Ecological Impact Assessment

Tees Valley Bottom Ash Facility
Grangetown Prairie, Dorman Point
Prepared on behalf of Viridor Waste Limited
March 2023

On behalf of
Viridor Waste Limited

Date
March 2023

Project Number
1620013801

TEES VALLEY BOTTOM ASH (BA) FACILITY GRANGETOWN PRAIRIE, DORMAN POINT ECOLOGICAL IMPACT ASSESSMENT

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ECOLOGICAL IMPACT ASSESSMENT

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APPENDICES

1. INTRODUCTION

1.1 Background

Ramboll UK Limited ('Ramboll') has been commissioned by Viridor Waste Limited (hereinafter referred to as the 'Applicant') to prepare an ecological impact assessment (hereafter referred to as 'EcIA') for the proposed development of a Bottom Ash (BA) Facility on site at Grangetown Prairie near Tees Valley (hereafter referred to as the 'site'). The site is located within the administrative authority of Redcar and Cleveland.

The development proposal comprises a BA Facility (hereinafter referred to as the 'proposed development') for which the Applicant intends to submit a planning application for outline planning permission (hereafter referred to as the 'application').

1.2 Objective and Scope of Works

The aim of this report is to provide an EcIA in relation to the site and the zone of influence (ZOI) of the proposed development, in accordance with the CIEEM (2019)[1] guidance. The EcIA comprises a description of the existing on-site ecological conditions, as well as the ecological context of the site and its ZOI; an appraisal of the site's ecological importance; and an assessment of likely impacts in relation to the proposed development and its associated activities, taking into account the mitigation and enhancement measures incorporated into the proposed development. The structure and content of the report is based on current ecological report writing guidance including CIEEM (2017)[2] and BSI Standards Institution (2013)[3].

The content of this report is based on the findings of:

- a desk study;
- an extended Phase 1 habitat survey; and
- a validation survey

The objectives of this report are to:

- identify designated nature conservation sites located either within the site or the ZOI of the proposed development;
- assess the potential for the site and the ZOI of the proposed development to support populations of protected species or species of nature conservation importance[4];
- record the main habitats and features of ecological interest on the site;
- assess the ecological importance of the site;
- describe the proposed mitigation measures; and
- assess the potential impacts and likely residual effects of the proposed development.

[1] Chartered Institute of Ecology and Environmental Management (CIEEM), 2019. Guidelines for Ecological Impact Assessment in the UK and Ireland: Terrestrial, Freshwater and Coastal and Marine. Chartered Institute of Ecology and Environmental Management, London.

[2] CIEEM (2017) Guidelines for Ecological Report Writing. Chartered Institute of Ecology and Environmental Management, Winchester

[3] BSI Standards Institution, 2013. BS 42020:2013. Biodiversity – Code of Practice for Planning and Development. BSI Standards Limited, London.

[4] The following species are considered to be of nature conservation importance i) listed as a national priority for conservation (such as those listed as habitats and species of principal importance for the conservation of biodiversity under Section 41 of the Natural Environment and Rural Communities (NERC) Act 2006; ii) listed as a local priority for conservation, for example in the relevant local Biodiversity Action Plan (BAP); iii) assessed as a threatened or near-threatened species according to International Union for the Conservation of Nature (IUCN) red list criteria; iv) Red or Amber Listed species in national Species of Conservation Concern assessments; v) listed as a Nationally Rare or Nationally Scarce species (e.g. in one of the Species Status Project reviews) or a Nationally Notable species where a more recent assessment of the taxonomic group has not yet been undertaken; and/or vi) endemic to a country or geographic location (including endemic sub-species, phenotypes, or cultural behaviours of a population that are unique to a particular place).

The report is supported by the following appendices:

- Appendix 1: Relevant Legislation and Policy; and
- Appendix 2: Site Photographs.

1.3 Legislation and Policy Framework

Various legislation and planning policies refer to the protection of wildlife. These are summarised in Appendix 1, but should not be regarded as a definitive legal opinion. When dealing with individual cases, the full texts of the relevant documents should be consulted and legal advice obtained if necessary.

1.4 Limitations and Constraints

In preparation of the report and performance of any other services, Ramboll has relied upon publicly available information, information provided by the client and information provided by third parties. Accordingly, the conclusions in this report are valid only to the extent that the information provided to Ramboll was accurate, complete and available to Ramboll within the reporting schedule.

The key sources of information used to prepare this report are provided as footnotes within the document. Ramboll cannot accept liability for the accuracy or otherwise of any information derived from third party sources.

Ramboll's services are not intended as legal advice, nor an exhaustive review of site conditions and/or compliance. This report is intended solely for the use and benefit of the client for this purpose only and may not be used by or disclosed to, in whole or in part, any other person without the express written consent of Ramboll. Ramboll neither owes nor accepts any duty to any third party, unless formally agreed by Ramboll through that party entering into, at Ramboll's sole discretion, a written reliance agreement.

The ecological assessment has been undertaken based on CIEEM's 2019 Ecological Impact Assessment Guidelines[5], taking a proportional approach to the level of survey effort and reporting required due to the small size and suburban nature of the site.

It should be noted that availability and quality of the data obtained during desk studies is reliant on third party responses. This varies from region to region and for different species groups. Furthermore, the comprehensiveness of data often depends on the level of coverage, the expertise and experience of the recorder and the submission of records to the local recorder. Accordingly, the conclusions in this report are valid only to the extent that the information provided to Ramboll was accurate, complete and available to Ramboll within the reporting schedule.

The extended Phase 1 habitat survey provides a snapshot of ecological conditions and does not record plants or animals that may be present at the site at different times of the year. The survey was undertaken outside the optimum April to mid-October Phase 1 habitat survey period when plants are generally visible however given the levels of disturbance on site and the small area of vegetation remaining, this is not believed to constitute a constraint to the validity of the report. At the time of the 2022 survey, remediation works were under way on site and the majority of the site had been cleared prior to the site visit. Despite the limitations imposed upon the walkover due to remediation activities, and due to the additional validation survey carried out on

[5] Chartered Institute of Ecology and Environmental Management (CIEEM), 2019. Guidelines for Ecological Impact Assessment in the UK and Ireland: Terrestrial, Freshwater and Coastal and Marine. Chartered Institute of Ecology and Environmental Management, London

site in 2023, Ramboll is satisfied that all habitats and features of potential ecological interest have been suitably assessed on site at this stage in the development.

Ramboll is satisfied that this report represents a robust appraisal of the site. If any action or development has not taken place on this land within 12 months of the date of this report, the findings of this survey should be reviewed by a suitably qualified ecologist and may need to be updated.

2. BACKGROUND

2.1 Site Context

The proposed BA Facility site lies within the area known as Grangetown Prairie, owned by the South Tees Development Corporation (STDC). The site forms part of 1,800 ha of land previously occupied by heavy industry and infrastructure that is subject to STDC's Regeneration Master Plan.

The proposed BA Facility site was formerly used for the production of iron and steel. Following the closure of the steel works and cessation of industrial activities, the building complex was cleared in the 1980's and the site is now vacant.

The site lies within the southwest corner of the STDC regeneration area, within the Grangetown Prairie Zone. It is located approximately 1.5 km from the River Tees to the north, around 6.5 km to the northeast of Middlesbrough and approximately 5 km south west of Redcar town centre. It is also located immediately adjacent to the eastern boundary of the proposed Tees Valley ERF site.

