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Walpole BESS

Biodiversity Gain Assessment Report

December 2024

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Client	Hollygreen Energyfarm Limited (100% owned by EDF Renewables)
Project	Walpole BESS Biodiversity Gain Assessment Report
Version	FINAL
Project number	P23-923 Walpole BESS BGA Report

	Name	**Position**	**Date**
Originated	Katy Stiles	Principal Ecologist	11 November 2024
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Issued to client	Katy Stiles	Principal Ecologist	15 November 2024
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Contents

1 Introduction 2
2 Methodology 5
3 Results 7
4 References 3
5 Figures 4
6 Appendices 5
Appendix 1: Proposed development 6
Appendix 2: Statutory Biodiversity Metric Calculator Tool 7
Appendix 3: Summaries of Relevant Policy, Legislation & Other Instruments 8

1 Introduction

Site description

1.1 The Site is located within the existing Sutton Bridge Solar Farm. The Site lies to the east of the River Nene and 500 m south-east of Sutton Bridge Power Station, approximately 1.25 km south and east of the village of Sutton Bridge.

1.2 The Site measures approximately 3.77 ha and is proposed to contain the BESS, associated infrastructure and on-site biodiversity gain provision.

1.3 The Site will be accessed via the same point used for the Sutton Bridge Solar Farm; from Centenary Way, which connects to the A17 approximately 1.5 km to the east.

1.4 The Site lies on flat, low lying topography of between 2m and 4m Above Ordnance Datum (AOD). The Site is in a predominantly rural location, surrounded by exposed arable agricultural land. The River Nene lies approximately 830 m west of the Site. The nearest settlements to the Site are Sutton Bridge to the north, Walpole Cross Keys to the northeast and Walpole St Andrew to the southeast.

1.5 A Site location and layout plan is provided in Appendix 1.

Project description

1.6 The Development is for a BESS with associated infrastructure and equipment including fencing, security cameras, cabling and access tracks, SuDS and on-site biodiversity gain. The following information about the Development is provided by Envams.

1.7 Construction of the Development is expected to be completed within approximately 9-12 months following consent, any effects arising from this would be short term and temporary. The Development has an operational lifespan of 40 years. The Development from a built environment perspective, rather than an ecology perspective, is temporary and reversible, at the end of the operational period, the Development would be decommissioned in accordance with best practice at that time.

1.8 Areas of new hardstanding within the BESS compound will be the foundations underneath the buildings, containers, transformers and other electrical installations, and access tracks. The access track will be lined with a porous aggregate.

A full description of the Development, including dimensions of all infrastructure, is set out in the Planning, Design and Access Statement and Planning Drawings submitted with the planning application.

Background to commission

1.9 BSG Ecology was appointed by Envams on behalf of Hollygreen Energyfarm Limited (100% owned by EDF Renewables) (‘the Applicant’) to prepare a Biodiversity Gain Assessment Report to accompany a planning application to South Holland District Council. The application requests permission for a Battery Energy Storage System (BESS) (hereafter referred to as ‘the Development’). The Development is located on land ‘hereafter referred to as ‘The Site’) within the consented Sutton Bridge Solar Farm centred on easting 548402, northing 319426. The proposed location and layout of the BESS is provided in Appendix 1.

Purpose of this report

1.10 This report provides the details of the biodiversity gain assessment undertaken for the Development; with consideration given to relevant legislative, planning policy and guidance documents to inform the assessment. The purpose is to provide sufficient certainty in the assessment to inform local planning authority decision making, on the principle that the biodiversity gain condition can be met, should planning permission be granted.

1.11 This report should be seen in conjunction with the Ecological Impact Assessment Report produced by BSG Ecology (BSG, 2024).

1.12 The biodiversity gain measures proposed are considered to be proportionate, reasonable, locally relevant, and practical to deliver on Site.

1.13 BSG Ecology has relied upon the following information in the preparation of this assessment:

- EDF Renewables. Site Layout – Sungrow V1. 05/01/24. WAL-EDFR-CIV-PLN-301.04. (Appendix 1).
- Habitat survey data provided in the Ecology Report (BSG Ecology, 2024), arising from the survey work undertaken on 5 July 2024 to inform the pre-development baseline habitat values, the date of this survey is considered to be 'the relevant date'.
- The Biodiversity Gain Assessment completed by Arcus (November 2020) for Sutton Bridge Solar Farm.
- The published Statutory Biodiversity Metric (Defra, 2024a) and the associated User Guide (Defra, 2024b) applicable at the date of the biodiversity gain assessment, as referred to in the Methodology section of this report.
- Any other relevant information provided by the applicant or noted by BSG Ecology regarding activity on the Site where the development is to take place:
    - specifically for a Site which does not have planning permission, any activity unrelated to any planning permission on or after 30 January 2020.
    - specifically for a Site which already has planning permission, any activity in accordance with any planning permission on or after 25 August 2023.

Approach to biodiversity gain

1.14 Planning permission (reference H18-1126-20) was granted by South Holland District Council (SHDC) on 12 March 2021 for "*change of use from agricultural land to solar farm and construction and operation of a solar photovoltaic (PV) development with capacity of up to 49.9mw with associated infrastructure and landscaping*".

1.15 A Biodiversity Gain Assessment was undertaken by Arcus Consultancy Services in November 2020 (Arcus 2020). The result of the habitat creation and enhancement measures was a positive net change of +562.01 biodiversity units, which equates to 195%.

