

ISSUE SPECIFIC HEARING 2

These comments relate to matters discussed at Issue Specific Hearing 2.

For ease of reference I have used the timings taken from the transcripts of the recordings (which are the official record of the hearings) and should be read in that context.

Issue Specific Hearing 2 - Part 3

Timing References: 00:40:01 to 00:43:26 and 00:51:11 to 00:53:15

At these points in the hearing the topic of the Sand Lizards was discussed.

Sand Lizards have been successfully reintroduced to the Lytham St Annes Sand Dunes Site of Special Scientific Interest and there is now an established population.

Sand Lizards are considered to be an endangered species in the United Kingdom and are a European Protected Species (EPS), protected under the Conservation of Habitats and Species Regulations 2017.

They are a Priority Species under the UK Post-2010 Biodiversity Framework.

They are also protected under the Wildlife and Countryside Act 1981 and it is an offence to intentionally or recklessly:

- *disturb them while they occupy a structure or place used for shelter or protection*
- *obstruct access to a place of shelter or protection*

The sand lizard is one of the UK's rarest reptiles and favours sandy heathland habitats and sand dunes. Sand lizards are confined to a few sites as destruction of their habitat has reduced their range. Their successful reintroduction to this sensitive natural habitat should be a significant material consideration in the examination of this application.

Representations were made concerning the population of Sand Lizards on the Northern slope of the “sand winning” access from Clifton Drive North and to the sensitivity of their habitat and burrows being affected by vibrational disturbance and, arguably, the impact of noise.

Timing References: 01:01:12 to 01:02:23 and 01:04:43 to 01:05:13

At these points in the hearing the applicants referred to usage of the existing “sand winning” access from Clifton Drive North as being “exactly the same” as the use currently made of the access by Fylde Borough Council.

In response the Council disagreed stating “the intensity of the use by the council is very different to the intensity of use for construction access”.

As a local resident living in near proximity of this access I can say that I see very little use of it by any party. Access to the track is restricted by a locked gate which is rarely opened and is in any case

ISSUE SPECIFIC HEARING 2

frequently blocked by cars parked by visitors (both local and others) to the Beach. The sand winning or extraction activities finished years ago, to my knowledge, and I have seen no evidence of traffic movements by HGV or any other commercial vehicles. The Council will no doubt come back with specifics but I would be surprised if their vehicles amount to anything more than the “Golf Cart” type vehicle or the “Toyota Land Cruiser” vehicle type used by the Coastal Rangers. Certainly their use of this access by my own observations is extremely limited.

Given the nature of the construction activities planned on the Beach - the construction of the Pipe Exit Points, the building of Cofferdams, the Cable Pulling etc. the types of heavy equipment and vehicles involved and the noise and vibrational impacts of these and the associated activities bear no comparison to the limited low impact use made by the Council.

These vehicle movements and associated activities, to say nothing about the proposed underground tunnelling of up to six separate bores for the offshore sub sea marine high voltage cables en route to the Transition Joint Bays at Blackpool Airport, will inevitably create noise and vibration with significant detrimental impact on the endangered species Sand Lizard population and, in my opinion, will “*disturb them while they occupy a structure or place used for shelter or protection*” an offence under the Wildlife and Countryside Act 1981.

To add further context to the importance and sensitivity of the Sand Dunes and the SSSI I referred to the:-

The St Anne’s Neighbourhood Development Plan - Neighbourhood Profile August 2015 (*I understand this now forms part of the the Development Plan for Fylde Borough Council - this could be clarified with them if necessary*)

From this document Chapter 9 - The Natural Environment states:

“The Fylde Sand Dunes Management Action Plan (2008) was commissioned by the Fylde Sand Dune Project Steering Group in order to evaluate the importance of the Fylde Sand Dunes and other natural coastal habitats and to suggest management proposals in order to maintain or enhance the key features. Funding for the project was provided by the Local Strategic Partnership (LSP).”

It goes on to say:

“The main aims for management of the Fylde Sand Dunes are to:

- enhance the nature conservation interest of the coastal habitats;*
- improve the efficiency of the dunes and saltmarsh as soft sea-defence (with associated cost savings in maintenance of hard sea-defences); and*
- enhance public appreciation and enjoyment of the dunes.”*

It states:

ISSUE SPECIFIC HEARING 2

“These aims will be addressed under the more specific operational objectives listed below:

- 1. Enhance the nature conservation value of the sand dune and other natural coastal habitats, including the shingle bed and accreting saltmarsh.*
- 2. Increase the area of sand dune and saltmarsh habitats where appropriate, particularly by allowing conditions for natural seaward accretion.*
- 3. Maintain and, where appropriate, enhance sea defences, with natural accretion of sand dune and saltmarsh forming the primary defence and repairs to hard defences only undertaken where current or potential soft defence is not adequate.*
- 4. Promote knowledge, understanding and appreciation of the ecological value of the sand dunes and other natural coastal habitats, and of their key role in coastal flood defence.*
- 5. Enable safe recreational use of the dunes and beach **where this does not significantly compromise the nature conservation** or flood- defence properties of the dunes and other natural coastal habitats.”*

It also states:

“The Lytham St. Anne’s Dunes include the area of sand dunes at Starr Hills together with land on its seaward side. The sand dunes at Starr Hills have been designated as a Local Nature Reserve since 1968.