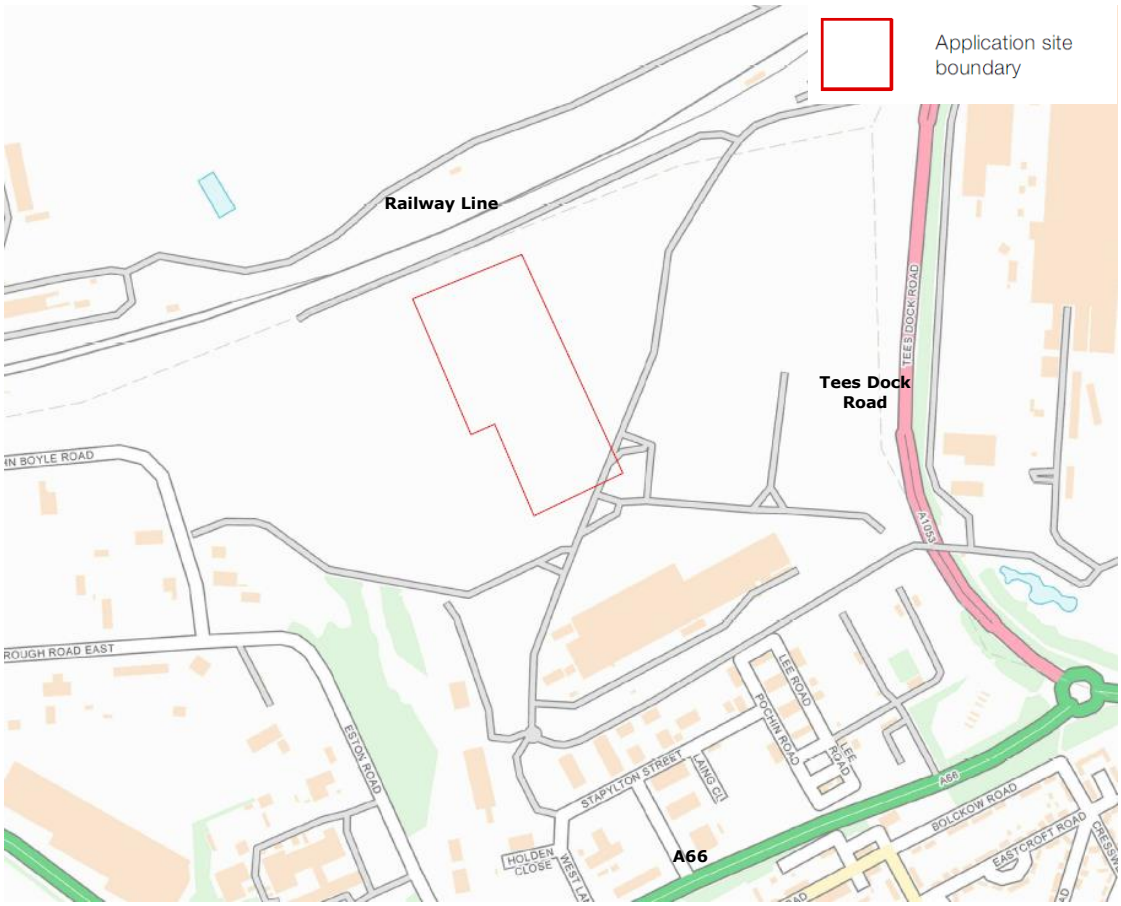

Figure 1: Site Location.

The proposed BA Facility site covers an area of around 4.74 ha, that is rectangular in shape and situated to the east of John Boyle Road (with the ERF site in between). To the east of the site lies Tees Dock Road, to the south runs the A66 and to the north is a railway line. Whilst the site does not currently have direct access to the public highway, it is expected that STDC will provide new road infrastructure to serve the site in the near future, as part of the Regeneration Master Plan.

The site is not covered by any landscape designations and is located within a predominantly industrial setting. However, there are some recognised sensitive rural landscape areas situated within the wider area, such as Eston Hills to the south.

2.2 The Proposed Development

The proposed development consists of an BA facility, an BA hall, six storage bays and ancillary buildings.

The proposed development is anticipated to transfer 100% of the BA (approximately 100,000 tonnes per annum (tpa)) produced from the Tees Valley Energy Recovery Facility (ERF), which is located directly adjacent (west) of the BA site. The process will involve the transfer, either by covered HGV via an internal connection route between the two sites, or road, or by covered conveyor, of the raw BA from the ERF to the raw BA hall at the proposed BA Facility site.

In addition to the 100,000 tpa from the Tees Valley ERF, the proposed new BA Facility would be designed to accommodate up to 80,000 tpa from third party sources. BA from third party sites would be delivered to the BA hall by road. The BA will be placed into storage bays for maturation over a 14-56 day period.

3. METHODOLOGY

3.1 Desk Study

The purpose of the desk study was to collect existing baseline data about the site and the ZOI such as the location of designated sites or other natural features of potential ecological value such as woodland and ponds. The following ZOI has been considered:

- All statutory designated sites up to 2 kilometres (km) from the site, including Special Areas of Conservation (SAC), Special Protection Areas (SPA), National Nature Reserves (NNR), Sites of Special Scientific Interest (SSSI) and Local Nature Reserves (LNR);
- Non-statutory designated sites, such as Sites of Importance for Nature Conservation (SINCs) up to 2 km from the site;
- Records of protected species up to 2 km from the site; and
- International and national statutory designated sites with bats as a qualifying feature for designation, up to 10 km from the site.

Environmental Records Information Centre (ERIC) North East was contacted to provide details of designated sites and protected species within 2 km of the site. Due to data ownership restrictions in the reproduction of the ERIC data (dated 11 February 2022), it is not appended to this EcIA, but the information provided is summarised in the relevant sections. In addition, the Multi Agency Geographic Information for the Countryside (MAGIC) website[6] was searched for supplementary information on statutory sites. This included a search for European Protected Species licences issued within 2 km of the site. Supplementary information on the site and its surroundings were obtained from aerial images available from Google™ Earth software.

3.2 Extended Phase 1 Habitat Survey

An extended Phase 1 habitat survey of the site was undertaken by Mark Tarrant (MEECW)[7] on 14 February 2022. Mark has a BSc in Biology and has worked professionally as a consultant ecologist since 2008. The weather during the survey period was cold and overcast with light wind and heavy showers.

The survey involved a site walkover and preliminary assessment of key habitats, land use and ecological features. The main habitats present were recorded using standard Phase 1 habitat survey methodology as described in the Handbook for Phase 1 Habitat Survey (Joint Nature Conservation Committee (JNCC), 2010[8]).

In addition to general habitat classification, a list was compiled of observed plant species using the nomenclature of Stace (2010)[9], with common and Latin names referred to in the first instance after which only the common names are used. The abundance of each species was estimated for each habitat respectively using standard 'DAFOR' codes:

D = Dominant
A = Abundant
F = Frequent
O = Occasional
R = Rare

The site was assessed for its potential to support protected and notable species such as reptiles, amphibians, bats and badgers *Meles meles*, and was inspected for signs of any invasive plant

[6] Natural England, 2021. MAGIC [online]. Available at: www.magic.gov.uk (Accessed 17th February 2022)
[7] Full member of the Association of Environmental Clerk of Works
[8] Joint Nature Conservation Committee, 2010. Handbook for Phase 1 habitat survey – a technique for environmental audit. JNCC, Peterborough
[9] Stace C. (2010) New Flora of the British Isles 3rd Edition. Cambridge University Press

species subject to legal controls. This was in order to identify potential ecological constraints and to guide recommendations for further survey requirements for these species.

The site was subsequently subject to a validation walkover on the 26 January 2023 to assess for any changes to conditions and habitats on site since the 2022 survey and to confirm that the existing data and assessment remains valid. The walkover followed the same methodology as the initial extended Phase 1 habitat survey and was also undertaken by Mark Tarrant. The weather conditions were mild but breezy, with light rain.

