

# XXXXXXXXX RAD Pilots – WAGR

## Preliminary Ecological Appraisal Report

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Prepared by:		Discipline:	Projects
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Checked by:		Approved by:	
Position:	Principal Ecologist	Position:	Associate Director
Checkers Signature:		Approvers Signature:	
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Accepted by:		Position:	Environmental Specialist
Acceptance Signature:		Date:	

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## Abbreviations

IDS	Integrated Decommissioning Solutions	IRZ	Impact Risk Zone
SL	Sellafield Limited	CWS	County Wildlife Site
PEA	Preliminary Ecological Appraisal	SoIS	Site of Invertebrate Significance
BS	British Standard	EPSML	European Protected Species Mitigation Licence
OSNGR	Ordnance Survey national grid reference	EPS	European Protected Species
CIEEM	Chartered Institute of Ecologists and Environmental Managers	INNS	Invasive Non-native Species
MAGIC	Multi-Agency Geographic Information for the Countryside	GPP	Guidance for Pollution Prevention
CBDC	Cumbria Biodiversity Data Centre	CIRIA	Construction Industry Research and Information Association
TN	Target Note	AGRTH	Advanced Gas-Cooled Reactor Turbine
PBRA	Preliminary Bat Roost Assessment		Hall
PRF	Potential Roosting Feature		
SSSI	Site of Special Scientific Interest		

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# 1. Introduction

## 1.1. Terms of Reference

Integrated Decommissioning Solutions (IDS) was commissioned by Sellafield Limited (SL) to undertake a Preliminary Ecological Appraisal (PEA) in connection with the proposed demolition of a building, the Windscale Advanced Gas-Cooled Reactor Turbine Hall (AGRTH) within the Sellafield Site (hereafter referred to as the Proposed Scheme). The Proposed Scheme is located within the north-western area of the Sellafield Site, near Seascale, Cumbria, as shown on Figure A.1 in Appendix A (hereafter referred to as the Site).

This report has been undertaken with reference to current good practice<sup>1</sup> and provides an initial appraisal of any likely ecological constraints upon designated site, protected species and other features of ecological interest.

Following the principles of the mitigation hierarchy and British Standard (BS) 42020:2013, this report also identifies the need for measures to avoid, mitigate or compensate for damage and disturbance to habitats and species. Opportunities to provide biodiversity enhancements in accordance with local, regional and national biodiversity planning strategies are also identified where relevant. Furthermore, it identifies recommendations for further ecological surveys that may be required to establish the presence or likely absence of ecological features within and adjoining the Proposed Scheme.

This report is intended to inform design development, site layout and/ or site investigations. In addition, it provides the indicative scope for further ecological surveys, ecological impact assessment and biodiversity net gain assessment required in connection with a planning application or to contribute to an Environmental Impact Assessment.

## 1.2. The Site

The Site is centred at Ordnance Survey National Grid Reference (OSNGR) NY 02530 04408 within the north-western extent of the Sellafield Site. Sellafield is located on the west Cumbrian coast, approximately 1.25 km to the north-west of Seascale and approximately 1 km south-west of Calder Bridge and the A595.

The Site is approximately 4,760 m<sup>2</sup> and comprises the Turbine Hall and conjoined office building, plus the immediate surrounding environ (i.e., hardstanding made up of footpaths and roads). The turbine hall and office are adjoined and comprise one single combined structure.

The building is five storeys tall and of brick and corrugated sheet construction. At the fifth storey, a walkway of metal construction on the eastern aspect links the building to the neighbouring nuclear reactor building. The surrounding habitat is predominantly hardstanding, with minor areas of modified grassland and introduced shrub present.

## 1.3. The Proposed Scheme

The Proposed Scheme comprises the demolition of the AGRTH. At this stage, there is no detailed plan or programme for the demolition, nor any facilitative works that may be required in the immediate area surrounding the Site. However, it is understood that the demolition footprint will include the AGRTH. The reactor building immediately east of the Site will not be demolished, however the fifth storey walkway linking the two buildings will be removed during the demolition. Once finalised, any plans or programme should be reviewed in line with the findings of this report.

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<sup>1</sup> Chartered Institute of Ecology and Environmental Management [CIEEM] (2017) *Guidelines for Preliminary Ecological Appraisal. Second Edition*. CIEEM, Winchester.

## 1.4. Scope of the Assessment

This report presents ecological information obtained during the following:

- A desk-study undertaken on 6 December 2023; and
- A walkover survey of accessible land within and adjacent to the Site on 29 November 2023.

The walkover survey and identification of potential ecological constraints was based on the condition of the Site and its immediate surrounds encountered at the time of the walkover survey, and the information about the Proposed Scheme available at the time of producing this report. If information on the Proposed Scheme should change, the Site may need to be re-visited to establish if there are any further ecological constraints arising from changes to the proposals.

## 2. Methods

The geographical area for obtaining ecological data through desk studies has been determined using best practice guidance (as set out in internal Atkins guidance) and professional judgement. Baseline data has been gathered from a range of sources through data requests and using online resources as outlined below. This included data gathering in relation to statutory and non-statutory designated sites for nature conservation and protected and priority habitats and species (as defined by Chartered Institute of Ecology and Environmental Management [CIEEM] guidance<sup>2</sup>), and an assessment of the likely importance of habitat features present for such species was also undertaken during the walkover survey.

The study areas used for the data gathering are detailed in Table 2-1. The desk study was undertaken on 6 December 2023. For species records collected, only those within 10 years of the data collection date (hereafter referred to as “recent records”) have been considered within the assessment.

The following online resources were accessed:

- Defra’s *Multi-Agency Geographic Information for the Countryside (MAGIC)* website<sup>3</sup>; and
- The Woodland Trust’s *Ancient Tree Inventory*<sup>4</sup>.

Ordnance Survey maps and Grid Reference Finder<sup>5</sup> were used to identify the presence of waterbodies within 500 m of the Site boundary, in order to establish if the land within and immediately surrounding the Site could be used as terrestrial habitat for great crested newts. This species typically uses suitable terrestrial habitat up to 500 m from a breeding pond<sup>6</sup>. However, there is a notable decrease in great crested newt abundance beyond a distance of 250 m from a breeding pond<sup>7</sup>.

Cumbria Biodiversity Data Centre (CBDC) was contacted to request records of protected and priority species and habitats and details of non-statutory designated sites for nature conservation.

**Table 2-1 – Data search Areas**

Data type	Search area – distance from Proposed Scheme boundary
Statutory designated sites for nature conservation	2 km
Non-statutory designated sites for nature conservation	1 km
Irreplaceable habitats	1 km
Veteran trees	1 km
Priority habitats	1 km
Protected and priority species	1 km (extended to 2 km for bats)

<sup>2</sup> As set out in Box 1 on page 4 of: CIEEM (2017) *Guidelines for Preliminary Ecological Appraisal. Second Edition.* | Priority species include those listed as a national and/or local priority for conservation (i.e. a Habitat of Principal Importance or Species of Principal Importance in England under Section 41 of the Natural Environment and Rural Communities (NERC) Act 2006.

<sup>3</sup> Defra. *MAGIC* [Online]. Available at: <https://magic.defra.gov.uk/> [Accessed: 06/12/2023]

<sup>4</sup> The Woodland Trust. *Ancient Tree Inventory* [Online]. Available at: <https://ati.woodlandtrust.org.uk/> [Accessed: 06/12/2023]

<sup>5</sup> Grid Reference Finder [Online]. Available at: <https://gridreferencefinder.com/> [Accessed: 06/12/2023]

<sup>6</sup> English Nature (2001) *Great Crested Newt Mitigation Guidelines*. English Nature, Peterborough.

<sup>7</sup> English Nature (2004). *An assessment of the efficiency of capture techniques and the value of different habitats for the great crested newt (ENRR576)* [Online]. Available at: <http://publications.naturalengland.org.uk/publication/134002> [Accessed: 06/12/2023].

A review of national and local planning policy relevant to the Proposed Scheme was undertaken as part of the data gathering. The following policy documents were subject to review (with further detail provided in Appendix B):

- National Planning Policy Framework (2023)<sup>8</sup>; and
- Cumberland Council's *Copeland Local Plan*<sup>9</sup>.

## 2.1. Field Survey

The geographical area for undertaking ecological field surveys has been determined using the current survey guidance (as detailed in Section 2.1.2), professional judgement and the zones of influence, which have been determined based on likely effects arising from the Proposed Scheme.

Following CIEEM's Guidelines for PEA<sup>1</sup>, a walkover survey was undertaken, focusing on protected and priority habitats and/or species.

