



Ecological Impact Assessment

Hownsgill Energy Facility

Project Genesis Ltd.

CRM.0138.001.EC.R.001



Contact Details:

Enzygo Ltd. (Bristol Office)
The Byre
Woodend Lane
Cromhall
Gloucestershire
GL12 8AA

tel: 01454 269237
email: derek.allan@enzygo.com
www: enzygo.com

Ecological Impact Assessment

Project:	Howngill Energy Facility
For:	Project Genesis Ltd.
Status:	Final – Rev A
Date:	4 th November 2020
Author:	Chris Schofield MSc BSc (Hons) ACIEEM – Senior Ecologist
Reviewer:	Derek Allan MSc BSc (Hons) MCIEEM – Director of Ecology

Disclaimer:

This report has been produced by Enzygo Limited within the terms of the contract with the client and taking account of the resources devoted to it by agreement with the client.

We disclaim any responsibility to the client and others in respect of any matters outside the scope of the above.

This report is confidential to the client and we accept no responsibility of whatsoever nature to third parties to whom this report, or any part thereof, is made known. Any such party relies on the report at their own risk.

Enzygo Limited Registered in England No. 6525159

Registered Office: Gresham House, 5-7 St. Pauls Street, Leeds, England, LS1 2JG

Contents

1.0	INTRODUCTION.....	4
1.1	Commission.....	4
1.2	Proposed Development/Identification of Impacts	4
1.3	Aims and Objectives.....	4
1.4	Background/Acknowledgments.....	5
1.5	Local Planning Policy	5
1.6	Site Context.....	6
2.0	METHODOLOGY.....	8
2.1	Desk Study.....	8
2.2	Field Survey.....	8
2.3	Assessment	9
2.4	Limitations.....	10
3.0	BASELINE ECOLOGICAL CONDITIONS.....	12
4.0	ASSESSMENT AND MITIGATION	19
5.0	ENHANCEMENT AND MONITORING.....	21
6.0	CONCLUSION	23
7.0	REFERENCES.....	24

Tables and Figures

FIGURE 1 – SURVEY AREA	7
TABLE 1 – SURVEY DATES AND CONDITIONS.....	8
TABLE 2 – ECOLOGICAL FEATURES.....	12
TABLE 3 – ASSESSMENT OF EFFECT AND MITIGATION MEASURES.....	19

TABLE 4 – ENHANCEMENT & MONITORING 21

Drawings and Appendices

DRAWING CRM.0138.001.EC.D.001 – PHASE I HABITAT MAP 26

APPENDIX A – PROPOSED SITE LAYOUT..... 27

APPENDIX B - LEGISLATION AND NATIONAL PLANNING POLICY 28

Non-Technical Summary

- i. In July 2020 Enzygo Ltd was commissioned by Project Genesis Ltd (the client) to undertake an Ecological Impact Assessment (EclA) of Land at the proposed Howns Gill Energy Facility, Howns Gill Industrial Park, Consett DH8 7NU (central grid reference: NZ 10348 49661), located within the Durham County Council (Consett South Ward) planning authority. This study will inform a planning application for development of an Energy from Waste (EFW) Facility.
- ii. The following key ecological features and associated recommendations have been identified:
 - **Green Infrastructure and Scrub Local BAP Habitat** (scrub corridor to the north-west of the site provides notable wildlife corridor and green infrastructure function, and is a Durham BAP habitat) – this scrub shall be retained and protected throughout the construction phase and a sensitive lighting scheme shall be implemented;
 - **Bats** – (corridor to the north-west contributes to valuable foraging and commuting habitat for bats) – As above, the off-site scrub corridor is to be retained and protected throughout the construction phase, and a sensitive lighting scheme to be implemented to minimise potential degradation of these habitats for bats; and
 - **Birds (general nesting)** - (Off-site scrub provides nesting potential for a restricted range of bird species, and although the grassland is regularly disturbed by dog-walkers, there is some suitability for ground-nesting species) – Site clearance to be conducted outside of the nesting season or if necessary within the nesting season an Ecological Clerk of Works (ECoW) to advise and supervise works to ensure no active nests to be affected.
- iii. Proposals present opportunities for biodiversity enhancement in order to demonstrate an overall biodiversity net gain in accordance with national and local policies through providing enhanced opportunities for nesting birds and roosting bats, and native landscape planting.
- iv. This report has demonstrated that, if the outlined mitigation measures are implemented in full then no significant residual impact could be expected, and the proposed application will result in 'no net loss in biodiversity,' whilst also providing opportunities for 'biodiversity net gain' in accordance with NPPF and Local Planning Policy.

1.0 Introduction

1.1 Commission

1.1.1 In July 2020 Enzygo Ltd was commissioned by Project Genesis Ltd (the client) to undertake an Ecological Impact Assessment (EclA) of Land at the proposed Hownsghill Energy Facility, Hownsghill Industrial Park, Consett DH8 7NU (central grid reference: NZ 10348 49661), located within the Durham County Council (Consett South Ward) planning authority. This study will inform a planning application for development of an Energy from Waste (EFW) Facility.

1.1.2 *Note: Enzygo Ltd are not considered to act as a Principal Designer for any mitigation/enhancement strategies identified within this document in accordance with the Construction (Design and Management) Regulations 2015 (CITB, 2016).*

1.2 Proposed Development/Identification of Impacts

1.2.1 The study will inform proposals for development of an Energy from Waste Facility, with 3x 3MWe Gas Powered Engines with chimney flues, ancillary buildings and equipment including dry coolers, water tank, weighbridge, and other associated infrastructure, including a new access road to the east, car parking, and landscape planting. *Note: this report does not include assessment of any works associated with any pipelines outside of the redline boundary.*

1.2.2 The proposed development will generate low carbon electricity and provide a sustainable solution for managing residual commercial waste to significantly reduce waste otherwise sent to landfill or for export abroad. The Energy Facility will have a 15MWth capacity (3.48MWe output), enabling it to process up to a maximum of 60,000 tonnes per annum of non-hazardous Refuse Derived Fuel (RDF) produced from various types of waste locally arising, mainly commercial and industrial waste from 4 to 5 local sources/suppliers. An Air Quality Assessment (AQC, 2020) has been produced which has discounted any potential air quality impacts upon ecological features associated with the designated sites for nature conservation in the surrounding area.

1.2.3 The client will use the findings of this report to determine the final site layout, and this report can be modified if the proposals change. Refer to Appendix A for a plan of the proposals.

1.2.4 This report identifies ecological features, and potential impacts and effects, recommends proportionate avoidance/mitigation/compensation strategies, followed by enhancements. This information will advise the client on the potential constraints to proposals and inform the final site design. A corresponding zone of influence has been considered (this includes any transboundary effects regardless of administrative areas).

1.3 Aims and Objectives

1.3.1 The purpose of this report is to provide biodiversity information which succinctly identifies ecological features on site and within the corresponding zone of influence, confirms impacts resulting from the proposed application, associated effects to ecological features, recommends proportionate avoidance, mitigation and compensation strategies, and identifies enhancements that can be implemented in accordance with the British Standard for Biodiversity BS42020:2013 (BSI, 2013) to demonstrate 'no net loss in biodiversity' and a 'biodiversity net gain' in accordance with NPPF and Local Planning Policy.

1.3.2 This report has been produced with reference to current *Guidelines for Preliminary Ecological Appraisal* (CIEEM, 2017a), *Guidelines for Ecological Impact Assessment in the UK and Ireland*,

Terrestrial, Freshwater, Coastal and Marine (CIEEM, 2018), *Guidelines for Ecological Report Writing* (CIEEM, 2017b) and British Standard BS42020:2013 (BSI, 2013).

