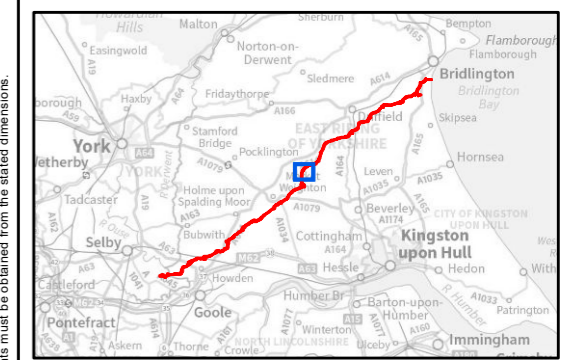
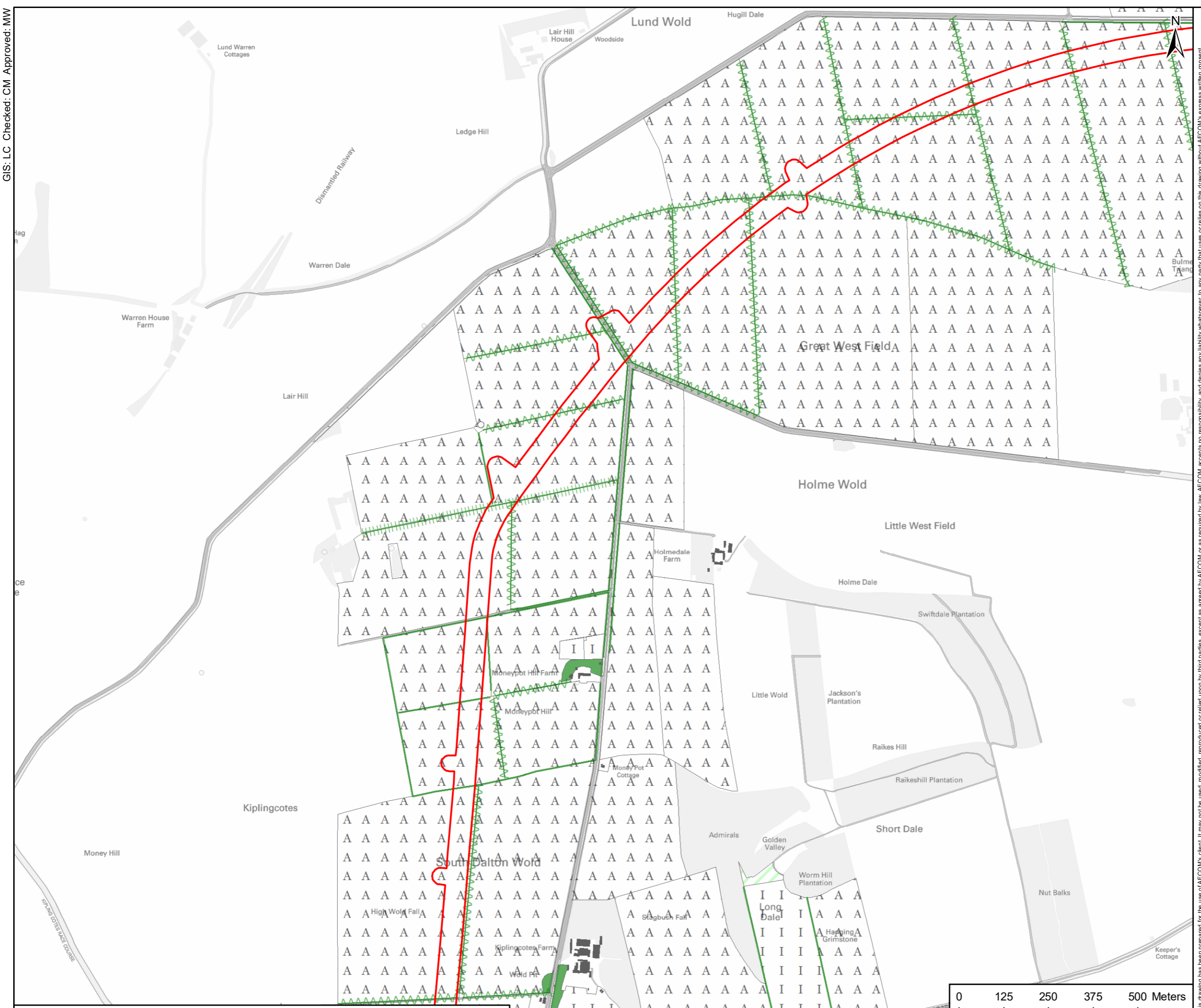


PROJECT
Scotland England Green Link 2

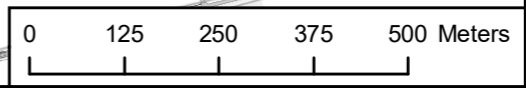
- KEY**
- Indicative Planning Application
 - J2.1.1 - Intact hedge - native species-rich
 - J2.1.2 - Intact hedge - species-poor
 - J2.3.2 - Hedge with trees - species-poor
 - A1.1.1 - Broadleaved woodland - semi-natural
 - A1.2.2 - Coniferous woodland - plantation
 - B4 - Improved grassland
 - B6 - Poor semi-improved grassland
 - J1.1 - Cultivated/disturbed land - arable
 - J3.6 - Buildings
 - Z99 - Hardstanding



TITLE
Figure2-2
Phase 1 Habitat Survey

REFERENCE
SEGL2_T_GCN_3-1_v2_20220210

SHEET NUMBER 10 of 21
DATE 10/02/2022

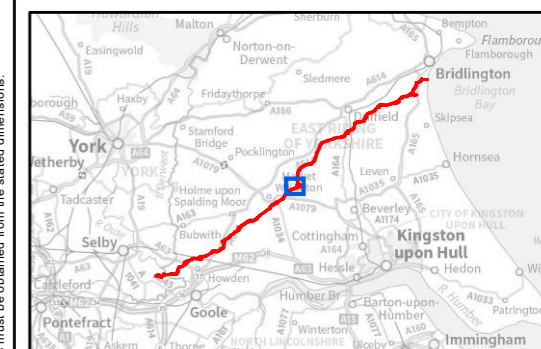


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GIS: LC Checked: CM Approved: MW

PROJECT
Scotland England Green Link 2

- KEY
- Indicative Planning Application Boundary
 - Target Note
 - X A2.2 - Scrub - scattered
 - A3.1 - Broadleaved parkland/scattered trees
 - XXX A2.2 - Scrub - scattered
 - A3.1 - Broadleaved parkland/scattered trees
 - ~ J2.1.1 - Intact hedge - native species-rich
 - J2.1.2 - Intact hedge - species-poor
 - - - J2.2.2 - Defunct hedge - species-poor
 - ~ J2.3.1 - Hedge with trees - native species-rich
 - ||||| J2.3.2 - Hedge with trees - species-poor
 - ||||| J2.4 - Fence
 - A1.1.1 - Broadleaved woodland - semi-natural
 - ▨ A1.1.2 - Broadleaved woodland - plantation
 - ▨ A1.2.2 - Coniferous woodland - plantation
 - ▨ A1.3.2 - Mixed woodland - plantation
 - ▨ A2.1 - Scrub - dense/continuous
 - X A2.2 - Scrub - scattered
 - B2.2 - Neutral grassland - semi-improved
 - ▨ B3.2 - Calcareous grassland - semi-improved
 - I B4 - Improved grassland
 - S B6 - Poor semi-improved grassland
 - ▨ C3.1 - Other tall herb and fern - ruderal
 - G1 - Standing water
 - A J1.1 - Cultivated/disturbed land - arable
 - A J1.2 - Cultivated/disturbed land - amenity grassland
 - J3.6 - Buildings
 - J4 - Bare ground
 - J5 - Other habitat
 - Z99 - Hardstanding

