. At this stage we would like to run through our proposals, including mitigation and enhancements, with a view to agreeing acceptance of the licence in principle.

#### **Bat Licence**

## 1.12 15 June 2018 – Email (comments on draft HRA)

Hi Pete

This advice is being provided as part of Natural England's Discretionary Advice Service. Highways England has asked Natural England to provide advice upon:

- Advice on potential impacts on designated or proposed designated sites,
- Advice on scope of biological survey methodology or draft biological survey methodology,
- Advice on the information for a draft Habitats Regulations Assessment (HRA).

This advice is provided in accordance with the undefined scope contract quotation and agreement no. DAS2055 dated 03 March 2016.

As promised, we have gone through the HRA and added comments to aid you (see attached document). We received the draft mitigation area proposal and will provide a response on that shortly.

In addition to the comments in the document attached, we offer the following general advice;

- Summary tables at the end of each section are very useful,
- Some of the wording needs a higher degree of certainty and more detail provided of the precise mitigation measures that will enable the competent authority to rule out adverse effect,
- It is our advice that mitigation is required for the construction of the scheme. We agree that little egret can be screened out at the AA stage.
- There is additional work to do on the SPA assemblage birds.

### Net Gain

Although this is not a Habs Regs issue, we would still like to see net gain proposals being incorporated into this development. The government's 25 Year Environment Plan advocates environmental net gain for development (including infrastructure), although maybe not directly related to the NSIP, the amended NPPF (due out this summer) asks for all developments to include net gain and the Highways England publication 'The road to good design' promotes 'road design seeking to achieve net environmental gain'.

We previously had positive discussions about incorporating net gain into the proposal and it would be disappointing if HE could no longer deliver this. In light of the above, can you re-consider your position and send us what you would consider to be net gain for us to review?

Elizabeth Knowles  
Lead Advisor, Planning Casework  
Coast and Marine Team  
Cheshire, Grtr Manchester, Merseyside & Lancashire Area Team  
Natural England  
2<sup>nd</sup> Floor, Arndale House  
Manchester, M4 3AQ  
Tel: 0208 225 7506

[www.gov.uk/natural-england](http://www.gov.uk/natural-england)

## 1.13 28 June 2018 – Email

Dear Pete,

The proposals below are adequate. Just a few thoughts on the proposals:

- The proposed boxes are quite big, so you will need to make sure the abutment is sufficiently large to take all three boxes;
- If it is large enough, we would encourage 2No Schwegler 1WQ and 1 Schwegler 2FE (rather than 1 1WQ and 2 2FE). This is because the Schwegler 2FE will be less insulated against the bridge structure and with this being a colder and wetter environment generally may not present something that favourable to bats. The larger summer and winter 1WQ will provide the bats a more favoured environment, probably similar to that in the house.

I hope this helps,

Regards,

Delphine

### **Delphine Pouget CEcol CEnv MCIEEM**

Senior Wildlife Adviser – Species Conservation and Regulation, Northern Area Teams  
Cheshire, Greater Manchester, Merseyside & Lancashire Area Team

Natural England

Foss House, Kings Pool

1-2 Peasholme Green

York YO1 7PX

Tel: 02080266427

[Redacted]

Email: [delphine.pouget@naturalengland.org.uk](mailto:delphine.pouget@naturalengland.org.uk)

[www.gov.uk/natural-england](http://www.gov.uk/natural-england)

**Natural England offers two chargeable services – The Discretionary Advice Service ([DAS](#)) provides pre-application, pre-determination and post-consent advice on proposals to developers and consultants as well as pre-licensing species advice and pre-assent and consent advice. The Pre-submission Screening Service ([PSS](#)) provides advice for protected species mitigation licence applications.**

**These services help applicants take appropriate account of environmental considerations at an early stage of project development, reduce uncertainty, reduce the risk of delay and added cost at a later stage, whilst securing good results for the natural environment.**

**We are here to secure a healthy natural environment for people to enjoy, where wildlife is protected and England's traditional landscapes are safeguarded for future generations.**

In an effort to reduce Natural England's carbon footprint, I will, wherever possible, avoid travelling to meetings and attend via audio, video or web conferencing.

**Natural England is accredited to the Cabinet Office Customer Service Excellence Standard.**

**From:** Owens, Pete [<mailto:Pete.Owens@arcadis.com>]  
**Sent:** 18 June 2018 15:32  
**To:** Knowles, Elizabeth D (NE) <[Elizabeth.Knowles@naturalengland.org.uk](mailto:Elizabeth.Knowles@naturalengland.org.uk)>  
**Cc:** Crombie, Sheena <[Sheena.Crombie@highwaysengland.co.uk](mailto:Sheena.Crombie@highwaysengland.co.uk)>; Hawthorne, Emma (NE) <[Emma.Hawthorne@naturalengland.org.uk](mailto:Emma.Hawthorne@naturalengland.org.uk)>; Pouget, Delphine (NE) <[Delphine.Pouget@naturalengland.org.uk](mailto:Delphine.Pouget@naturalengland.org.uk)>; Lowther, Stewart <[Stewart.Lowther@arcadis.com](mailto:Stewart.Lowther@arcadis.com)>; Burrows, Kate <[Kate.Burrows@arcadis.com](mailto:Kate.Burrows@arcadis.com)>; Madden, Neil <[Neil.Madden@arcadis.com](mailto:Neil.Madden@arcadis.com)>; Spencer, David <[David.Spencer@arcadis.com](mailto:David.Spencer@arcadis.com)>; Turley, Liz <[Liz.Turley@arcadis.com](mailto:Liz.Turley@arcadis.com)>; Weaver, Jo <[Jo.Weaver@arcadis.com](mailto:Jo.Weaver@arcadis.com)>; Henderson, Nick <[Nicholas.Henderson@arcadis.com](mailto:Nicholas.Henderson@arcadis.com)>; Panesar, Sucha <[Sucha.Panesar@arcadis.com](mailto:Sucha.Panesar@arcadis.com)>  
**Subject:** DAS2055 - A585 Windy Harbour to Skippool, Lancashire – 177663 - Bat Impacts and Mitigation

Hi Liz

As per the phone call last week, we were requested to provide an overview of the impacts and proposed mitigation in regards to the loss of a bat roost for the A585 project.