1.16 In order to achieve biodiversity gain for the proposed BESS development, the following approach was adopted[1]:

- The habitat baseline values for the proposed BESS Site were taken to be the completed Sutton Bridge Solar Farm development, as depicted on the Landscape Mitigation Plan dated June 2020 rather than the existing habitats or the pre-solar development baseline habitats. This means that the statutory requirement for at least 10% biodiversity gain for the BESS development, is demonstrated over and above the Sutton Bridge Solar Farm development habitat values relative to the Site area.
- To create new on-site habitat as far as is possible within the BESS site, in line with the biodiversity gain hierarchy including SuDs and Other Neutral Grassland.
- Part of the other neutral grassland creation (2.941 ha) that was to be created as part of the consented Sutton Bridge Solar Farm development will be used to provide additional biodiversity gain for the BESS scheme by uplifting the habitat condition i.e. the grassland that would have been created in Moderate Condition[2] will now be created and maintained in Good Condition instead.

[1]Initial discussions were held with Hannah Curtis (Conservation Officer) at Lincolnshire Wildlife Trust in March 2024 about this approach.
[2] As detailed in the November 2020 biodiversity gain assessment (Arcus, 2020).

- In order to achieve this a Non-Material Amendment (NMA) (Section 96A) application is being submitted to SHDC to make an amendment to the approved biodiversity metric outlined within Condition 2 of the Sutton Bridge Solar Farm consent. The amendment will see a reduction in the land area allocated for biodiversity net gain within the red line boundary of the approved Sutton Bridge Solar Farm development which will be reallocated and has been included in the red line boundary for the proposed BESS and appropriate biodiversity net gain provided in this area.

2 Methodology

Field survey

2.1 Principal Ecologist Katy Stiles MCIEEM carried out an extended habitat survey on 9 January 2024. The weather was dry and clear, with moderate winds and a temperature of 1°C. The Site was walked over to record the habitat type with reference to the UK Habitat System (UKHab Ltd, 2023). Any evidence of invasive non-native plants, such as Japanese knotweed *Reynoutria japonica* and Himalayan balsam *Impatiens glandulifera* was recorded during the surveys.

2.2 The habitats were assessed for their suitability to support protected species and priority species[3]; any signs of these species were noted.

2.3 Consultant Ecologists Emma Bruce ACIEEM and Kasia Chamberlain undertook an extended habitat survey on 5 July 2024 to update the January data. The weather was dry, with sunny spells and partial cloud and a temperature of 20°C. Emma is an experienced ecologist who holds a Botanical Society of the British Isles (BSBI) Level 4 Certificate in Field Identification Skills Certificate (FISC).

2.4 As described in Section 1 of this report, whilst a habitat survey and protected species survey was undertaken as part of the BSG commission, the baseline habitats used to populate the SBM are those that were to be created as part of the consented Sutton Bridge Solar Farm development to reflect the higher biodiversity value land for which there is an existing planning commitment to deliver non-mandatory biodiversity gain.

2.5 The baseline habitats are presented on Figure 1.

Biodiversity gain assessment

2.6 The biodiversity gain assessment identifies a measure of biodiversity change using the Statutory Biodiversity Metric (SBM) (Defra, 2024a) and the associated User Guide (Defra, 2024b) and other relevant guidance, to calculate the biodiversity gain outcome of the development.

2.7 The SBM is a tool used to measure biodiversity losses and gains in relation to habitats. The SBM has been used to calculate the biodiversity value of the Site before the development and to provide a provisional value after the development. The purpose of the SBM values after the development is to provide sufficient comfort and certainty to the local planning authority in their consideration of the planning application that biodiversity gain can be achieved in principle for this development, i.e. the biodiversity gain condition can be met. The final SBM outcome is subsequently calculated and included in the Biodiversity Gain Plan (BGP) which is to be submitted following planning consent to inform the discharge of the biodiversity gain condition.

2.8 The SBM enables determination of whether the development is likely to result in losses or gains in biodiversity unit terms. The SBM is used to numerically quantify the value of biodiversity at a site and can be used to inform an evidence base on the extent of required mitigation for a development, the extent of residual biodiversity impact and, if necessary, to identify the amount of required compensation. The Environment Act 2021 and associated secondary Regulations (SI2024 No's 44-50) together require a qualifying development in England to deliver a 10% biodiversity gain comparing the before and after development biodiversity value of the Site as a general condition of planning permission.

2.9 The results of the SBM are provided in separate Excel spreadsheets in Appendix 2.

2.10 Reference is made to the following in this assessment:

- The Biodiversity Gain Requirements (Town and Country Planning) (Modifications and Amendments) (England) Regulations 2024 (SI No. 50).

[3] Priority species is a term that is used interchangeable with Species of Principal Importance. These are species listed in response to the NERC Act, 2006.

- National planning policy guidance, as set out within the NPPF (MHCLG, 2023) and Planning Policy Guidance (DLUHC, 2024) on biodiversity gain, in relation to securing measurable biodiversity gain through development proposals. Refer to Appendix 3 for a summary of legislation and policy.
- Relevant local planning policy and supplementary planning guidance.
- The biodiversity net gain good practice principles (CIRIA, CIEEM, CIEMA, 2019).

2.11 The interaction between the NPPF mitigation hierarchy and the biodiversity gain hierarchy is also considered.

2.12 The post-development calculation is based on the desired developable area as shown on the plan provided in Appendix 1, taking into account any habitat retention and creation. The habitats to be provided were based on a series of assumptions (described in Section 3) and are shown on Figure 2. The post-development scenario for on-site habitat creation has been entered into the SBM to determine the change in biodiversity units as a result of the proposed development of the Site.

Assumptions

2.13 Professional judgement has been applied to suggest realistic habitat type/s and area (in ha) / length (in m) of habitat/s that could potentially be created, what condition they could achieve and how they would (broadly) be maintained.