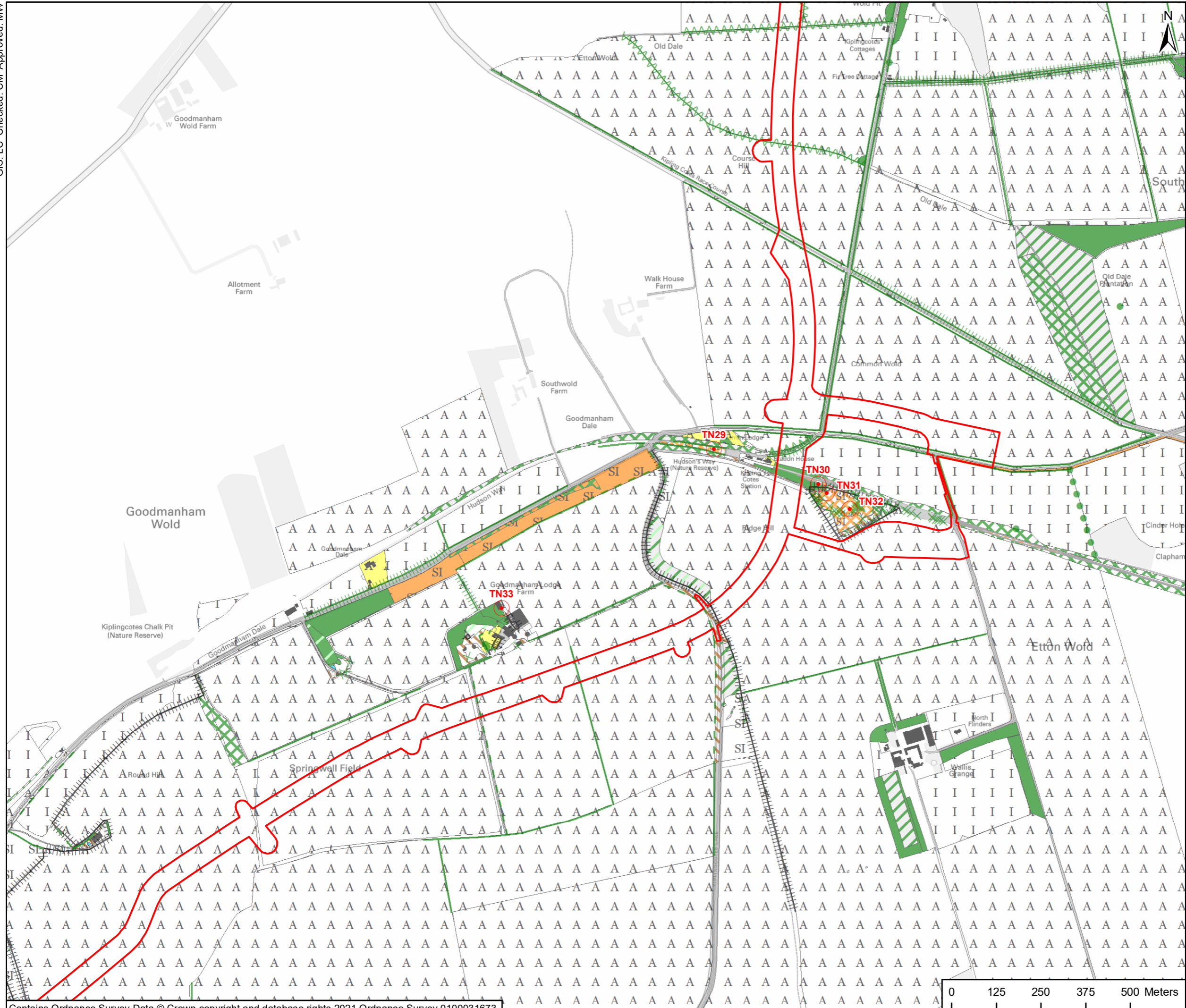


TITLE
**Figure2-2
Phase 1 Habitat Survey**

REFERENCE
SEGL2_T_GCN_3-1_v2_20220210

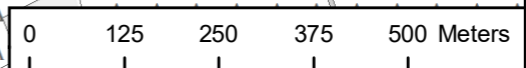
SHEET NUMBER 11 of 21 DATE 10/02/2022

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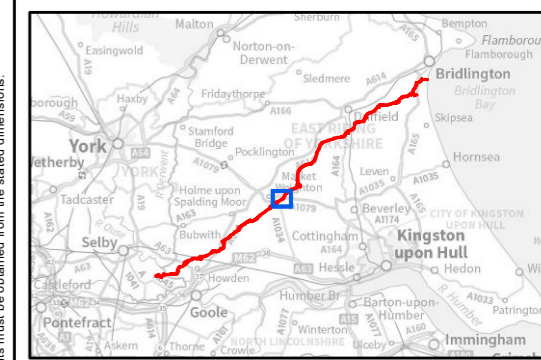
Scale @ A3 1:10,000

Coordinate System: British National Grid

PROJECT
Scotland England Green Link 2

KEY

	Indicative Planning Application
	Target Note
	A3.1 - Broadleaved parkland/scattered trees
	A2.2 - Scrub - scattered
	G2 - Running water
	J2.1.1 - Intact hedge - native species-rich
	J2.1.2 - Intact hedge - species-poor
	J2.2.2 - Defunct hedge - species-poor
	J2.3.1 - Hedge with trees - native species-rich
	J2.3.2 - Hedge with trees - species-poor
	J2.4 - Fence
	J2.6 - Dry ditch
	A1.1.1 - Broadleaved woodland - semi-natural
	A1.1.2 - Broadleaved woodland - plantation
	A1.3.2 - Mixed woodland - plantation
	A2.1 - Scrub - dense/continuous
	A2.2 - Scrub - scattered
	B4 - Improved grassland
	B6 - Poor semi-improved grassland
	C3.1 - Other tall herb and fern - ruderal
	G1 - Standing water
	J1.1 - Cultivated/disturbed land - arable
	J1.2 - Cultivated/disturbed land - amenity grassland
	J2.1.2 - Intact hedge - species-poor
	J2.6 - Dry ditch
	J3.6 - Buildings
	J4 - Bare ground
	Z99 - Hardstanding

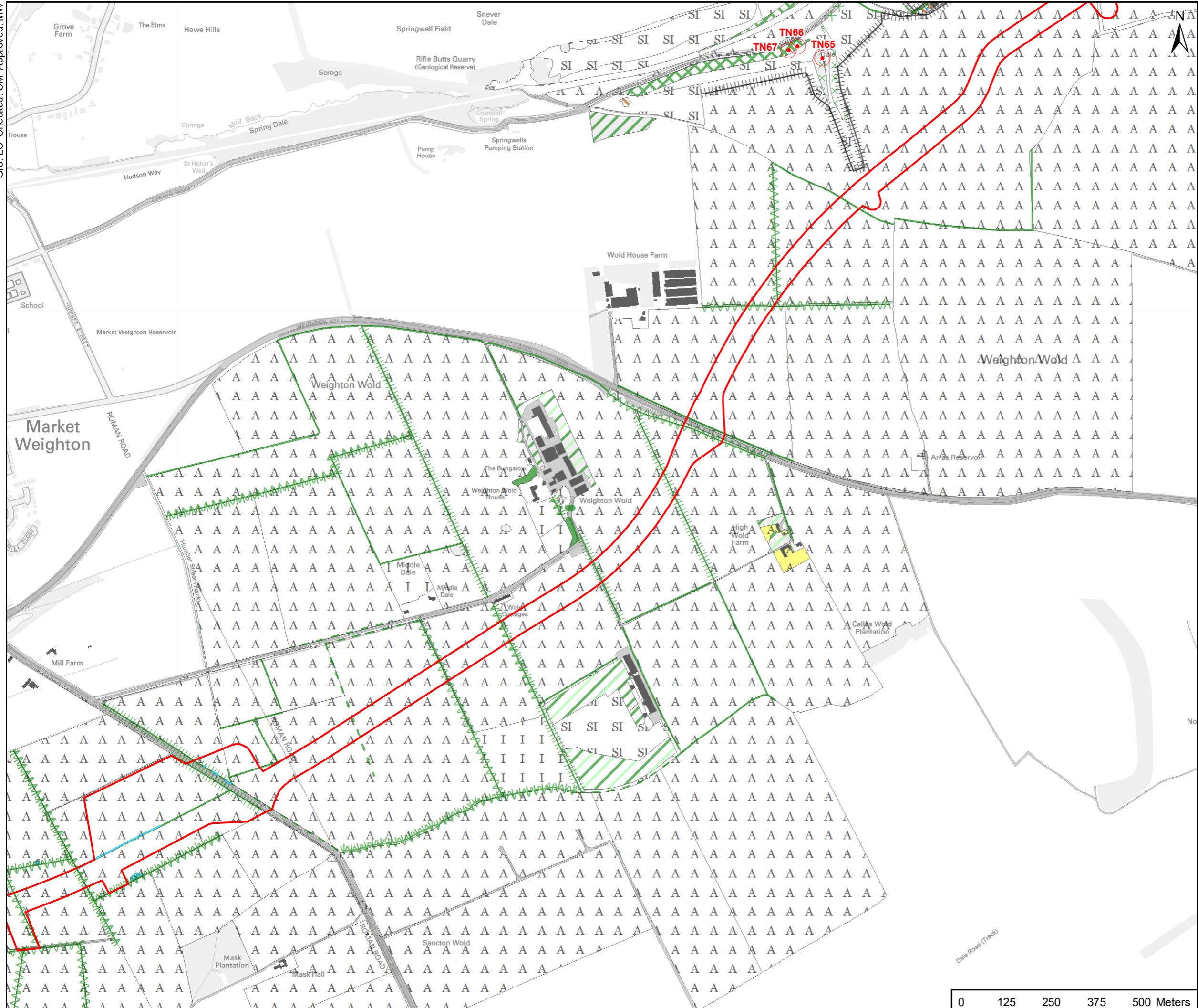


TITLE
Figure2-2
Phase 1 Habitat Survey

REFERENCE
SEGL2_T_GCN_3-1_v2_20220210

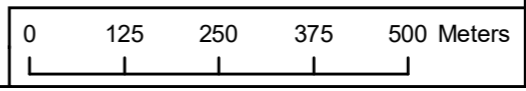
SHEET NUMBER 12 of 21
DATE 10/02/2022

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Coordinate System: British National Grid



Scale @ A3 1:10,000

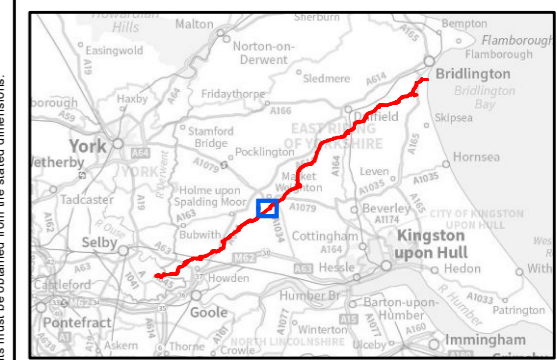
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PROJECT
Scotland England Green Link 2

KEY

- Indicative Planning Application Boundary
- Target Note
- A3.1 - Broadleaved parkland/scattered trees
- A3.1 - Broadleaved parkland/scattered trees
- G2 - Running water
- G2.1 - Running water - eutrophic
- ~ J2.1.1 - Intact hedge - native species-rich
- ~ J2.1.2 - Intact hedge - species-poor
- ~ J2.2.1 - Defunct hedge - native species-rich
- ~ J2.3.1 - Hedge with trees - native species-rich
- ~ J2.3.2 - Hedge with trees - species-poor
- ~ J2.4 - Fence
- - - J2.6 - Dry ditch
- A1.1.1 - Broadleaved woodland - semi-natural
- A1.1.2 - Broadleaved woodland - plantation
- A1.3.2 - Mixed woodland - plantation
- B4 - Improved grassland
- B6 - Poor semi-improved grassland
- G1 - Standing water
- G2 - Running water
- J1.1 - Cultivated/disturbed land - arable
- J1.2 - Cultivated/disturbed land - amenity grassland
- - - J2.6 - Dry ditch
- J3.6 - Buildings
- Z99 - Hardstanding