The Scheme requires the loss of one day roost (B2 on the google earth imagery below), found to support a max count of 6 common pipistrelle. Two other common pipistrelle day roosts were identified within two buildings (B3 and B4) near to B2, these buildings are located outside of the DCO boundary and will be retained.

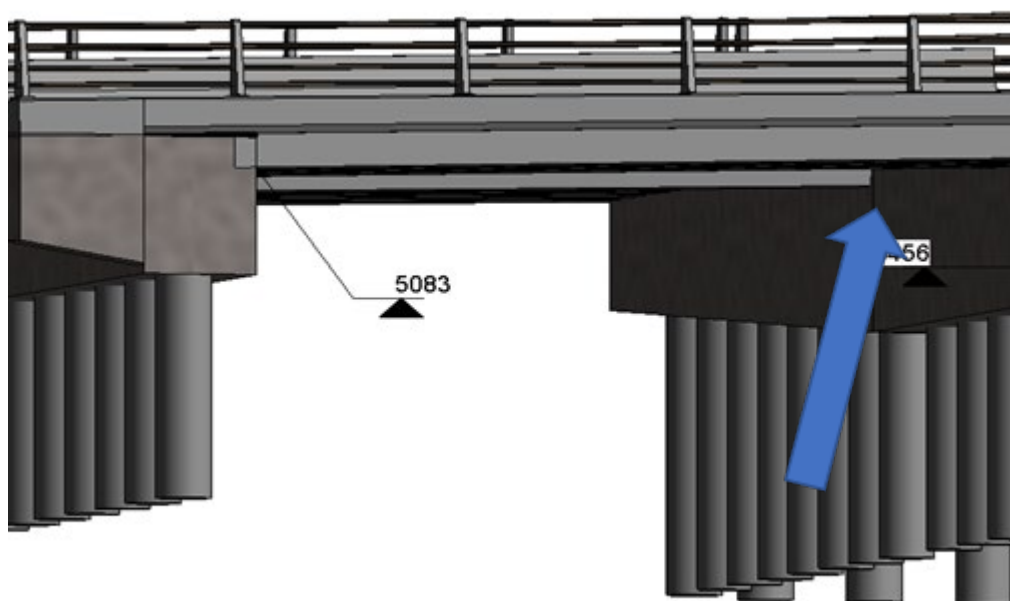


The terrestrial habitats within this area predominantly consisted of Mains Dyke and its associated riparian habitats, comprising semi-mature and mature trees with scrub ground flora. The riparian habitats continued beyond the DCO boundary to both the north and south.



Activity surveys (both static and transect surveys) were undertaken along the length of the Scheme. The static detector located along Mains Dyke had one of the highest intensity of recordings from the 12 detectors placed along the Scheme. However, the transect in this area recorded minimal data. This is anticipated to be a result of surveyors required to walk over Skippool Bridge (B5) along the A585, rather than within the riparian habitat where more recordings would have been made. This would have then coincided with the static data.

The loss of B2 will require a bat mitigation licence. It is proposed that bat boxes (one Schwegler 1WQ and two Schwegler 2FE) will be placed onto the eastern abutment by the southern elevation of the bridge just beneath the deck (the drawing below shows the location). The southern aspect was selected to enable getting some natural light to heat the boxes. These boxes are predominantly utilised by crevice dwellers and the use of two different boxes will provide multiple different crevice opportunities.



The location will deter bats from becoming casualties to traffic, due to the encouragement to follow the riparian habitats from either end of the bridge, rather than heading to the road. However, as the transect surveys identified, it appears that bats were avoiding the road. There is no public access underneath the bridge, so no artificial lighting is proposed.

The riparian habitat to the west of B2, within the DCO boundary, will be lost for development and a planting scheme is proposed within this area. The planting scheme provides connectivity to retained riparian habitats utilised by commuting and foraging bats beyond the DCO boundary to the north and south. Additionally, the planting scheme continues along the road scheme to newly constructed ponds, providing increased foraging opportunities.

It is anticipated that the proposed boxes beneath the bridge will provide sufficient mitigation for the loss of the day roost within B2. As well as maintaining the valuable commuting and foraging grounds utilised by the common pipistrelles.

If you have any queries in relation to this then please don't hesitate to contact me.

Thanks

**Pete Owens** BSc(Hons) MSc MCIEEM | Principal Ecologist | [pete.owens@Arcadis.com](mailto:pete.owens@Arcadis.com)  
**Arcadis** | 5th Floor, 401 Faraday Street, Birchwood, Warrington | WA3 6GA | England

## 1.14 2 July 2018 – Email

Hi Jo

This advice is being provided as part of Natural England's Discretionary Advice Service. Highways England has asked Natural England to provide advice upon:

- Advice on potential impacts on designated or proposed designated sites,
- Advice on scope of biological survey methodology or draft biological survey methodology,
- Advice on the information for a draft Habitats Regulations Assessment (HRA).

This advice is provided in accordance with the undefined scope contract quotation and agreement no. DAS2055 dated 03 March 2016.