The walkover survey was undertaken on 29 November 2023. This included all land within the site plus a buffer of up to 50 m from the Site boundary where access was allowed (the Survey Area).

### 2.1.1. Habitats

Habitats were mapped using the UK Habitat Classification<sup>10</sup> (UKHab) system. UKHab is a comprehensive and hierarchical habitat classification system for the UK that has been developed to benefit from recent changes in habitat categorisation, recording and analysis, and is suitable for digitally recording in the field using GIS. It is fully compatible with other major existing classifications, including Priority Habitat types (UKHab Level 4) and Habitats Directive Annex I habitat types<sup>11</sup> (UKHab Level 5)<sup>12</sup>.

All habitats were recorded to at least Level 3 of the UKHab hierarchy, i.e. broad habitats such as neutral grassland or dense scrub. Any Level 4 habitats and Level 5 habitats have also been recorded. In addition, mandatory secondary codes have been recorded (up to secondary code number 49). All habitat features have been digitally mapped, using QGIS, as either polygons, lines or points and assigned to a UKHab Primary Habitat Code.

An assessment of the possible presence of priority habitats (as defined by CIEEM PEA guidance) was also undertaken during the walkover survey.

Vascular plant names recorded during this survey follow nomenclature utilised by Stace (2019)<sup>13</sup>.

Target notes (TNs) were used to record specific details on the plant species composition of the habitats, current management and quality. TNs were also used to record features of ecological importance (e.g. ponds, complex habitat mosaics).

### 2.1.2. Protected and Priority Species

An assessment of the possible presence of protected or priority species, and an assessment of the likely importance of habitat features present that could support such species was also undertaken during the walkover survey. Surveyors used current guidance and methodologies, for preliminary assessment of species.

<sup>8</sup> Ministry of Housing, Communities and Local Government (2023) *National Planning Policy Framework*. Available at: <https://www.gov.uk/government/publications/national-planning-policy-framework> [Accessed: 06/12/2023]

<sup>9</sup> Cumberland Council. *Copeland Local Plan*. Available at: <https://www.copeland.gov.uk/content/copeland-local-plan> [Accessed: 13/12/2023].

<sup>10</sup> <https://ukhab.org/>

<sup>11</sup> Council Directive 92/43/EEC (1992) on the conservation of natural habitats and of wild fauna and flora (known as the 'Habitats Directive').

<sup>12</sup> UKHab has been chosen as the classification system for the majority of terrestrial area habitat types used in Defra's Statutory Biodiversity Metric. It is, therefore, essential to use UKHab when undertaking a project where Biodiversity Net Gain will be required.

<sup>13</sup> Stace (2019) *New Flora of the British Isles. Fourth Edition*.



The survey comprised assessing the suitability of the habitats present for, and recording any activity of the following species:

- Badgers<sup>14</sup>;
- Bats<sup>15</sup>;
- Otters<sup>16,17</sup>;
- Water voles<sup>18</sup>;
- Red squirrels<sup>19,20</sup>;
- Breeding, wintering and passage birds<sup>21</sup>;
- Reptiles<sup>22</sup>;
- Amphibians (terrestrial and aquatic habitats), including an assessment of aquatic habitat for its suitability to support great crested newts using the Habitat Suitability Index (HSI) assessment<sup>23</sup>;
- Priority invertebrates<sup>24</sup>; and
- Priority plants.

Evidence of the presence of the following invasive species was recorded where seen:

- Evidence of animal species as listed on the Invasive Alien Species (Enforcement and Permitting) Order 2019: muntjac deer and grey squirrels; and
- Evidence of the presence of the following invasive plant species: Japanese knotweed, giant knotweed, hybrid knotweed, giant hogweed, Himalayan balsam, rhododendron<sup>25</sup>, variegated yellow archangel, cotoneaster<sup>26</sup>, giant rhubarb, Japanese rose, and three-cornered garlic. These are listed in Schedule 9 of the Wildlife and Countryside Act 1981 (as amended) and subject to strict legal control.

<sup>14</sup> Harris S., Cresswell P. and Jefferies D. (1989) *Surveying badgers*. Mammal Society – No9.

<sup>15</sup> Collins, J. (ed.) (2023) *Bat Surveys for Professional Ecologists: Good Practice Guidelines (4th edition)*. The Bat Conservation Trust, London.

<sup>16</sup> Chanin and Smith (2003) *Monitoring the otter Lutra lutra*. *Conserving Natura 2000 Rivers Monitoring Series No 10*. English Nature, Peterborough.

<sup>17</sup> Liles G. (2003) *Otter Breeding Sites. Conservation and Management. Conserving Natura 2000 Rivers Conservation Techniques Series No. 5*. English Nature, Peterborough.

<sup>18</sup> Dean, M. et al (2016) *The Water Vole Mitigation Handbook*. Mammal Society

<sup>19</sup> Birks J.D.S., Bullion S., Cresswell W.J., Dean M. (eds.) (2012) *UK BAP Mammals: Interim Guidance for Survey Methodologies, Impact Assessment and Mitigation*. Mammal Society, London.

<sup>20</sup> Gurnell J., Lurz P., McDonald R., Pepper H.W. (2009) *Practical techniques for surveying and monitoring squirrels*.

<sup>21</sup> Bird Survey & Assessment Steering Group (2022) *Bird Survey Guidelines for assessing ecological impacts, v.0.1.7*. Available at: <https://birdsurveyguidelines.org> [Accessed: 13/12/2023].

<sup>22</sup> Froglife (1999) *Reptile Survey: an introduction to planning, conducting and interpreting surveys for snake and lizard conservation*. Froglife advice sheet 10.

<sup>23</sup> Oldham R.S., Keeble J., Swan M.J.S., Jeffcote M. (2000) *Evaluating the suitability of habitat for the Great Crested Newt (Triturus cristatus)*. *Herpetological Journal* 10: 143-155.

<sup>24</sup> At the present time there is no current survey guidance for priority invertebrates.

<sup>25</sup> Although there are approximately 1,200 species of rhododendron, just one species and one of its hybrids are listed on Schedule 9 of the Wildlife and Countryside Act 1981 (as amended): *Rhododendron ponticum* and *Rhododendron ponticum* x *Rhododendron maximum*.

<sup>26</sup> There are approximately 100 species of cotoneaster found in the UK, but only five are listed on Schedule 9 of the Wildlife and Countryside Act 1981 (as amended): *Cotoneaster horizontalis*, *Cotoneaster integrifolius*, *Cotoneaster simonsii*, *Cotoneaster bullatus* and *Cotoneaster microphyllus*

While assessing the suitability of the Site for bats, a Preliminary Bat Roost Assessment (PBRA) was undertaken on each structure within the Site. The PBRAs were undertaken in accordance with best practice guidance<sup>15</sup> and CIEEM competencies for undertaking bat surveys<sup>27</sup>.

The survey involved a ground-based daytime inspection to view the exteriors of all buildings, from all aspects where possible. To aid in the survey effort binoculars were used. The survey focused on identifying a range of characteristic signs which can indicate current/ recent use of a potential roost site by bats, known as Potential Roost Features (PRFs).

The external assessment was supplemented by an internal inspection, to identify any signs of bat presence internally and assess the internal suitability (i.e., presence or otherwise of suitable voids or other internal features likely to support roosting bats).

An internal inspection of suspended ceilings present within the office space of the AGRTH was not undertaken due to access restrictions (see Limitations Section).

The following signs of bat presence were searched for during the external and internal inspections of the structures (as relevant): droppings, grease marks, urine stains, bats (dead or alive) and feeding remains.

The structures were categorised according to best practice guidance<sup>15</sup>, based on the presence of PRFs offering suitability for roosting bats:

- Negligible: Habitat features on site unlikely to be used by roosting bats;
- Low: Structure with one or more potential roost sites that could be used by individual bats opportunistically. However, these potential roost sites do not provide enough space, shelter, protection, appropriate conditions and/ or suitable surrounding habitat to be used on a regular basis or by larger numbers of bats;
- Moderate: Structure with one or more potential roost sites that could be used by bats due to their size, shelter, protection, conditions and surrounding habitat but unlikely to support a roost of high conservation status;
- High: Structure with one or more potential roost sites that are obviously suitable for use by larger numbers of bats on a more regular basis and potentially for longer periods of time due to their size, shelter, protection, conditions and surrounding habitat.

### 2.1.3. Surveyor Competencies

All the surveys were led by surveyors who have been assessed to be at least of capable experience following the CIEEM competency framework<sup>28</sup>.