2.14 It is assumed that the drawings cited in this report, as supplied to BSG Ecology, can be relied upon to inform the post development outcome of the metric and therefore the biodiversity gain assessment.

2.15 It is assumed that the proposed habitat retention, creation and/or enhancement measures identified in this report have been reviewed by the client and client team and that the measures are considered reasonable and practical to deliver.

2.16 It is assumed that the ‘relevant date’ proposed is reasonable and acceptable to the local planning authority SHDC.

Consideration of Potential Limitations

2.17 There are not considered to be any limitations.

3 Results

3.1 The baseline habitats that were to be created as part of the consented Sutton Bridge Solar Farm development are:

- Developed land, sealed surface – N/A Condition.
- Other neutral grassland – Moderate Condition.

3.2 A plan of the baseline habitat types on Site is provided in Figure 1.

3.3 The pre-application information requirements under The Biodiversity Gain Requirements (Town and Country Planning) (Modifications and Amendments) Regulations 2024 are provided below.

3.4 The Biodiversity Gain Plan will be submitted to SHDC for approval following consent of the scheme.

3.5 The ditch will be affected by temporary work to install a drainage pipe. This work will not result in the permanent loss of habitat and as such is not included within the SBM calculations, as per guidance within the SBM User Guide (Defra, 2024b). This states that a habitat does not have to be recorded as lost when there are temporary impacts to a habitat that can be restored within two years of initial impact.

Local records centre

3.6 It is understood that ecological data that are within the public domain can be shared with Lincolnshire Environmental Records Centre (LERC).

The relevant date for the pre-development

3.7 The proposed relevant date for this proposed development is deemed to be 5 July 2024, the date of the survey.

3.8 The habitat baseline values for the proposed BESS Site were taken to be the completed consented Sutton Bridge Solar Farm development, as depicted on the Landscape Mitigation Plan dated June 2020 rather than the existing habitats or the pre-solar development baseline habitats. This means that the statutory requirement for at least 10% biodiversity gain for the BESS development, is demonstrated over and above the Sutton Bridge Solar Farm development habitat values relative to the Site area.

Irreplaceable habitats

3.9 No irreplaceable habitats have been recorded within the Site or are proposed to be created as either part of the consented Sutton Bridge Solar Farm development or the BESS scheme.

Strategic significance and Local Nature Recovery Strategies

3.10 Lincolnshire does not yet have a Draft Local Nature Recovery Strategy.

3.11 The strategic significance of the habitats (baseline and post-development) is considered to be low "*Area/compensation not in local strategy/no local strategy*".

Application of the biodiversity gain hierarchy

3.12 The biodiversity gain hierarchy has been adhered to within the proposed development by the following principles.

3.13 On-Site habitats:

1. Avoidance: There are no high or very high distinctiveness habitats on Site that have needed to be avoided. There are very low, low and medium distinctiveness habitats on Site. Where

applicable, protection measures will be implemented to ensure that retained/created/enhanced habitats in the wider site will be protected from harm.

2. Mitigation: No mitigation measures are considered necessary.

3. On-Site habitat retention: Opportunities have been taken to retain existing habitats and to enhance these habitats.

4. On-site habitat enhancement: Opportunities have been taken to enhance the habitats that were previously proposed for the consented Sutton Bridge Solar Farm development by aiming for Good Condition Other Neutral Grassland and Good Condition SUDs as part of the BESS development.

4. On-Site habitat creation: The creation of Other Neutral Grassland and SUDs provides 10% biodiversity gain.

5. Off-Site habitat enhancement or creation: No suitable land has been identified for habitat enhancement or creation that is within the developer's control or a third party habitat bank provider, as this is not considered to be necessary.

6. Government credits: There will be no requirement to purchase off-site Government credits.

Interaction between biodiversity gain hierarchy and NPPF mitigation hierarchy

3.14 The biodiversity gain and NPPF mitigation hierarchies have been considered together from the design stage onwards. Specifically, there are no habitats affected by the development with a habitat distinctiveness scoring 4 or more and it is considered that unavoidable habitat losses to facilitate the development have been adequately mitigated with the details included in a separate Ecological Impact Assessment Report (BSG Ecology, 2024) which assesses the potential ecological impacts of the proposed development and sets out avoidance, mitigation and compensation measures in line with the NPPF mitigation hierarchy.

3.15 Taking account of the habitat measures within the Ecological Impact Assessment report and this biodiversity gain assessment report, it is considered that sufficient information is provided to the local planning authority to inform their review of whether the biodiversity gain condition is capable of being discharged and that whether associated Biodiversity Gain Plan may be approved in due course.

Significant on-site enhancements

3.16 The on-site habitat provisions are considered to be significant on-Site enhancements according to Biodiversity Net Gain Planning Practice Guidance (Defra, 2024c). This states that *"significant enhancements are areas of habitat enhancement which contribute significantly to the proposed developments BNG, relative to the biodiversity value before development*".

Trading rules

3.17 The trading rules have been met on-Site.

Habitat management and monitoring plan

3.18 Details of habitat creation will be set out in a Construction Environmental Management Plan: Biodiversity (CEMP: Biodiversity). An outline CEMP is submitted with the planning application.

3.19 The CEMP: Biodiversity will set out appropriate safeguard, protection, mitigation (including avoidance) and legal compliance measures (e.g., through a series of Method Statements) to be followed, as well as details of proposed habitat creation.

3.20 The Landscape and Biodiversity Management Plan produced by Arcus in February 2021 will be updated to incorporate amendments to the ecological elements of the management plan, post consent.