As an outline, the plan is fine but we require more details. See below for further information;

- As we have said previously in our comments on the HRA, we consider that mitigation is required under the Habs Regs due to the regular use by significant numbers of SPA birds within the disturbance buffer.
- We consider that the overall size of the proposed area is suitable to mitigate for temporary disturbance. The area 'allocated' for lapwing and curlew is small but, we consider that it will be acceptable given that it is part of a wider mitigation area – i.e. it's not a 2ha site on its own. The area between the 2ha site and the wider 12.5ha should be open i.e. there shouldn't be any hedgerows etc between the different areas.
- The proposed pink footed geese management appears acceptable but as this is Habs Regs mitigation, we need more detail on this. At this stage it doesn't have to be a complete management plan but it does have to clearly set out what will be done to the site, how and by whom. Have any of the adjacent landowners been approached yet to discuss purchase of the shooting rights?
- Proposed lapwing and curlew management, again this appears acceptable but requires more detail. It is not clear what the current habitat is now and therefore whether it is proposed to retain the existing habitat (ie as pasture/short sward) or reverse the existing arable. The plan indicates scrub management around the existing ponds – if there's any scrub in this 2ha area, it will need to be removed. The plan also indicates a proposal to increase suitability around the fringes of the pond – does this mean some re-profiling of the ponds to allow shallow areas for birds to use?
- Both mitigation areas need some objectives i.e. monitoring to determine that habitat management is suitable and the monitoring of bird numbers. As we discussed at a previous meeting, if the bird counts don't meet the objectives, if you can demonstrate that the habitat management was suitable and there were no issues such as disturbance etc, then this would still be counted as a 'pass'.
- It is unclear whether the existing value of the mitigation area been assessed – particularly the scrub/hedgerows and ponds. Will they be lost? This will need to be included in the Environment Statement.
- The plan shows hedgerow management and it is not clear whether this refers to the cutting of, or removal of the hedgerow.

Let me know if you require any clarification on the above.

Liz

Elizabeth Knowles  
Lead Advisor, Planning Casework  
Coast and Marine Team  
Cheshire, Grtr Manchester, Merseyside & Lancashire Area Team

Natural England  
2<sup>nd</sup> Floor, Arndale House  
Manchester, M4 3AQ

[www.gov.uk/natural-england](http://www.gov.uk/natural-england)

**We are here to secure a healthy natural environment for people to enjoy, where wildlife is protected and England's traditional landscapes are safeguarded for future generations.**

**In an effort to reduce Natural England's carbon footprint, I will, wherever possible, avoid travelling to meetings and attend via audio, video or web conferencing.**

**From:** Weaver, Jo [<mailto:Jo.Weaver@arcadis.com>]

**Sent:** 13 June 2018 14:26

**To:** Knowles, Elizabeth D (NE) <[Elizabeth.Knowles@naturalengland.org.uk](mailto:Elizabeth.Knowles@naturalengland.org.uk)>; Hawthorne, Emma (NE) <[Emma.Hawthorne@naturalengland.org.uk](mailto:Emma.Hawthorne@naturalengland.org.uk)>

**Cc:** Turley, Liz <[Liz.Turley@arcadis.com](mailto:Liz.Turley@arcadis.com)>; Hourd, David <[David.Hourd@arcadis.com](mailto:David.Hourd@arcadis.com)>; Burrows, Kate <[Kate.Burrows@arcadis.com](mailto:Kate.Burrows@arcadis.com)>

**Subject:** A585 Draft Mitigation Area

**Importance:** High

Hi Liz/Emma,

Following on from our telecom last week, please see attached a draft plan outlining a possible layout for Mitigation Area 1 at the northern end of the Scheme. As discussed, given the limited number of birds recorded utilising habitats which could be affected by the Scheme, the HRA concludes that there would be no likely adverse effect on the integrity of the Morecambe and Duddon SPA/ Morecambe Bay Ramsar site as a result of the Scheme (during construction or operation). However, mitigation has been proposed during the construction phase to account for the local affect that the Scheme could have on waterbirds utilising adjacent farmland habitats. The mitigation will comprise a single area to the north of the Scheme (adjacent to the River Wyre) which will provide an alternative foraging area away from the potential temporary disturbance/displacement from the construction works. The mitigation area will provide a combined area suitable for pink-footed geese, lapwing and curlew. The attached plan shows an example of how the land could be split to allow for the differing habitat management requirements for these three species (as well as other SPA/Ramsar site wintering waterfowl, including little egret).

Possible management for the areas identified for pink-footed geese includes:

- Crop management to ensure stubble, suitable grassland or other crops are available during the winter months
- Hedgerow management/removal to increase the field size and improve sightlines
- Supplementary feeding – in the event the crops are not considered to be providing enough food for the geese, a program of supplementary feeding could be developed
- Purchase of shooting rights on neighbouring land to reduce disturbance of the mitigation area (and potentially allow birds to forage safely on neighbouring land providing an additional benefit)

Possible management for the area identified for lapwing and curlew include:

- Provision of scrapes to provide areas of wet habitat for foraging birds
- Maintenance of a short grass sward around the scrapes
- Scrub management around existing ponds to improve sightlines and increase suitability around the fringes of the ponds for waterbirds

The proposals outlined above are provided in principle only; the final design, and inclusions within the mitigation area, will be developed in consultation with the buildability consultant, the landowner and Natural England.

We welcome your thoughts on the draft mitigation area.

Many thanks,  
Jo

---

**Jo Weaver** | Senior Ecologist - Environment | [jo.weaver@arcadis.com](mailto:jo.weaver@arcadis.com)  
**Arcadis** | The Mill, Brimscombe Port, Stroud | GL5 2QG | UK

## 1.15 9 July 2018 – Email

Hi Pete,

This sounds fine.

Thank you

Regards,

Delphine

### **Delphine Pouget CEcol CEnv MCIEEM**

Senior Wildlife Adviser – Species Conservation and Regulation, Northern Area Teams  
Cheshire, Greater Manchester, Merseyside & Lancashire Area Team

Natural England

Foss House, Kings Pool

1-2 Peasholme Green

York YO1 7PX

**Tel:** 02080266427

**Email:** [delphine.pouget@naturalengland.org.uk](mailto:delphine.pouget@naturalengland.org.uk)

[www.gov.uk/natural-england](http://www.gov.uk/natural-england)