1.4 Background/Acknowledgments

- 1.4.1 A search of the Durham County Council planning website has not identified any previous applications associated with the proposed development site with any supporting ecological survey or assessment information pertinent to this report.
- 1.4.2 An application approved in 2016 for “*the erection of photovoltaic panels, boundary fencing, access, and associated distribution accommodation and equipment*” (planning reference: DM/15/02364/FPA) on land 110m to the south was supported by an *Ecological Assessment* (Argus Ecology, 2015) which included a desk study, Phase I Habitat Survey and Breeding Bird Surveys conducted at this large plot of land to the south. This report has been reviewed and pertinent information used to inform the applicable sections of this assessment.
- 1.4.3 No further applications have been identified which have any pertinent nature conservation and biodiversity supporting information relevant to this assessment.
- 1.4.4 A Scoping Opinion has been received from Durham County Council (reference SCO/20/00006, dated 25th September 2020) which confirms that Ecology can be scoped out of the proposed Environmental Statement (ES). Otherwise, it is our understanding that to date there has been no further correspondence with the County Ecologist or any statutory consultees i.e. Natural England, regarding this application.

1.5 Local Planning Policy

- 1.5.1 The following policies of the newly adopted County Durham Plan (Durham County Council, 2020) relate to biodiversity and nature conservation. Details are provided in summary only and the County Durham Plan should be viewed for full details:
- **Policy 40 - Trees, Woodlands & Hedges** – *development will not be permitted which would result in the loss or damage to woodlands, or trees and hedges of biodiversity value unless the benefits of the proposal clearly outweigh the harm.*
 - **Policy 41 - Biodiversity and Geodiversity** - *Proposals for new development will not be permitted if significant harm to biodiversity resulting from the development cannot be avoided, or appropriately mitigated, or, as a last resort, compensated for.*
 - **Policy 42 - Internationally Designated Sites** - *Development that has the potential to have an effect on internationally designated site(s), either individually or in combination with other plans or projects, will need to be screened in the first instance to determine whether significant effects on the site are likely and if so, will be subject to an Appropriate Assessment.*
 - **Policy 43 - Protected Species and Nationally and Locally Protected Sites** - *In all cases where development impacts adversely on a designated site, mitigation, or as a last resort compensation, must be provided and it must be demonstrated that the proposed mitigation or compensatory measures are appropriate to the designations assigned to the site and deliver clear net gains for the habitats and/or species assemblages the site is designated for*
- 1.5.2 No additional Supplementary Planning Documents have been identified which relate to biodiversity, nature conservation or this assessment.

1.5.3 Refer to Chapter 4 of the Environmental Statement for further details on Planning Policy Context and to Appendix B for relevant details of European and National Legislation, and National Planning Policy.

1.6 Site Context

1.6.1 The approximately 1.28ha proposed development comprises a plot of undeveloped land within Hownskill Industrial Park which currently supports mown species-poor neutral grassland, a mound to the immediate north-west with further species-poor grassland and tall ruderal herb vegetation, and a corridor of dense scrub vegetation beyond.

1.6.2 The land beyond this north-west scrub corridor supports the Hownskill Viaduct cycle route, further scrubland, young woodland and grassland habitats. The north-east and south-west boundaries are undefined but route across the mown species-poor grassland, with further grassland and industrial development beyond. The south-east boundary is defined by the access road through the industrial park with further open grassland habitat beyond. The wider landscape is characterised by the development associated with the town of Consett to the north and east, with predominantly open countryside to the west and south.

1.6.3 The site lies within the Durham Coalfield Pennine Fringe National Character Area (Natural England, 2013) which is characterised as *“a transitional landscape between the North Pennines NCA to the west and the Tyne and Wear Lowlands NCA to the east. It is formed by a series of broad ridges, separated by river valleys, with a strong west–east grain.”*

Figure 1 – Survey Area



Image courtesy of Google Image Pro 7.3.2.5491, [Grid Ref: NZ 10348 49661]. Imagery date 27th May 2018. Image accessed 27th October 2020.

2.0 Methodology

2.1 Desk Study

2.1.1 Desk study details were obtained from the following sources on the associated dates to provide background on ecological features in the vicinity of the site. In each case the search included the site and the specified area beyond the site boundary based on the expected zone of influence. Candidate and potential designations are considered too as these are also legally protected. Records search for included:

- Statutory sites designated or classified under international conventions or European legislation within a 15km radius, statutory sites designated under national legislation (including Marine) within a 5km, Local Nature Reserves, existing EPS Licence applications and Great Crested Newt Pond Survey records within a 2km radius, and Priority Habitat & Ancient Woodland Inventory within a 0.5km radius [Magic Map, 22nd October 2020] (DEFRA, 2020);
- Tree Preservation Orders (TPOs) and Biodiversity Conservation Areas within the immediate zone of influence [Durham County Council website, 22nd October 2020];
- Waterbodies within a 0.5km radius (Online mapping sources including: Google Maps; Magic Map; and Ordnance Survey Street View, 22nd October 2020); and
- Locally designated wildlife sites & any notified Local Biodiversity Action Plan (BAP) Habitats, Legally protected species, any Priority species (which includes: National Biodiversity Species, Local BAP Species, Species of conservation concern and Red Data Book (RDB) species, Birds of Conservation Concern (BOCC), nationally rare and nationally scarce species, and OSPAR Commission list of threatened/declining species) and Invasive species (listed under section 14 of Schedule 9 only) within a 2km radius, and any important hedgerows/veteran trees within the immediate zone of influence [Environmental Records Information Centre (ERIC) North East, 14th September 2020].

2.1.2 The Data has been edited where relevant to prevent sensitive or confidential records being made public in accordance with Guidelines for Accessing and Using Biodiversity Data (CIEEM, 2016).

2.2 Field Survey

2.2.1 Field Surveys were undertaken on the following dates by the identified staff, all of whom satisfy necessary field survey competencies as stipulated by the Chartered Institute for Ecology and Environmental Management (CIEEM). Weather conditions on the day of survey have been included and where relevant survey/class licence numbers referred to.

Table 1 – Survey Dates and Conditions

Survey	Date	Staff/Licence	Environmental Conditions and Times
Preliminary Ecological Appraisal	21/09/2020	Chris Schofield ACIEEM MSc. BSc. (Hons) [Senior Ecologist at Enzygo]	Dry and mostly clear (10% cloud cover), 16°C, and no wind.

Preliminary Ecological Appraisal

- 2.2.2 In accordance with Guidelines for Preliminary Ecological Appraisal 2nd Edition (CIEEM, 2017a) the Preliminary Ecological Appraisal (PEA) survey included the following.

Mapping of Habitat Types

- 2.2.3 Phase I Habitat Survey (JNCC, 2010) is the most recognised published method of habitat classification. It has been used to categorise & map the main vegetation types present within the survey area using a standard set of habitat categories. Each of the main habitats has been described; including details of component plant species abundances (recorded using the DAFOR scale: D=Dominant, A=Abundant, F=Frequent, O=Occasional, R=Rare). Additionally, any stands of non-native invasive plant species were recorded. Habitat extents have been visually mapped onto a topographic plan, with approximate location/areas recorded only (a GPS unit has not been utilised to accurately recorded these).

Assessment of possible presence/likely importance for Protected & Priority Species

- 2.2.4 An assessment of the possible presence of protected or priority species, and the likely importance of habitat features present for such species has also been undertaken, particularly where uncommon or specialised habitats are present in accordance with current PEA guidelines (CIEEM, 2017a). However, no specific protected species survey has been undertaken unless listed under additional surveys as below. Any incidental sightings of protected or priority species, or field signs of such species has also been recorded. Species assessed include: Plants & Fungi; Terrestrial/aquatic invertebrates; Fish; Amphibians; Reptiles; Breeding, wintering and migratory birds; Bats (including potential roost sites, foraging and commuting habitats/features), Badger, and Other mammal species.

2.3 Assessment

Assessment of Potential Development Impacts

- 2.3.1 A level of importance has been assigned to each ecological feature, where sufficient baseline data is available to do so, in accordance with current guidance (CIEEM, 2018). This is defined within a geographical context as follows: International and European; National; Regional; Metropolitan, County, vice-county or other local authority-wide area; River Basin District; Estuarine system/Coastal cell; and Local (plus Negligible where no associated value has been identified). For example, importance of designated sites reflects the geographical context of the designation (where designated sites no longer meet designation criteria and those formally 'de-notified' or where an undesignated site meets published selection criteria must also be considered). When considering habitats and species contextual information about distribution and abundance of that habitat/species in the area must be considered (if the habitat/species status is currently in a degraded or unfavourable condition its potential value should be considered).
- 2.3.2 The assessment then considers potential impacts (both positive and negative) generated during the construction and operational phase of the proposed application. Only impacts that are likely to be significant are considered. Impacts that are either unlikely to occur, or if they did occur are unlikely to be significant, are not considered.
- 2.3.3 Cumulative impacts are then considered where the application meets criteria in accordance with national EIA screening guidance (GOV.UK, 2019), and where agreed with the competent authority during scoping. This takes into consideration existing background levels of threat or

pressure, looks at critical thresholds, and assess both additive/incremental and associated/connected impacts and effects.