3.3 Importance Criteria

The importance of ecological features (i.e. designated sites, habitats and species), identified within the ZOI has been assessed using a scale that classifies ecological features within a defined geographic context in accordance with CIEEM guidelines (2019). The following frame of reference has been used for the site:

- International and European Importance;
- National Importance (England);
- Regional Importance;
- County (North Yorkshire);
- Local Importance;
- Site-level[10] Importance (limited to the site boundary or ZOI); and
- Negligible Importance.

Various characteristics contribute to the importance of ecological features. These include recognised and published criteria (e.g. Wray *et al.* 2010[11]) where the ecological features are assessed in relation to their size, diversity, naturalness, rarity, fragility, typicalness, connectivity with surroundings, intrinsic value, recorded history and potential importance.

A wide range of sources can be used to assign importance to ecological features, including legislation and policy. In the case of designated sites, their importance reflects the geographic context of the designation. For example, sites designated as SACs are recognised as being of importance at an International level. Ecological features not included in legislation and policy may also be assigned importance, due to, for example, local rarity or decline, or provision of a functional role for other ecological features. Professional judgement is used to assign such importance.

3.4 Method of Assessment

The EcIA has been undertaken by means of existing best practice tools and techniques as recommended by CIEEM. As such, potential impacts and effects on ecological features (as defined by baseline conditions) have been assessed taking into consideration mitigation measures integral to the proposed development. Consideration has also been given to the need for additional mitigation to reduce or off-set potential significant effects, and all residual effects have been assessed as either significant or not significant at the relevant geographic level. As part of this, consideration was given to the avoidance, mitigation, restoration, compensation and enhancement measures (the 'mitigation hierarchy') integral to the proposed development.

[10] Note that Site-level is not defined in CIEEM, 2019. It is used here to define ecological features which contribute to the biodiversity importance of the site, but not at a level which can be considered locally important or higher. It is important in the context of biodiversity net gain.

[11] Wray S, Wells D, Long E, Mitchell-Jones T., 2010. Valuing Bats in Ecological Impact Assessment, CIEEM In-Practice. 23-25

3.5 Significance

The potential impacts and likely effects on ecological features were considered in relation to the proposed development at the site. The assessment was made by reference to the pre-development baseline conditions at the site. The impacts and effects have been characterised according to the following variables:

- Magnitude and extent - quantitative size of an impact (e.g. area of habitat/number of individuals);
- Timing – when the impact may occur;
- Duration and reversibility - timescale of effect (days/weeks/months/years) until recovery. Permanent impacts are described as such, and likelihood of recovery is detailed where appropriate;
- Frequency - frequency of effect (if appropriate; described as low to high and quantified where possible);
- Complexity - whether the effect would directly or indirectly affect the feature; and
- Negative/ positive - if the effect would be beneficial or detrimental to the feature.

The assessment only describes those characteristics relevant to the ecological effect, as well as those that determine the significance. For example, the timing of when a habitat is destroyed may not be relevant in relation to the assessment of the effect on the habitat. However, it may be relevant to assessing the impact to the species that occur within the habitat (e.g. roosting bats).

In accordance with CIEEM guidance, each impact has been assessed as having a significant effect or not having a significant effect upon each ecological feature qualified with reference to the appropriate geographic scale. The importance level of the ecological feature concerned may be a determinant of the geographical level at which the effect is significant. For example, a significant effect to a Site of Special Scientific Interest (SSSI), is likely to be significant at a national level. However, it may be the case that the effect could be considered significant at a lower or higher geographical level than that at which the feature is important, depending on the magnitude of the effect. A significant effect is an effect that either enhances or undermines the conservation objectives of an ecological feature. Conservation objectives may be specific (e.g. for a designated site), or broad (e.g. national conservation policy).

4. BASELINE DESCRIPTION OF THE SITE

4.1 Site/Landscape Context

The site is located at central grid reference NZ 54563 21376, in a mostly industrial area on the on the northern edge of Grangetown. Land use in the area is predominately industrial and brownfield, with the proposed development falling within the redundant Lackenby Steel works.

- North – Brownfield site, the site is immediately bounded by a power line easement and a railway line, further north lies a landfill site;
- East – Brownfield site, east of the site is a continuation of the derelict Lackenby steel works, of which this site represents a parcel in the initial phase of site wide redevelopment;
- South – land use to the south is industrial, bounded by the Bolckow industrial estate;
- West – development site; to the west lies the proposed Tees Valley ERF site.

4.2 Designated Sites

Statutory Sites

There are three statutory designated sites within 2km of the proposed development. These are:

- Teesmouth and Cleveland Coast SSSI;
- Teesmouth and Cleveland Coast Ramsar site; and
- Teesmouth and Cleveland Coast SPA.

Teesmouth and Cleveland Coast SSSI is located approximately 1,690m north west at its closest point and is designated for a complex of coastal habitats it supports, including sand dunes, saltmarshes, mudflats, grazing marshes and freshwater wetlands. It is of special interest for the following nationally important features:

- Jurassic geology;
- Quaternary geology;
- sand dunes;
- saltmarsh;
- breeding harbour seal;
- breeding avocet, common tern, little tern and a diverse assemblage of breeding birds of sand dunes, saltmarshes and lowland water and their margins;
- ten non-breeding waterbird species (Sandwich tern *Sterna sandvicensis*, redshank *Tringa totanus*, knot Calidris canutus, ruff *Philomachus pugnax*, ringed plover Charadrius hiaticula, sanderling *Calidiris alba*, purple sandpiper *Calidiris maritima*, shoveler *Anas clypeata*, shelduck *Tadorna tadorna* and gadwall *Anas strepera*) and an assemblage of over 20,000 non-breeding waterbirds; and
- a diverse assemblage of invertebrates associated with sand dunes.

Teesmouth and Cleveland Coast SPA is located approximately 1,690m north west at its closest point and is designated due to its wide range of coastal habitats, including sandflats, mudflats, rocky foreshore, saltmarsh, sand-dunes, wet grassland and freshwater lagoons, which co-exist with a wide range of human activities in a busy industrial area. The species protected by the SPA are breeding little tern *Sterna albifrons*, passage Sandwich tern, wintering knot and wintering redshank. The site is also classified for an assemblage of over 20,000 non-breeding waterbirds.

The Ramsar component of the Teesmouth and Cleveland Coast is also located approximately 1,690m north west at its closest point and is an estuarine complex of intertidal sand and mudflats, rocky shore, saltmarsh, freshwater marsh and sand dunes. The site supports a rich assemblage of invertebrates, including seven Red Data Book species. The estuary is also an important spring and/or autumn staging area for migratory waterbirds. The site regularly supports over 20,000 waterbirds in winter. These include internationally important numbers of knot (3,574). The site also supports nationally important wintering numbers of shelduck, teal *Anas crecca*, sanderling and redshank. The site also supports a nationally important breeding colony of little tern.

Non-Statutory Sites

There are no non-statutory sites within 2km of the site.

4.3 Habitats

4.3.1 Ancient Woodland

There are no parcels of ancient and semi-natural woodland located within 2 km of the site. There are two ancient, veteran or notable trees within 2 km of the site boundary. The nearest tree is a notable aspen *Populus tremula* located 1.1 km to the south-east of the site.

4.3.2 Other Habitats of Conservation Importance

There is an area of intertidal substrate foreshore, within the Tees Estuary approximately 1.4km from site.

4.3.3 General Site Description

Remediation at the BA Facility site was on-going during the Phase 1 habitat survey in 2022, with the vegetation having already been removed from the majority of the area at the time of the 2022 survey as a result of remediation works.

Following the validation survey in January 2023, it was confirmed that the nature of the site remains unchanged, with the majority of the site being used as stockpiling following the completion of remediation, with just a small strip of remnant vegetation along the side of the haul road.

The following descriptions of habitats should be read in conjunction with Figure 2.