## 2.2. Limitations

This section identifies any limitations to the surveys or assessment and provides an explanation as to the effect of these on the appraisal.

The field survey was undertaken in November, which is a sub-optimal time of year to undertake such surveys as many plant species (including some invasive non-native species) are often not readily identifiable or visible. However, due to the habitats identified on the Application Site being common and widespread, this is not considered to be a significant constraint.

The search for waterbodies within 500 m of the Site was undertaken by using Ordnance Survey plans and aerial photographs only. These sources may not show all waterbodies within 500 m of the Site boundary and therefore some waterbodies may not have been identified. During this desktop search, one pond was identified approximately 110 m to the north of the Site. However, this pond was located on the other side of the perimeter

<sup>27</sup> CIEEM (2013) *Competencies for Species Survey: Bats*.

<sup>28</sup> CIEEM. *Competency Framework*. Available at: <https://www.cieem.net/competency-framework> [Accessed 06/12/2023].

fence, on third party land, and therefore could not be accessed at the time of the survey. However, following the rationale detailed in Section 3.3.8, any populations of amphibians that may utilise this pond would be unlikely to be present within the Site. Therefore, this is not considered to constitute a significant limitation to the assessment.

The list of invasive plant species included on Schedule 9 of the Wildlife and Countryside Act 1981 (as amended) is extensive and these plants are found in a range of different habitats, including aquatic habitats. The field survey checked for the presence of Japanese knotweed, giant knotweed, hybrid knotweed, giant hogweed, Himalayan balsam, rhododendron, variegated yellow archangel, cotoneaster, montbretia, giant rhubarb, Japanese rose and three-cornered garlic. Other invasive species listed in Schedule 9 of the Wildlife and Countryside Act 1981 (as amended) may not have been recorded.

Cryptic taxa such as some species of plant, invertebrates and fungi, could not be adequately surveyed at the time of the survey. These groups require specialist survey, and survey windows are generally highly restrictive. However, when taking into account the desk study results, the nature of the habitats present at the Site and in the surrounding landscape, this is not considered to be a significant limitation.

The desk study reviewed The Woodland Trust's Ancient Trees Inventory. This provides records of veteran trees, but is not an exhaustive list, and other veteran trees may be present in the area. The walkover survey aimed to identify such features and as such this is not considered a constraint.

CBDC records are not exhaustive, and the absence of records does not necessarily demonstrate the absence of a species.

Ecological surveys are limited by factors which affect the presence of plants and animals such as the time of year, migration patterns and behaviour. The ecological surveys undertaken to support this PEA have not therefore produced a complete list of plants and animals, and the absence of evidence of any particular species should not be taken as conclusive proof that the species is not present or that it will not be present in the future. The above limitation/s have been addressed through taking the precautionary approach within the appraisal.

No photographs could be taken, due to the security restrictions in place on Sellafield Site. There are therefore no photographs to accompany described features within this report.

The internal inspection of the AGRTH revealed the presence of suspended ceilings in between office floors on the northern and western extent of the building. The internal inspection did not include a search within the voids present within these suspended ceilings, and at the top of the building. However, the internal inspection is intended to supplement the assessment only. Therefore, the limit to the internal inspection does not constitute a significant limitation to this assessment.

## 3. Results

### 3.1. Statutory and Non-statutory Designated Sites

One statutory designated site for nature conservation, Low Church Moss Site of Special Scientific Interest (SSSI), was identified within 2 km of the Site through the desk study. This is located approximately 1.3 km north-west of the Site. There are no hydrological pathways that connect the Site to the Low Church Moss SSSI. The Site is located within the SSSI Impact Risk Zone (IRZ) for Low Church Moss SSSI. However, the Scheme does not fall into any of the relevant categories listed.

Three non-statutory designated sites for nature conservation were identified within 1 km of the Site through the desk study, which included one County Wildlife Site (CWS), and two Sites of Invertebrate Significance (SoIS), all designated by Cumberland Council. Details of these non-statutory designated sites for nature conservation are displayed in Table 3-1 below.

The locations of all statutory and non-statutory designated sites within 2 km and 1 km (respectively) are presented on Figure A.2 in Appendix A.

The desk study search returned one non-statutory designated site for geological interest (River Calder Banks Local Geological Site) within 1 km of the Site. Given that this site is not designated for any ecological reasons it is not discussed further within this report.

**Table 3-1 – Non-Statutory Designated Sites for Nature Conservation within 1 km of the Site**

Non-Statutory Designated Site Name	Approximate distance from Site	Reason for Designation
Sellafield Tarn CWS	220 m west	Designated for notable habitats and species assemblages.
Sellafield Disused Railway Line SoIS	850 m west	Designated for notable invertebrate populations.
Braystones, R. Ehen SoIS	950 m south-west	Designated for notable invertebrate populations.

The closest of these non-statutory designated Sites is Sellafield Tarn CWS, located approximately 220 m west of the Site. There are no hydrological pathways that connect the Site to the Sellafield Tarn CWS or the other non-statutory designated sites. Therefore, it is considered that the Proposed Scheme will not directly or indirectly impact upon non-statutory designated sites.

Statutory and non-statutory designated sites are not discussed further within this report as they are not considered to pose a constraint to the Proposed Scheme.

### 3.2. Irreplaceable Habitats

No irreplaceable habitats (including ancient or veteran trees) were identified through the desk study.

Irreplaceable habitats are not discussed further within this report as they are not considered to pose a constraint to the Proposed Scheme.

#### 3.2.1. Habitats and Priority Plants

The Site comprised buildings, sealed surface, and unsealed surface developed land. Smaller discrete areas of sparsely vegetated urban land was also present. No protected or priority habitats were present within the Site.

The search of MAGIC identified 57 parcels of priority habitat within 1 km of the Site, comprising 13 parcels of coastal and floodplain grazing marsh, 39 parcels of deciduous woodland, and five parcels of good quality semi-improved grassland. The closest parcel of priority habitat is deciduous woodland, located approximately 155 m north west of the Site. There are no impact pathways from the Site to any areas of priority habitat (including hydrological connectivity).

The River Calder is located approximately 700 m east of the Site at its closest point.

Table 3-1 lists all of the habitats present within the Survey Area and the proportion<sup>29</sup> of the Site this makes up. Habitats are mapped on the Habitat Survey Plan (Figure C.1 in Appendix C).

**Table 3-1 – Habitat types within the Survey Area**

Habitat type with UKHab code	Location of habitat	Area of habitat/ distance of linear feature		Secondary codes <sup>30</sup>
		m <sup>2</sup>	% of Site	
Buildings – <b>u1b5</b>	Within the Site, and some within the Survey Area	5,488 m <sup>2</sup>	54.8%	-
Developed land; sealed surface – <b>u1b</b>	Within the Site, and surrounding the Site	16,472 m <sup>2</sup>	45.2%	-
Other developed land – <b>u1b6</b>	East of the Site, within the Survey Area	2,255 m <sup>2</sup>	N/A	-
Modified grassland – <b>g4</b>	Discrete parcels within the Survey Area	1,181 m <sup>2</sup>	N/A	-
Sparsely vegetated urban land – <b>u1f</b>	A single discrete parcel north of the Site, within the Survey Area	575 m <sup>2</sup>	N/A	846 (Flower bed)

### 3.2.1.1. Priority Plants

CBDC provided no priority plant records within 1 km of the Site.

The Site was unvegetated. No priority plants were recorded in the Site, and it is considered unlikely the Site is suitable to support priority plants given the habitats present and the location within an industrial setting.

Other habitats in the Survey Area include distinct parcels of modified grassland interspersed throughout the industrial urban setting, and a single parcel of introduced shrub. The modified grassland was maintained at a short height and no priority plants were identified. The introduced shrub comprised planted ornamental species.

As no suitable habitat for priority plants will be impacted by the works, they are not discussed further within this report as they are not considered to pose a constraint to the Proposed Scheme.

## 3.3. Protected and Priority Animal Species

Evidence of protected and priority species, or habitats with the potential to support protected and priority species are indicated on the Habitat Survey Plan (Figure C.1 in Appendix C), with specific features highlighted by TNs on the map. All TNs recorded corresponded to features for bats and therefore all TN descriptions are provided in Table 3-2. Details of legislation relating to protected species is summarised in Appendix D.

<sup>29</sup> Distances/ areas are measured in QGIS.

<sup>30</sup> Secondary codes allow the recording of additional information, linked to the Primary Habitats (for example, scattered scrub can be linked with primary habitats such as grassland and heathland).