- 2.3.4 Relevant aspects of ecological structure and function are then considered when determining if identified impacts will have a significant effect upon ecological features. Where necessary, this assessment utilises information from other specialists i.e. air quality, hydrology etc, to determine the level of impact. In accordance with current guidance (CIEEM, 2018) these are described using the following characteristics, where relevant: positive or negative; extent; magnitude; duration; frequency and timing; and reversibility.
- 2.3.5 The mitigation hierarchy is then explored in accordance with BS42020:2013 (BSI, 2013). This seeks as a preference to avoid impacts, then to mitigate unavoidable impacts, and as a last resort, to compensate for unavoidable residual impacts that remain after avoidance and mitigation measures. Justification has been provided by the client/their planner where the mitigation hierarchy cannot be followed, or for example where compensation is a preferred approach where the competent authority has adopted a County wide strategy i.e. District Level Licensing Schemes (GOV.UK, 2019). In this instance current national Biodiversity Offsetting guidance has also been consulted (GOV.UK, 2019). Additional information has also been provided by the client/their planner where the applicant wishes to demonstrate exceptional circumstances or where they wish to pursue alternative strategies. Any residual impacts following mitigation measures etc are then identified.
- 2.3.6 All mitigation measures follow species specific current best practice guidance and the source has been identified accordingly. Deviation from guidance has been explained by the ecologist and is proportionate to the predicted degree of risk to biodiversity and to the nature and scale of the proposed works.
- 2.3.7 It is important that planning decisions are based on up-to-date ecological data, and the specific timeframe over which survey data is considered valid follows general advice (CIEEM, 2019). Additionally, it should be noted that the presence/absence and status of protected species can change seasonally/annually. The age of data should also be assessed separately when considering the submission of an EPS Licence (i.e. Natural England may require data to be from the current season).
- 2.3.8 Local Environmental Records Centres (LERC) issue a licence for use of provided biodiversity data for 1 year only, after which time this should be renewed to validate an application (and reports updated accordingly to incorporate any new records). Following completion of surveys all relevant biodiversity data will be submitted to the relevant LERC and other groups as appropriate.

2.4 Limitations

- 2.4.1 Data held by consultees may not be exhaustive; the absence of evidence does not indicate evidence of absence. Enzygo cannot take responsibility for the accuracy of external data sources and as such discrepancies and inaccuracies may occur.
- 2.4.2 Natural England do not hold information of Ancient Woodland less than 2ha in size.
- 2.4.3 Records over 10 years old for transient species (as these are likely to have moved during the interim) and species protected from sale only under the W&C Act 1981 and amendments, are excluded (as these are not relevant to a planning application). Additionally, given the large number of priority species, these have only been included if identified from the desk study and/or habitats recorded on site have been assessed as providing suitable conditions.

- 2.4.4 Geological sites have only been included within this report where they have biodiversity or nature conservation components to their designation.
- 2.4.5 At certain times of year flora species may be in a state of senescence and are not readily identifiable. However, September represents a suitable time to identify the majority of flora species and it was possible to easily classify the commonly occurring habitat types. The timing of the survey is not perceived as a survey limitation.
- 2.4.6 This document does not contain a comprehensive list of botanical species on site. Only plant species characteristic of each habitat and incidental observations of notable plant species were recorded.
- 2.4.7 ERIC North East and Durham County City Council do not supply information on Important Hedgerows or Veteran Trees.
- 2.4.8 All areas of the site were fully accessible. Dense scrub vegetation at the northern boundary did not prevent a detailed search of these areas for evidence of protected species or the presence of invasive flora.

3.0 Baseline Ecological Conditions

3.1.1 Ecological features identified by the desk study/field survey are presented below, along with their details and associated ecological value. Refer to Drawing CRM.0138.001.EC.D.001 for the location/extent of ecological features where relevant.

Table 2 – Ecological Features

Ecological Feature	Details	Ecological Importance
Statutory sites designated or classified under international conventions or European legislation		
North Pennine Moors Special Area of Conservation (SAC) 5.2km West	Annex I habitats that are a primary reason for selection of this site: <ul style="list-style-type: none"> - European dry heaths - <i>Juniperus communis</i> formations on heaths or calcareous grasslands - Blanket bogs - Petrifying springs with tufa formation (<i>Cratoneurion</i>) - Siliceous rocky slopes with chasmophytic vegetation - Old sessile oak woods with <i>Ilex</i> and <i>Blechnum</i> in the British Isles Annex I habitats present as a qualifying feature, but not a primary reason for selection of this site: <ul style="list-style-type: none"> - Northern Atlantic wet heaths with <i>Erica tetralix</i> - Calaminarian grasslands of the <i>Violetalia calaminariae</i> - Siliceous alpine and boreal grasslands - Semi-natural dry grasslands and scrubland facies on calcareous substrates (<i>Festuco-Brometalia</i>) - Alkaline fens - Siliceous scree of the montane to snow levels (<i>Androsacetalia alpinae</i> and <i>Galeopsietalia ladani</i>) - Calcareous rocky slopes with chasmophytic vegetation Annex II species present as a qualifying feature, but not a primary reason for site selection: <ul style="list-style-type: none"> - Marsh saxifrage (<i>Saxifraga hirculus</i>) 	European
North Pennine Moors Special Protection Area (SPA) 5.2km West	The site qualifies under article 4.1 of the Directive (79/409/EEC) as it is used regularly by 1% or more of the Great Britain populations of the following species listed in Annex I, in any season: <ul style="list-style-type: none"> - Hen Harrier (<i>Circus cyaneus</i>) - Merlin (<i>Falco columbarius</i>) - Peregrine (<i>Falco peregrinus</i>) - Golden Plover (<i>Pluvialis apricaria</i>) 	European

Ecological Feature	Details	Ecological Importance
	Non-qualifying species of interest: <ul style="list-style-type: none"> - Montagu's Harrier (<i>Circus pygargus</i>) - Short-eared Owl (<i>Asio flammeus</i>) 	
Statutory sites designated under national legislation (& Impact Risk Zones)		
Derwent Gorge & Horsleyhope Ravine Site of Special Scientific Interest (SSSI) 4km West	The site supports an extensive area of woodland along the steep slopes of Derwent Gorge and Horsleyhope Ravine, including Oak woodland on the acidic soil upper slopes, and mixed deciduous woodland on the lower damp base-rich soils. Woodland habitat is noted for the assemblage of epiphytic lichens.	National
SSSI Impact Risk Zone (IRZ)	The Impact Risk Zone (IRZ) in which the site lies states the LPA should consult Natural England on the likely impacts of the following development categories: <ul style="list-style-type: none"> - Airports, helipads and other aviation proposals; - Livestock & poultry units with floorspace > 500m², slurry lagoons > 750m² & manure stores > 3500t; - General combustion processes >50MW energy input. Incl: energy from waste incineration, other incineration, landfill gas generation plant, pyrolysis/gasification, anaerobic digestion, sewage treatment works, other incineration/ combustion. 	N/A Proposals do not meet the criteria for which LPA should consult Natural England. Facility input below the 50MW threshold for combustion processes
Local Nature Reserves		
Allensford Woods Local Nature Reserve (LNR) 1.8km North-west	Ancient and semi-natural woodland which is noted year round for its flora and fauna.	County
Other locally designated wildlife sites		
Knitsley & High House Woods Durham Local Wildlife Site (LWS) 500m South-west	A large and varied site which includes mature Oak/ birch woodland with a well-developed understorey of Hazel (<i>Corylus avellana</i>) and unusually large amounts of Holly (<i>Ilex aquifolium</i>). The ground flora of the drier slopes is characteristic of acid woodland. The High House section of woodland contains a particularly diverse range of fungi. An Alder/Birch carr has developed on the valley bottom of Knitsley Burn and one of the best examples of a habitat which is rare in County Durham. Hown's Quarry (disused) provides a different habitat for a number of species including the rare Soft Shield-fern (<i>Polystichum setiferum</i>) and it also contains a steep-sided pond. The site is considered to be of ornithological, mammalian and entomological value.	County