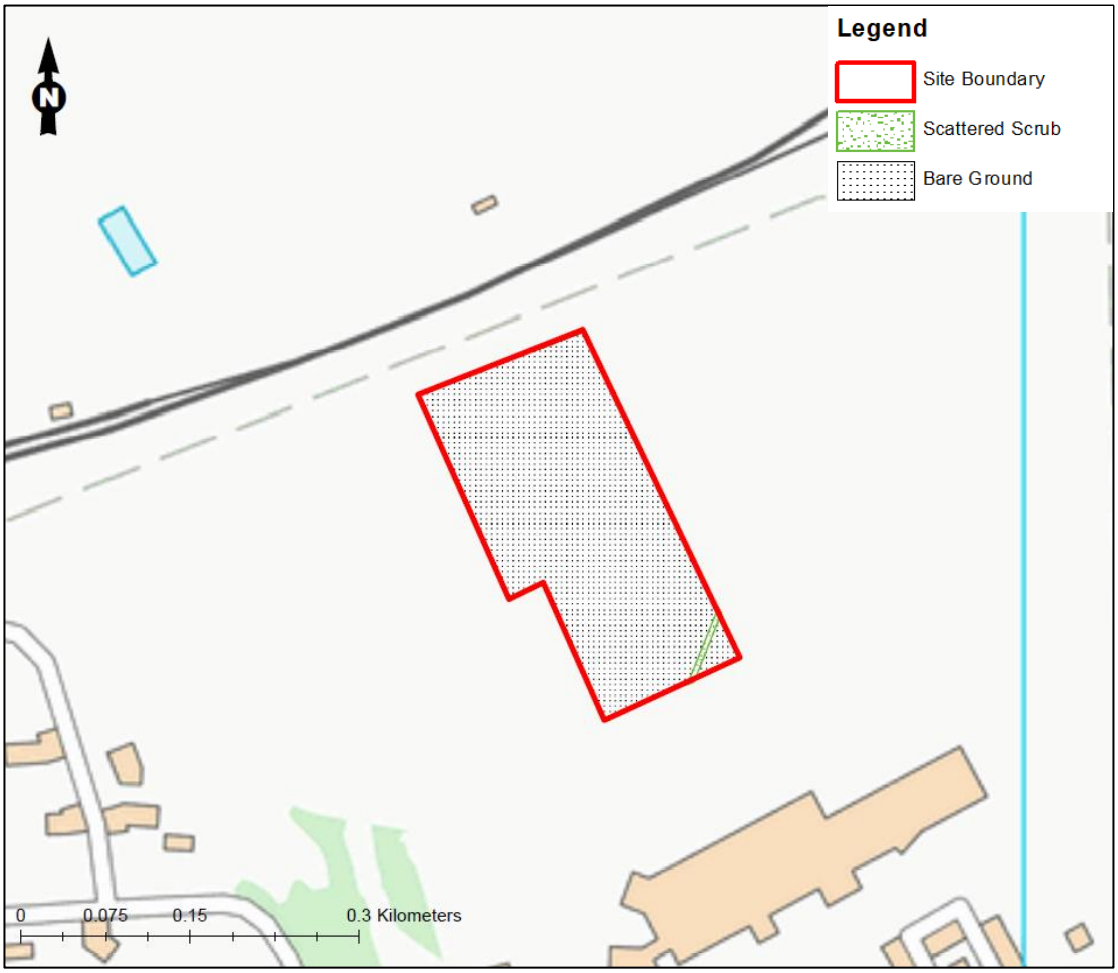

Figure 2: Phase 1 Habitat Survey Map

4.3.4 Bare Ground

The majority of the site constitutes bare ground/stockpiles as a result of remediation works on the site and on adjacent land. This is a combination of crushed stone, built up ground, and stripped areas.

4.3.5 Buildings and Structures

There are no buildings or structures left on site.

4.3.6 Scattered Scrub

There is a small area of remnant scattered scrub on the southern extent of the site. This area is on the edge of a haul road and is dominated by sea-buckthorn *Hippophae rhaminoides*, and bramble over a sparse ground layer of wild carrot *Daucus carota* (O), red valarian *Centranthus ruber* (O), carline thistle *Carlina vulgaris* (R), rosebay willow herb *Epilobium angustifolium* (F) and mouse-ear hawkweed *Pilosella officinarum* (O), ribwort plantain *Plantago lanceolata* (O) common dandelion *Taraxacum officinale* (O) and scentless mayweed *Tripleurospermum inodorum* (O).

4.4 Species

4.4.1 Amphibians

A review of MAGIC provided no records relating to great crested newt (GCN) for granted European Protected Species Licences within a radius of 2 km from the site. Likewise, there were no records of positive GCN Class Survey Licence returns from within the same radius.

There are no ponds on, or adjacent to site, the closest waterbody (the Holme Beck) is approximately 300m south west of site. There is no suitable terrestrial or aquatic habitat on site for GCN. GCN are considered absent from the site.

ERIC returned no records for GCN from within the 2 km search area. ERIC returned records for palmate newt *Lissotriton helveticus*, smooth newt *Lissotriton vulgaris*, common frog *Rana temporaria* and common toad *Bufo bufo* from within the 2 km search area, all from 2008. The closest records for each species were approximately 436m south west of the site at Corus Labs.

4.4.2 Badger

ERIC returned no records for badger within 2km of the site.

No badger setts or evidence of badgers using the site were recorded during the survey. Badgers are considered unlikely to be using the site at this time.

4.4.3 Bat

ERIC returned records for three species of bat from within a 2 km radius of the site, noctule *Nyctalus noctule*, common pipistrelle *Pipistrellus pipistrellus*, and soprano pipistrelle *Pipistrellus pygmaeus*. The closest record of any species to the site is for soprano pipistrelle dated from September 2019 approximately 791m south from site.

There are no suitable features for foraging, commuting or roosting bats on the site due to the absence of trees and buildings within the site boundary, as such they are considered unlikely to be using the site at this time.

4.4.4 Birds

ERIC returned records for 127 species of bird from within the 2 km search radius that are native, protected, priority or local priority species. There are no records directly relating to the site itself. The closest records pertain to a grey heron *Ardea cinerea* at Corrus, Grangetown site, approximately 900m from the site boundary.

There is limited suitability for use of the site for foraging by common bird species.

4.4.5 Hedgehog

ERIC returned 15 records for European hedgehog *Erinaceus europaeus*, with the closest being from the A66 approximately 500m south of site. There is a limited amount of isolated scrub remaining on site that has potential for use by hedgehog. However, given its isolated nature it is unlikely to be used and, as such they are not thought to be present on site at this time.

4.4.6 Invertebrates

Records for four species of invertebrate were returned by ERIC. The small heath *Coenonympha pamphilus*, grayling *Hipparchia Semele* and wall *Lasiommate megera* butterflies and the flecked general *Stratiomys singularior*. The closest record being of the small heath, approximately 1.4km south east of site.

The small amount of remaining habitat on site offers limited food sources for the larval stages of the recorded species, therefore there is limited suitability for invertebrates on site.

4.4.7 Otter

No records of otter *Lutra lutra* were returned by ERIC within the 2km search radius. There is no suitable aquatic or terrestrial habitat present on site for this species. These species are considered likely absent from site.

4.4.8 Reptile

No records for reptiles were returned within the 2km search radius. There is no habitat present on the site that is suitable for reptiles. Reptiles are not thought to be present on site at this time.

4.4.9 Water Vole

ERIC returned four records for water vole *Arvicola amphibius* within the 2km search radius. The closest being approximately 700m from site at Lannys Beck from 1998. However, there is no suitable water vole habitat on site and no open water courses are present. A culverted water course runs adjacent to the north west corner of the proposed site; however this is enclosed for its full length on and directly adjacent to the site, and contains no suitable vegetation or habitats. As such water vole are likely absent from site.