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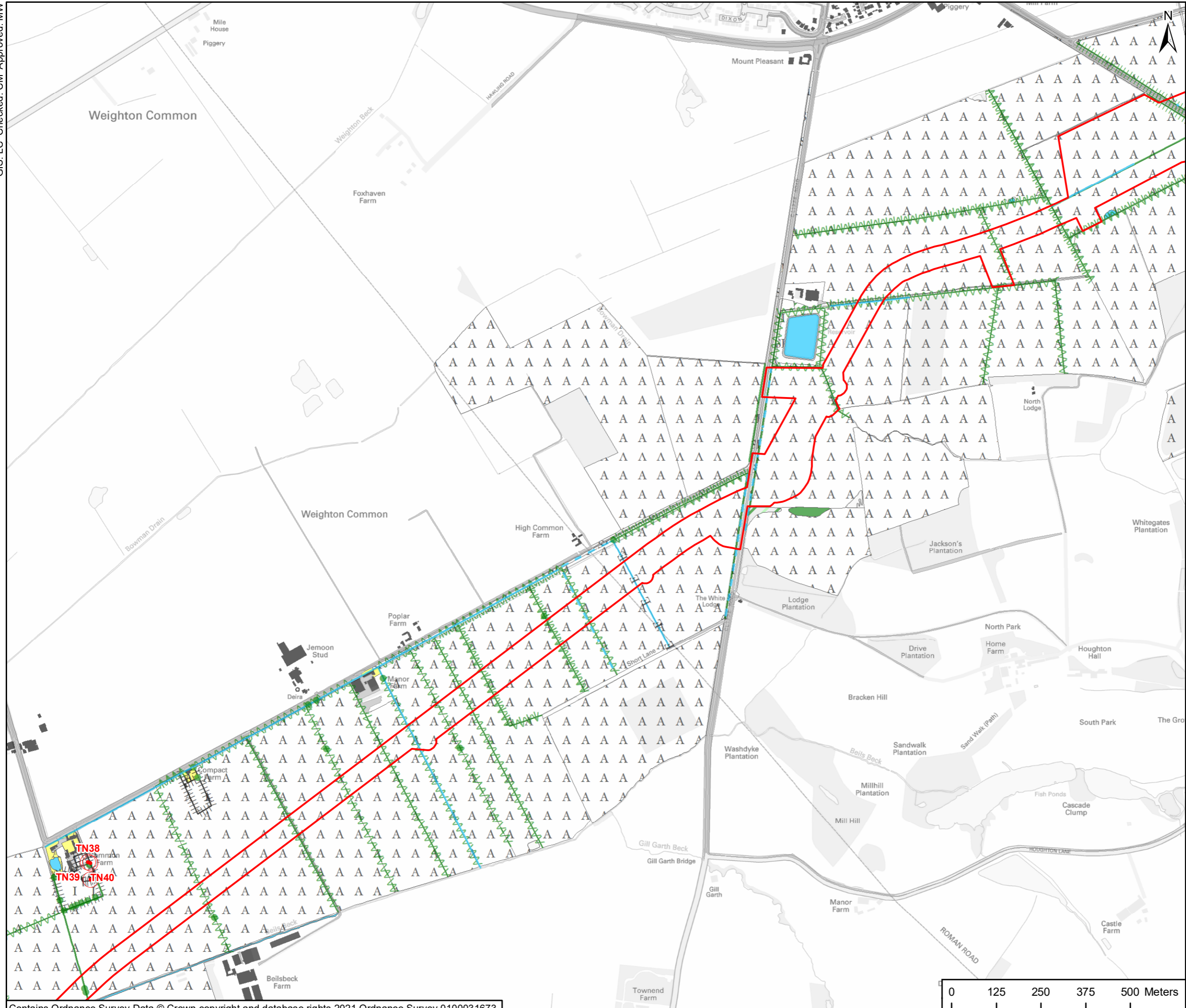


TITLE
Figure2-2
Phase 1 Habitat Survey

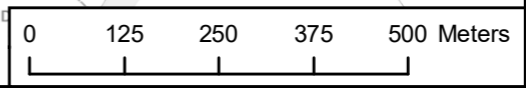
REFERENCE
SEGL2_T_GCN_3-1_v2_20220210

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Scale @ A3 1:10,000

Coordinate System: British National Grid

PROJECT
Scotland England Green Link 2

KEY

	Indicative Planning Application
	Target Note
	A2.2 - Scrub - scattered
	A3.1 - Broadleaved parkland/scattered trees
	A3.1 - Broadleaved parkland/scattered trees
	G2 - Running water
	J2.1.1 - Intact hedge - native species-rich
	J2.1.2 - Intact hedge - species-poor
	J2.2.1 - Defunct hedge - native species-rich
	J2.2.2 - Defunct hedge - species-poor
	J2.3.1 - Hedge with trees - native species-rich
	J2.3.2 - Hedge with trees - species-poor
	J2.4 - Fence
	J2.6 - Dry ditch
	A1.1.1 - Broadleaved woodland - semi-natural
	A1.1.2 - Broadleaved woodland - plantation
	A1.2.2 - Coniferous woodland - plantation
	A1.3.2 - Mixed woodland - plantation
	A2.2 - Scrub - scattered
	B4 - Improved grassland
	B6 - Poor semi-improved grassland
	C3.1 - Other tall herb and fern - ruderal
	G1 - Standing water
	G2 - Running water
	J1.1 - Cultivated/disturbed land - arable
	J1.2 - Cultivated/disturbed land - amenity grassland
	J3.6 - Buildings
	J4 - Bare ground
	Z99 - Hardstanding

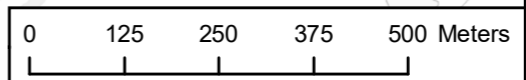
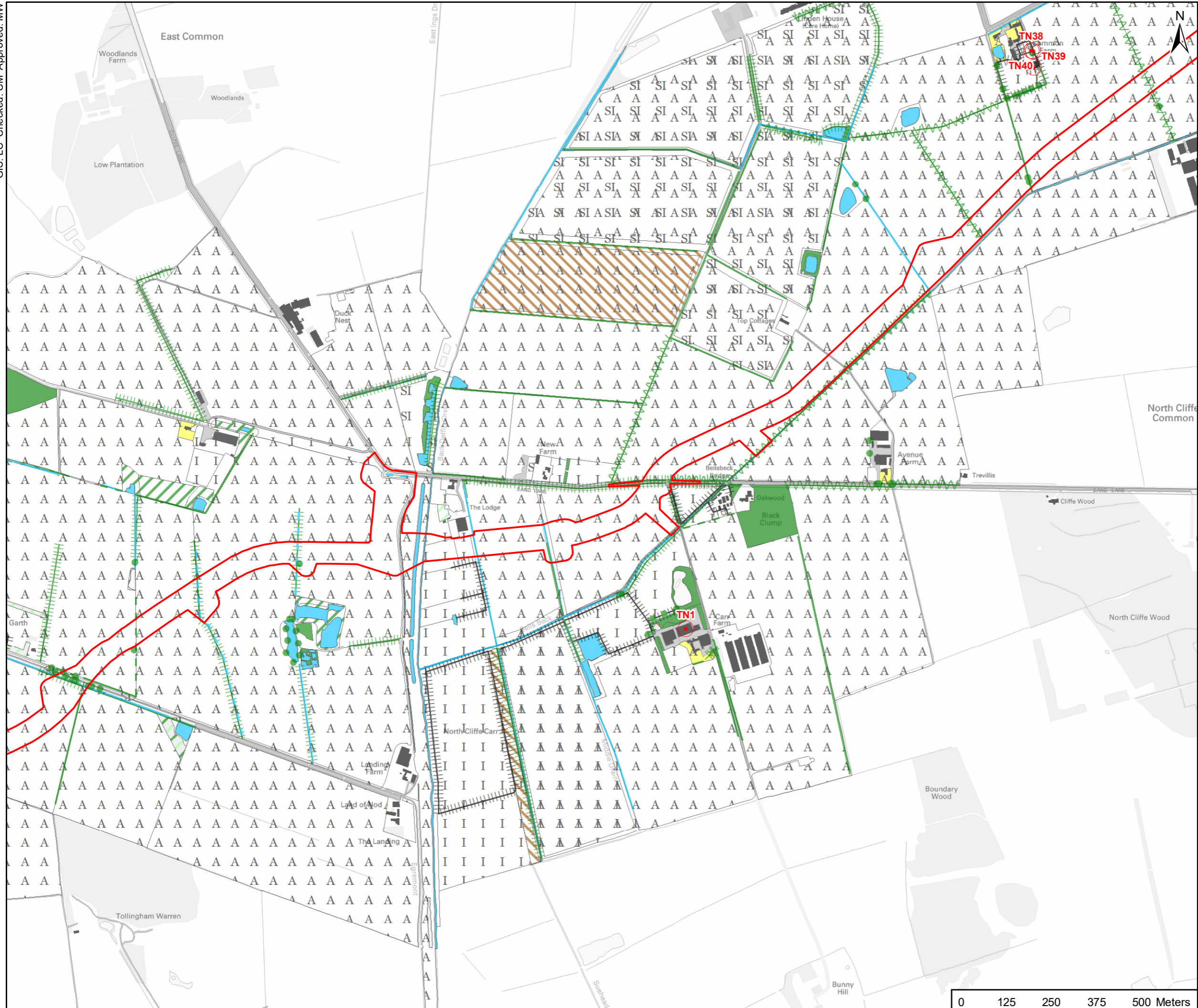


TITLE
Figure2-2
Phase 1 Habitat Survey

REFERENCE
SEGL2_T_GCN_3-1_v2_2022010

SHEET NUMBER 14 of 21
DATE 10/02/2022

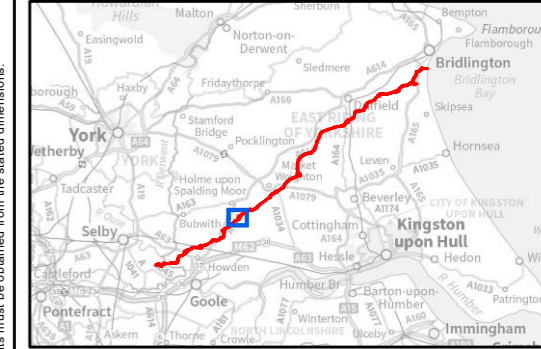
GIS: LC Checked: CM Approved: MW



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PROJECT
Scotland England Green Link 2