Protected and priority species are not discussed further within this report where the following applies:

- a species distribution range does not cover the Site location; and
- no evidence of the species was recorded within the Survey Area and/ or no potentially suitable habitat for the species has been recorded within the zone of influence of the species.

### 3.3.1. Badgers

CBDC provided one recent record of badger within 1 km of the Site. This record was located approximately 620 m south-west of the Site.

The field survey assessed the Survey Area for evidence of badgers (setts, latrines, feeding signs and mammal track) and potential habitats to support badgers. No evidence of badger presence was identified.

The habitats within the Site are not suitable for badgers. The Site comprises developed land which is not suitable for badgers to construct a sett. Vegetation was absent from the Site, and therefore suitability for foraging and commuting badgers is negligible. In addition, the Sellafield Site is subject to regular high levels of anthropogenic disturbance, and is surrounded by security fencing which aims to limit access to wildlife.

The parcels of modified grassland located within the Survey Area are isolated, maintained at a short sward height, and therefore offers negligible suitability for badger foraging or sett building.

Badger are not discussed further within this report as they are not considered to pose a constraint to the Proposed Scheme.

### 3.3.2. Bats

CBDC provided 99 recent records of bat species within 2 km of the Site. These records comprise common pipistrelle, soprano pipistrelle, noctule, Daubenton's bat, and Myotis species.

The closest records were located approximately 680 m north-east from the Site, comprising six records (five records of common pipistrelle and one record of noctule bat), all of which were recorded between June 2022 and August 2022.

The closest roost record was located approximately 900 m east of the Site, located within woodland habitat just outside of the Sellafield Site. This record was dated 2014 and corresponded to a noctule bat roost of seven individuals.

Although not included within the CBDC desk study records, it is known that there was a confirmed roost within Building F4b located within a changing room building within the Calder Area of Sellafield Site<sup>31</sup> (located approximately 1.12 km south west of the Site). Although this bat roost has since been destroyed under a European Protected Species Mitigation Licence (EPSML) and would not have been impacted by the Proposed Scheme regardless, the presence of this roost indicates that, although industrial in nature, with very little suitable habitat to support bats internally, bats are proven to roost within buildings on the Site regardless.

The habitats within the Site itself offer negligible suitability for foraging and commuting bats. Vegetation within the Site is absent, and within the Survey Area is limited to only small, isolated parcels of modified grassland, plus some planted ornamental plant species. The Site and Survey Area is well lit and subject to regular high levels of anthropogenic disturbance.

Given the poor suitability of the Site and its immediate surrounds, impacts as a result of the demolition works on foraging and commuting bats are considered unlikely. Therefore, foraging and commuting bats are not considered further in this assessment as they are unlikely to pose a constraint to the Proposed Scheme.

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<sup>31</sup> Atkins (2023). CLC – Technical Note – Sellafield Bat Emergence Surveys Report.



Six potential roosting features (PRFs) were identified within the exterior of the AGRTH during the walkover. These PRFs are described in Table 3-2 below.

**Table 3-2 – Potential roosting features identified on the AGRTH**

Feature ID	Building ID	Description	Bat Roosting Suitability
TN 1		A gap is present under the soffit boards just above the front door of the northern face of the building. The gap is at the first floor level.	Moderate
TN 2		A gap is present between the soffit boards on the eastern aspect of the stairwell block (present on the north face of the building). The gap is at roof height.	Moderate
TN 3		A gap is present under the grey soffit board on the eastern face of the first story extension where the bike shelter is present (at the north east of the building). The gap is at the first floor level.	Moderate
TN 4		A very narrow gap is present where the soffit is partly lifted on the southern face of the building, located by some metal claspings. The gap is at a height of approximately 3 m.	Negligible
TN 5		A crack is present between the brickwork on the southern face of the building, located by the ground floor tea room. The gap is around head height.	Moderate
TN 6		Minor cracks are present in the brickwork on the north-western corner of the building, located above a blue door. The cracks are located where the door and brick meets some metal cladding. The cracks are located around head height.	Moderate

No signs of bats (i.e., feeding remains, urine stains, droppings) were recorded internally or externally during the survey.

The building is five storeys tall and of brick and corrugated sheet construction. At the fifth storey a walkway of metal construction on the eastern aspect links the building to a nuclear reactor building. The turbine hall is an open plan warehouse space (the height of the building) of metal construction with no hidden voids present. The office area is of brick construction, separated into five storeys, each with a suspended ceiling in above. The suspended ceiling areas are considered to provide potentially suitable roosting space for bats.

Given the presence of the PRFs on the exterior (as described in Table 3-2 above), the AGRTH is considered to provide Moderate suitability for roosting bats.

Given that the buildings are considered to hold Moderate suitability for roosting bats, roosting bats are discussed further.

### 3.3.3. Otters

CBDC provided no recent records of otter within 1 km of the Site.

The closest watercourse is the River Calder, located approximately 700 m east of the Site. This stretch of the River Calder runs through the Sellafeld Site. There is built development either side of the watercourse for approximately 1.7 km of its length as it passes through the Sellafeld Site, with the exception of a narrow strip of rock face and minimal vegetation of approximately 10 - 15 m width, along its length. Additionally, a secure

perimeter fence prevents access from the river corridor habitat on to the Sellafield Site. There is also significant light, noise, and human activity overlooking this length of the River Calder at all times of the day.

It is considered unlikely that this section of river or surrounding habitats provides high value resting sites (including natal holts) for otter given the regular disturbance from passing traffic and works activities ongoing decommissioning within Sellafield. Temporary rest sites may be present, however, given the high baseline levels of disturbance, the distance from the Site, presence of fencing, and number of buildings and roads between the Site and the river, disturbance of otters as a result of the Scheme is unlikely. There is no hydrological connection between the Site and the river.

The Site itself is unsuitable for otter. It is comprised of buildings and developed sealed surface. Food sources and adequate cover for foraging and commuting otters are absent from within the Site and Survey Area.

As no suitable habitat for otter has been recorded within the Survey Area, this species is not discussed further within this report as it is not considered to pose a constraint to the Proposed Scheme.

### **3.3.4. Water Voles**

CBDC provided no recent records of water vole within 1 km of the Site.

There is no suitable habitat for water vole within the Survey Area. The closest watercourse is the River Calder approximately 700 m east of the Site. This watercourse may be suitable for foraging, commuting and water vole burrows. No impacts on this watercourse are anticipated as a result of the works.

As no suitable habitat for water vole has been recorded within the Survey Area, this species is not discussed further within this report as it is not considered to pose a constraint to the Proposed Scheme.

### **3.3.5. Red Squirrels**

CBDC provided no recent records of red squirrel within 1 km of the Site.

The habitats within and surrounding the Site are unsuitable for red squirrels. They comprise hardstanding and built development, and opportunities for red squirrels to forage and commute are absent.

Given the absence of suitable habitat for red squirrels in the Survey Area, this species is not discussed further in this report as they are not considered.

### **3.3.6. Breeding and Non-Breeding Birds**

CBDC provided no recent records of bird species within 1 km of the Site.

The Site is an urban site with no suitability for wintering and passage birds, due to the absence of habitat to support these species. Therefore, wintering and passage birds are not discussed further in this report as they are not considered to pose a constraint to the Proposed Scheme.

The AGRTTH offers suitability for a range of nesting bird species. The flat roofs are suitable for nesting seabirds (gulls, oystercatcher, etc.) in particular. This flat roof also offers some suitability for birds of prey, including peregrine, which is a Schedule 1 species. However, it is unlikely that peregrine would nest on this structure, given the presence of the reactor building immediately northeast, which presents a higher vantage point<sup>32</sup>. No obvious holes or breaches in the structure recorded during the survey were considered to be of a suitable size to provide ingress opportunities for species of bird.

Due to their short sward height, highly disturbed location (within proximity to active vehicular roads/ car parks and regularly used buildings) and small isolated size, the areas of modified grassland were not considered suitable to support ground nesting birds.

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<sup>32</sup> Birds of prey such as peregrine falcon utilise the highest point in the locality in order to gain the optimal vantage point of their hunting grounds.



As suitable nesting habitat for birds has been recorded within the Survey Area, breeding birds may pose a constraint to the Proposed Scheme and recommendations are provided in Section 4.

### 3.3.7. Reptiles

CBDC provided one recent records of reptile species within 1 km of the Site. This record corresponded to a common lizard, located approximately 760 m north-west of the site.