4.5 Assessment of Ecological Importance

Table 4.1 presents the ecological importance of habitats and species present on the site, in accordance with CIEEM guidance. Species assessed as being unlikely to be present on the site are not considered further in this assessment.

Table 4.1: Ecological Importance of Features Present on the Site (in accordance with CIEEM, 2016)

Feature	Ecological Importance	Rationale
Bare ground	Negligible	Does not contribute to biodiversity importance of the site.
Scattered Scrub	Site Level	Contributes to biodiversity value of the site and provides potential habitat for nesting birds but value is unlikely to extend beyond the Site Level.
Buildings and Structures	Negligible	There are no buildings or structures on site
Amphibians	Negligible	Due to the barriers to dispersal to the site and the lack of records returned for amphibians within the 2km search radius, the site is not likely to support amphibians. They are therefore considered likely absent from the site and are not considered a constraint to development. In the event that they are encountered on site, further guidance is provided in section 5.

Feature	Ecological Importance	Rationale
Badger	Negligible	No records were returned from the local records centre of badger within 2km of site and no evidence of presence was noted on site during the extended phase 1 habitat survey. They are therefore considered likely absent from the site and are not considered a constraint to development. In the event that they are encountered on site, further guidance is provided in section 5.
Bats	Negligible	There are no trees or structures present on site suitable for use by bats for roosting. There is only one small area of habitat on site that could present foraging opportunity, however this is isolated in the centre of a cleared area. As such it is considered unlikely that bats will be using the site. They are therefore not considered a constraint to development.
Birds	Site Level	There are no trees or structures present on site suitable for use by birds for breeding. There is only one small area of habitat on site that could present foraging opportunity/ground nesting opportunity, however this is isolated in the centre of a cleared area and is subject to regular disturbance.
Hedgehog	Negligible	There is limited habitat remaining on site that could be used by foraging hedgehogs. This area however is isolated and, as such, it is considered unlikely that hedgehogs are present on site. They are therefore not considered a constraint to development and are not considered further.
Invertebrates	Site level	There is limited potential habitat on site that could be used by terrestrial invertebrates, particularly habitats containing a food source for the small heath larval stage.
Otter	Negligible	There is no suitable terrestrial habitat on site and no suitable watercourses in the vicinity of the site. Otter are therefore considered to be absent from site and are not considered further.
Reptiles	Negligible	No records were returned for reptiles within 2km of the site and there is very limited, isolated habitat present that could be used by reptiles on site. As such reptiles are considered unlikely to be present on site and are not considered further.

Feature	Ecological Importance	Rationale
Water Vole	Negligible	There are three records of water vole in the vicinity of the site, however there is no suitable habitat/habitat connectivity remaining on site and no water courses in the vicinity of the site. Water voles are therefore considered absent from site and are not considered further.

5. ASSESSMENT OF POTENTIAL EFFECTS, MITIGATION MEASURES AND RESIDUAL EFFECTS

This section describes the potential impacts that could arise from the proposed development on the site and outlines mitigation measures for inclusion into redevelopment proposals to avoid significant impacts on ecological features and maximise biodiversity enhancement.

Given that the application is for outline permission, the final design has not yet been agreed upon. This section therefore assumes a 'worst case' scenario of the full development of the site.

Proposed landscaping is not currently known, however, in line with planning policy (as described in Appendix 1), any development should aim for no net loss of biodiversity. This assessment is based on the baseline as recorded during the 2023 habitat survey. Prior to this, vegetation clearance had already taken place and it is understood a separate assessment of impacts and mitigation is to be delivered for the previous baseline.

5.1 Potential Effects

5.1.1 Designated Sites

The site sits within the SSSI Impact Risk Zone for Teesmouth and Cleveland Coast SSSI, Ramsar and SAC which is located approximately 1.64 km north west of the site at its closest point. No direct impacts on the SSSI are anticipated as it is located outside of the site. In the absence of mitigation, the proposed development would likely result in the following effects at the construction stage and completed development stage:

- Construction Stage: No significant effects; and
- Completed Development: No significant effects.

Due to the lack of ecological connectivity between the remaining designated sites, impacts arising from development of the site are considered unlikely. Mitigation for the remaining designated sites is therefore considered unnecessary, and as such these are not considered further.

5.1.2 Habitats

Redevelopment of the site will lead to the loss of all remaining habitats within the red line boundary; bare ground and scattered scrub. Bare ground is assessed as being of Negligible importance to wildlife and is not considered further. The scattered scrub is considered to be of importance at Site level.

In the absence of mitigation, the removal of the above habitats would likely result in the following effects at the demolition and construction stage and completed development stage:

- Construction Stage: Negative effect at the Site Level, which is not significant; and
- Completed Development: Negative effect at the Site Level, which is not significant.

5.1.3 Species

Amphibians

No records of amphibians have been returned and there are no waterbodies present on site. There is only a small area of remaining habitat on site which is of negligible use to amphibians. Therefore, the loss of these habitats would likely result in the following effects at the construction stage and completed development stage:

- Construction Stage: No significant Negative effect; and
- Completed Development: No significant Negative effect.

Breeding Birds

Loss of habitat on the site would potentially affect foraging and nesting birds, for which the site is of Site level importance. In the absence of mitigation, scattered scrub clearance during the construction stage could destroy active nests and lead to the killing or injury of birds. With no replacement habitat, local birds would have to forage and nest elsewhere although this would not be expected to affect the conservation status of any species.

The loss of these habitats would likely result in the following effects at the construction stage and completed development stage:

- Construction Stage: No significant effect at the Site Level; and
- Completed Development: No significant Negative effect at the Site Level.

Bats

The loss of habitat on site would have limited impacts on foraging bats as they are unlikely to be present. No buildings or trees are present in the development area. The site is therefore assessed as being of Negligible importance for bats and the development of the site would likely result in the following effects at the construction stage and completed development stage:

- Construction Stage: No significant effects; and
- Completed Development: No significant effects.

Badger

No badger activity has been noted on site and only a small, isolated area of foraging habitat is present on site. Badgers are unlikely to be present, therefore, the loss of these habitats would likely result in the following effects at the construction stage and completed development stage:

- Construction Stage: No significant effect; and
- Completed Development: No significant effect.

Invertebrates

The loss of habitat would have limited impacts on larval stages of insects on site. The site is therefore assessed as being of Site level importance for invertebrates, and in the absence of mitigation, the development of the site would likely result in the following effects at the construction stage and completed development stage:

- Construction Stage: Negative effect at the Site Level, which is not significant; and
- Completed Development: Negative effect at the Site Level, which is not significant.

5.2 Mitigation and Enhancement Measures

5.2.1 Designated Sites

Whilst no significant effects on designated sites are predicted, the proposed redevelopment will be subject to a Construction Environmental Management Plan (CEMP), (expected to be a condition of planning permission) which will include measures to reduce run-off, noise, lighting, and dust impacts caused during the construction period, to avoid impacts on surrounding habitats and species.

The CEMP would include the following:

- Specifications for the appropriate timing of works. For example, vegetation clearance works would be undertaken between September and February, outside of the bird nesting period;
- Pollution prevention measures to prevent work causing run-off, pollution or hydrological changes to habitats;

- Measures to ensure exposed excavations would be secured (with appropriate fencing), or provided with mammal ladders and capping of pipework and services, at night time to prevent animals becoming trapped; and
- Measures to reduce construction impacts on bats and birds, such as appropriate timing of works and minimising night time lighting of the sites.

5.2.2 Habitats

It is assumed that all remediation works will be completed prior to commencement of the proposed development. As such it is anticipated that any remnants of vegetation, such as the area of scattered scrub, will be removed and will no longer present a constraint. Should this area be retained until the development proceeds, then it will provide a potential habitat for nesting birds. There is no remaining vegetation or habitats contiguous with the site that could be impacted.