The anticipated change in biodiversity value results using the Defra Statutory Biodiversity Metric

3.21 The pre-development habitats are presented on Figure 1. The post-development habitats are presented on Figure 2, new habitats to be created are summarised in Table 1 below.

Table 1. Post-development habitat type and condition

Biodiversity Metric Habitat and (Distinctiveness)	Target condition	Notes and/or Justification
Creation/Retained		
Developed land; sealed surface (very low)	N/A	No condition assessment applicable.
Other neutral grassland (medium)	Good	The grassland created will seek to achieve good condition and will target the following criteria: - The parcel represents a good example of its habitat type. - Grassland sward will have a varied height, at least 20% of the sward will have a height below 7cm, and at lest 20% will have a sward height above 7cm. - Cover of bare ground is between 1 and 5%. - Cover of bracken is less than 20%, cover of scrub (including bramble) is less than 5%. - Combined cover of species indicative of suboptimal condition and physical damage accounts for less than 5% of total area. - There are 10 or more vascular plant species per m2 present, including forbs that are characteristic of the habitat type. -
SUDs (low)	Good	The SUDs will seek to achieve good condition and will target the following criteria: - Vegetation structure is varied, providing opportunities for vertebrates and invertebrates to live, eat and breed. A single structural habitat component or vegetation type does not account for more than 80% of the total habitat area. - The habitat parcel contains different plant species that are beneficial for wildlife, for example flowering species providing nectar sources for a range of invertebrates at different times of year. - Invasive non-native plant species cover less than 5% of the total vegetated area. - Plant species are mostly native. If non-native species are present, they should not be detrimental to the habitat or native wildlife. - The vegetation is comprised of plant species suited to wetland or riparian situations.

3.22 The proposed habitat outcomes are considered to be achievable, can be legally secured and they are appropriate to the location and setting of the Site and the locally surrounding habitats.

3.23 If any invasive non-native plant species (as listed on Schedule 9 of WCA5) are present, this criterion is automatically failed.

Summary of anticipated biodiversity gain outcome

3.24 A summary of the headline results for the biodiversity outcome is set out below.

- On-site baseline +29.23 Habitat Units
- On-site post-intervention +32.83 Habitat Units
- On-site net change +3.60 Habitat Units
- Percentage Change 12.33%

Consideration of Biodiversity Net Gain Good practice principles for development

3.25 On reference to Ciria CIEEM IEMA (2019) Biodiversity Net Gain Good practice principles for development, the principles summarised in Table 2 were considered during the development design, completion of ecology related desk and field surveys and the biodiversity gain assessment.

Table 2: Biodiversity gain - the application of good practice principles for development

Number	Summary heading of principle	Rationale
Principle 1	Apply the mitigation hierarchy	A separate Ecological Impact Assessment Report (BSG Ecology, 2024) assesses the potential ecological impacts of the proposed development and sets out avoidance, mitigation and compensation measures in line with the mitigation hierarchy.
Principle 2	Avoid losing biodiversity that cannot be offset by gains elsewhere	No irreplaceable habitats are present on-Site. There is no loss of higher distinctiveness habitats. Habitat losses will be offset through habitat creation on-Site.
Principle 3	Be inclusive and equitable	Project liaison has been undertaken with the project team. No consultation with third parties has been undertaken or considered to be necessary.
Principle 4	Address risks	The use of the SBM embeds risks associated with difficulty, spatial multipliers and time to target condition. Any habitat creation or retention that may require special measures to ensure effective delivery of the habitats will be subject to procedures specified in a CEMP: Biodiversity. It is considered that realistically achievable habitats have been targeted within the post-development plan.
Principle 5	Make a measurable net gain contribution	The form of 'measurement' has been to apply the SBM to provide biodiversity unit values as far as reasonably possible.
Principle 6	Achieve the best outcomes for biodiversity	The habitat creation measures proposed are considered to be appropriate for the environment and setting and proportionate to the nature, extent and type of development.
Principle 7	Be additional	As part of the biodiversity gain assessment the Other Neutral Grassland that was to be created in Moderate Condition, is now to be created and managed in Good Condition.

Number	Summary heading of principle	Rationale
Principle 8	Create a net gain legacy	The legacy of the habitat enhancement has been considered by ensuring the habitats are suitable for the landscape and suitable for their context within the development.
Principle 9	Optimise sustainability	The choice of planting for the proposed habitats are considered to be appropriate for the Site and the use of the Site.
Principle 10	Be transparent	The author of this biodiversity gain assessment has sought to provide clear and transparent information throughout, including the provision of rationales and relevant commentary, to assist the reader, in their review of the submission.

4 References

BSG Ecology (2024) *Walpole BESS – Ecological Impact Assessment Report*. November 2024.

BRIG (2011). *UK Biodiversity Action Plan – Priority Habitat Descriptions*. JNCC, Peterborough.

CIEEM, IEMA and CIRIA (2019) *Biodiversity Net Gain Good practice principles for development*.

Defra (2024a) *Statutory Biodiversity Metric, Technical Annex 1- Condition Assessment Sheets and Methodology*. Natural England.

Defra (2024b) *Statutory Biodiversity Metric: User Guide*. Natural England.