**From:** Owens, Pete [<mailto:Pete.Owens@arcadis.com>]

**Sent:** 06 July 2018 15:09

**To:** Pouget, Delphine (NE) <[Delphine.Pouget@naturalengland.org.uk](mailto:Delphine.Pouget@naturalengland.org.uk)>

**Cc:** Crombie, Sheena <[Sheena.Crombie@highwaysengland.co.uk](mailto:Sheena.Crombie@highwaysengland.co.uk)>; Hawthorne, Emma (NE) <[Emma.Hawthorne@naturalengland.org.uk](mailto:Emma.Hawthorne@naturalengland.org.uk)>; Lowther, Stewart <[Stewart.Lowther@arcadis.com](mailto:Stewart.Lowther@arcadis.com)>; Burrows, Kate <[Kate.Burrows@arcadis.com](mailto:Kate.Burrows@arcadis.com)>; Madden, Neil <[Neil.Madden@arcadis.com](mailto:Neil.Madden@arcadis.com)>; Spencer, David <[David.Spencer@arcadis.com](mailto:David.Spencer@arcadis.com)>; Turley, Liz <[Liz.Turley@arcadis.com](mailto:Liz.Turley@arcadis.com)>; Weaver, Jo <[Jo.Weaver@arcadis.com](mailto:Jo.Weaver@arcadis.com)>; Henderson, Nick <[Nicholas.Henderson@arcadis.com](mailto:Nicholas.Henderson@arcadis.com)>; Panesar, Sucha <[Sucha.Panesar@arcadis.com](mailto:Sucha.Panesar@arcadis.com)>; Knowles, Elizabeth D (NE) <[Elizabeth.Knowles@naturalengland.org.uk](mailto:Elizabeth.Knowles@naturalengland.org.uk)>

**Subject:** RE: DAS2055 - A585 Windy Harbour to Skippool, Lancashire – 177663 - Bat Impacts and Mitigation

Hi Delphine,

Thank you for the response.

Recent design changes require an amendment to the proposed plans, which will now involve the removal of B4, in addition to B2 (location on aerial photography below).



Building B4 was one of the three known day roosts and had a maximum count of four common pipistrelles emerge. To compensate for this roost we are therefore proposing an additional Schwegler 1WQ to be installed on the refurbished bridge. Owing to your previous response this would total three Schwegler 1WQs and One Schwegler 2FE to be installed on the southern aspect wingwall or abutment. We have spoken to the structures team and another bat box in this location can be accommodated. Additionally, answering one of your responses about the size of the boxes in this area, the structures team also confirmed that the size of the Schwegler 1WQ will not be an issue.

Can you please confirm whether you're happy with the new proposals?

Thanks

Pete

**Pete Owens** BSc(Hons) MSc MCIEEM | Principal Ecologist | [pete.owens@Arcadis.com](mailto:pete.owens@Arcadis.com)  
**Arcadis** | 5th Floor, 401 Faraday Street, Birchwood, Warrington | WA3 6GA | England

## 1.16 12 October – Email

**From:** Knowles, Elizabeth D (NE) <[Elizabeth.Knowles@naturalengland.org.uk](mailto:Elizabeth.Knowles@naturalengland.org.uk)>  
**Sent:** 12 October 2018 14:32  
**To:** Lascelles, Bruce <[Bruce.Lascelles@arcadis.com](mailto:Bruce.Lascelles@arcadis.com)>  
**Cc:** Burrows, Kate <[Kate.Burrows@arcadis.com](mailto:Kate.Burrows@arcadis.com)>  
**Subject:** RE: DAS2055 - A585 Windy Harbour to Skippool

Hi Bruce

This advice is being provided as part of Natural England's Discretionary Advice Service. Highways England has asked Natural England to provide advice upon:

- Advice on potential impacts on designated or proposed designated sites,
- Advice on scope of biological survey methodology or draft biological survey methodology,
- Advice on the information for a draft Habitats Regulations Assessment (HRA).

This advice is provided in accordance with the undefined scope contract quotation and agreement no. DAS2055 dated 03 March 2016.

Sorry this has taken a while to respond, we have been waiting for Arcadis to reconfirm the new DAS contract details.

Further to your email below, I have checked with the senior soil specialist and, considering the circumstances of this development, we agree with your proposal to undertake a full soil survey to inform a soil management plan and CEMP prior to the commencement of construction activity.

Elizabeth Knowles  
Lead Advisor, Planning Casework  
Coast and Marine Team  
Cheshire, Grtr Manchester, Merseyside & Lancashire Area Team  
Natural England  
2<sup>nd</sup> Floor, Arndale House  
Manchester, M4 3AQ  
Tel: 0208 225 7506

[www.gov.uk/natural-england](http://www.gov.uk/natural-england)

**We are here to secure a healthy natural environment for people to enjoy, where wildlife is protected and England's traditional landscapes are safeguarded for future generations.**

**In an effort to reduce Natural England's carbon footprint, I will, wherever possible, avoid travelling to meetings and attend via audio, video or web conferencing.**

**From:** Lascelles, Bruce [<mailto:Bruce.Lascelles@arcadis.com>]  
**Sent:** 02 July 2018 16:05  
**To:** Knowles, Elizabeth D (NE) <[Elizabeth.Knowles@naturalengland.org.uk](mailto:Elizabeth.Knowles@naturalengland.org.uk)>  
**Cc:** Burrows, Kate <[Kate.Burrows@arcadis.com](mailto:Kate.Burrows@arcadis.com)>  
**Subject:** DAS2055 - A585 Windy Harbour to Skippool

Elizabeth,

I am leading on the assessment of Agriculture and Soils for the above scheme. Whilst we stated in the Scoping Report that Agricultural Land Classification (ALC) surveys would be undertaken it is now not possible to undertake these ourselves and the timeframe prior to submission would not allow us to procure these. However, given the available information it is unlikely that surveys would alter the current assessment of impact, and so it is proposed to present the assessment based on currently available information (which would in effect be on a worst case scenario with all land assumed to be best and most versatile) with a firm commitment to undertaking a full soil survey to inform the development of a Soil management Plan prior to construction. The rationale for this is set out in the attached draft document.

I would be grateful for your comments/thoughts on this and would be happy to talk you through the proposal.

Kind regards

Bruce

**Bruce Lascelles** | Director – Environmental Planning | [bruce.lascelles@arcadis.com](mailto:bruce.lascelles@arcadis.com)  
**Arcadis** | The Mill, Brimscombe Port, Stroud | GL5 2QG | UK

[www.arcadis.com](http://www.arcadis.com)

**PA:** Sukaina Mirza  
[sukaina.mirza@arcadis.com](mailto:sukaina.mirza@arcadis.com)



Be green, leave it on the screen.