Should vegetation require clearance, either due to remnants of vegetation left on site, or through recolonisation of the site, then clearance should be conducted in line with those precautions that will be set out in the CEMP.

A landscaping plan should be produced to provide a framework to allow suitable habitats to be incorporated into the overall design. This will most likely be limited to the periphery of the site. The planting plan should incorporate woodland and wildflower meadow areas, with site native species of local providence where possible.

5.2.3 Species

Breeding Birds

All wild nesting birds are protected under the Wildlife and Countryside Act 1981 (as amended). As such, the removal of vegetation will be undertaken between September and February, outside of the bird nesting season. If this is not possible, vegetation will be checked for the presence of nesting birds by an experienced ecologist prior to removal. If nests are identified, work would need to be delayed until nestlings have fledged. Vegetation clearance will be completed in line with the CEMP that will be produced for the site in due course.

Provision of landscape planting within the redevelopment should provide alternative habitat for use by foraging and nesting birds. Furthermore, a variety of bird nest box types should be provided at suitable locations on the site, attached to or built within buildings and other infrastructure, for additional enhancement. The exact type, number (expected to be a minimum of five) and location of bird boxes should be agreed following consultation with an ecologist prior to the build stage.

Bats

Whilst there will not be a loss of bat roosting habitat on site, developments should seek to include enhancements for wildlife. This aligns with National Planning Policy Framework (NPPF) adopted in 2021, which promotes the conservation, restoration and enhancement of priority habitats, ecological networks and the protection and recovery of priority species.

Therefore, provision of landscape planting and green infrastructure with native vegetation and evening flowering species, as well as the potential use of bat boxes should be considered within the finalised design, and would provide an enhancement opportunity for bats. The exact type, number and location of bat boxes should be agreed following consultation with an ecologist prior to the build stage. This requirement could be delivered off site.

The scheme design should limit the use of lighting and include sensitive use of lighting where the use of lighting is unavoidable. Where the use of lighting cannot be avoided the following guidance should be incorporated as far as possible to minimise impacts on bats:

- All luminaires should lack UV elements when manufactured;
- Metal halide, fluorescent sources should not be used;
- LED luminaires should be used where possible due to their sharp cut-off, lower intensity, good colour rendition and dimming capability;
- A warm white spectrum (ideally <2700 Kelvin) should be adopted to reduce blue light component;
- Luminaires should feature peak wavelengths higher than 550 nanometres (nm) to avoid the component of light most disturbing to bats;
- Column heights should be carefully considered to minimise light spill;
- Only luminaires with an upward light ratio of 0% and with good optical control should be used;
- Luminaires should always be mounted on the horizontal, i.e. no upward tilt; and
- As a last resort, accessories such as baffles, hoods or louvres can be used to reduce light spill and direct it only to where it is needed.

Badger

The loss of habitat would have Negligible impact on badgers. It is however recognised that badgers are highly mobile and have the potential to be on site in the future.

As such, works on site should be conducted under a precautionary works method statement (PWMS) to avoid disturbance to badgers should they be present on site in the future. This is to include:

- Site walkover to check for any badger activity;
- Tool box talk to be delivered to all site staff; and
- A 30m buffer to be established around any identified badger sett.

Invertebrates

No mitigation is available for the construction stage. However, the provision of landscape planting within the redevelopment should provide enhancement of the site for use by invertebrates.

5.3 Residual Effects

5.3.1 Habitats

It is not possible to fully assess residual effects to habitats prior to the landscaping scheme being finalised and an appropriate management plan being developed.

5.3.2 Species

Breeding Birds

Following the removal of vegetation at appropriate times of the year to avoid the bird breeding season, the implementation of a suitably designed landscaping scheme, as well the introduction of bird boxes, the proposed development is likely to result in the following residual effects at the construction stage and completed development stage:

- Construction Stage: **No Significant** effects; and
- Completed Development Stage: Following limited landscaping and the establishment of habitats, and provided habitat features for birds are managed appropriately, **No Significant** effects at the **Site** Level.

Bats

Following the implementation of a suitably designed landscaping scheme; the proposed development of the site is likely to result in the following residual effects at the construction stage and completed development stage:

- Construction Stage: **No Significant** effects; and
- Completed Development Stage: Following limited landscaping and the establishment of habitats, and provided habitat features for bats are managed appropriately, **No Significant** effects.

Invertebrates

Following the implementation of a suitably designed landscaping scheme; the proposed development of the site is likely to result in the following residual effects at the construction stage and completed development stage:

- Construction Stage: **No Significant** effects; and
- Completed Development Stage: Following limited landscaping and the establishment of habitats, and provided habitat features for are managed appropriately, **No Significant** effects at the **Site** Level.

5.4 Summary

Table 5.1 contains a summary of the potential effects pre-mitigation, and likely residual effect post-mitigation. As seen in table 5.1 below, with mitigation and enhancements measures, the scheme will likely lead to long-term positive effects.

Table 5.1: Summary of potential effects and likely residual effects

Feature	Ecological Importance	Potential Effects	Likely Residual Effects following Mitigation
Teesmouth and Cleveland Coast SSSI, Ramsar and SAC	International and European Importance	Construction: No significant effect Completed Development: No significant effect	Construction: No significant effect Completed Development: No significant effect
Habitats	Site	Construction: Negative (not significant) effect at site level Completed Development: No significant effect	Construction: Currently unknown until landscaping plan finalised. Completed Development: Currently unknown until landscaping plan finalised.
Amphibians	Negligible	Construction: No significant effect Completed Development: No significant effect	Construction: No significant effect Completed Development: No significant effect

Feature	Ecological Importance	Potential Effects	Likely Residual Effects following Mitigation
Breeding Birds	Site	Construction: No significant effect Completed Development: No significant effect	Construction: No significant effect Completed Development: No significant effect
Bats	Negligible	Construction: No significant effect Completed Development: No significant effect	Construction: No significant effect Completed Development: No significant effect
Invertebrates	Site	Construction: Negative (not significant) effect at site level Completed Development: No significant effect	Construction: Negative effect at site level Completed Development: No significant effect

6. CONCLUSIONS

The extended Phase 1 habitat survey, and subsequent validation survey, confirmed that the site is of nature conservation importance at up to Site level. By undertaking the work in accordance with the commitments and recommendations made in this report, the proposed development is likely to be in conformity with relevant planning policy and legislation relating to ecology. Following the implementation of the mitigation and enhancements listed in Table 6.1, negative impacts on biodiversity will be minor and temporary, limited to the construction phase, and will be of benefit to biodiversity in the long term.

Table 6.1 summarises the mitigation requirements for the proposed development, along with the enhancements that will be delivered.

Table 6.1: Summary of Mitigation and Enhancement

Ecological Feature	**Mitigation and Enhancement**
Habitats	Suitable landscape scheme to be developed and CEMP to be produced.
Birds	Site clearance to be conducted outside of bird nesting season, PWMS within CEMP to be followed if works cannot be timed accordingly. Provision of landscape planting and bird boxes within site boundary.
Bats	Provision of landscape planting and potentially bat boxes. Limit lighting/include sensitive use of lighting.
Badgers	PWMS embedded within CEMP to avoid impact to badgers should their presence be confirmed on site.
Invertebrates	Provision of landscape planting within site boundary.

APPENDIX 1
RELEVANT LEGISLATION AND POLICY

RELEVANT LEGISLATION AND POLICY

Ecological features are protected under various United Kingdom (UK) and European legislative instruments. These are described below. European legislation is not included as it is incorporated in UK legislation by domestic provisions.

Legislation

The Conservation of Habitats and Species Regulations 2017 (as amended)

The Habitats Directive (Council Directive 92/43/EEC)[12] came into force in 1992 and provides for the creation of a network of protected wildlife areas across the European Union (EU), known as 'Natura 2000'. The Natura 2000 network consists of Special Areas of Conservation (SAC) designated under the Habitats Directive and Special Protection Areas (SPA) designated under the Birds Directive (Council Directive 79/409/EEC)[13]. These sites are part of a range of measures aimed at conserving important or threatened habitats and species.