Ecological Feature	Details	Ecological Importance
Grove Ponds and Meadow Consett Durham LWS 1.3km North-west	A series of three ponds on land from steelworks reclamation in the 1980s. The high alkalinity of the soils has encouraged colonisation by a number of calcicolous species which together make up an attractive species-rich meadow community. The meadow and surrounding rough grassland are important for the raptors including Kestrel, Tawny Owl and, importantly for overwintering, Long-eared Owl and Short-eared Owl.	County
West Wood Durham LWS 1.4km North-west	Semi-natural mature Oak/ Birch woodland considerably disturbed by felling and replanting in the past. Site is noted for supporting Red Squirrel (<i>Sciurus vulgaris</i>).	County
Sodfane & Howden Woods Durham LWS 1.7km North-west	Mixed deciduous woodland bordering the middle reaches of the River Derwent.	County
England HPI, Local BAP Habitats, Ancient Woodland, Important Hedgerows, Veteran Trees, TPOs and Conservation Areas		
Tree Preservation Orders	No TPOs within or adjacent to the site (i.e. no trees within the scrub area to the north-west are covered by TPOs).	N/A
Green/Blue & Aquatic Infrastructure, Dark Zones, and Local Policy		
Green Infrastructure	The corridor of dense scrub to the north-west of the site provides notable wildlife corridor, structural diversity and habitat connectivity function through the landscape. The mown species-poor grassland habitats within central areas of the site do not contribute to or complement this green infrastructure function.	Local
Blue Infrastructure	No waterbodies or watercourses are present within or adjacent to the site. There is also no known hydrological connectivity between the site and watercourses in the surrounding area.	N/A
Dark Zones	There are no known dark zones across the site. In accordance with the standard guidance specified in the <i>Guidance Notes for Reduction of Obtrusive Lighting</i> (Institution of Lighting Professionals, 2020), the application site likely falls under Environmental Zone E3 (Suburban – Medium district brightness).	N/A

Habitat Types		
<p>Poor Semi-improved Grassland (B6)</p> 	<p>The entire proposed development site supports close-mown species-poor neutral grassland. There is no apparent current use of the site, other than regular use by dog-walkers.</p> <p>This habitat is characterised by abundant Perennial Rye-grass (<i>Lolium perenne</i>), Yorkshire-fog (<i>Holcus lanatus</i>), Common Bent (<i>Agrostis capillaris</i>), Creeping Buttercup (<i>Ranunculus repens</i>) and White Clover (<i>Trifolium repens</i>), with frequent Ribwort Plantain (<i>Plantago lanceolata</i>) and Dandelion (<i>Taraxacum officinale</i> agg.), and occasional Smooth Meadow-grass (<i>Poa pratensis</i>), Cock's-foot (<i>Dactylis glomerata</i>), Common Sorrel (<i>Rumex acetosa</i>), Curled Dock (<i>Rumex crispus</i>), Creeping Thistle (<i>Cirsium arvense</i>), Common Hogweed (<i>Heracleum sphondylium</i>), Common Vetch (<i>Vicia sativa</i>) and Red Clover (<i>Trifolium pratense</i>).</p> <p>To the immediate north-west of the site is an earth mound approximately 8m high which has been colonised by further species-poor neutral grassland and tall ruderal herb vegetation. This mound is characterised by abundant Yorkshire-fog, Cock's-foot, Creeping Thistle and Broad-leaved Dock (<i>Rumex obtusifolius</i>), with frequent Perennial Rye-grass, Creeping Buttercup and Colt's-foot (<i>Tussilago farfara</i>), and occasional Common Hogweed, Yarrow (<i>Achillea millefolium</i>) and Oxeye Daisy (<i>Leucanthemum vulgare</i>).</p> <p>This grassland does not support any species which are rare, uncommon or indicators of any more species-rich or valuable grassland types. This grassland does not represent, or contribute to, any UK BAP or Local BAP Priority Habitat (e.g. does not represent Lowland Meadow HPI and does not have the spatial variation or range of successional communities typical of Open Mosaic Habitat on Previously Developed Land HPI).</p>	<p>Negligible</p>
Legally Protected & Priority Species (& Consultation Zones where applicable)		
<p>Bats</p>	<p>There are no trees or other structures with any potential for roosting bats.</p> <p>The mown species-poor neutral grassland habitats within the industrial landscape provide <i>Negligible</i> suitability foraging and commuting bat habitat (Collins, 2016), with only significantly limited poor-quality foraging potential provided. The scrub to the north-west provides a corridor of <i>Moderate</i> suitability foraging and commuting habitat (Collins, 2016) which is more likely to be used by a greater number and range of bats.</p> <p>The desk study has identified records within a 2km radius comprising three records of Common Pipistrelle, one record of <i>Myotis</i> species (<i>Myotis</i> sp.) and one record of an unidentified bat species. The closest record is of a Common Pipistrelle roost from 2011 located 1.4km east of the site. There is also a single record of a previous EPS licence application within a 2km radius, located 1.9km to the south associated with Common Pipistrelle from 2013 (licence ref: EPSM2013-6451).</p>	<p>Local</p>

Badger	<p>No evidence of Badger detected during the Phase I Habitat Survey either within the site or within an accessible 50m radius.</p> <p>The mown grassland habitats within the site provide suitable foraging habitat, but notably poor-quality shelter, refuge and sett creation potential.</p> <p>The records search reveal five distant records of Badger presence within a 2km radius, all of which are beyond 1.5km from the site. No Badger detected on land 100m to 500m to the south during survey in 2015 (Argus Ecology, 2015).</p> <p>The presence of Badger within the site is reasonably discounted.</p>	Negligible
Dormouse	<p>The site does not provide any opportunities for Dormouse which typically inhabit mature hedgerow and woodland copses in open countryside. In addition, the site is located in an area of the country where this species is significantly rare if not extinct.</p> <p>No records of Dormouse within a 2km radius.</p>	Negligible
Otter and Water Vole	<p>No watercourses or waterbodies present within or immediately adjacent to the site providing any opportunities for Otter or Water Vole.</p> <p>The records search has identified 11 records of Otter within a 2km radius in the last 10 years, all located at Knitsley Burn 1.5km to the south-east at the closest point. No records of Water Vole within a 2km radius.</p> <p>The presence of Otter and Water Vole at the site or immediate surrounds is reasonably discounted.</p>	Negligible
Other Protected Mammals	<p>No evidence of, or specific opportunities for, any other species of protected mammal. No records of other protected mammal species within a 2km radius with the last 10 years.</p>	Negligible
Specially Protected Birds	<p>No evidence of, or specific opportunities for, any specially protected bird species within the site.</p> <p>For instance, no evidence of, or significant opportunities for nesting or roosting Barn Owl (<i>Tyto alba</i>) has been identified and there is no significant extent of suitable foraging habitat present (with the mown grassland not supporting the required tussocky nature and litter layer required to support an abundance of small mammal prey).</p> <p>The data search has revealed records of Schedule 1 species within a 2km radius, comprising Barn Owl and Red Kite (<i>Milvus milvus</i>). No records of Schedule 1 species detected during previous Breeding Bird Surveys on land 100m to 500m to the south in 2014 and 2015 (Argus Ecology, 2015).</p>	Negligible
Breeding, Wintering and Migratory Birds	<p>The dense scrub to the north-west provides a limited extent of suitable nesting habitat for a restricted range of common bird species likely to be present in the local area. Additionally, although the grassland appears to be regularly disturbed by dog-walkers, with a wide open field of view, it does</p>	Local importance to a restricted range of