Widespread species of reptiles are known to be present in the area surrounding the Sellafeld Site. Adders are known to be present to the south-west of the Sellafeld Site, occupying habitats near to the Calder tip and the neighbouring golf course. However, there is no suitable habitat for this species within the Site, or within the Survey Area. The Site is at least 1.6 km from this area of known adder population and built development/ hardstanding is present between the suitable habitats and the Site.

Suitable habitat for reptiles is not present within the Site. No refuges were present, and the habitats comprised buildings alongside sealed developed surface. These habitats do not provide suitable cover for reptiles to forage or take refuge. Suitable basking habitat is present for reptiles, however, in the absence of refuge of foraging habitat, it is highly unlikely that reptiles would be present.

As no suitable habitat for reptiles has been recorded within the Survey Area, reptiles are not discussed further within this report as it is not considered to pose a constraint to the Proposed Scheme.

### 3.3.8. Amphibians

CBDC provided two recent records of amphibian species within 1 km of the Site, comprising one record of common frog, and one record of common toad.

The MAGIC search revealed a record of European Protected Species (EPS) Licence Application for Natterjack Toad in 2012 (case reference EPSM2012-4389), located approximately 550 m south-east of the Site. Natterjack toads are known to be present along the Cumbrian Coast, in close proximity to Sellafeld Site. However, there is no suitable habitat for this species within the Site, or within the Survey Area. The Site is at least 900 m from any habitats which may support natterjack toads and built development/ hardstanding is present between the suitable habitats and the Site. Therefore, this species is not considered to pose a constraint to the assessment and is not considered further in this report.

Suitable habitat for amphibians is not present within the Site. No refuges were present, and the habitats comprised buildings alongside sealed developed surface. These habitats do not provide suitable cover for reptiles to forage or take refuge. The modified grassland habitat within the Survey Area is maintained at a short sward height and therefore offers poor suitability as terrestrial habitat for amphibian species.

With the exception of the Sellafeld Tarn (located approximately 230 m west of the Site), one waterbody was identified within 500 m of the Site. This pond was located approximately 110 m north of the Site, outside of the Sellafeld Site secure perimeter fencing. Given the location of this pond outside of the Sellafeld Site, access was not possible during the survey. However, given that the habitats located on the Site (and located in between this pond and the Site) are considered unsuitable for amphibian species. In addition, multiple footpaths and roads intersect the land between the pond and the Site, presenting barriers to dispersal for amphibian species. Therefore, it is not considered likely that amphibians would be encountered within the Site.

As no suitable habitat for amphibians has been recorded within the Survey Area, amphibian species are not considered further within this report as they are not considered to pose a constraint to the Proposed Scheme.

### 3.3.9. Priority Invertebrates

CBDC provided six recent records of priority invertebrate species within 1 km of the Site. These records comprised three records of wall butterfly and a single record for the following species: dingy skipper, small heath and cinnabar moth. The closest record, dated 2016, was located approximately 760 m north-west of the Site and corresponded to a single wall butterfly.

The habitats within the Site are common, widespread and of limited value for invertebrates. Important habitat features for invertebrates, such as aquatic features, standing deadwood and fallen deadwood were absent. No vegetation was recorded within the Site.

As no suitable habitat for priority invertebrates has been recorded within the Survey Area, they are not discussed further within this report as it is not considered to pose a constraint to the Proposed Scheme.

### **3.4. Invasive Non-native Species**

CBDC provided no recent records of invasive non-native species (INNS) within 1 km of the Site.

No INNS were recorded in the Survey Area. These species are considered absent from the Site. therefore, they are not considered further in this report as they are not considered to pose a constraint to the Proposed Scheme.

## 4. Constraints and Recommendations

### 4.1. Key Constraints

The Site and immediate surroundings are of limited biodiversity value.

No statutory or non-statutory designated sites for nature conservation, irreplaceable habitats, or priority habitats that were identified during the desk study or walkover survey are likely to be impacted by the Proposed Scheme.

#### 4.1.1. Roosting Bats

The AGRTH offers Moderate suitability for roosting bats, given the presence of numerous PRFs located on the exterior of the building.

Details of required further survey in line with best practice guidance is provided in Section 4.2 below.

#### 4.1.2. Nesting Birds

The AGRTH offers suitability for nesting birds across the roof space, including notable seabird species such as gull species and oystercatchers.

the reactor building located to the east of the Site offers suitability across the roof space for peregrine.

### 4.2. Recommendations for Further Survey

Given that the AGRTH offers Moderate suitability for roosting bats, further survey is recommended.

In line with best practice guidance<sup>15</sup>, the AGRTH should be subject to at least two nocturnal (dusk emergence) bat surveys in order to establish presence or likely absence of roosting bats.

Dusk emergence surveys are undertaken in the evening, from at least 15 minutes before sunset until up to two hours after sunset. These surveys should be undertaken between May and September (inclusive), with at least one of these surveys undertaken between May and August (inclusive).

Dependent on the outcome of these nocturnal surveys, further survey and/ or an EPSML may be required.

### 4.3. Mitigation

This report is based on a preliminary assessment, and further details on the impacts of the Proposed Scheme on ecological features may be gathered at a later stage (for example, after further surveys have been carried out). Therefore, the mitigation proposed in this section has not yet been informed by a detailed assessment, and additional mitigation measures may be identified at a later stage.

Works should adhere to the Guidance for Pollution Prevention (GPPs)<sup>33</sup> and Construction Industry Research and Information Association (CIRIA) C762 Environmental good practice<sup>34</sup>.

Any excavations should be covered or backfilled overnight, in order to prevent the entrapment of crepuscular species. If this is not possible, they should be backfilled or graded in order to provide a means of escape.

<sup>33</sup> The GPPs provide environmental good practice guidance for the whole UK, and environmental regulatory guidance directly to Northern Ireland, Scotland and Wales only. For businesses in England, regulatory guidance is available from GOV.UK instead.

<sup>34</sup> CIRIA C762 Environmental good practice provides advice on the management of a range of environmental issues that may be encountered on site and presents good practice to reduce the environmental impacts due to construction.

The building demolition should be undertaken outside the core bird nesting season (1 March to 31 August<sup>35</sup>) in order to avoid damage or destruction of occupied nests or harm to breeding birds. If this cannot be achieved, works within the core bird nesting season will require an inspection of structures to be demolished for breeding birds and their occupied nests by a suitably qualified ecologist, typically no more than 24 hours prior to any works being undertaken. If any nesting birds are identified during the survey they will be left in situ for their entire nesting period.

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<sup>35</sup> It should be noted that variation in dates is possible, for example from geographical variations in climate, or due to a particularly mild winter.

## 5. Conclusion

The Site and immediate surroundings are of limited biodiversity value. No statutory or non-statutory designated sites for nature conservation, irreplaceable habitats or priority habitats were identified during the field survey or desk study that may be impacted by the Proposed Scheme.

Habitats suitable for nesting birds and roosting bats were identified within the Site.

The demolition of structures within the Site should be undertaken outside the core bird nesting season, where possible. If this cannot be achieved, works within the core bird nesting season will require an inspection of structures to be demolished for breeding birds and their occupied nests by a suitably qualified ecologist, typically no more than 24 hours prior to any works being undertaken.

Given that the AGRTH offers Moderate suitability for roosting bats, the building should be subject to at least two nocturnal (dusk emergence) bat surveys in order to establish presence or likely absence of roosting bats.

At this stage, there is no detailed plan/ programme for the demolition, nor any facilitative works that may be required in the immediate area surrounding the Site. Once finalised, any plans or programme should be reviewed in line with this report.