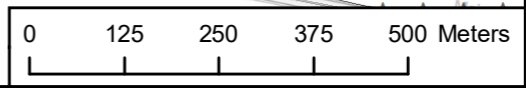
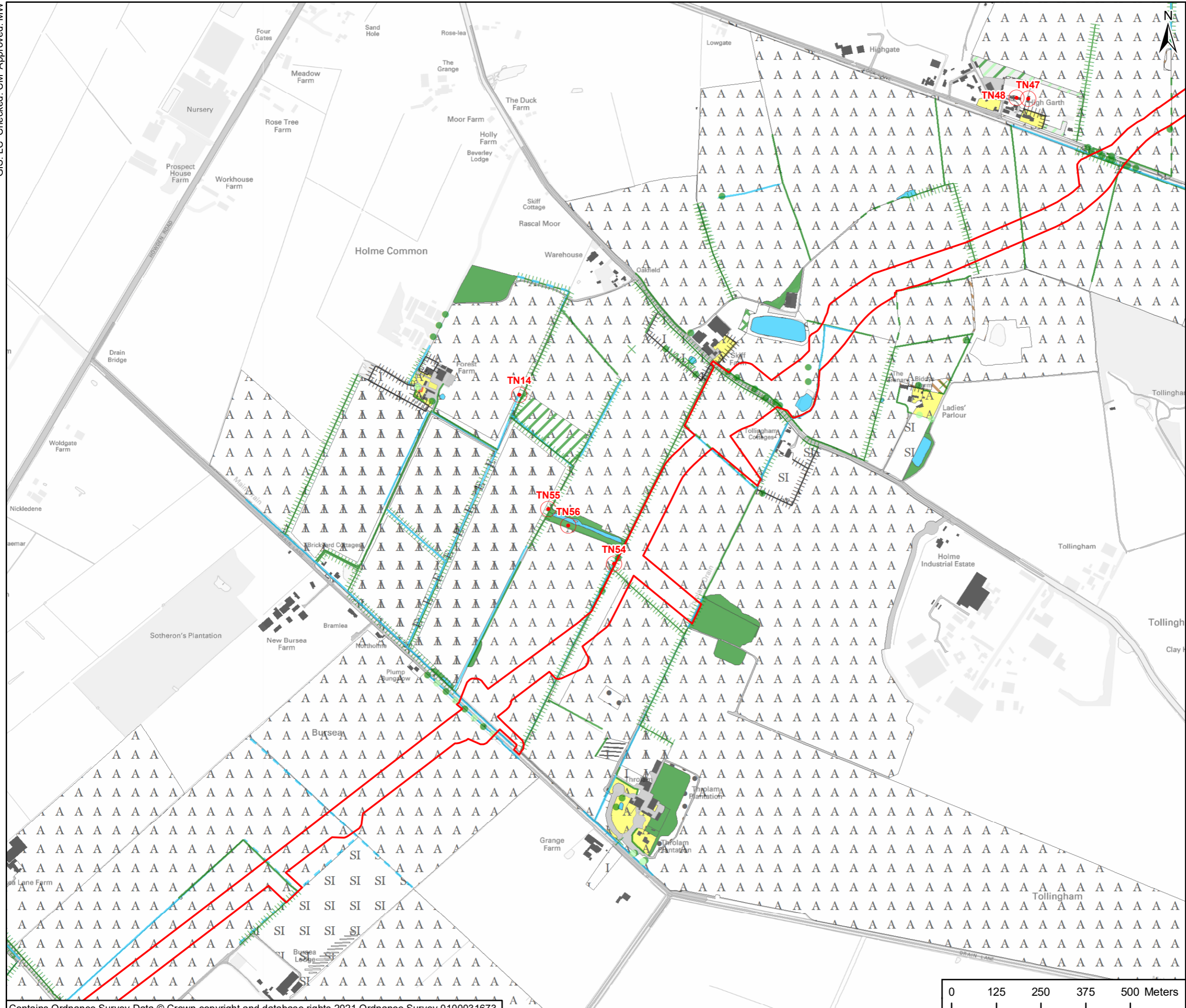
- KEY**
- Indicative Planning Application Boundary
 - Target Note
 - × A2.2 - Scrub - scattered
 - A3.1 - Broadleaved parkland/scattered trees
 - A3.1 - Broadleaved parkland/scattered trees
 - A3.2 - Coniferous parkland/scattered trees
 - A3.3 - Mixed parkland/scattered trees
 - G2 - Running water
 - G2.1 - Running water - eutrophic
 - J2.1.1 - Intact hedge - native species-rich
 - J2.1.2 - Intact hedge - species-poor
 - J2.2.2 - Defunct hedge - species-poor
 - J2.3.2 - Hedge with trees - species-poor
 - J2.4 - Fence
 - J2.5 - Wall
 - J2.6 - Dry ditch
 - A1.1.1 - Broadleaved woodland - semi-natural
 - A1.1.2 - Broadleaved woodland - plantation
 - A1.2.2 - Coniferous woodland - plantation
 - A1.3.2 - Mixed woodland - plantation
 - A2.1 - Scrub - dense/continuous
 - B4 - Improved grassland
 - B6 - Poor semi-improved grassland
 - C3.1 - Other tall herb and fern - ruderal
 - G1 - Standing water
 - G2 - Running water
 - A J1.1 - Cultivated/disturbed land - arable
 - J1.2 - Cultivated/disturbed land - amenity grassland
 - J3.6 - Buildings
 - J4 - Bare ground
 - J5 - Other habitat
 - Z99 - Hardstanding



TITLE
Figure2-2
Phase 1 Habitat Survey

REFERENCE
SEGL2_T_GCN_3-1_v2_20220210

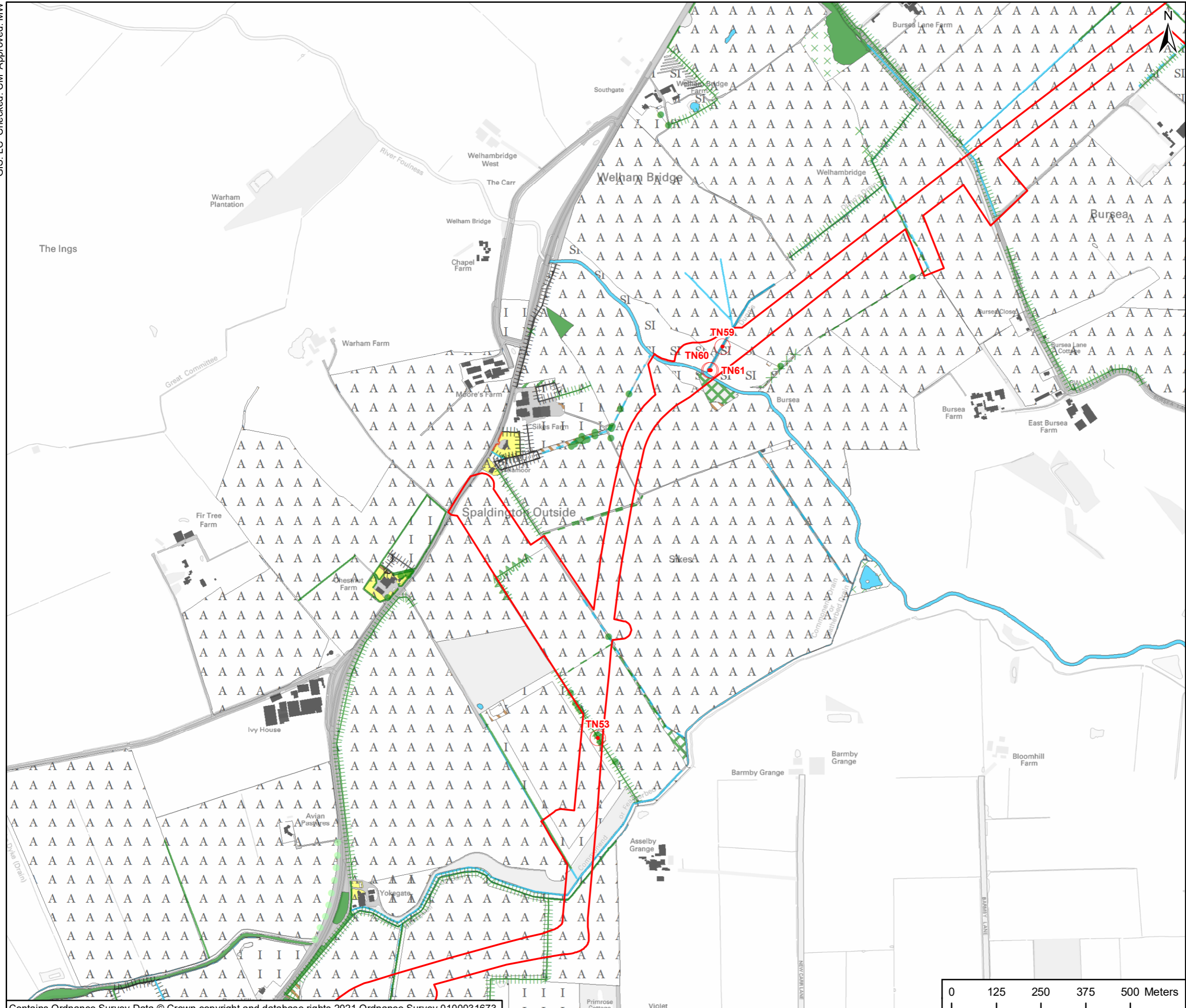
SHEET NUMBER 15 of 21
DATE 10/02/2022



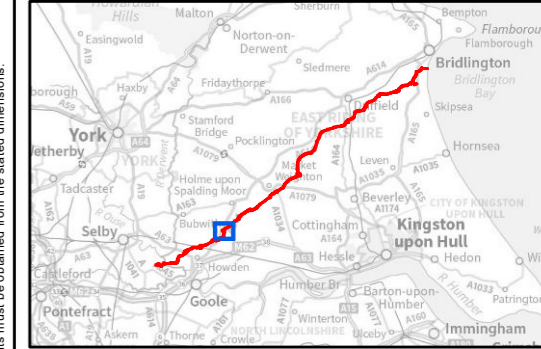
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PROJECT
Scotland England Green Link 2