The sand dunes of the Fylde coast may only be a fragment of a once extensive dunes system but they still provide a habitat for a wealth of wildlife. Over 280 different plant species have been recorded on the dunes from the mobile dunes on the coast to the fixed dunes of the Local Nature Reserve. This includes internationally rare plants such as the Isle of Man cabbage and the Dune Helleborine which only grow in Great Britain.”

and to conclude:

“The dunes are home to a wide variety of specialist plants and animals which are perfectly adapted to life in sand. Marram grass is known for its long roots and dune stabilisation properties and there are rare plants such as the Isle of Man Cabbage and Dune Helleborine, as well as a variety of scarce orchids. In the summer butterflies, moths and bees collect nectar from the wildflowers that flourish on the dunes. The dunes are not only important for wildlife, they are also important for the local community.”

Sand dunes are complex and dynamic systems which must be managed to ensure the health of the system.”

I cannot see how approving the Development Consent Order for these two highly complex, intrusive and damaging projects can in any way be seen to support the efforts by the local community to restore native reptiles to their natural habitat (the Sand Dunes/SSSI) and to improve and protect this valuable heritage for the current and future generations to come.

ISSUE SPECIFIC HEARING 2

Issue Specific Hearing 2 - Part 6

Timing References: 01:22:50 to 01:29:40

Issue Specific Hearing 2 - Part 7

Timing References: 00:00:38 to 00:15:29

The Agenda Item that was to be covered was Noise and Vibration and I share the Examination Authority's concern that this item was not able to be discussed due to a perceived technical conflict of interests between the two separate Noise Consultants instructed by the Applicants and Fylde Borough Council.

Given the impact of this Development Consent Order (if it were to be approved) on the local community for these two large scale, highly intrusive and destructive civil engineering projects pushing back open discussion of the Noise and Vibration issues to a further hearing, understood to be on the 6th October 2025, when the Examination is due to conclude on the 29th October 2025, is highly unsatisfactory. I believe it disadvantages the local community and the general public and imposes a very short timescale for any further observations or representations to be made post the hearing date.

I believe that it is inevitable that the noise from these construction activities, especially where this is in the vicinity of homes and businesses, will be detrimental to health and well being and could be argued to be a nuisance.

I understand that usually for a nuisance to exist it would:

- unreasonably and substantially interfere with the use or enjoyment of a home or other premises
- injure health or be likely to injure health

and under the

Environmental Protection Act 1990

S.79 ga Statutory nuisances and inspections therefor

be identified as

noise that is prejudicial to health or a nuisance and is emitted from or caused by a vehicle, machinery or equipment in a street

i.e. a Statutory Nuisance

ISSUE SPECIFIC HEARING 2

In this case, given the prolonged nature of the construction timescale, and with no commitment to concurrent or consecutive build if both projects were to proceed, there will be inevitable and lengthy impacts on the Health and Wellbeing of the local community through this nuisance (arguably also a defined Statutory Nuisance).

Impacts on residents, homes, businesses, health facilities and educational establishments should not be dismissed or under estimated and it is improbable that these can be avoided no matter what Noise Mitigation the applicants propose.

As regards vibration (and noise) I am particularly concerned about the impact of these from the proposed works on the Landfall Area i.e. between the Transition Joint Bays at Blackpool Airport and the Pipe Exit points on St Annes Beach.

The applicants propose to bore lengthy underground boreholes for up to 1500 metres from the Transition Joint Bays to the Pipe Exit Points using “trenchless” methodology which is now understood to be the Direct Pipe Method. If both projects proceed there will be six of these lengthy underground boreholes with inevitable noise and vibration impacts. The applicants have given no details of the dimensions of the proposed underground steel pipes which, amongst other issues, will have a direct effect on the size of the boreheads used in the Direct Pipe Method and thus their effects on vibration. Neither can they rule out the effect of these vibrations on neighbouring properties and businesses. The newly built properties on the Persimmon Coastal Dunes estate were constructed on sandy ground and were piled to ensure stability for the known geological conditions at the time of construction. This would never have taken into account the unforeseen lengthy and continuous subterranean vibrations caused through the proposed trenchless digging methods.

The applicants have given no reassurance as to their liability for damage or subsidence caused to these properties by their proposed activities. The risk seems to lie entirely with the property owners which surely cannot be acceptable if they, or their contractors, are responsible. Apart from physical damage the impact on Health and Wellbeing through noise and vibration on the residents of this estate, and the residents of the Thursby Care Home, must be taken into account and given due weight in the Examination process.

I believe the above representations give further reasons why this application for a Development Consent Order should not be recommended or approved by the Examination Authority.