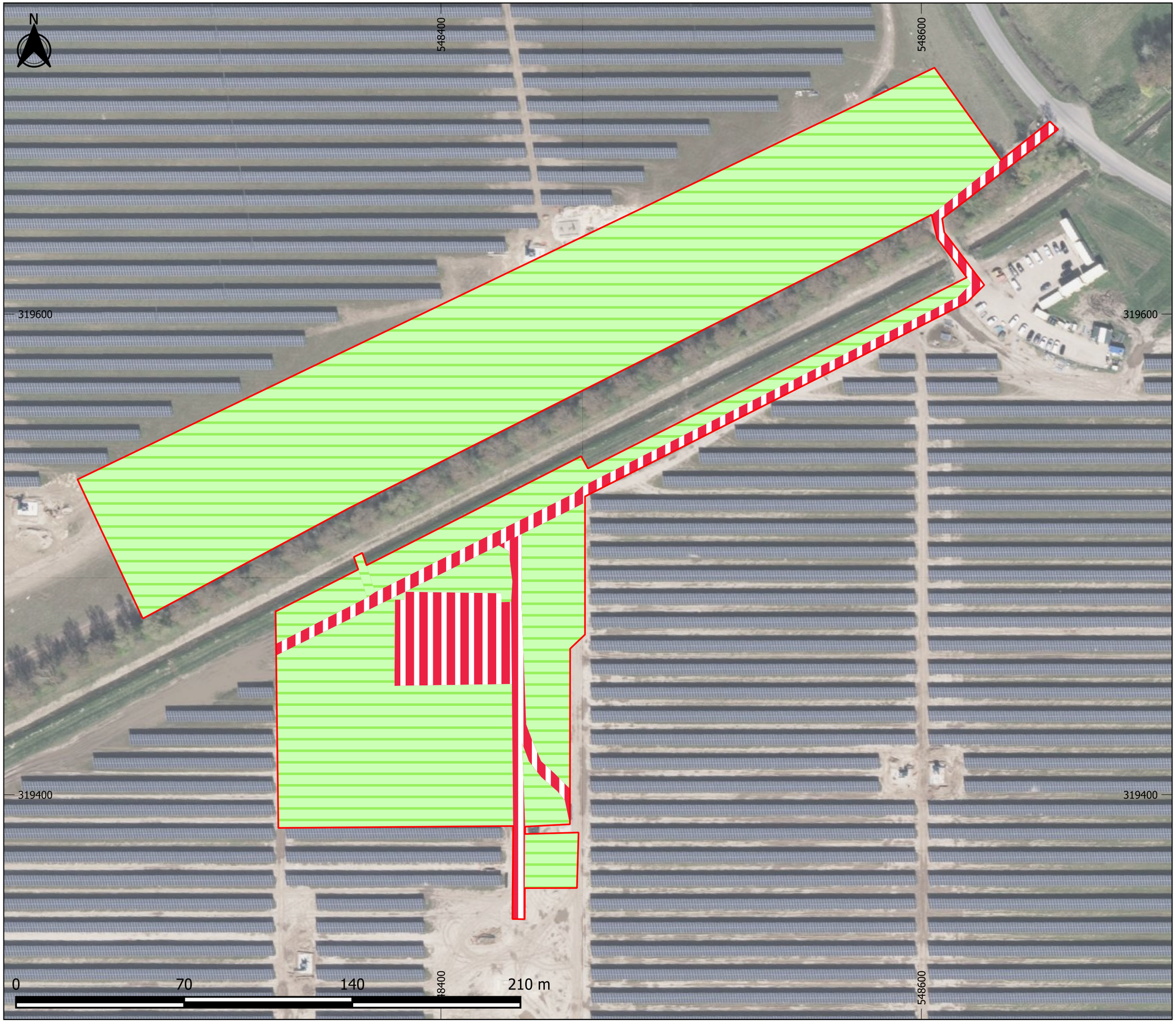
Defra (2024c) *Make on-site biodiversity gains as a developer. 27 February 2024* [online] Available at: https://www.gov.uk/guidance/make-on-site-biodiversity-gains-as-a-developer Accessed 4 April 2024.

EDF Renewables. Site Layout – Sungrow V1. 05/01/24. WAL-EDFR-CIV-PLN-301.04.

5 Figures

Figure 1 Habitat survey plan

Figure 2 Proposed layout and habitat creation plan



Legend

- Developed land; sealed surface (Condition - N/A)
- Other neutral grassland (Condition - Moderate)
- Site boundary