- KEY**
- Indicative Planning Application Boundary
 - Target Note
 - × A2.2 - Scrub - scattered
 - A3.1 - Broadleaved parkland/scattered trees
 - × A2.2 - Scrub - scattered
 - A3.1 - Broadleaved parkland/scattered trees
 - A3.2 - Coniferous parkland/scattered trees
 - G2 - Running water
 - J2.1.2 - Intact hedge - species-poor
 - - J2.2.2 - Defunct hedge - species-poor
 - | | | | J2.3.1 - Hedge with trees - native species-rich
 - | | | | J2.3.2 - Hedge with trees - species-poor
 - | | | | J2.4 - Fence
 - J2.5 - Wall
 - - - - J2.6 - Dry ditch
 - A1.1.1 - Broadleaved woodland - semi-natural
 - ▨ A1.1.2 - Broadleaved woodland - plantation
 - ▨ A1.2.2 - Coniferous woodland - plantation
 - × A2.1 - Scrub - dense/continuous
 - × A2.2 - Scrub - scattered
 - B4 - Improved grassland
 - B6 - Poor semi-improved grassland
 - C3.1 - Other tall herb and fern - ruderal
 - G1 - Standing water
 - G2 - Running water
 - I2.2 - Spoil
 - J1.1 - Cultivated/disturbed land - arable
 - J1.2 - Cultivated/disturbed land - amenity grassland
 - J3.6 - Buildings
 - J4 - Bare ground
 - Z99 - Hardstanding



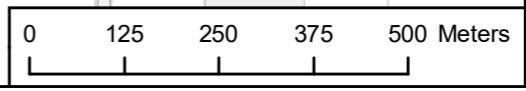
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TITLE
Figure2-2
Phase 1 Habitat Survey

REFERENCE
SEGL2_T_GCN_3-1_v2_2022010

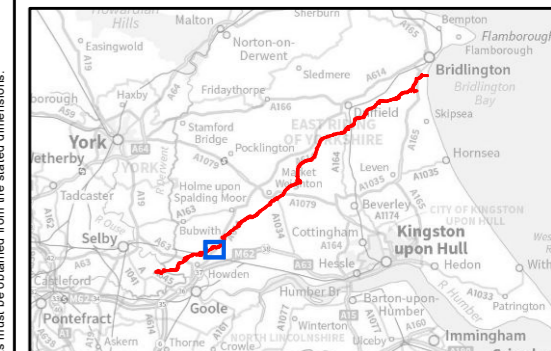
SHEET NUMBER 16 of 21 **DATE** 10/02/2022



PROJECT
Scotland England Green Link 2

KEY

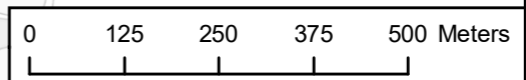
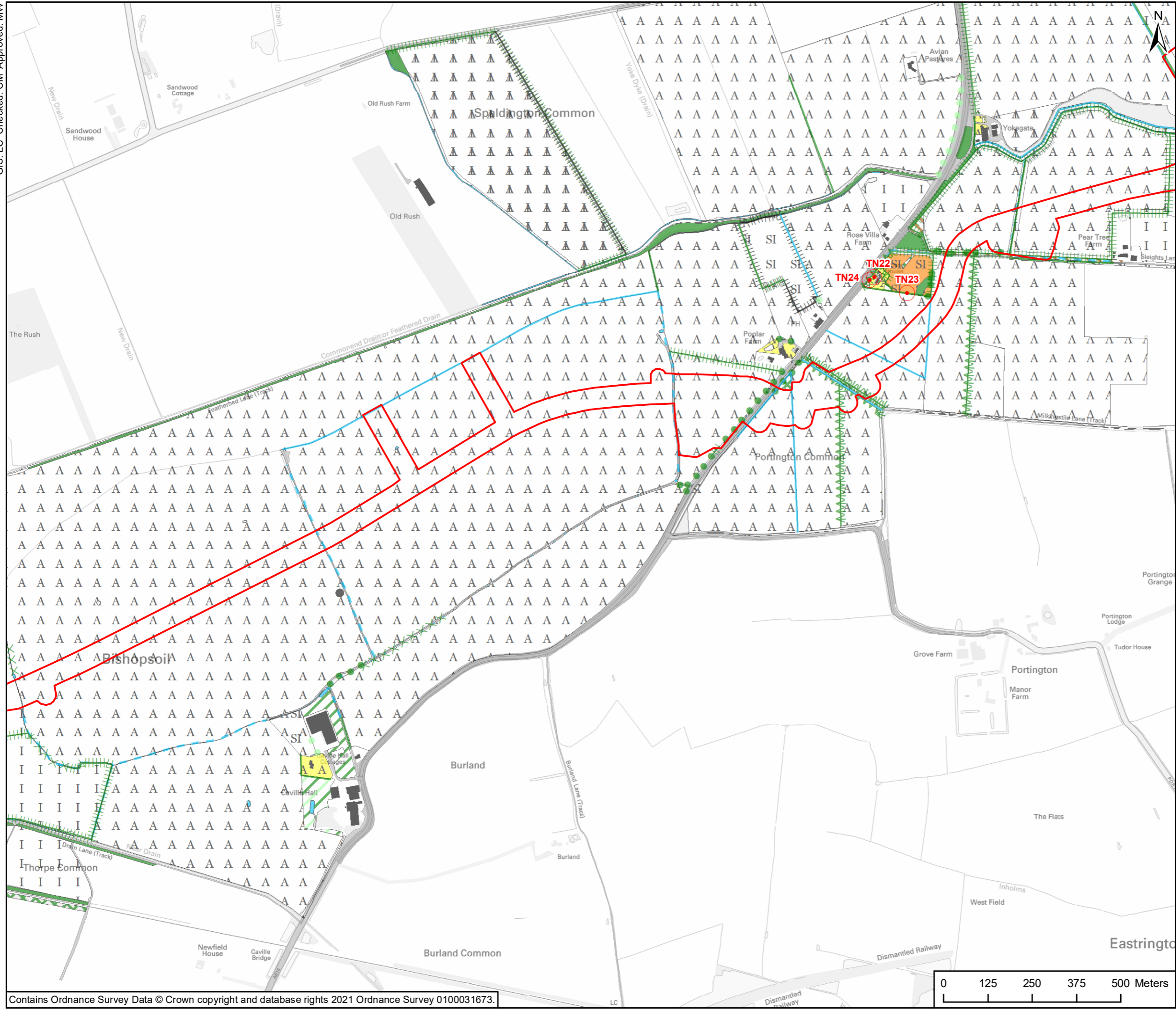
	Indicative Planning Application
	Target Note
	A3.1 - Broadleaved parkland/scattered trees
	A2.2 - Scrub - scattered
	A3.2 - Coniferous parkland/scattered trees
	G2 - Running water
	J2.1.2 - Intact hedge - species-poor
	J2.3.1 - Hedge with trees - native species-rich
	J2.3.2 - Hedge with trees - species-poor
	J2.4 - Fence
	J2.6 - Dry ditch
	A1.1.1 - Broadleaved woodland - semi-natural
	A1.1.2 - Broadleaved woodland - plantation
	A1.2.2 - Coniferous woodland - plantation
	A1.3.2 - Mixed woodland - plantation
	A2.1 - Scrub - dense/continuous
	B2.2 - Neutral grassland - semi-improved
	B4 - Improved grassland
	B6 - Poor semi-improved grassland
	C3.1 - Other tall herb and fern - ruderal
	G1 - Standing water
	G2 - Running water
	J1.1 - Cultivated/disturbed land - arable
	J1.2 - Cultivated/disturbed land - amenity grassland
	J2.6 - Dry ditch
	J3.6 - Buildings
	J4 - Bare ground
	J5 - Other habitat
	Z99 - Hardstanding