Arcadis Consulting (UK) Limited is a private limited company registered in England & Wales (registered number 02212959). Registered office at Arcadis House, 34 York Way, London, N1 9AB. Part of the Arcadis Group of Companies along with other entities in the UK.



## 1.17 24 October 2018 – Email

Hi Jo

This advice is being provided as part of Natural England's Discretionary Advice Service. Highways England has asked Natural England to provide advice upon:

- Advice on potential impacts on designated or proposed designated sites,
- Advice on scope of biological survey methodology or draft biological survey methodology,
- Advice on the information for a draft Habitats Regulations Assessment (HRA).

This advice is provided in accordance with the undefined scope contract quotation and agreement no. DAS2055 dated 03 March 2016.

We previously advised that Partington Caravan Park own the land around the temporary mitigation area (to the north of the road) and the shooting rights are held by a private landowner in the area.

I have also found out that Fylde Wildfowlers Association have the shooting rights on the land. I have checked with the Association and you can contact;

Bob Singleton  
2 Braides Cottage  
Cockerham  
Lancaster  
LA2 0EL

[j.singleton115@btinternet.com](mailto:j.singleton115@btinternet.com)

Hope this helps

Liz

Elizabeth Knowles  
Lead Advisor, Planning Casework  
Coast and Marine Team  
Cheshire, Grtr Manchester, Merseyside & Lancashire Area Team  
Natural England  
2<sup>nd</sup> Floor, Arndale House  
Manchester, M4 3AQ  
Tel: 0208 225 7506

[www.gov.uk/natural-england](http://www.gov.uk/natural-england)

**We are here to secure a healthy natural environment for people to enjoy, where wildlife is protected and England's traditional landscapes are safeguarded for future generations.**

**In an effort to reduce Natural England's carbon footprint, I will, wherever possible, avoid travelling to meetings and attend via audio, video or web conferencing.**

**From:** Weaver, Jo [<mailto:Jo.Weaver@arcadis.com>]

**Sent:** 12 October 2018 15:54

**To:** Knowles, Elizabeth D (NE) <[Elizabeth.Knowles@naturalengland.org.uk](mailto:Elizabeth.Knowles@naturalengland.org.uk)>; Turley, Liz

<[Liz.Turley@arcadis.com](mailto:Liz.Turley@arcadis.com)>

**Cc:** Burrows, Kate <[Kate.Burrows@arcadis.com](mailto:Kate.Burrows@arcadis.com)>

**Subject:** RE: A585 bird mitigation area - shooting rights

Hi Liz,

Many thanks for getting back to us on this. Are you able to advise who the SSSI adviser is that we can contact so that we can identify whether there are any existing shooting rights close to our mitigation area in order to follow up the need to buy out/secure any rights?

Thanks,  
Jo

**From:** Knowles, Elizabeth D (NE) <[Elizabeth.Knowles@naturalengland.org.uk](mailto:Elizabeth.Knowles@naturalengland.org.uk)>

**Sent:** 12 October 2018 14:38

**To:** Turley, Liz <[Liz.Turley@arcadis.com](mailto:Liz.Turley@arcadis.com)>

**Cc:** Weaver, Jo <[Jo.Weaver@arcadis.com](mailto:Jo.Weaver@arcadis.com)>; Burrows, Kate <[Kate.Burrows@arcadis.com](mailto:Kate.Burrows@arcadis.com)>

**Subject:** RE: A585 bird mitigation area - shooting rights

Hi Liz

This advice is being provided as part of Natural England's Discretionary Advice Service. Highways England has asked Natural England to provide advice upon:

- Advice on potential impacts on designated or proposed designated sites,
- Advice on scope of biological survey methodology or draft biological survey methodology,
- Advice on the information for a draft Habitats Regulations Assessment (HRA).

This advice is provided in accordance with the undefined scope contract quotation and agreement no. DAS2055 dated 03 March 2016.

Yes, shooting is listed on the Wyre Estuary's Operations Requiring Natural England's Consent (ORNECs) list. I have checked with a SSSI lead adviser and Natural England wouldn't revoke a shooting consent for the benefit of a third party. It would be up to the developer to secure the mitigation and buy out/secure existing shooting rights adjacent to the mitigation area.

Elizabeth Knowles  
Lead Advisor, Planning Casework  
Coast and Marine Team  
Cheshire, Grtr Manchester, Merseyside & Lancashire Area Team  
Natural England  
2<sup>nd</sup> Floor, Arndale House  
Manchester, M4 3AQ  
Tel: 0208 225 7506

[www.gov.uk/natural-england](http://www.gov.uk/natural-england)

**We are here to secure a healthy natural environment for people to enjoy, where wildlife is protected and England's traditional landscapes are safeguarded for future generations.**

**In an effort to reduce Natural England's carbon footprint, I will, wherever possible, avoid**

**travelling to meetings and attend via audio, video or web conferencing.**

**From:** Turley, Liz [<mailto:Liz.Turley@arcadis.com>]

**Sent:** 26 September 2018 13:34

**To:** Knowles, Elizabeth D (NE) <[Elizabeth.Knowles@naturalengland.org.uk](mailto:Elizabeth.Knowles@naturalengland.org.uk)>

**Cc:** Weaver, Jo <[Jo.Weaver@arcadis.com](mailto:Jo.Weaver@arcadis.com)>; Burrows, Kate <[Kate.Burrows@arcadis.com](mailto:Kate.Burrows@arcadis.com)>

**Subject:** A585 bird mitigation area - shooting rights

Hi Liz,

It was good to see you yesterday, I think we made good progress with the Lancaster HRAs. I was just emailing you in relation to the A585 and the bird mitigation area.