The Conservation of Habitats and Species Regulations 2017[14] (commonly known as the 'Habitats Regulations') transposes the Habitats Directive into national law and set out the provisions for the protection and management of species and habitats of European importance, including Natura 2000 sites. The 2017 bill consolidated all previous versions of the regulations and subsequent amendments since initial transposition, bringing them all under the single heading, and made some minor amendments. It extends to England and Wales, and to a limited extent Scotland and Northern Ireland. Further amendments were made via The Conservation of Habitats and Species and Planning (Various Amendments) (England and Wales) Regulations 2018[15] to ensure they reflect recent European case law (C-323/17 People Over Wind and Sweetman v Coillte Teoranta) in relation to the assessment of plans and projects on sites protected under Council Directive 92/43/EEC on the conservation of natural habitats of wild fauna and flora (the 'Habitats Directive'). In Scotland, the Habitats Directive is transposed through a combination of the Habitats Regulations 2010 (in relation to reserved matters) and the Conservation (Natural Habitats &c.) Regulations 1994. The Conservation (Natural Habitats, &c) Regulations (Northern Ireland) 1995 (as amended) transposes the Habitats Directive in relation to Northern Ireland.

In addition to providing for the designation and protection of Natura 2000 sites, the Habitats Regulations provide strict protection for plant and animal species as European Protected Species. Derogations from prohibitions are transposed into the Habitats Regulations by way of a licensing regime that allows an otherwise unlawful act to be carried out lawfully for specified reasons and providing certain conditions are met. Under the Habitats Regulations, competent authorities have a general duty, in the exercise of any of their functions, to have regard to the Habitats Directive and Wild Birds Directive including in the granting of consents or authorisations. They may not authorise a plan or project that may adversely affect the integrity of a European site, with certain exceptions (considerations of overriding public interest).

The Conservation of Habitats and Species Regulations 2017, as amended by The Conservation of Habitats and Species (Amendment) (EU Exit) Regulations 2019, require the Secretary of State and Welsh Ministers to secure compliance with the requirements of the Nature Directives. Any new powers in the 2019 Regulations must be exercised in line with the Directives and retained EU case law up to 1 January 2021.

[12] European Commission, 1992. Council Directive 92/43/EEC on the conservation of natural habitats and of wild fauna and flora.
[13] European Commission, 1979. Council Directive 79/409/EEC on the conservation of wild birds.
[14] Her Majesty's Stationery Officer (HMSO), 2017. The Conservation of Habitats and Species Regulations 2017. HMSO.
[15] Her Majesty's Stationery Officer (HMSO), 2018. The Conservation of Habitats and Species and Planning (Various Amendments) (England and Wales) Regulations 2018. HMSO.

The Conservation of Habitats and Species (Amendment) (EU Exit) Regulations 2019[16]

SACs and Special Protection Areas (SPAs) in the UK no longer form part of the EU's Natura 2000 ecological network. The Conservation of Habitats and Species (Amendment) (EU Exit) Regulations 2019 have created a national site network on land and at sea, including both the inshore and offshore marine areas in the UK. The national site network includes:

- existing SACs and SPAs; and
- new SACs and SPAs designated under these Regulations.

Any references to Natura 2000 in The Conservation of Habitats and Species Regulations 2017, as amended and in guidance now refers to the new national site network. Maintaining a coherent network of protected sites with overarching conservation objectives is still required in order to:

- fulfil the commitment made by government to maintain environmental protections
- continue to meet our international legal obligations, such as the Bern Convention, the Oslo and Paris Conventions (OSPAR), Bonn and Ramsar Conventions

Designated Wetlands of International Importance (known as Ramsar sites) do not form part of the national site network. Many Ramsar sites overlap with SACs and SPAs, and may be designated for the same or different species and habitats. All Ramsar sites remain protected in the same way as SACs and SPAs.

The Conservation of Habitats and Species (Amendment) (EU Exit) Regulations 2019 establish management objectives for the national site network. These are called the network objectives.

The UK Government and devolved administrations (in Wales, Northern Ireland and Scotland) will cooperate to manage, and where necessary, adapt the network to contribute towards meeting the network objectives.

Any references in the 2017 Regulations to meeting the 'requirements of the Directives' includes achieving the network objectives.

The appropriate authorities may publish guidance relating to these requirements. The appropriate authorities are the Secretary of State for Environment, Food and Rural Affairs in England and the Welsh Ministers in Wales.

The network objectives are to:

- maintain or, where appropriate, restore habitats and species listed in Annexes I and II of the Habitats Directive to a favourable conservation status (FCS)
- contribute to ensuring, in their area of distribution, the survival and reproduction of wild birds and securing compliance with the overarching aims of the Wild Birds Directive

The appropriate authorities must also have regard to the:

- importance of protected sites
- coherence of the national site network
- threats of degradation or destruction (including deterioration and disturbance of protected features) on SPAs and SACs

The network objectives contribute to the conservation of UK habitats and species that are also of pan-European importance, and to the achievement of their FCS within the UK.

[16] Secretary of State (2019) The Conservation of Habitats and Species (Amendment) (EU Exit) Regulations 2019. Her Majesty's Stationery Office (HMSO)

The Countryside and Rights of Way Act 2000

The Countryside and Rights of Way Act 2000[17] primarily extends to England and Wales. It provides a new statutory right of access to the countryside and modernises the rights of way system, bringing into force stronger protection for both wildlife and the countryside.

The Act is divided into five distinct sections, Part III is of relevance to ecology:

- Part III – Nature Conservation and Wildlife Protection: The Act details measures to promote and enhance wildlife conservation. These measures include improving protection for Sites of Special Scientific Interest (SSSI) and increasing penalties for deliberate damage to SSSIs. Furthermore, the Act affords statutory protection to Ramsar Sites which are wetlands designated under the International Convention on Wetlands[18].

The Wildlife and Countryside Act 1981 (As Amended)

The Wildlife and Countryside Act 1981 (as amended)[19] forms the basis of much of the statutory wildlife protection in the UK. Part I deals with the protection of plants, birds and other animals and Part II deals with the designation of SSSIs.

This Act covers the following broad areas:

- Wildlife – listing endangered or rare species in need of protection and creating offences for killing, disturbing or injuring such species. Additionally, the disturbance of any nesting bird during breeding season is also noted as an offence, with further protection for species listed on Schedule 1. Measures for preventing the establishment of non-native plant and animal species as listed on Schedule 9 are also provided;
- Nature Conservation – protecting those sites which are National Nature Reserves (NNR) and SSSIs;
- Public Rights of Way – placing a duty on the local authority (to maintain a definitive map of footpaths and rights of way. It also requires that landowners ensure that footpaths and rights of way are continually accessible; and
- Miscellaneous General Provisions.

The Act is enforced by local authorities.

Natural Environment and Rural Communities Act 2006

Under Section 40 of the Natural Environment and Rural Communities (NERC) Act 2006[20], public authorities must show regard for conserving biodiversity in all their actions. Public authorities should consider how wildlife or land may be affected in all the decisions that they make. The commitment to the biodiversity duty must be measured by public authorities.

Section 41 also requires the Secretary of State to publish a list of habitats and species that are of principal importance for the conservation of biodiversity in England.

Protection of Badgers Act 1992

[17] Her Majesty's Stationery Officer (HMSO), 2000. The Countryside and Rights of Way Act 2000. HMSO.

[18] United Nations Educational, Scientific and Cultural Organization (UNESCO), 1971. Convention on Wetlands of International Importance especially as Waterfowl Habitat, as amended in 1982 and 1987. Ramsar, Iran Published in Paris, 1994.