TITLE
Figure2-2
Phase 1 Habitat Survey

REFERENCE
SEGL2_T_GCN_3-1_v2_2022010

SHEET NUMBER 17 of 21
DATE 10/02/2022

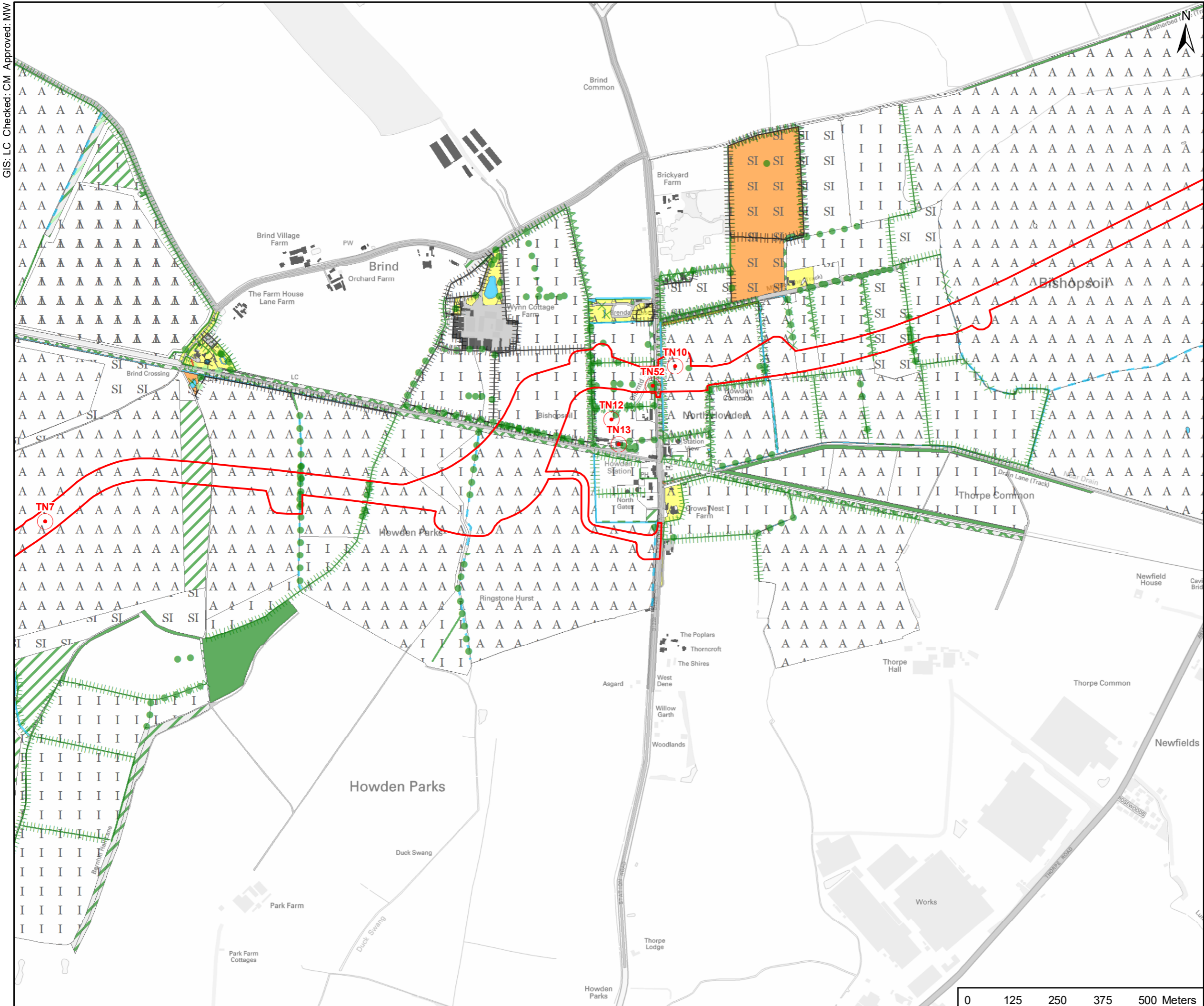


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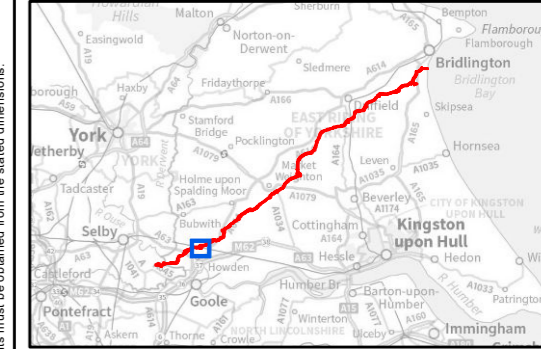
GIS: LC Checked: CM Approved: MW

PROJECT
Scotland England Green Link 2

- KEY**
- Indicative Planning Application Boundary
 - Target Note
 - X A2.2 - Scrub - scattered
 - A3.1 - Broadleaved parkland/scattered trees
 - X A2.2 - Scrub - scattered
 - A3.1 - Broadleaved parkland/scattered trees
 - A3.2 - Coniferous parkland/scattered trees
 - G2 - Running water
 - J2.1.2 - Intact hedge - species-poor
 - - J2.2.2 - Defunct hedge - species-poor
 - | | | | J2.3.1 - Hedge with trees - native species-rich
 - | | | | J2.3.2 - Hedge with trees - species-poor
 - | | | | J2.4 - Fence
 - J2.5 - Wall
 - - - - J2.6 - Dry ditch
 - A1.1.1 - Broadleaved woodland - semi-natural
 - ▨ A1.1.2 - Broadleaved woodland - plantation
 - ▨ A1.2.2 - Coniferous woodland - plantation
 - ▨ A1.3.2 - Mixed woodland - plantation
 - X A2.1 - Scrub - dense/continuous
 - X A2.2 - Scrub - scattered
 - B2.2 - Neutral grassland - semi-improved
 - B4 - Improved grassland
 - B6 - Poor semi-improved grassland
 - C3.1 - Other tall herb and fern - ruderal
 - G1 - Standing water
 - G1.2 - Standing water - mesotrophic
 - J1.1 - Cultivated/disturbed land - arable
 - J1.2 - Cultivated/disturbed land - amenity grassland
 - J2.1.2 - Intact hedge - species-poor
 - J3.6 - Buildings
 - J4 - Bare ground



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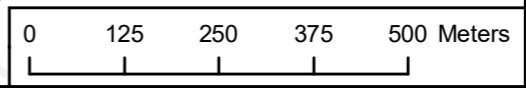


TITLE
Figure2-2
Phase 1 Habitat Survey

REFERENCE
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SHEET NUMBER 18 of 21 **DATE** 10/02/2022

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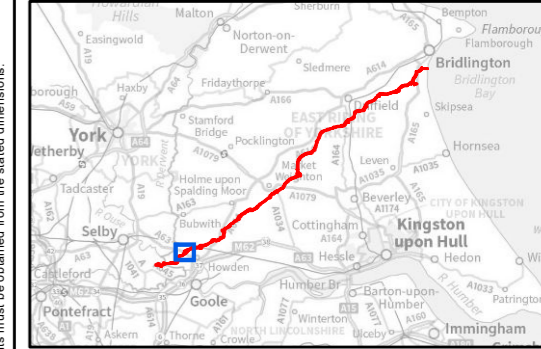
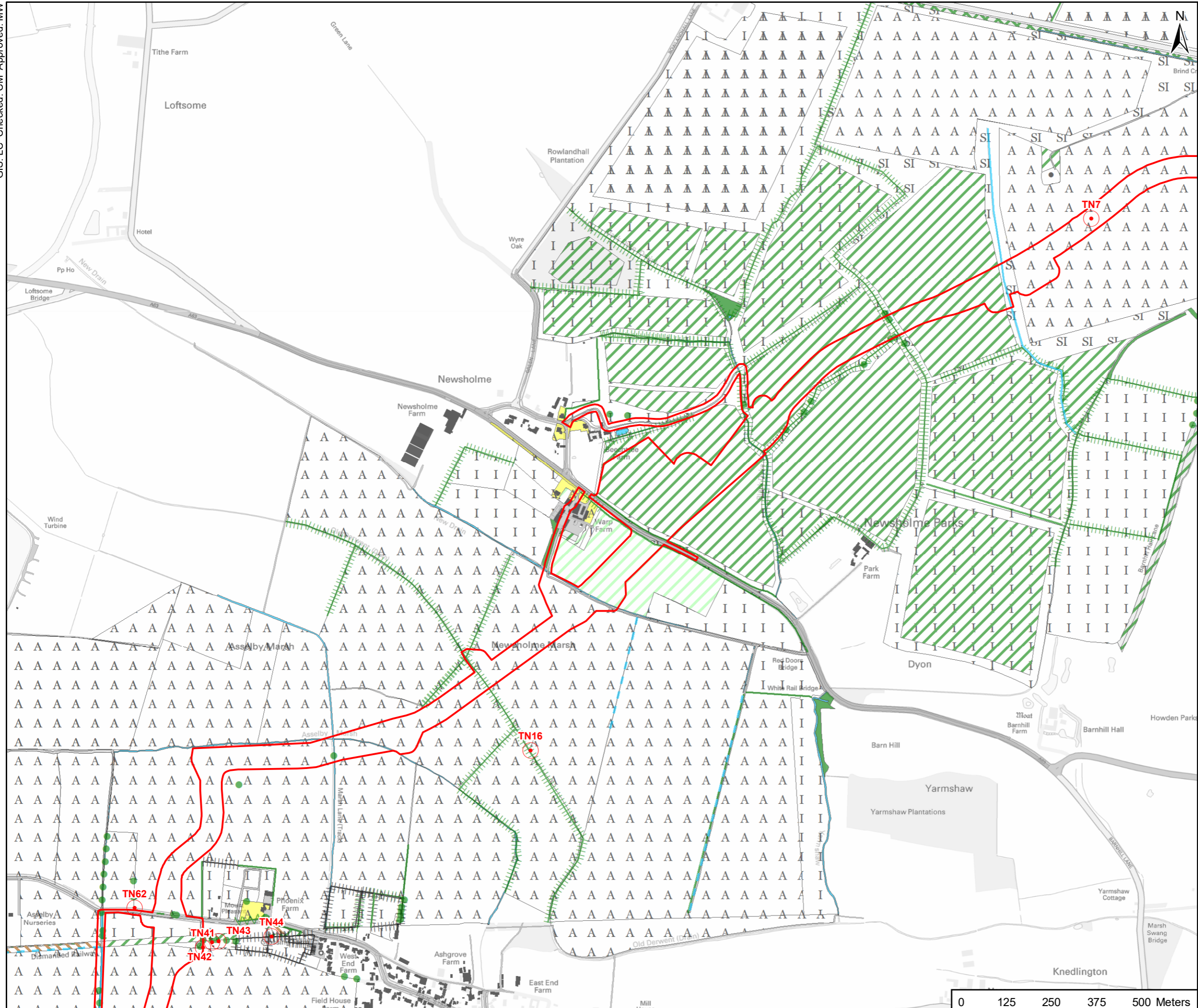


Scale @ A3 1:10,000

GIS: LC Checked: CM Approved: MW

PROJECT
Scotland England Green Link 2

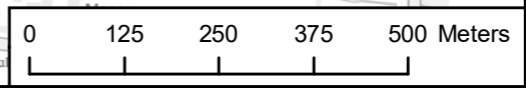
- KEY**
- Indicative Planning Application
 - ⊙ Target Note
 - × A2.2 - Scrub - scattered
 - A3.1 - Broadleaved parkland/scattered trees
 - A3.1 - Broadleaved parkland/scattered trees
 - A3.3 - Mixed parkland/scattered trees
 - G2 - Running water
 - ∞ J2.1.1 - Intact hedge - native species-rich
 - J2.1.2 - Intact hedge - species-poor
 - - - J2.2.2 - Defunct hedge - species-poor
 - ||||| J2.3.2 - Hedge with trees - species-poor
 - ||||| J2.4 - Fence
 - - - J2.6 - Dry ditch
 - A1.1.1 - Broadleaved woodland - semi-natural
 - ▨ A1.1.2 - Broadleaved woodland - plantation
 - ▨ A1.2.2 - Coniferous woodland - plantation
 - ▨ A1.3.2 - Mixed woodland - plantation
 - ▨ A2.1 - Scrub - dense/continuous
 - B4 - Improved grassland
 - B6 - Poor semi-improved grassland
 - C3.1 - Other tall herb and fern - ruderal
 - G1 - Standing water
 - G1.1 - Standing water - eutrophic
 - G2 - Running water
 - J1.1 - Cultivated/disturbed land - arable
 - J1.2 - Cultivated/disturbed land - amenity grassland
 - J3.6 - Buildings
 - J4 - Bare ground
 - J5 - Other habitat
 - Z99 - Hardstanding