We are currently in the process of arranging removal of the shooting rights, for the 2 year construction period, within and around the mitigation fields. Given the close proximity of the River Wyre, we were also looking at the shooting rights on the foreshore. It's out understanding that as the River Wyre is a SSSI, it will be necessary to gain consent from NE to shoot in that area. Is this correct? If so, would it be possible for NE to remove any consents adjacent to the mitigation area for the duration of the construction works?

I also spoke to Kate Burrows and she is looking into the budgeting issue in relation to consultation for the A585 project.

Best wishes

Liz

**Liz Turley** | Principal Ecologist | [Liz.turley@arcadis.com](mailto:Liz.turley@arcadis.com)

**Arcadis** | The Mill, Brimscombe Port, Stroud | GL5 2QG | UK

[www.arcadis.com](http://www.arcadis.com)



Be green, leave it on the screen.

Arcadis Consulting (UK) Limited is a private limited company registered in England & Wales (registered number 02212959). Registered Office at Manning House, 22 Carlisle Place, London, SW1P 1JA, UK. Part of the Arcadis Group of Companies along with other entities in the UK.

## 1.18 14 November 2018 – Email

Hi Liz

This advice is being provided as part of Natural England's Discretionary Advice Service. Highways England has asked Natural England to provide advice upon:

- Advice on potential impacts on designated or proposed designated sites,
- Advice on scope of biological survey methodology or draft biological survey methodology,
- Advice on the information for a draft Habitats Regulations Assessment (HRA).

This advice is provided in accordance with the undefined scope contract quotation and agreement no. DAS2055 dated 03 March 2016.

We have reviewed the Bird Mitigation Strategy (October 2018 Rev 0) and have the following comments to make;

Ideal feeding habitat for the pink-footed geese would be pasture and arable crop so in the context of the mitigation plan - Option 1 sowing 2 fields with pasture crop and 2 fields with arable crop would be preferred.

For curlew and lapwing, the ideal feeding habitat is permanent pasture with a short sward so that there is easy access to prey species – earthworms and insects and their larvae.

A key element of the positive management of the mitigation area is to ensure it is as disturbance free as possible – so looking at current levels of shooting in this area, and removing this disturbance is important.

Elizabeth Knowles  
Lead Advisor, Planning Casework  
Coast and Marine Team  
Cheshire, Grtr Manchester, Merseyside & Lancashire Area Team  
Natural England  
2<sup>nd</sup> Floor, Arndale House  
Manchester, M4 3AQ  
Tel: 0208 225 7506

[www.gov.uk/natural-england](http://www.gov.uk/natural-england)

**We are here to secure a healthy natural environment for people to enjoy, where wildlife is protected and England's traditional landscapes are safeguarded for future generations.**

**In an effort to reduce Natural England's carbon footprint, I will, wherever possible, avoid travelling to meetings and attend via audio, video or web conferencing.**

**From:** Turley, Liz [<mailto:Liz.Turley@arcadis.com>]

**Sent:** 09 October 2018 12:24

**To:** Knowles, Elizabeth D (NE) <[Elizabeth.Knowles@naturalengland.org.uk](mailto:Elizabeth.Knowles@naturalengland.org.uk)>

**Cc:** Lowther, Stewart <[Stewart.Lowther@arcadis.com](mailto:Stewart.Lowther@arcadis.com)>; Weaver, Jo <[Jo.Weaver@arcadis.com](mailto:Jo.Weaver@arcadis.com)>; Burrows, Kate <[Kate.Burrows@arcadis.com](mailto:Kate.Burrows@arcadis.com)>

**Subject:** MITIGATION STRATEGY RE: R0013562: Natural England DAS Contract (2055) A585 Windy Harbour to Skippool - New PO required

Hi Liz,

Further to our discussion last week, please find attached a draft of the bird mitigation strategy for the A585 Scheme. I have included a PDF which includes text and the Annexes, and a separate word document of the text for you to add any comments.

Please feel free to contact myself or Jo if you would like to discuss any details further.

I understand that the DAS should be in place now, please let me know if this is not the case.

Best wishes

Liz

## 1.19 25 April 2019

Hi Kate

This advice is being provided as part of Natural England's Discretionary Advice Service. Highways England has asked Natural England to provide advice upon:

- Advice on potential impacts on designated or proposed designated sites,
- Advice on scope of biological survey methodology or draft biological survey methodology,
- Advice on the information for a draft Habitats Regulations Assessment (HRA).

This advice is provided in accordance with the undefined scope contract quotation and agreement no. DAS2055 dated 03 March 2016.

As requested, we have looked at and provided comments on the amended HRA – see attached. I have added a new column into your table and included comments regarding the amended HRA. Hopefully this all makes sense.

Also note that the LPA have raised concerns about the lack of biodiversity net gain in the project. Although we raised this during our DAS meetings, we haven't seen anything recently regarding this, so you might want to ensure that this is covered.

Liz

Elizabeth Knowles  
Lead Advisor, Planning Casework  
Coast and Marine Team  
Cheshire, Grtr Manchester, Merseyside & Lancashire Area Team  
Natural England  
2<sup>nd</sup> Floor, Arndale House  
Manchester, M4 3AQ  
Tel: 0208 225 7506

[www.gov.uk/natural-england](http://www.gov.uk/natural-england)

**We are here to secure a healthy natural environment for people to enjoy, where wildlife is protected and England's traditional landscapes are safeguarded for future generations.**

**In an effort to reduce Natural England's carbon footprint, I will, wherever possible, avoid travelling to meetings and attend via audio, video or web conferencing.**

**From:** Burrows, Kate [<mailto:Kate.Burrows@arcadis.com>]

**Sent:** 27 March 2019 15:26

**To:** Knowles, Elizabeth <[Elizabeth.Knowles@naturalengland.org.uk](mailto:Elizabeth.Knowles@naturalengland.org.uk)>

**Cc:** Turley, Liz <[Liz.Turley@arcadis.com](mailto:Liz.Turley@arcadis.com)>; Weaver, Jo <[Jo.Weaver@arcadis.com](mailto:Jo.Weaver@arcadis.com)>; Madden, Neil <[Neil.Madden@arcadis.com](mailto:Neil.Madden@arcadis.com)>; Henderson, Nick <[Nicholas.Henderson@arcadis.com](mailto:Nicholas.Henderson@arcadis.com)>

**Subject:** A585: Windy Harbour to Skippool Improvement Scheme

Afternoon Liz,

I hope you are well.