[19] Her Majesty's Stationery Office (HMSO), 1981. The Wildlife and Countryside Act 1981 [as amended in Quinquennial Review and by the Countryside and Rights of Way Act 2000 and the Natural Environment and Rural Communities Act 2006]. HMSO.

[20] Her Majesty's Stationery Office (HMSO), Natural Environment and Rural Communities Act 2006. HMSO.

The Protection of Badgers Act 1992[21] consolidated previous legislation relating specifically to badgers. The Act makes it an offence to kill, injure or take a badger, or to damage or interfere with a sett unless a licence is obtained from a statutory authority (i.e. Natural England).

Wild Mammals (Protection) Act 1996

The Wild Mammals (Protection) Act 1996[22] makes it an offense for any person to mutilate, kick, beat, nail or otherwise impale, stab, burn, stone, crush, drown, drag or asphyxiate any wild mammal with intent to inflict unnecessary suffering. There are certain exemptions including acts of mercy and acts made lawful by means of hunting, shooting, coursing or pest control activities

Policy

Biodiversity in the Planning Process

Administrative and policy guidance on the application of some of these statutory obligations is provided through relevant government policy guidance and advice. In England, this includes National Planning Policy Framework 2012, National Planning Practice Guidance, Circular 06/2005: Biodiversity and Geological Conservation – Statutory Obligations and their Impact within the Planning System, Biodiversity 2020 and Natural Environment White Paper The natural choice: securing the value of nature.

Administrative and policy guidance on the application of some of these statutory obligations is provided through relevant Government policy guidance and advice. In England, this includes National Planning Policy Framework 2019, national Planning Practice Guidance, Circular 06/2005: Biodiversity and Geological Conservation – Statutory Obligations and their Impact within the Planning System, Biodiversity 2020 and Natural Environment White Paper 'The natural choice: securing the value of nature'.

National Planning Policy Framework (2019)

The National Planning Policy Framework (NPPF)[23] sets out the Government's planning policies for England and how these are expected to be applied. Objective 15 - Conserving and enhancing the natural environment' states that the planning system should contribute to and enhance the natural and local environment by:

- *"…protecting and enhancing valued landscapes, geological conservation interests and soils;*
- *recognising the wider benefits of ecosystem services; and*
- *minimising impacts on biodiversity and providing net gains in biodiversity where possible, contributing to the Government's commitment to halt the overall decline in biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures…"*

It furthermore advises local planning authorities to conserve and enhance biodiversity when considering planning applications, by applying principles aimed at protecting and enhancing biodiversity and designated sites and incorporating biodiversity in and around developments

Planning Practice Guidance (2019)

The Planning Practice Guidance[24] is a web-based resource launched in June 2019 (last updated 1 October 2019). This guidance is divided into sections, of which Natural Environment: Biodiversity,

[21] Her Majesty's Stationery Office (HMSO), 1992. Protection of Badgers Act 1992. HMSO.

[22] Her Majesty's Stationary Office (HMSO), Wild Mammals (Protection) Act 1996. HMSO.

[23] Ministry of Housing, Communities and Local Government, 2019. National Planning Policy Framework (NPPF), last updated 19 June 2019. London: HMSO.

[24] Ministry of Housing, Communities & Local Government, 2019. Planning Practice Guidance [online]. Available at: http://planningguidance.planningportal.gov.uk/

Ecosystems and Green Infrastructure provides information on biodiversity issues within planning and guidance on where to find further information on biodiversity issues.

Circular 06/2005: Biodiversity and Geological Conservation – Statutory Obligations and their Impact within the Planning System

This circular[25] provides administrative guidance on the application of the law relating to planning and nature conservation as it applies in England. It complements the national planning policy in the NPPF and PPG.

Natural Environment White Paper. The Natural Choice: Securing the Value of Nature

The Natural Environment White Paper[26] outlines the Government's vision for the natural environment over the next 50 years, shifting the emphasis to an integrated landscape-scale approach. It describes the actions that will be taken to deliver that goal.

Biodiversity 2020

The Biodiversity 2020[27] strategy for England builds on the Natural Environment White Paper and provides a comprehensive picture of how England is implementing its international and EU commitments. It sets out the strategic direction for biodiversity policy on land (including rivers and lakes) and at sea.

The mission for this strategy is to halt overall biodiversity loss, support healthy well-functioning ecosystems and establish coherent ecological networks, with more and better places for nature for the benefit of wildlife and people.

It is anticipated that this will be delivered through:

- a more integrated large-scale approach to conservation on land and at sea;
- putting people at the heart of biodiversity policy;
- reducing environmental pressures; and
- improving our knowledge.

Biodiversity Action Plans (BAP)

In 1994, the Government produced the UK Biodiversity Action Plan (BAP)[28], a national strategy for the conservation of biodiversity. This led to the creation of the UK Biodiversity Steering Group, which has listed 1,150 Species Action Plans (SAPs) and 65 Habitat Action Plans (HAPs). Regional and District/Borough BAPs apply the UK BAP at a local level.

From July 2012, the 'UK Post-2010 Biodiversity Framework'[29] succeeds the UK BAP. This is a result of a change in strategic thinking following the publication of the 'Convention on Biological Diversity's Strategic Plan for Biodiversity 2011-2020'[30] and its 20 'Aichi targets'[31], at Nagoya, Japan in October 2010, and the launch of the new EU Biodiversity Strategy (EUBS) in May 2011.

The UK Post-2010 Biodiversity Framework constitutes the UK's response to these new 'Aichi' strategic goals and associated targets. The Framework recognises that most work which was

[25] Office of the Deputy Prime Minister, 2005. Circular 06/2005: Biodiversity and Geological Conservation – Statutory Obligations and their Impact within the Planning System. Available at: https://www.gov.uk/government/publications/biodiversity-and-geological-conservation-circular-06-2005

[26] Department for Environment, Food and Rural Affairs (Defra), 2011. Natural Environment White Paper. The natural choice: securing the value of nature. Available at: https://www.gov.uk/government/publications/the-natural-choice-securing-the-value-of-nature

[27] Department for Environment, Food and Rural Affairs (Defra), 2011. Biodiversity 2020. Available at: https://www.gov.uk/government/publications/biodiversity-2020-a-strategy-for-england-s-wildlife-and-ecosystem-services

[28] Her Majesty's Stationery Office (HMSO), 1994. Biodiversity: The UK Action Plan. HMSO.

[29] JNCC and Defra (on behalf of the Four Countries' Biodiversity Group), 2012. UK Post-2010 Biodiversity Framework. July 2012. jncc.defra.gov.uk/pdf/UK_Post2010_Bio-Fwork.pdf

[30] https://www.cbd.int/sp/

[31] https://www.cbd.int/sp/targets/

previously carried out under the UK BAP is now focussed on the individual countries of the UK (and Northern Ireland) and delivered through each countries' own strategies.

Following the publication of the new Framework, the UK BAP partnership no longer operates. However, many of the tools and resources originally developed under the UK BAP remain of use. The UK list of priority species has been used to help draw up statutory lists of priorities in England, Scotland, Wales and Northern Ireland. For England, this is in line with Section 41 of NERC.

APPENDIX 2
SITE PHOTOGRAPHS

Plate 1: View south across site from adjacent high ground. All visible vegetation in this photo is due north of the site on the far side of the railway. Photo from 2023 site visit.

Plate 2: View south across site from northern boundary. Photo from 2023 site visit.

Plate 3: View west across site from eastern boundary. Photo from 2023 site visit

Plate 4: Stockpiled aggregate on western boundary of site. All visible vegetation in this photo is due north of the site on the far side of the railway. Photo from 2023 site visit.

Plate 5: Small strip of remnant scattered scrub in south east corner running adjacent to haul road. Photo from 2023 site visit.