TITLE
Figure2-2
Phase 1 Habitat Survey

REFERENCE
SEGL2_T_GCN_3-1_v2_20220120

SHEET NUMBER 19 of 21
DATE 10/02/2022

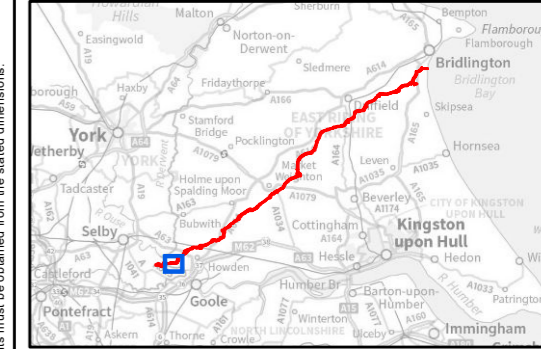
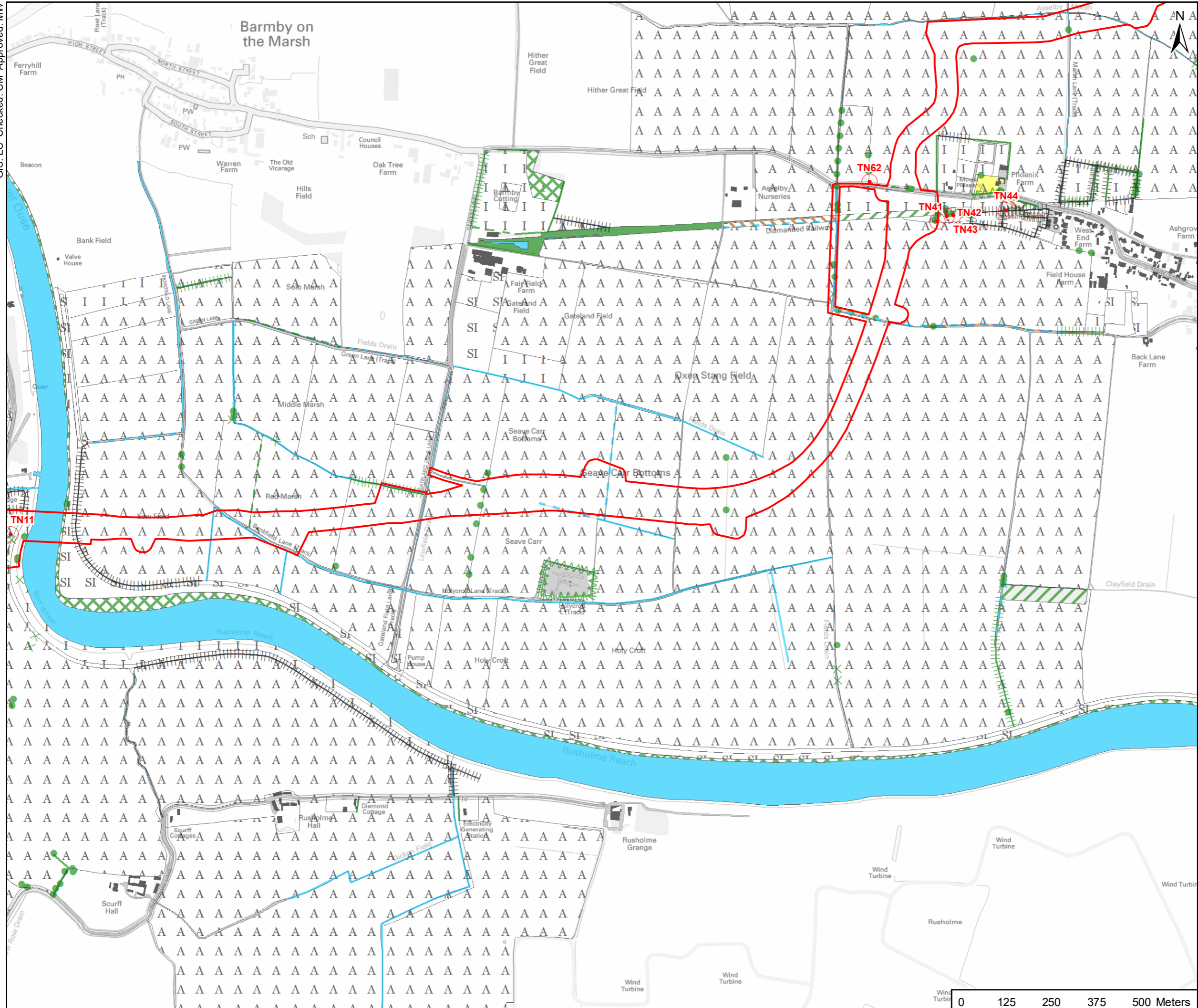


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PROJECT
Scotland England Green Link 2

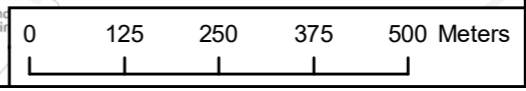
- KEY**
- Indicative Planning Application Boundary
 - ⊙ Target Note
 - × A2.2 - Scrub - scattered
 - A3.1 - Broadleaved parkland/scattered trees
 - ××× A2.2 - Scrub - scattered
 - A3.1 - Broadleaved parkland/scattered trees
 - A3.3 - Mixed parkland/scattered trees
 - G2 - Running water
 - ∩∩∩ J2.1.1 - Intact hedge - native species-rich
 - J2.1.2 - Intact hedge - species-poor
 - - - J2.2.2 - Defunct hedge - species-poor
 - ∩∩∩ J2.3.1 - Hedge with trees - native species-rich
 - ∩∩∩ J2.3.2 - Hedge with trees - species-poor
 - ||||| J2.4 - Fence
 - - - J2.6 - Dry ditch
 - A1.1.1 - Broadleaved woodland - semi-natural
 - ▨ A1.1.2 - Broadleaved woodland - plantation
 - ××× A2.1 - Scrub - dense/continuous
 - × A2.2 - Scrub - scattered
 - B4 - Improved grassland
 - B5 - Marsh/marshy grassland
 - B6 - Poor semi-improved grassland
 - C3.1 - Other tall herb and fern - ruderal
 - G1 - Standing water
 - G2 - Running water
 - J1.1 - Cultivated/disturbed land - arable
 - J1.2 - Cultivated/disturbed land - amenity grassland
 - J2.6 - Dry ditch
 - J3.6 - Buildings
 - J4 - Bare ground
 - J5 - Other habitat
 - Z99 - Hardstanding



TITLE
Figure2-2
Phase 1 Habitat Survey

REFERENCE
SEGL2_T_GCN_3-1_v2_2022010

SHEET NUMBER 20 of 21 **DATE** 10/02/2022

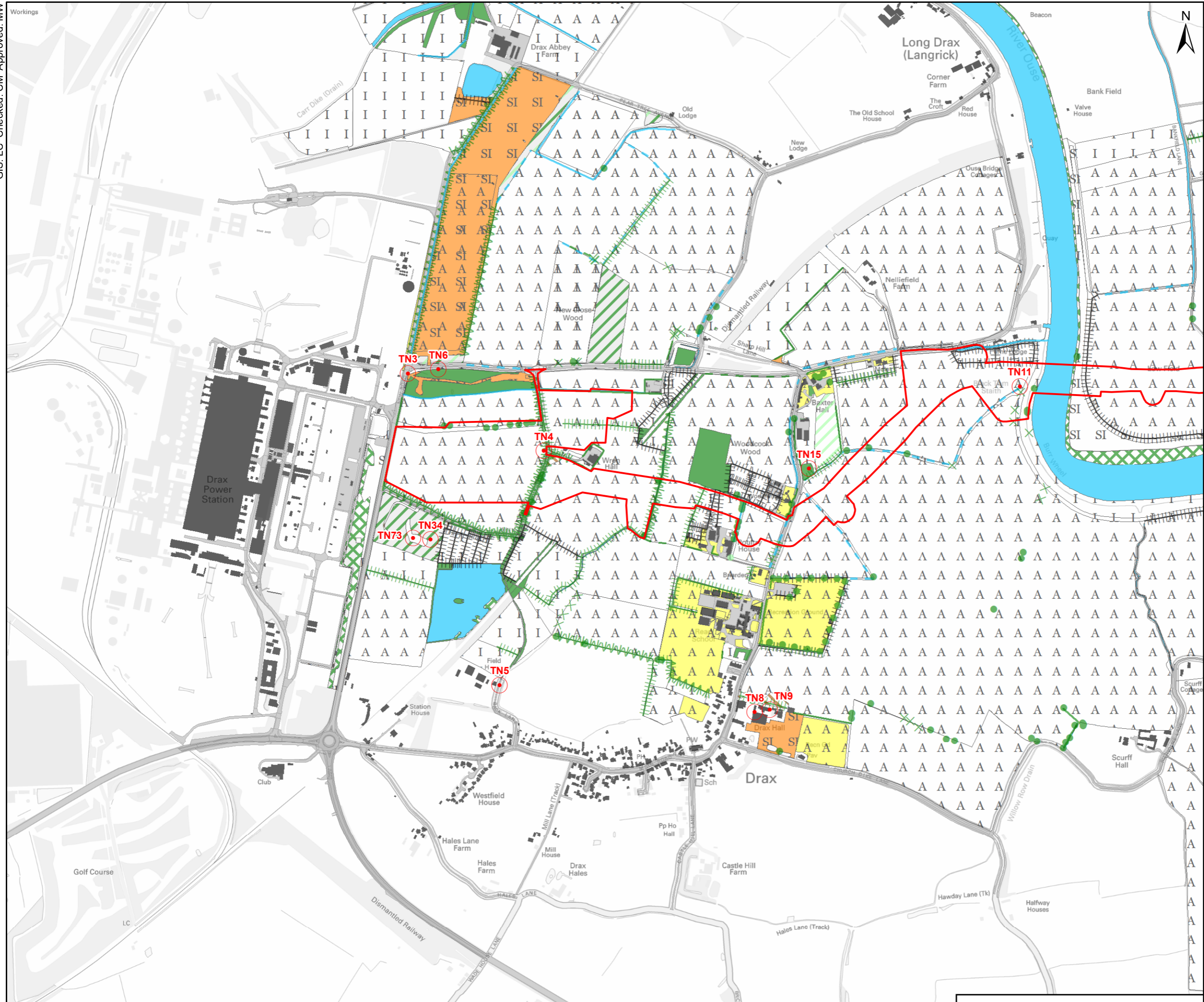


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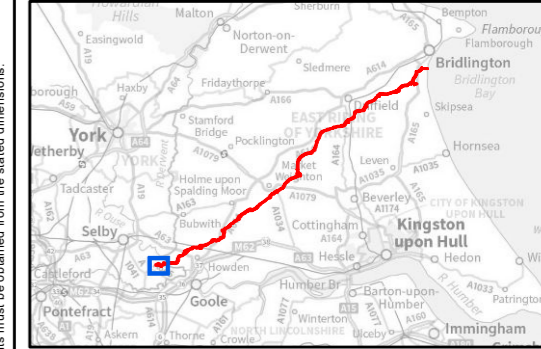
GIS: LC Checked: CM Approved: MW