	<p>provide some opportunities for ground-nesting bird species such as Skylark (<i>Alauda arvensis</i>) and Lapwing (<i>Vanellus vanellus</i>).</p> <p>The records search has revealed records of 13 UK BAP species within a 2km radius comprising Skylark, Tree Pipit (<i>Anthus trivialis</i>), Yellowhammer (<i>Emberiza citrinella</i>), Grasshopper Warbler (<i>Locustella naevia</i>), Curlew (<i>Numenius arquata</i>), House Sparrow (<i>Passer domesticus</i>), Tree Sparrow (<i>Passer montanus</i>), Willow Tit (<i>Poecile montana</i>), Dunnock (<i>Prunella modularis</i>), Bullfinch (<i>Pyrrhula pyrrhula</i>), Starling (<i>Sturnus vulgaris</i>), Song Thrush (<i>Turdus philomelos</i>) and Lapwing.</p> <p>Breeding Bird Surveys conducted in 2014 and 2015 only land 100m to 500m to the south detected possible and probable breeding of Skylark, Curlew and Lapwing (Argus Ecology, 2015). This survey also recorded a single Skylark breeding territory within the site assessed in this report.</p>	common bird species.
Common Reptiles	<p>The close-mown grassland habitats with a lack of any spatial variation or structural diversity, represent significantly poor-quality habitat for common reptiles, with an absence of favourable foraging, refuge, and basking habitats.</p> <p>There are no records of reptiles within a 2km radius within the last 10 years. The presence of reptiles at the site is reasonably discounted.</p>	Negligible
Great Crested Newt	<p>No waterbodies providing any potential for breeding Great Crested Newt within or immediately adjacent to the site. The mown grassland habitats provide notably poor-quality terrestrial habitat for GCN with an absence of shelter and refuge opportunities, and likely poor-quality foraging opportunities due to the lack of grassland structure and diversity.</p> <p>Aerial imagery and OS maps do not indicate any ponds or suitable breeding habitats within an unobstructed 500m radius of the site.</p> <p>There are no records of GCN within a 2km radius, including no records of any previous EPS licence applications associated with GCN, or records from the Natural England Pond Surveys to inform District Licensing (DEFRA, 2020). The presence of GCN at the site is reasonably discounted.</p>	Negligible
Other Protected Herpetofauna	<p>No suitable habitats within or immediately adjacent to the site specifically suitable for other species of protected herpetofauna. No records of other protected amphibian or reptile species within a 2km radius.</p>	Negligible
Protected Fish/Marine	<p>No watercourses or waterbodies within or immediately adjacent to the site. No records of any protected fish or marine species within a 2km radius.</p>	Negligible
White-clawed Crayfish	<p>No watercourses or waterbodies present within or immediately adjacent to the site providing any opportunities for White-clawed Crayfish. No records of White-clawed Crayfish in the wider area.</p>	Negligible

Protected Invertebrates	Only widespread and common habitats typical of the urban landscape are present. No habitats present which are likely to support a range or diversity of invertebrates or likely to support any protected invertebrate species. The data records search has not revealed any protected invertebrate species within the 2km radius search area.	Negligible
Protected Flora	No protected flora species detected during the Phase I Habitat survey. Only common and widespread habitats present, and unlikely to support any protected flora species. No records of any protected flora within a 2km radius of the site.	Negligible
Invasive Flora	No flora species detected which are listed on Schedule 9 of the Wildlife and Countryside Act 1981 (as amended). The records search has identified records within a 2km of Few-flowered Leek (<i>Allium paradoxum</i>), Indian Balsam (<i>Impatiens glandulifera</i>) and Variegated Yellow Archangel (<i>Lamiastrum galeobdolon</i> subsp. <i>argentatum</i>). No invasive species detected during the previous surveys at the land 100m to 500m to the south (Argus Ecology, 2015).	Negligible
Invasive Fauna	No invasive species detected during the survey, no specific opportunities for any invasive species identified, and no significant risk of the development proposal causing the spread of any invasive fauna identified. Records in the wider area of species listed on Schedule 9 of the Wildlife and Countryside Act 1981 (as amended) including Mandarin Duck (<i>Aix galericulata</i>), Canada Goose (<i>Branta canadensis</i>), and Grey Squirrel (<i>Sciurus carolinensis</i>).	Negligible
Priority Species	The close-mown species-poor neutral grassland habitats provide a significantly limited extent of poor-quality habitat for Priority Species such as Common Toad (<i>Bufo bufo</i>) and Hedgehog (<i>Erinaceus europaeus</i>), with an absence of any favourable shelter, refuge or foraging potential. The data search has identified records in the wider area of Hedgehog, Brown Hare (<i>Lepus europaeus</i>), Small Heath (<i>Coenonympha pamphilus</i>), Latticed Heath (<i>Chiasmia clathrata</i>), and Shaded Broad-bar (<i>Scotopteryx chenopodiata</i>), in addition to the Priority Species of bird listed above.	Negligible

4.0 Assessment and Mitigation

4.1.1 Assessment of impacts and the associated ecological effect to identified ecological features are presented below. Ecological features have been screened out where no likely significant impacts have been identified or where impact is unlikely to occur. Cumulative effects are also considered where applicable.

4.1.2 To clarify, other than the ecological features listed below, there are no perceived potential impacts on any other sites, habitats or species in the wider area. The proposals are of a type, scale and distance that any direct or indirect construction or operational impacts on the other identified ecological features are reasonably discounted. Specifically, it is confirmed that the proposals will not have any potential impact on North Pennine Moors SAC and SPA, as confirmed by the supporting Air Quality Assessment (AQC, 2020), or any other designated sites/local features within potential a zone of influence of the proposed development.

Table 3 – Assessment of effect and mitigation measures

Ecological Feature	Impact	Avoidance/Mitigation	Compensation	Significance of Residual Effect
Green Infrastructure	Potential damage and/or degradation of off-site trees habitats which contribute to valuable green infrastructure. Minor, adverse, permanent, reversible impact.	The off-site scrub corridor to the north-west will be protected throughout the construction phase in accordance with BS5837:2012 <i>Trees in relation to design, demolition and construction. Recommendations</i> . In addition, the avoid potential degradation of the wildlife corridor function of these off-site areas through excessive artificial lighting overspill from the development, a sensitive lighting scheme shall be implemented making use of suitable products such as directional, low-level, capped, screened and/or low-lux lighting. Can be subject of a condition.	None required.	No significant effect anticipated
Bats	Potential damage and/or degradation of suitable bat foraging and commuting habitat. Minor, adverse, permanent, reversible impact.	The protection measures highlighted above in relation to physical protection and sensitive lighting will minimise the risk of degradation of the adjacent suitable bat foraging and commuting habitats. The lighting scheme should be designed in accordance with the guidance note <i>Bats and Artificial Lighting in the UK</i> (Institution of Lighting Professionals, 2018).	None required.	No significant effect anticipated

Ecological Feature	Impact	Avoidance/Mitigation	Compensation	Significance of Residual Effect
Nesting Birds	Risk of disturbance of nesting birds during construction phase. Minor adverse, temporary, irreversible impact. (no significant loss of habitat)	To avoid an offence being committed in respect of nesting birds, clearance of the grassland habitats will be planned to be conducted outside of the bird nesting season (March to August inclusive) where possible. If it is necessary to undertake these works during the bird nesting season, a suitably trained Ecological Clerk of Works (ECoW) would supervise the clearance to ensure no active nests are affected. If any active nests are detected, an appropriate protection area around the nest(s) will be established until it can be determined that the nest is longer active. Can be subject of a condition.	None required.	No significant effect anticipated

5.0 Enhancement and Monitoring

- 5.1.1 Opportunities for biodiversity enhancement (above and beyond those required to mitigate for any identified impacts) have been determined through consideration of: Ecological Features identified on site and within the zone of influence; Historical records of protected species/habitats present within the locality; National and Local planning policy including National and Local Biodiversity habitats/species; Local Development Plans including consideration of Green/Blue Infrastructure Resource; Consultation with third parties/stakeholders where applicable; and Other influencing factors such as underlying Geology/Hydrology, intended operational activities, and existing disturbance activities within the locality. This makes specific reference to Biodiversity Net Gain, Good practice principles for development (CIEEM, IEMA, CIRA, 2019).
- 5.1.2 It is accepted that the nature of the proposed development does not lend itself to providing large scale ecological enhancements, however, it is confirmed that the below minor enhancements, in combination with the above described mitigation measures, will demonstrate an overall net gain for biodiversity. Given the poor-quality condition of the grassland habitats present prior to development, and the proposed landscape scheme providing a corridor of planting along the south-east and south-west boundaries, it is not considered any Biodiversity Offsetting calculation metric is necessary in this instance in order to confirm this. There is no current requirement under the NPPF or relevant local policies (e.g. Policy 41) for any demonstrable measure (i.e. a %) of net gain. The specific location and details of the proposals can be secured by an appropriately worded planning condition and/or detailed on the final landscape plans.