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PROJECT TITLE

WALPOLE BESS

DRAWING TITLE

Figure 1: Baseline Biodiversity Gain Plan

DATE: 06/11/2024 CHECKED: KS SCALE: 1:1,500

DRAWN: SP APPROVED: KS VERSION:1.0

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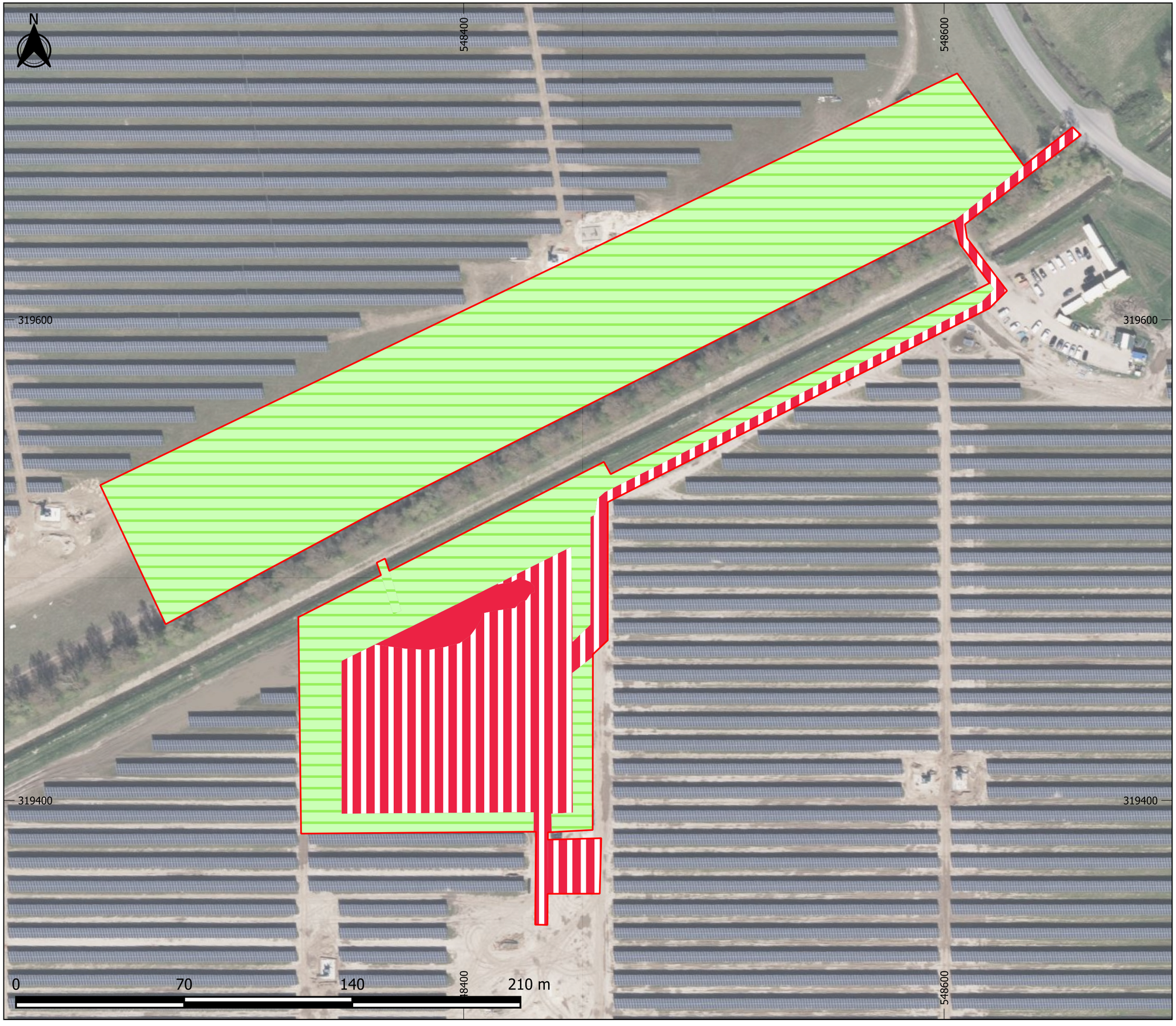
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Sources: BSG Ecology survey data

Graphics Ref. No.: 08381



Legend

- Developed land; sealed surface (Condition - N/A)
- Other neutral grassland (Condition -Good)
- Sustainable drainage system (Condition -Good)
- Site boundary

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PROJECT TITLE

WALPOLE BESS

DRAWING TITLE

Figure 2: Proposed development plan

DATE: 05/11/2024 CHECKED: KS SCALE: 1:1,500

DRAWN: SP APPROVED: KS VERSION:1.1

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Graphics Ref. No.: 07375

6 Appendices

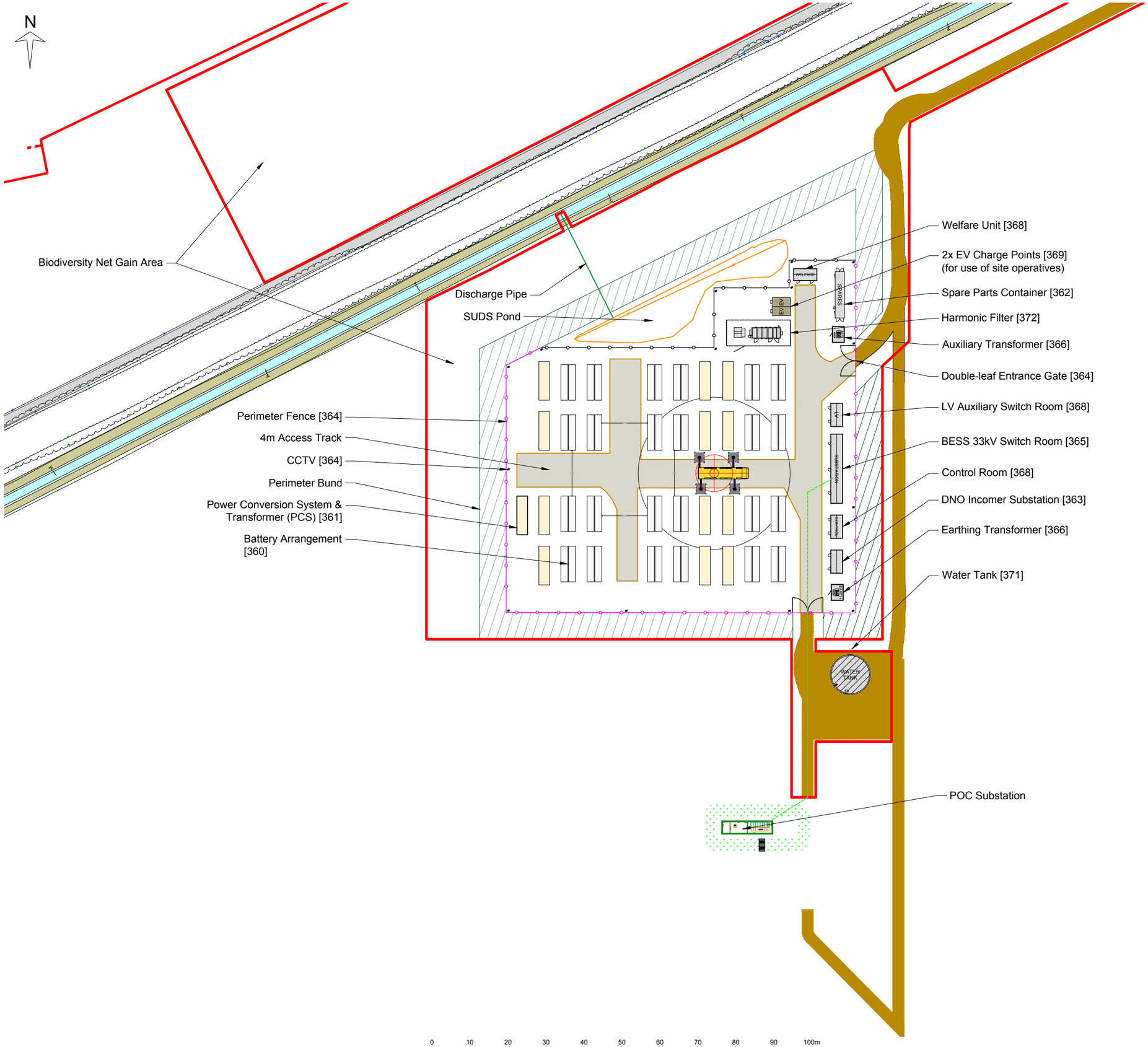
Appendix 1: EDF Renewables. Site Layout – Sungrow V1. 05/01/24. WAL-EDFR-CIV-PLN-301.04.