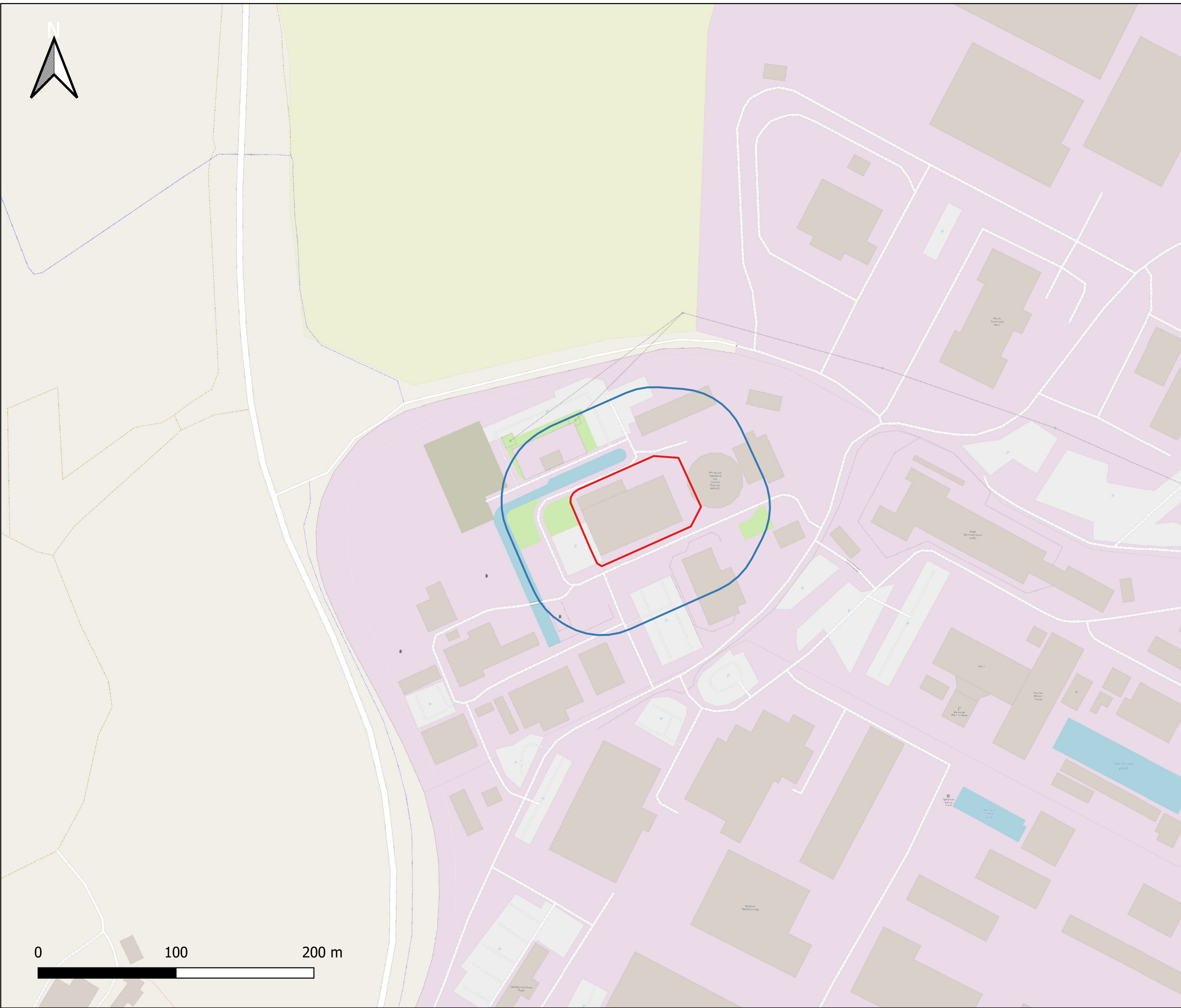
### 5.1. Report Validity

In the event of scope or programme changes or if works do not commence within twelve months of the date of this report then updates to the surveys may be required to ensure the validity of the data, as per CIEEM guidance<sup>36</sup>.

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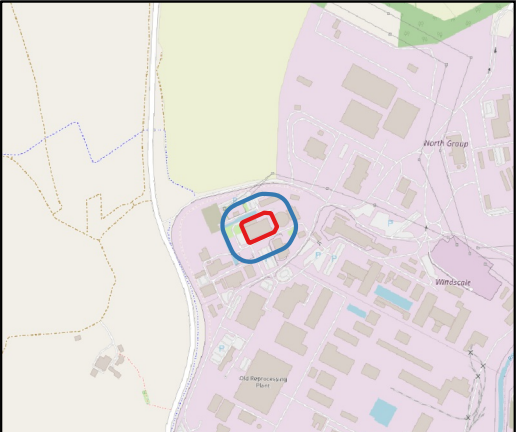
<sup>36</sup> CIEEM (2019) *Advice Note on the Lifespan of Ecological Reports and Surveys*

# Appendix A. Site Location Plan and Designated Site Location Plan



Legend

- 50 m Buffer
- Red Line Boundary



AtkinsRealis  
Albany Court  
Monarch Road  
Newcastle upon Tyne  
Tyne and Wear  
NE4 7YB

Client: Sellafield Limited

Title: Site Location Plan

Drawing number: Figure A.1

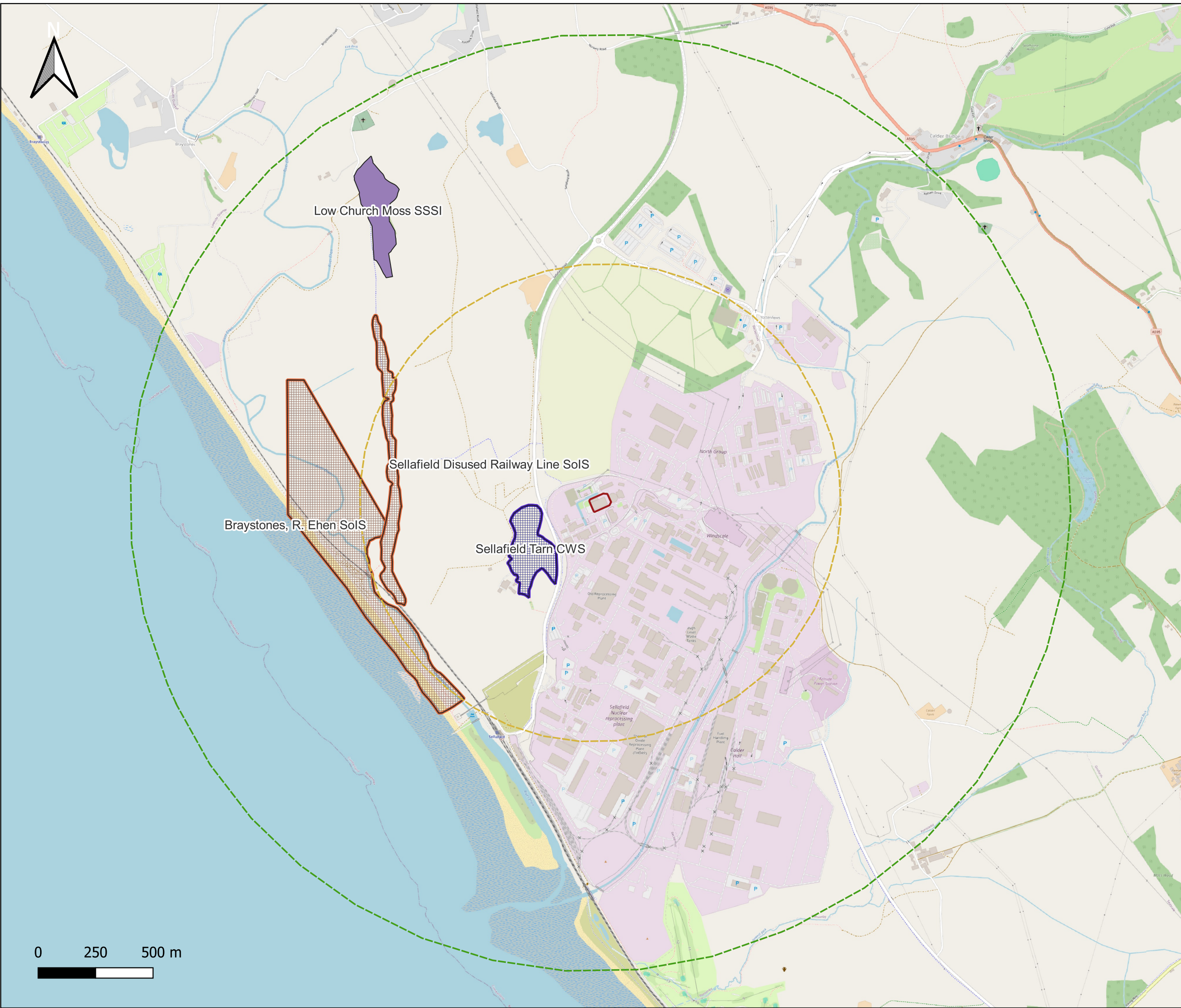
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Date: Jan 2024	Date: Jan 2024	Date: Jan 2024	Date: Jan 2024
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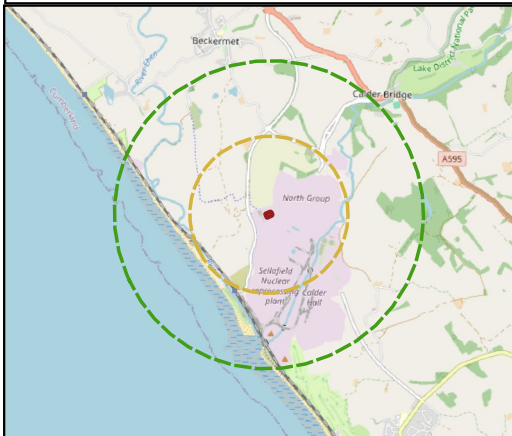
## Legend