Table 4 – Enhancement & Monitoring

Ecological Feature	Enhancement & Monitoring	Significance of Residual Effect
Landscape Planting	The landscape planting scheme will incorporate a range of native species and species which are known to be of value to wildlife. Planting will be focussed on a linear design to provide enhanced habitat connectivity and wildlife corridor function across and around the site. Proposed planting will complement and contribute to the wildlife corridor and green infrastructure function of the adjacent scrub corridor to the north-west.	Minor positive effect
Nesting Birds	To provide enhancement opportunities for nesting birds the development will incorporate bird nest boxes suitable for a range of species likely to present at the developed site (e.g. House Sparrow, Starling etc.). Boxes should be positioned 2.5 to 5 metres above ground level, away from major sources of human disturbance and where positioned on buildings or structures should also avoid south-facing elevations where excessive sunlight can cause chicks to overheat in the nest.	Minor positive effect
Roosting Bats	To provide enhancement opportunities for roosting bats the development will incorporate provision of bat roost boxes. The boxes should be positioned 2.5 to 5 metres above ground level, away from major sources of human disturbance and artificial lighting and should face onto suitable foraging and commuting habitats (e.g. boundary scrub corridor).	Minor positive effect

Ecological Feature	Enhancement & Monitoring	Significance of Residual Effect
Informal Hibernacula	It is also proposed that informal deadwood piles are created at the site boundaries to provide enhanced shelter, refuge and hibernation opportunities for a range of wildlife, including amphibians, small mammals and invertebrates. The arisings from the shrub clearance shall provide suitable materials for the creation of these piles, rather than any requirement to import materials from off-site.	Minor positive effect

5.1.3 No post-determination monitoring is perceived necessary. To comply with guidance set out in BS42020:2013, a Construction Environment Management Plan (CEMP) will be produced prior to the commencement of construction activities, including site clearance works. A Landscape and Ecological Management Plan (LEMP) will then be produced prior to operation of the site to ensure the continued appropriate management and monitoring of ecological features. These documents will contain details on the mechanisms in place to secure mitigation works, and refer to the Construction (Design and Management) Regulations 2015 (CITB, 2016) where applicable.

6.0 Conclusion

6.1.1 This assessment has confirmed the site provides opportunity to incorporate appropriate measures to mitigate any potential impacts to ecological features and to demonstrate 'biodiversity net gain in accordance with NPPF and local planning policy. As such, no significant residual impact can be expected which would prevent determination of a planning application or development of this site.