Appendix 2: Statutory Biodiversity Metric Calculator Tool

Appendix 3: Summaries of Relevant Policy, Legislation and Other Instruments

Appendix 1: Proposed development

EDF Renewables. Site Layout – Sungrow V1. 05/01/24. WAL-EDFR-CIV-PLN-301.04.



NOTES

1. Drawing details and dimensions for planning purposes only.

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LEGEND

- PLANNING APPLICATION BOUNDARY
- PERIMETER FENCE
- ACOUSTIC PERIMETER FENCE (3.5M)
- PERIMETER BUND
- HV CABLE ROUTE

Rev	Description	Date	Checked
04	Consultant comments	14.11.24	SRY
03	Consultant comments	13.11.24	SRY
02	RLB adjusted	13.11.24	SRY
01	Draft Issue	12.11.24	SRY

Drawing No.
WAL-EDFR-BESS-CIV-PLN-301.04

Project
Walpole BESS

Title
Site Layout Plan

Scale	Drawn by	Checked	Date
1:1000 @A3	JL	SY	05.01.24

W: www.edf-re.uk
A: Cardinal Place, 80 Victoria Street, London SW1E 5JL

Appendix 2: Statutory Biodiversity Metric Calculator Tool

Appendix 3: Summaries of Relevant Policy, Legislation & Other Instruments

6.1 This section briefly summarises the legislation, policy and related issues that are relevant to the main text of the report. The following text does not constitute legal or planning advice.

Relevant Local Plan Policy

The following current adopted and emerging policies are of relevance to ecology and biodiversity on the Site.

South East Lincolnshire Local Plan 2011-2036 (March 2019)

6.2 The following current policies are of relevance to ecology and biodiversity.

Policy 28: The Natural Environment

6.3 A high quality, comprehensive ecological network of interconnected designated sites, sites of nature conservation importance and wildlife-friendly greenspace will be achieved by protecting, enhancing and managing natural assets:

1. Internationally-designated sites, on land or at sea:

a. development proposals that would cause harm to these assets will not be permitted, except in exceptional circumstances, where imperative reasons of overriding public interest exist, and the loss will be compensated by the creation of sites of equal or greater nature conservation value;

b. all major housing proposals within 10km of The Wash and the North Norfolk Coast European Marine Site, including the Sustainable Urban Extensions in Boston (site Sou006 & Wes002), Spalding (site Pin024/Pin045) and Holbeach West (site Hob048), will be the subject of a project-level Habitats Regulations Assessment (HRA) to assess the impact of recreational pressure on The Wash and North Norfolk Coast European Marine Site. This should include:

i. locally-specific information relating to access and site sensitivities;

6.4 Where the project-level HRA concludes that avoidance and/or mitigation measures are required, it is expected that:

ii. Suitable Alternative Natural Greenspace (SANGs) should be provided on site Sou006 and Wes002, site Pin024/Pin045 and site Hob048 as part of their package of mitigation measures; or

iii. all other major housing proposals should provide SANGs on-site and/or through a financial contribution to provide and/or enhance natural greenspace in the locality;

iv. Suitable Alternative Natural Greenspaces should be designed in accordance with capacity and facility requirements in relation to the developments they mitigate for, best practice elsewhere and relevant evidence.

2. Nationally or locally-designated sites and protected or priority habitats and species:

a. development proposals that would directly or indirectly adversely affect these assets will not be permitted unless:

i. there are no alternative sites that would cause less or no harm; and

ii. the benefits of the development at the proposed site, clearly outweigh the adverse impacts on the features of the site and the wider network of natural habitats; and

iii. suitable prevention, mitigation and compensation measures are provided.

3. Addressing gaps in the ecological network:

a. by ensuring that all development proposals shall provide an overall net gain in biodiversity, by:

i. protecting the biodiversity value of land, buildings and trees (including veteran trees) minimising the fragmentation of habitats;

ii. maximising the opportunities for restoration, enhancement and connection of natural habitats and species of principal importance;

iii. incorporating beneficial biodiversity conservation features on buildings, where appropriate; and maximising opportunities to enhance green infrastructure and ecological corridors, including water space; and

iv. conserving or enhancing biodiversity or geodiversity conservation features that will provide new habitat and help wildlife to adapt to climate change, and if the development is within a Nature Improvement Area (NIA), contributing to the aims and objectives of the NIA.