As discussed last week please find attached our updated HRA for the Windy Harbour to Skippool Improvement

Scheme which we have tracked changes on and incorporated the comments within Natural Englands Relevant Representation. Also attached is a tracker which includes Natural Englands Relevant Representation comments together with a response next to each point from Highways England / Arcadis.

Once you have had time to review the HRA and the associated responses we would be happy to talk through any outstanding issues or concerns via a teleconference or face to face meeting.

Our updated draft bat and GCN licences will be issued for further review / comment on Friday (29/03/2019). If you could let me know how we are with the funds in the DAS once we send them over that would be great.

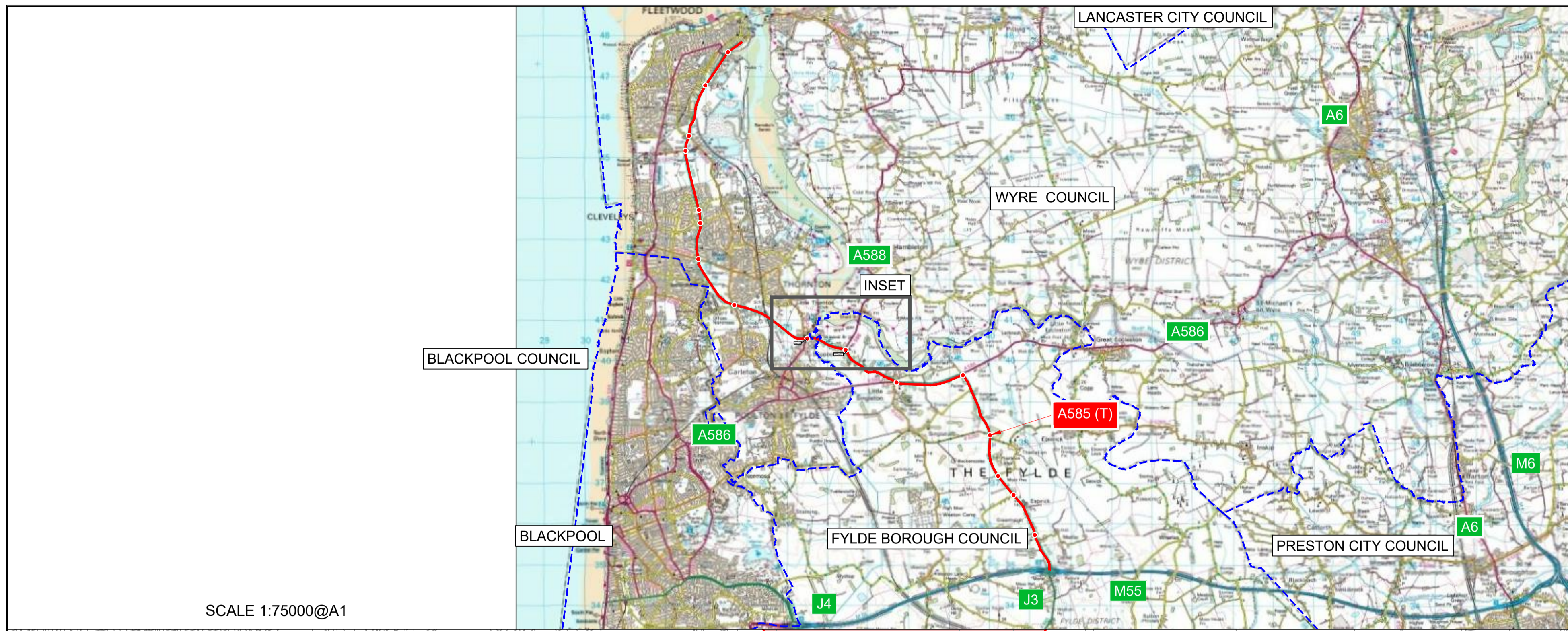
Any questions at all please don't hesitate to give me a call.