7.0 References

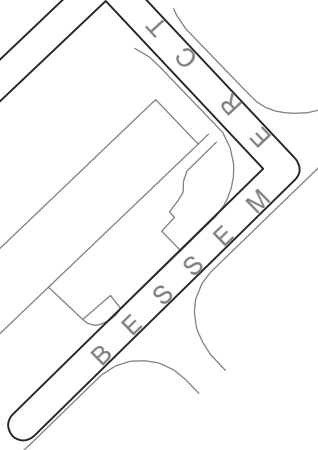
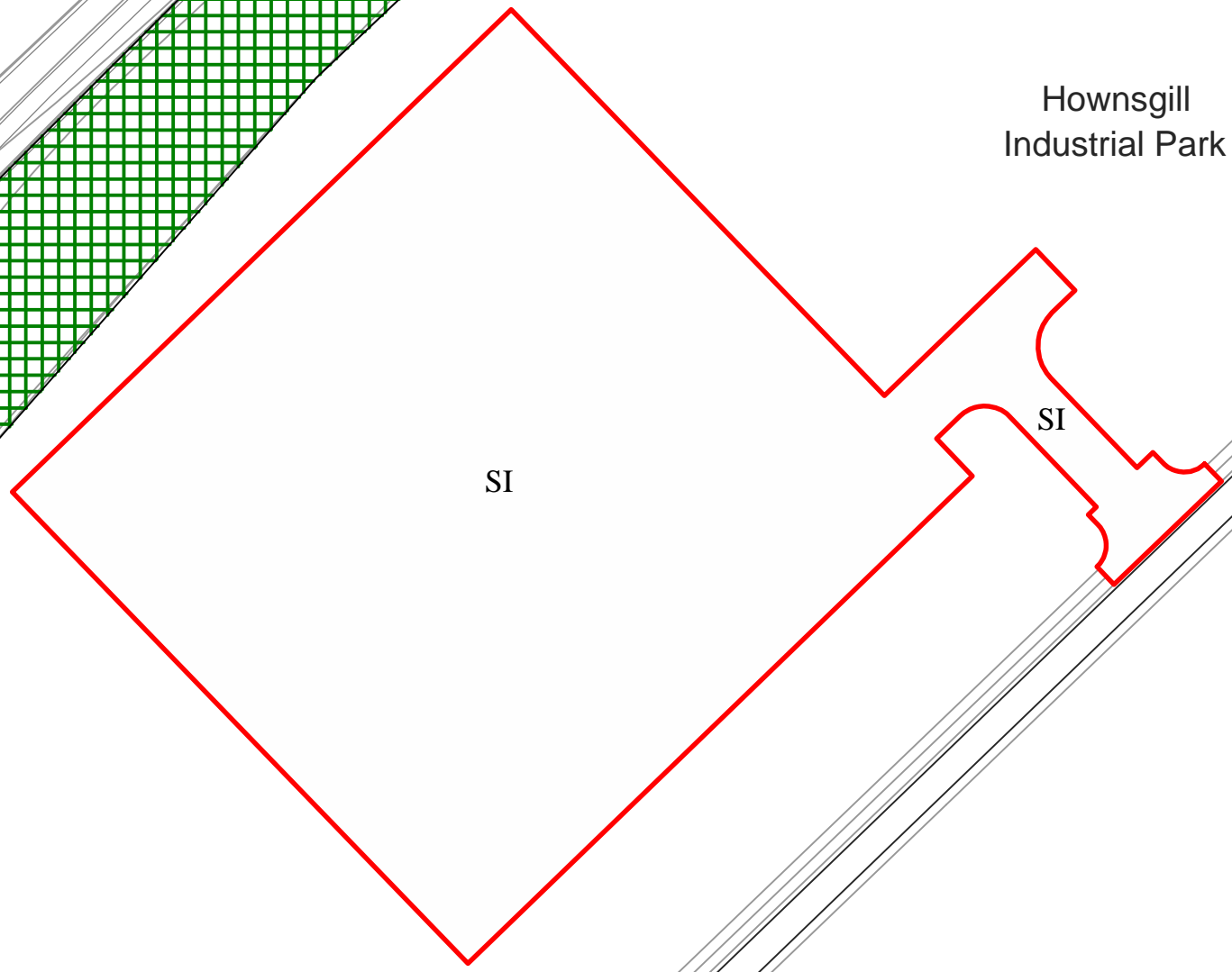
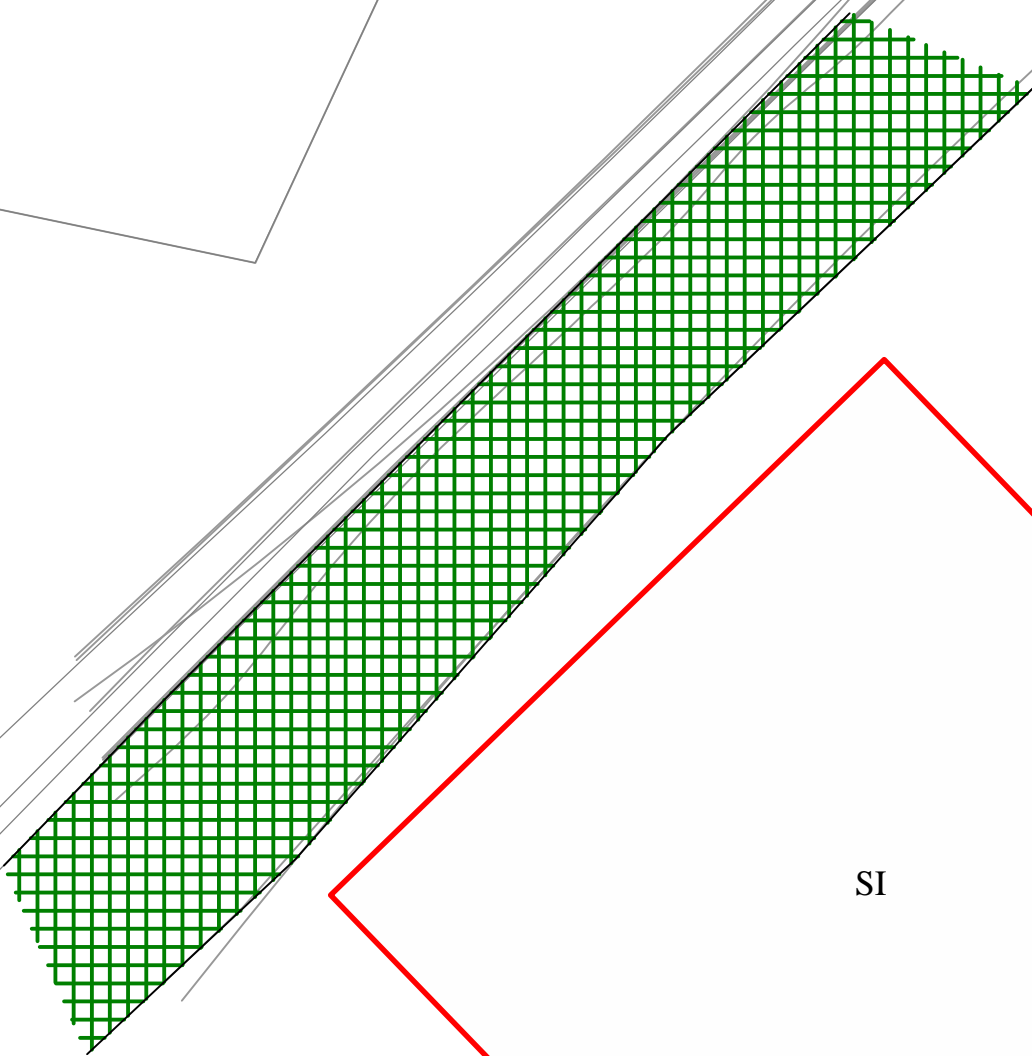
- AQC. (2020). *Air Quality Assessment - Host Technology EFW, Hownsgill Industrial Estate, Consett*. Bristol: Air Quality Consultants.
- Argus Ecology. (2015). *Consett Solar Farm - Ecological Assessment*. Durham: Argus Ecology Ltd.
- BSI. (2013). *Biodiversity - Code of practice for planning and development BS 42020:2013*. London: BSI Standards Limited.
- CIEEM. (2016). *Guidelines for Assessing and Using Biodiversity Data*. Winchester: Chartered Institute of Ecology and Environmental Management.
- CIEEM. (2017a). *Guidelines for Preliminary Ecological Appraisal*. Winchester: Chartered Institute of Ecology and Environmental Management.
- CIEEM. (2017b). *Guidelines on Ecological Report Writing*. Winchester: Chartered Institute of Ecology and Environmental Management.
- CIEEM. (2018). *Guidelines for Ecological Impact Assessment in the UK and Ireland: Terrestrial, Freshwater, coastal and Marine*. Winchester: Chartered Institute of Ecology and Environmental Management.
- CIEEM. (2019). *Advice Note on the lifespan of ecological reports & surveys*. Winchester: Chartered Institute of Ecology and Environmental Management.
- CIEEM, IEMA, CIRA. (2019). *Biodiversity Net Gain: Good practice principles for development*. CIEEM, CIRA & IEMA.
- CITB. (2016). *Construction (Design and Management) Regulations 2015*. Norfolk: Construction Industry Training Board. Retrieved from <https://www.citb.co.uk/Documents/CDM%20Regs/2015/cdm-2015-designers-printer-friendly.pdf>
- Collins, J. (2016). *Bat surveys for Professional Ecologists: Good Practice Guidelines (3rd edn)*. London: The Bat Conservation Trust.
- DEFRA. (2020). *MAGIC*. Retrieved from <https://magic.defra.gov.uk/MagicMap.aspx>
- Durham County Council. (2020). *Durham County Plan - Adopted 2020*. Durham: Durham County Council.
- GOV.UK. (2019). *Collection on Biodiversity Offsetting*. Retrieved from <https://www.gov.uk/government/collections/biodiversity-offsetting>
- GOV.UK. (2019). *Guidance on Environmental Impact Assessment*. Retrieved from <https://www.gov.uk/guidance/environmental-impact-assessment#Screening-Schedule-2-projects>




- GOV.UK. (2019). *Guidance on GCN District Level Licensing Schemes*. Retrieved from https://www.gov.uk/government/publications/great-crested-newts-district-level-licensing-schemes?utm_source=987533b2-4ba3-44e7-9707-93f5189921d8&utm_medium=email&utm_campaign=govuk-notifications&utm_content=immediate
- Institution of Lighting Professionals. (2018). *Bats and artificial lighting in the UK - Bats and the Built Environment series*. Rugby: Institution of Lighting Professionals.
- Institution of Lighting Professionals. (2020). *Guidance Notes for Reduction of Obtrusive Lighting*. Rugby: Institution of Lighting Professionals.
- JNCC. (2010). *Handbook for Phase 1 Habitat Survey: A Technique for Environmental Audit*. Peterborough: Joint Nature Conservation Committee.
- Maddock, A. (2008). *UK Biodiversity Action Plan Priority Habitat Descriptions*. Retrieved from http://jncc.defra.gov.uk/PDF/UKBAP_PriorityHabitatDesc-Rev2011.pdf
- Natural England. (2013). *NCA Profile: 16. Durham Coalfield Pennine Fringe (NE458)*. Retrieved from <http://publications.naturalengland.org.uk/publication/6333292202688512>

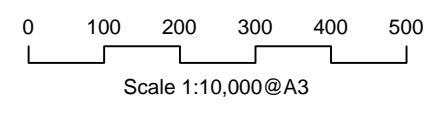
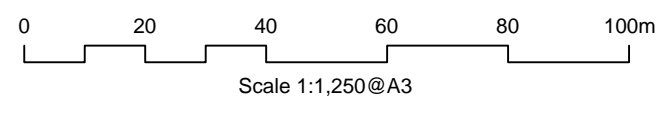
Drawing CRM.0138.001.EC.D.001 – Phase I Habitat Map



Howns Gill
Industrial Park



- Key:**
-  Site Boundary
 -  Dense/Continuous Scrub (A2.1)
 -  Poor Semi-improved Grassland (B6)



Notes:



Samuel House, 5 Fox Valley Way, Stocksbridge, Sheffield, S36 2AA

SCALE	PROJECT NO.
1:1,250@A3	CRM.0138.001
DATE	DRAWING NO.
Oct 2020	CRM.0138.001.EC.D.001
DRAWN	CHECKED
MG	CS

PROJECT
Howns Gill Energy Facility
DRAWING TITLE
Phase I Habitat Map
CLIENT
Project Genesis Ltd

Appendix A – Proposed Site Layout

PROPOSED DEVELOPMENT

BILL INDUSTRIAL PARK

Painted white lines on the ground

Landscape corridor - tree planting

COAST TO COAST CYCLE PATH

Key Location Plan 1:2500

NOTE:
Site area
4.04 acres
1.64 hectares

NOTES:
© SADLER BROWN LIMITED
THIS DRAWING IS THE SUBJECT OF COPYRIGHT WHICH VESTS IN SADLER BROWN LIMITED. IT IS AN INFRINGEMENT OF COPYRIGHT TO REPRODUCE THIS DRAWING, BY WHATEVER MEANS, INCLUDING ELECTRONIC, WITHOUT THE EXPRESS WRITTEN CONSENT OF SADLER BROWN LIMITED WHICH RESERVES ALL ITS RIGHTS.
SADLER BROWN LIMITED ASSERTS ITS RIGHTS TO BE IDENTIFIED AS THE AUTHOR OF THIS DESIGN. ALL DRAWINGS, IMAGES AND MODELS ARE SUBJECT TO THE COPYRIGHT, DESIGNS & PATENTS ACT 1988.
DRAWING NOT TO BE SCALED.
REPORT ERRORS & OMISSIONS TO ARCHITECT.
CHECK ALL DIMENSIONS ON SITE.
DRAWING TO BE READ IN CONJUNCTION WITH HEALTH AND SAFETY PLAN AND ALL RELEVANT RISK ASSESSMENTS.