National Planning Policy Framework (England)

6.5 The Government issued the National Planning Policy Framework (NPPF) in December 2023. Text excerpts from the NPPF are shown where they may be relevant to planning applications and biodiversity including protected sites, habitats and species.

6.6 The Government sets out the three objectives for sustainable development (economy, social and environmental) at paragraphs 8-10 to be delivered through the plan preparation and implementation level and 'are not criteria against which every decision can or should be judged' (paragraph 9). The planning system's environmental objective is 'to protect and enhance our natural, built and historic environment; including making effective use of land, improving biodiversity…'(paragraph 8c).

6.7 In conserving and enhancing the natural environment, the NPPF (Paragraph 180) states that 'planning policies and decisions should contribute to and enhance the natural and local environment' by:

- Protecting and enhancing...sites of biodiversity value... '(in a manner commensurate with their statutory status or identified quality in the development plan)'.
- Recognising the wider benefits from natural capital and ecosystem services… including… trees and woodland.
- Minimising impacts on and providing net gains for biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures.
- Preventing both new and existing development from contributing to or being put at unacceptable risk from, or being adversely affected by unacceptable levels of soil, air, water or noise pollution or land instability.

6.8 In respect of protected sites, at paragraph 181, the NPPF requires local planning authorities to distinguish, at the plan level, '…between the hierarchy of international, national and locally designated sites; allocate land with the least environmental or amenity value...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.' A footnote to paragraph 181 refers to the preferred use of agricultural land of poorer quality if significant development of agricultural land is to take place.

6.9 Paragraph 185 refers to how plans should aim to protect and enhance biodiversity. Plans should: '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 [a footnote refers to ODPM Circular 06/2005 for further guidance in respect of statutory obligations for biodiversity in the planning system], wildlife corridors and stepping stones that connect them and areas identified by national and local partnerships for habitat management, enhancement, restoration or creation;' and to 'promote the conservation, restoration and re-creation of priority habitats, ecological networks and the protection and recovery of priority species; and identify and pursue opportunities for securing measurable net gains for biodiversity.'

6.10 Paragraph 186 advises that, when determining planning applications, '…local planning authorities should apply the following principles:

- if significant harm to biodiversity resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts), adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused;
- development on land within or outside a Site of Special Scientific Interest, and which is likely to have an adverse effect on it (either individually or in combination with other developments) should not normally be permitted. The only exception is where the benefits of the development in the location proposed clearly outweigh both its likely impact on the features of the site that make it of special scientific interest, and any broader impacts on the national network of Sites of Special Scientific Interest;
- development resulting in the loss or deterioration of irreplaceable habitats, (such as ancient woodland and ancient or veteran trees) should be refused, unless there are wholly exceptional reasons and a suitable compensation strategy exists; and
- development whose primary objective is to conserve or enhance biodiversity should be supported; while opportunities to improve biodiversity in and around developments should be integrated as part of their design, especially where this can secure measurable net gains for biodiversity or enhance public access to nature where this is appropriate.'

6.11 In paragraph 187, the following should be given the same protection as habitats sites:

- potential Special Protection Areas and possible Special Areas of Conservation;
- listed or proposed Ramsar sites; and
- 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.'

6.12 In paragraph 188 the NPPF refers back to sustainable development in relation to appropriate assessment and states: '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'.

6.13 In paragraph 189, the NPPF refers to planning policies and decisions taking account of ground conditions and risks arising from land instability and contamination at sites. In relation to risks associated with land remediation account is to be taken of 'potential impacts on the natural environment' that arise from land remediation.

6.14 In paragraph 191 the NPPF states that planning policies and decisions should ensure that development is appropriate to the location and take into account likely effects (including cumulative) on the natural environment and, in doing so, they 'should limit the impact of light pollution from artificial light on local amenity, intrinsically dark landscapes and nature conservation' (paragraph 191c).

The Environment Act 2021

6.15 The Environment Act includes the requirement for mandatory biodiversity gain for all qualifying developments in England through an amendment to the Town and Country Planning Act 1990 which came into force on 12 February 2024. For all qualifying developments in England, The Environment

Act 2021 (Commencement No. 8 and Transitional Provisions) Regulations 2024 (SI44) at Regulation 3 advises in relation to planning applications that '*the biodiversity gain planning condition does not apply in relation to a planning permission within the scope of regulation 2 (2) of these Regulations, where the application for planning permission was made before 12th February 2024*'. In summary, from 12 February 2024, the Act and associated secondary Regulations (SI2024 No's 44- 50) together require:

- The provision of a required percentage of biodiversity gain, currently set nationally to be at 10%, as a general condition of planning permission,
- The use of the statutory Biodiversity Metric to calculate the biodiversity gain,
- Submission to and approval by the planning authority, of a Biodiversity Gain Plan (BGP) for the development before the development may be begun; the BGP is to be prepared using a template prepared by Defra to demonstrate how biodiversity gain will be delivered on and / or off-site,
- Significant on-site biodiversity gain and all offsite biodiversity gain to be secured for a fixed period, currently nationally set at 30 years,
- Alternative arrangements to be made for the purpose of minimising the adverse effect of development to habitats deemed to be irreplaceable habitat (see NPPF),
- Demonstration of how the biodiversity gain will be secured, typically through planning obligations in a section 106 agreement,
- Registration of offsite biodiversity gain and allocation of relevant biodiversity units to a given development in a national register for which Natural England is the Register Operator,
- Use of statutory biodiversity credits through the Secretary of State, which is considered to be a last resort, if onsite and/or offsite biodiversity gains cannot achieve the required percentage.