Kind regards,

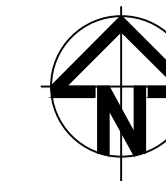
Kate

## Appendix B – Shooting Rights Figure

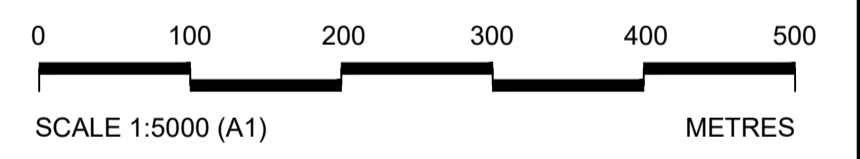
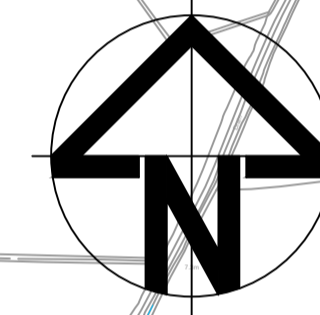
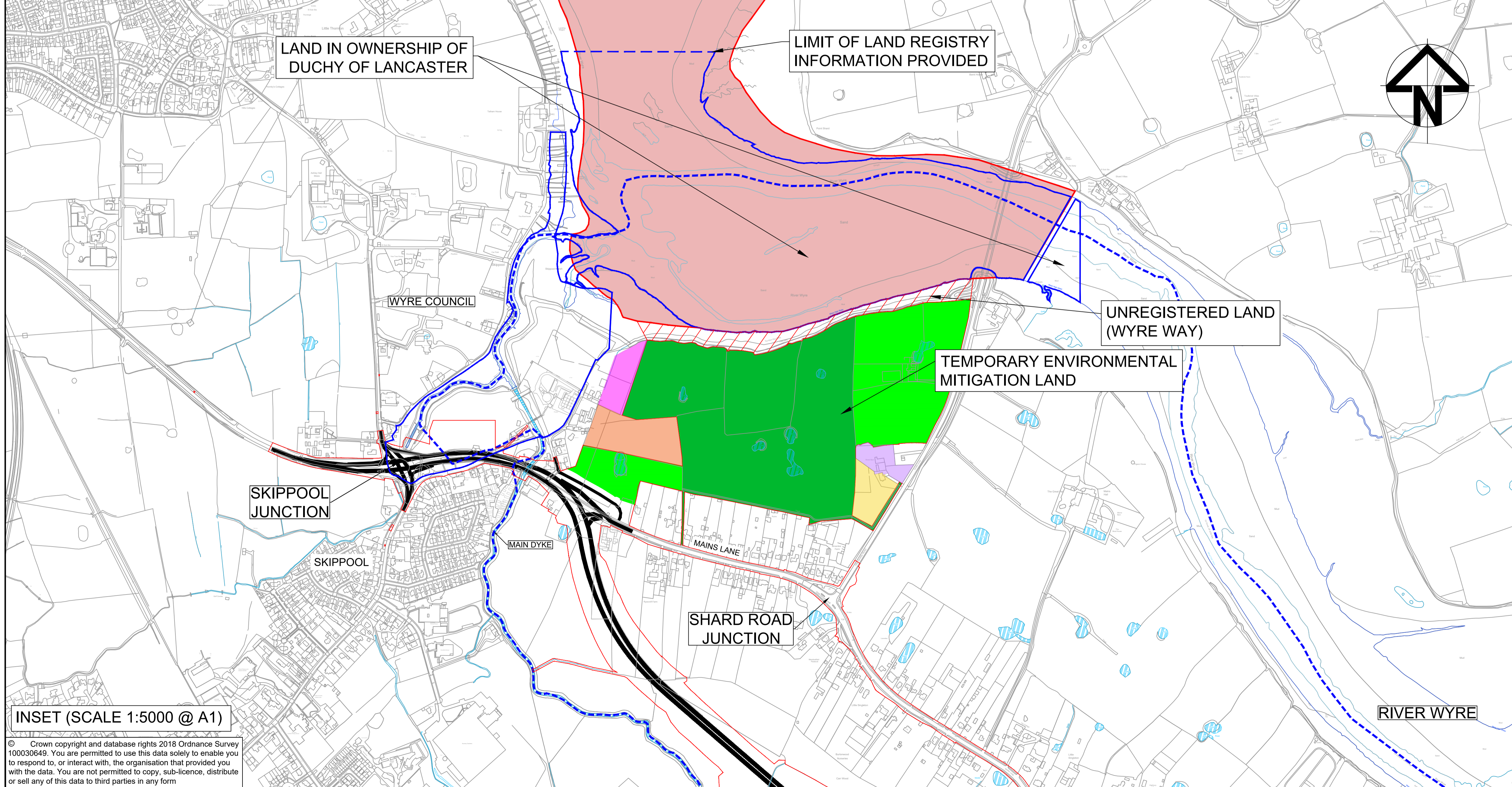




SCALE 1:75000@A1



- KEY:**
- LOCAL AUTHORITY BOUNDARY
  - SCHEME ALIGNMENT
  - (circle) EXISTING WATERBODIES
  - (line) EXISTING WATERCOURSE
  - LAND PLOT
  - TEMPORARY ENVIRONMENTAL MITIGATION AREA
  - APPROXIMATE AREA OF SPORTING RIGHTS OVER WYRE ESTUARY, BASED ON INFORMATION SUPPLIED BY DUCHY OF LANCASTER ON 26/11/2018
  - UNREGISTERED LAND ALONG WYRE WAY
  - LAND UNDER CONTROL OF HIGHWAYS ENGLAND
  - BUSINESS - SUNDOWN KENNELS - VERBAL CONFIRMATION FROM MEMBER OF STAFF THAT SHE ISN'T AWARE OF SHOOTING ON LAND. UNABLE TO DIRECTLY CONTACT OWNER.
  - BUSINESS - CHILDREN'S HOME (INFORMATION PROVIDED BY OCCUPANTS) - VERBAL CONFIRMATION WITH OCCUPANTS THAT THERE IS NO SHOOTING ON THIS LAND.
  - PRIVATE RESIDENCE - HIGHTIDE - VERBAL CONFIRMATION WITH LANDOWNER THAT THERE IS NO SHOOTING ON HIS LAND.
  - PRIVATE RESIDENCE - SHARD FARM - VERBAL CONFIRMATION WITH LANDOWNER THAT THERE IS NO SHOOTING ON HIS LAND.



4	S3	03/05/2019	FOR INFORMATION	NL	SP	NH
3	S3	24/04/2019	FOR INFORMATION	GH	SP	NH
2	S3	26/11/2018	FOR INFORMATION	GH	SP	NH
1	S3	20/11/2018	FOR INFORMATION	GH	SP	NH
Rev	Status	Rev. Date	Purpose of revision	Drawn	Chk'd	Apprv'd

Client **highways england**

Project **A585 WINDY HARBOUR TO SKIPPOOL IMPROVEMENT SCHEME**

Drawing Title **FIGURE 1: LAND PARCEL OWNERSHIP DUCHY OF LANCASTER**

Status	<b>FOR INFORMATION</b>	Revision	<b>4</b>
Scale	1 : 5000 @ A1	Date	03/05/19
Drawn By	G.HERRING		
Checked By	S.PANESAR		
Approved By	N.HENDERSON		
PINS No.	TR010035	Original Size	A1
Drawing number HE PIN   Originator   Volume   Location   Type   Risk   Number			
<b>HE548643-ARC-EGN-SZ_ZZ_000-DR-D-3118</b>			

INSET (SCALE 1:5000 @ A1)

© Crown copyright and database rights 2018 Ordnance Survey 100030649. You are permitted to use this data solely to enable you to respond to, or interact with, the organisation that provided you with the data. You are not permitted to copy, sub-licence, distribute or sell any of this data to third parties in any form