Residual Risks
In addition to the hazards/risks normally associated with the types of work detailed on this drawing take note of the above. It is assumed that all works on this drawing will be carried out by a competent contractor working, where appropriate, in an appropriate method statement.
Safety Health and Environmental Information Box

Rev	Revision	Date	Dwn	Chd
-	First Issue	03.11.20	FC	DD

Rev	Revision	Date	Dwn	Chd

Project: EFW Facility, Consett
Client: Project Genesis Ltd
Layout Title: Proposed Site Plan

Scale: 1:500

Drawing Number: AL(0) 012
Project: SBA - 00 - GF - DR - A
SBA/KA Project No: 2200033
Scale: A1
Status: PLANNING

SBA/KA ARCHITECTS GROUP

Appendix B - Legislation and National Planning Policy

Wildlife legislation and policy relevant (or potentially relevant pending further survey) to the proposed works, based on the findings of the desk study and field survey are set out below. This legal information is a summary only, and the original legal documents should be consulted for definitive information.

Legislation Protection Afforded to Sites/Habitats that could Potentially be Affected by the Proposed Works

Designated Site/Habitat	Legal Status
None	-

Legislation Protection Afforded to Species that could Potentially be Affected by the Proposed Works

Species	Legal Status
European Protected	
Bats	<p>These animal species and their breeding sites or resting places are protected under Regulation 41 of the Conservation of Habitats and Species (Amendment) Regulations 2012, which makes it illegal to:</p> <ul style="list-style-type: none"> • Deliberately capture, injure or kill any such animal or to deliberately take or destroy their eggs; • Deliberately disturb such an animal; • Damage or destroy a breeding site or resting place of such an animal. <p>European Protected Species (EPS) licences can be granted by Natural England in respect of development to permit activities that would otherwise be unlawful under the Conservation Regulations, providing that the following 3 tests (set out in the EC Habitats Directive) are passed:</p> <ul style="list-style-type: none"> • The development is for reasons of overriding public interest; • There is no satisfactory alternative; and • The favourable conservation status of the species concerned will be maintained and/or enhanced. <p>Under Regulation 9(5) of the Conservation Regulations, Planning Authorities have a legal duty to 'have regard to the requirements of the EC Habitats Directive in the exercise of their functions'. This means that they must consider the above 3 tests when determining whether Planning Permission should be granted for developments likely to cause an offence under the Conservation Regulations. As a consequence, Planning Applications for such developments must demonstrate that the 3 tests will be passed.</p>
Nationally Protected	
Bats	<p>These animals receive full protection under the Wildlife and Countryside Act 1981 (as amended by the Countryside and Rights of Way Act 2000), which makes it illegal (subject to exceptions) to:</p> <ul style="list-style-type: none"> • Intentionally kill, injure or take any such animal; • Intentionally or recklessly damage, destroy or obstruct any place used for shelter or protection by any such animal; and • Intentionally or recklessly disturb such animals while they occupy a place used for shelter or protection.
Nesting Birds (general)	<p>All wild birds are protected under the Wildlife and Countryside Act 1981 (as amended by the Countryside and Rights of Way Act 2000), which makes it illegal (subject to exceptions) to:</p>

Species	Legal Status
	<ul style="list-style-type: none"> Intentionally kill, injure or take any wild bird; Take, damage or destroy the nest (whilst being built or in use) or eggs of any wild bird.
<i>Invasive Species</i>	
None	-

Section 40 of the Natural Environment and Rural Communities Act 2006 (the NERC Act) places a legal duty on public bodies, including planning authorities, to ‘have regard’ to the conservation of biodiversity when carrying out their normal functions, which includes consideration of planning applications.

In compliance with Section 41 of the NERC Act, the Secretary of State has published a list of species and habitats considered to be of principal importance for conserving biodiversity in England under the UK Post-2010 Biodiversity Framework. This is known as the list of Habitats and Species of Principal Importance (HPI/SPI), of which there are 56 habitats and 943 species. The HPI/SPI list is used to guide planning authorities in implementing their duty under the NERC Act.

National Planning Policy

The NPPF (2019) set out the Government’s planning policies for England and how these are expected to be applied. At the heart of the NPPF is a presumption in favour of sustainable development. This presumption does not apply where development requiring Appropriate Assessment under the Birds or Habitats Directives is being considered, planned or determined.

The NPPF states that:

‘When determining planning applications, local planning authorities should apply the following principles:

- if significant harm to biodiversity resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts), adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused;
- development on land within or outside a Site of Special Scientific Interest, and which is likely to have an adverse effect on it (either individually or in combination with other developments), should not normally be permitted. The only exception is where the benefits of the development in the location proposed clearly outweigh both its likely impact on the features of the site that make it of special scientific interest, and any broader impacts on the national network of Sites of Special Scientific Interest;
- development resulting in the loss or deterioration of irreplaceable habitats (such as ancient woodland and ancient or veteran trees) should be refused, unless there are wholly exceptional reasons and a suitable compensation strategy exists;
- development whose primary objective is to conserve or enhance biodiversity should be supported; while opportunities to incorporate biodiversity improvements in and around developments should be encouraged, especially where this can secure measurable net gains for biodiversity
- the following wildlife sites should be given the same protection as European sites: potential Special Protection Areas (SPA) and possible Special Areas of Conservation (SAC); listed or proposed Ramsar sites; and sites identified, or required, as compensatory measures for adverse effects on European sites, potential SPAs, possible SACs, and listed or proposed Ramsar sites.’

Under the NPPF, the Planning Authority has a responsibility to promote the preservation, restoration and re-creation of priority habitats, ecological networks and the protection and recovery of priority species; and identify and pursue opportunities for securing measurable net gains for biodiversity.

Also, under the NPPF, the planning system should contribute to and enhance the natural and local environment by protecting and enhancing valued landscapes and sites of biodiversity (in a manner commensurate with their statutory status or identified quality in the development plan) and to minimise impacts on, and provide net gains for biodiversity, including by establishing a coherent ecological network that are more resilient to current and future pressures.



Enzygo specialise in a wide range of technical services:

- Property and Sites**
- Waste and Mineral Planning**
- Flooding, Drainage and Hydrology**
- Landscape Architecture**
- Arboriculture**
- Permitting and Regulation**
- Waste Technologies and Renewables**
- Waste Contract Procurement**
- Noise and Vibration**
- Ecology Services**
- Contaminated Land and Geotechnical**
- Traffic and Transportation**
- Planning Services**

BRISTOL OFFICE

The Byre
Woodend Lane
Cromhall
Gloucestershire GL12 8AA
Tel: 01454 269 237

SHEFFIELD OFFICE

Samuel House
5 Fox Valley Way
Stocksbridge
Sheffield S36 2AA
Tel: 0114 321 5151

MANCHESTER OFFICE

Ducie House
Ducie Street
Manchester
M1 2JW
Tel: 0161 413 6444

Please visit our website for more information.

enzygo.com