### Boundaries/ Buffers

- Red Line Boundary
- 1 km Buffer
- 2 km Buffer

### Designated Sites

- County Wildlife Site
- Site of Invertebrate Significance
- Site of Special Scientific Interest



AtkinsRealis  
Albany Court  
Monarch Road  
Newcastle upon Tyne  
Tyne and Wear  
NE4 7YB

Client: Sellafield Limited

Title: Designated Sites Location Plan

Drawing number: Figure A.2

Original scale 1:15,000

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Date: Jan 2024	Date: Jan 2024	Date: Jan 2024	Date: Jan 2024



# Appendix B. Planning Policy Summary

## B.1. National Planning Policy Framework, 2023

The National Planning Policy Framework (NPPF) sets out the Government's planning policies for England and how these are expected to be applied by Local Authorities within their Local Development Frameworks (LDF). The revised National Planning Policy Framework was published in September 2023.

Chapter 15 of the NPPF 'Conserving and enhancing the natural environment' sets out the requirements to consider biodiversity in planning decisions.

The paragraphs within Chapter 15 relevant to the Scheme, the key information from which is detailed below:

Para 174: Planning policies and decisions should contribute to and enhance the natural and local environment by:

- a) protecting and enhancing valued landscapes, sites of biodiversity or geological value and soils (in a manner commensurate with their statutory status or identified quality in the development plan);
- b) recognising the intrinsic character and beauty of the countryside, and the wider benefits from natural capital and ecosystem services – including the economic and other benefits of the best and most versatile agricultural land, and of trees and woodland;
- c) maintaining the character of the undeveloped coast, while improving public access to it where appropriate;
- d) minimising impacts on and providing net gains for biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures;
- e) preventing new and existing development from contributing to, being put at unacceptable risk from, or being adversely affected by, unacceptable levels of soil, air, water or noise pollution or land instability. Development should, wherever possible, help to improve local environmental conditions such as air and water quality, taking into account relevant information such as river basin management plans; and
- f) remediating and mitigating despoiled, degraded, derelict, contaminated and unstable land, where appropriate.

Para 175: Plans should: distinguish between the hierarchy of international, national and locally designated sites; allocate land with the least environmental or amenity value, where consistent with other policies in this Framework<sup>37</sup>; take a strategic approach to maintaining and enhancing networks of habitats and green infrastructure; and plan for the enhancement of natural capital at a catchment or landscape scale across local authority boundaries.

Para 176: Great weight should be given to conserving and enhancing landscape and scenic beauty in National Parks, the Broads and Areas of Outstanding Natural Beauty, which have the highest status of protection in relation to these issues. The conservation and enhancement of wildlife and cultural heritage are also important considerations in these areas, and should be given great weight in National Parks and the Broads<sup>38</sup>. The scale and extent of development within these designated areas should be limited, while development within their setting should be sensitively located and designed to avoid or minimise adverse impacts on the designated areas.

Para 177: When considering applications for development within National Parks, the Broads and Areas of Outstanding Natural Beauty, permission should be refused for major development<sup>39</sup> other than in

<sup>37</sup> Where significant development of agricultural land is demonstrated to be necessary, areas of poorer quality land should be preferred to those of a high quality

<sup>38</sup> English National Parks and the Broads: UK Government Vision and Circular 2010 provides further guidance and information about their statutory purposes, management and other matters.

<sup>39</sup> For the purposes of paragraphs 172 and 173, whether a proposal is 'major development' is a matter for the decision maker, taking into account its nature, scale and setting, and whether it could have a significant adverse impact on the purposes for which the area has been designated or defined.

exceptional circumstances, and where it can be demonstrated that the development is in the public interest. Consideration of such applications should include an assessment of:

- a) the need for the development, including in terms of any national considerations, and the impact of permitting it, or refusing it, upon the local economy;
- b) the cost of, and scope for, developing outside the designated area, or meeting the need for it in some other way; and
- c) any detrimental effect on the environment, the landscape and recreational opportunities, and the extent to which that could be moderated.

Para 178. Within areas defined as Heritage Coast (and that do not already fall within one of the designated areas mentioned in paragraph 172), planning policies and decisions should be consistent with the special character of the area and the importance of its conservation. Major development within a Heritage Coast is unlikely to be appropriate, unless it is compatible with its special character.

Para 179. To protect and enhance biodiversity and geodiversity, plans should:

- a) Identify, map and safeguard components of local wildlife-rich habitats and wider ecological networks, including the hierarchy of international, national and locally designated sites of importance for biodiversity<sup>40</sup>; wildlife corridors and stepping stones that connect them; and areas identified by national and local partnerships for habitat management, enhancement, restoration or creation<sup>41</sup>; and
- b) promote the conservation, restoration and enhancement 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.

Para 180. When determining planning applications, local planning authorities should apply the following principles:

- a) if significant harm to biodiversity resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts),
- b) 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;
- c) 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<sup>42</sup> and a suitable compensation strategy exists; and
- d) 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.

Para 181. The following should be given the same protection as habitats sites:

- a) potential Special Protection Areas and possible Special Areas of Conservation;
- b) listed or proposed Ramsar sites<sup>43</sup>; and
- c) sites identified, or required, as compensatory measures for adverse effects on habitats sites, potential Special Protection Areas, possible Special Areas of Conservation, and listed or proposed Ramsar sites.

<sup>40</sup> Circular 06/2005 provides further guidance in respect of statutory obligations for biodiversity and geological conservation and their impact within the planning system.

<sup>41</sup> Where areas that are part of the Nature Recovery Network are identified in plans, it may be appropriate to specify the types of development that may be suitable within them.

<sup>42</sup> For example, infrastructure projects (including nationally significant infrastructure projects, orders under the Transport and Works Act and hybrid bills), where the public benefit would clearly outweigh the loss or deterioration of habitat.

<sup>43</sup> Potential Special Protection Areas, possible Special Areas of Conservation and proposed Ramsar sites are sites on which Government has initiated public consultation on the scientific case for designation as a Special Protection Area, candidate Special Area of Conservation or Ramsar site.

Para 182. The presumption in favour of sustainable development does not apply where the plan or project is likely to have a significant effect on a habitats site (either alone or in combination with other plans or projects), unless an appropriate assessment has concluded that the plan or project will not adversely affect the integrity of the habitats site.

## B.2. Copeland Local Plan 2013 – 2028

The Copeland Local Plan 2013 – 2028 was published In 2013. Chapter 7 of the Copeland Local Plan ‘Environmental Protection and Enhancement’ sets out the policies relating biodiversity.

Relevant policies to the Proposed Scheme are detailed below:

### Policy DM25 – Protecting Nature Conservation Sites, Habitats and Species

All development proposals should:

- Protect the biodiversity value of land and buildings
- Minimise fragmentation of habitats
- Maximise opportunities for conservation, restoration, enhancement and connection of natural habitats and creation of habitats for species listed in UK and Cumbria Biodiversity Action Plans. Special consideration should also be given to those European habitats that lie outside the boundaries of European designated sites

Development proposals that would cause a direct or indirect adverse effect on locally recognised sites of biodiversity and geodiversity importance, including County Wildlife Sites, Local Nature Reserves and Regionally Important Geological/Geomorphological Sites or protected species will not be permitted unless:

- The benefits of the development clearly outweigh the impacts on the features of the site and the wider network of natural habitats, and;
- Prevention, mitigation and/or compensation measures are provided. An appropriate long-term management plan will be sought and arrangements to provide adequate funding will be made in accordance with a formal planning agreement or obligation

Where compensatory habitat is created, it should be of equal or greater size than the area lost as a result of the development. Development proposals where the principal objective is to conserve or enhance biodiversity or geodiversity interests will be supported in principle

Where there is evidence to suspect the presence of protected species any planning application should be accompanied by a survey assessing their presence and, if present, the proposal must be sensitive to, and make provision for, their needs

All development proposals must take into account any likely significant effects on the internationally important sites both within the Borough and within a 20km radius of the Borough boundary as well as those that are hydrologically linked to the development plan area

### Policy ENV3 – Biodiversity and Geodiversity

The Council will contribute to the implementation of the UK and Cumbria Biodiversity Action Plan within the plan area by seeking to:

- Improve the condition of internationally, nationally and locally designated sites
- Ensure that development incorporates measures to protect and enhance any biodiversity interest
- Enhance, extend and restore priority habitats and look for opportunities to create new habitat
- Protect and strengthen populations of priority or other protected species
- Boost the biodiversity value of existing wildlife corridors and create new corridors, and stepping stones that connect them, to develop a functional Ecological Network
- Restrict access and usage where appropriate and necessary in order to conserve an area’s biodiversity value

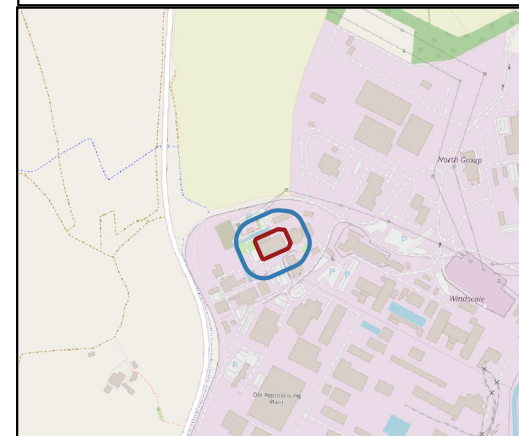
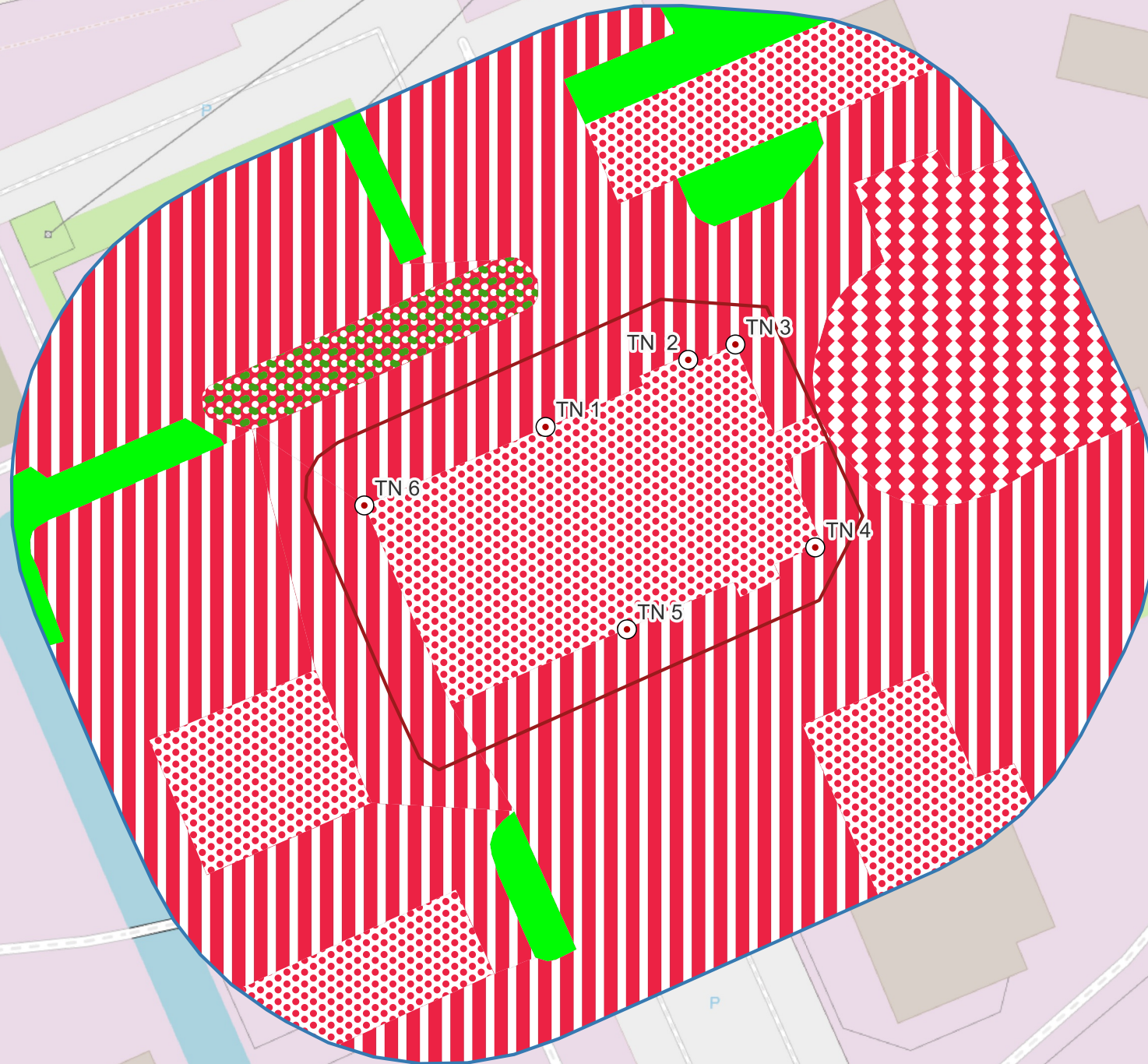
# Appendix C. Habitat Survey Plan





### Legend

- Red Line Boundary
- 50 m Buffer
- UKHab Polygons**
  - g4 - modified grassland
  - u1b - developed land. sealed surface
  - u1b5 - buildings
  - u1b6 - other developed land
  - u1f - sparsely vegetated urban land



AtkinsRealis  
Albany Court  
Monarch Road  
Newcastle upon Tyne  
Tyne and Wear  
NE4 7YB

Client: Sellafield Limited

Title: UKHab Plan

Drawing number: Figure B.1

Original scale 1:1,000

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Date: Jan 2024	Date: Jan 2024	Date: Jan 2024	Date: Jan 2024

## Appendix D. Legislation Table

Species	Legislation	Relevant offences	Licensing procedures and guidance
Bats	Conservation of Habitats and Species Regulations 2017 (as amended) Reg 43.	Deliberately <sup>44</sup> capture, injure or kill a bat; deliberate disturbance <sup>45</sup> of bats; or damage or destroy a breeding site or resting place used by a bat. [The protection of bat roosts is considered to apply regardless of whether bats are present.]	Mitigation licences issued for development by Natural England (NE). Guidance documents: European Protected Species: Mitigation Licensing - How to get a licence (NE 2013) Bat Mitigation Guidelines (English Nature 2004) Bat Workers Manual (JNCC 2004)
	Wildlife and Countryside Act 1981 (as amended) Schedule 5, Section 9.	Intentionally kill, injure or take a bat; intentionally or recklessly damage, destroy or obstruct access to any structure or place used for shelter or protection or disturb <sup>46</sup> a bat in such a place.	Licence from NE is required for surveys (scientific purposes) that would involve disturbance of bats or entering a known or suspected roost site.
Bird	Wildlife and Countryside Act 1981 (as amended) Schedule 1 (some species only).	Intentionally kill, injure or take any wild bird; intentionally take, damage or destroy the nest of any wild bird while that nest is in use or being built; intentionally take or destroy the nest or eggs of any wild bird. Intentionally or recklessly disturb a Schedule 1 species while it is building a nest or is in, on or near a nest containing eggs or young; intentionally or recklessly disturb dependent young of such a species [e.g. most birds of prey, kingfisher, barn owl, black redstart, little ringed plover].	No licences are available to disturb any birds in regard to development. Licences are available in certain circumstances to damage or destroy nests, but these only apply to the list of licensable activities in the Act and do not cover development. General licences are available in respect of 'pest species' but only for certain very specific purposes, e.g. public health, public safety, air safety. Guidance document: NE Standing Advice for protected species (2022)

<sup>44</sup> Deliberate capture or killing is taken to include "accepting the possibility" of such capture or killing.

<sup>45</sup> Deliberate disturbance of animals includes in particular any disturbance which is likely a) to impair their ability (i) to survive, to breed or reproduce, or to rear or nurture their young, or (ii) in the case of animals of hibernating or migratory species, to hibernate or migrate; or b) to affect significantly the local distribution or abundance of the species to which they belong.

<sup>46</sup> Lower levels of disturbance not covered by the Conservation of Habitats and Species Regulations 2017 (as amended) remain an offence under the Wildlife and Countryside Act 1981 (as amended) although a defence is available where such actions are the incidental result of a lawful activity that could not reasonably be avoided.