PROJECT
Scotland England Green Link 2

- KEY**
- Indicative Planning Application Boundary
 - Target Note
 - X A2.2 - Scrub - scattered
 - A3.1 - Broadleaved parkland/scattered trees
 - A3.2 - Coniferous parkland/scattered trees
 - X A2.2 - Scrub - scattered
 - A3.1 - Broadleaved parkland/scattered trees
 - G2 - Running water
 - ~ J2.1.1 - Intact hedge - native species-rich
 - J2.1.2 - Intact hedge - species-poor
 - - J2.2.2 - Defunct hedge - species-poor
 - ~ J2.3.1 - Hedge with trees - native species-rich
 - | J2.3.2 - Hedge with trees - species-poor
 - | J2.4 - Fence
 - - J2.6 - Dry ditch
 - A1.1.1 - Broadleaved woodland - semi-natural
 - ▨ A1.1.2 - Broadleaved woodland - plantation
 - ▨ A1.2.2 - Coniferous woodland - plantation
 - ▨ A1.3.2 - Mixed woodland - plantation
 - ▨ A2.1 - Scrub - dense/continuous
 - B2.2 - Neutral grassland - semi-improved
 - B4 - Improved grassland
 - B6 - Poor semi-improved grassland
 - ▨ C3.1 - Other tall herb and fern - ruderal
 - G1 - Standing water
 - G2 - Running water
 - △ J1.1 - Cultivated/disturbed land - arable
 - △ J1.2 - Cultivated/disturbed land - amenity grassland
 - J3.6 - Buildings
 - J4 - Bare ground
 - J5 - Other habitat
 - Z99 - Hardstanding



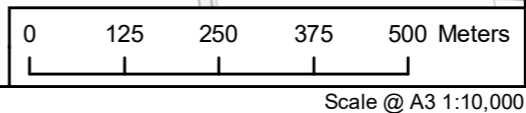
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TITLE
Figure2-2
Phase 1 Habitat Survey

REFERENCE
SEGL2_T_GCN_3-1_v2_20220210

SHEET NUMBER 21 of 21 **DATE** 10/02/2022



Annex 1 Relevant Legislation and Planning Policy

Legislation

The UK is no longer a member of the European Union (EU). EU legislation as it applied to the UK on 31 December 2020 is now a part of UK domestic legislation. EU legislation which applied directly or indirectly to the UK before 11.00 p.m. on 31 December 2020 has been retained in UK law as a form of domestic legislation known as 'retained EU legislation'.

The Secretary of State for the Environment, Food and Rural Affairs and Welsh Ministers have made changes to parts of the *Conservation of Habitats and Species Regulations 2017* (referred to as the 2017 Regulations) so that they operate effectively. Most of these changes involve transferring functions from the European Commission to the appropriate authorities in England. All other processes or terms in the 2017 Regulations remain unchanged and existing guidance is still relevant.

It is government policy that planning decisions should minimise impacts on and provide net gain for biodiversity (Ref 8). In addition, the Environment Act 2021 includes provisions to make biodiversity net gain (BNG) a mandatory requirement within the planning system in England requiring all relevant developments⁹ to achieve a minimum 10% net gain in biodiversity units relative to the site's baseline biodiversity value, it is anticipated the secondary legislation mandating the need for 10% net gain will be in place by November 2023.

Designated Sites

Special Protection Areas (SPA) / Special Areas of Conservation (SAC)

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

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

Any references to Natura 2000 in the 2017 Regulations and in guidance now refers to the new national site network.

Formal Appropriate Assessment is required to be undertaken by the competent authority before undertaking, or giving consent, permission or other authorisation for any work which are likely to have a significant effect on such a site.

Wetland of International Importance (Ramsar site)

Designated under the *Convention on Wetlands of International Importance especially as Waterfowl Habitat 1971* (the Ramsar Convention), in the UK, these sites are treated as having the same level of protection as SPA's and SAC's.

Sites of Special Scientific Interest

Under the *Wildlife and Countryside Act 1981* (as amended), it is an offence to carry out or permit to be carried out any operations likely to damage the Site of Special Scientific Interest (SSSI). These operations are listed in the SSSI notification.

Owners, occupiers, public bodies and statutory undertakers must give notice and obtain the appropriate consent under S.28 of the *Wildlife and Countryside Act 1981* (as amended), before undertaking operations likely to damage a SSSI.

⁹ All development within the scope of the Town & Country Planning Act

National Nature Reserve

National Nature Reserves (NNR) are established under the National Parks and Access to the Countryside Act 1949. Most NNRs are also underpinned by SSSIs and are therefore protected by the measures detailed above. For NNRs not underpinned by SSSIs it is still an offence to carry out or permit to be carried out any potentially damaging operation.

NNRs are given protection through policies in a local development plan.

Local Nature Reserve

A Local Nature Reserve (LNR) is a statutory designation made under National Parks and Access to the Countryside Act 1949, by principal local authorities (district, borough or unitary councils).

The local authority must control the LNR land - either through ownership, a lease or an agreement with the owner.

LNRs are given protection through policies in a local development plan.

Locally Designated Sites

Local Wildlife Sites are sites with 'substantive nature conservation value'. They are defined areas, identified and selected for their nature conservation value, based on important, distinctive and threatened habitats and species with a region.

They are usually selected by the relevant Wildlife Trust, along with representatives of the local authority and other local wildlife conservation groups.

The LWS selection panel, select all sites that meet the assigned criteria, unlike SSSIs, which for some habitats are a representative sample of sites that meet the national standard. Consequently, many sites of SSSI quality are not designated and instead are selected as LWSs. Consequently, LWSs can be amongst the best sites for biodiversity.

Protected Species

Bats / Otter / Great Crested Newt

These species, known as European Protected Species, are protected under Regulation 43 of the 2017 Regulations as amended by the 2019 Regulations. This makes it an offence to deliberately capture, injure or kill an animal; deliberately disturb an animal; or damage or destroy a breeding site or resting place used by an animal.

Deliberate capture or killing is taken to include "accepting the possibility" of such capture or killing. 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.

Where development works are at risk of causing one or more of the offences listed above, a mitigation licence from Natural England can be obtained to facilitate the works that would otherwise be illegal.

These species are also protected under Schedule 5 of the *Wildlife and Countryside Act 1981* (as amended). This makes it an offence to intentionally or recklessly obstruct access to any structure or place used for shelter or protection or disturb an animal in such a place.

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

Water Vole

Water voles are protected under the *Wildlife and Countryside Act 1981* (as amended). There are no licensing purposes that explicitly cover development or other construction activities which could have an impact on water voles.

When development work is proposed in or near an area which is either known to or likely to contain water voles, then the developer will need to implement suitable mitigation to prevent impacts to water voles. The preferred mitigation option is to leave water voles *in situ*, with the development works adopting avoidance measures through redesign of the proposals.

Where impacts cannot be avoided, operations aimed at displacing water voles from a development site are now no longer covered by the “*incidental result of an otherwise lawful action*” defence in the *Wildlife and Countryside Act 1981* (as amended). Displacement of water voles now needs to be undertaken under a licence.

In England, small scale (limited to continuous lengths of bank not exceeding 50 m) displacement of water voles can be carried out at certain times of the year (February to April) for the purposes of conservation under a Class Licence by a registered person. For larger scale displacements or displacements outside of this period, displacement can be undertaken under a site-specific conservation licence.

Where it is considered that the best outcome for water voles is capture and translocation to a different location then this action is considered by Natural England to be outside the scope of the defence as the intentional capture of water voles is unlikely to be considered ‘incidental’. In these circumstances there may be genuine grounds for issuing a conservation licence for the purpose of translocating the water vole population to suitable alternative habitat.

Nesting Birds

All wild birds are protected under the *Wildlife and Countryside Act 1981* (as amended), with some species afforded greater protection under Schedule 1 of the *Wildlife and Countryside Act 1981* (as amended). In addition to the protection from killing or taking that all birds receive; Schedule 1 birds and their young must not be disturbed at the nest.

There are no licensing purposes that explicitly cover development activities affecting wild birds.

White-clawed Crayfish

White-clawed crayfish are protected under Schedule 5 of the *Wildlife and Countryside Act 1981* (as amended). It is illegal to take or to sell white-clawed crayfish.

White-clawed crayfish is a species under major threat of global extinction and is referred to in various biodiversity related policy¹⁰. Several organisations involved in works on rivers or other water bodies have general legal obligations¹¹ to take the presence of white-clawed crayfish into account when issuing permissions to undertake works.

Common Species of Reptile (common lizard, slow worm, grass snake and adder)

Common species of reptile are protected against intentional killing and injury under Schedule 5 of the *Wildlife and Countryside Act 1981* (as amended). There is no requirement for a licence where development works affect common species of reptiles. Instead, Natural England advise¹² that where reptiles are present, they should be protected from any harm that might arise during the development works through appropriate mitigation.

¹⁰White-clawed crayfish is listed under the following: as a “priority” species of conservation importance under Section 41 of the Natural Environment and Rural Communities Act (2000); and listed in the Durham Priority Species Action Plans.

¹¹ Under the *Water Resources Act 1991* and the *Land Drainage Act 1991* there is a requirement to consider the presence of notable species such as white-clawed crayfish when the Environment Agency, Internal Drainage Board or other statutory agency is considering granting consent for proposed operations to a water course.

¹²Reptiles: guidelines for developers, English Nature 2004

Badger

Badgers and their setts are protected under the *Protection of Badgers Act 1992* (as amended). This makes it an offence to wilfully kill, injure or take a badger; or intentionally or recklessly damage, destroy or obstruct access to a badger sett or disturb a badger in its sett.

It is not illegal to carry out disturbance activities near setts that are not occupied, i.e. those that do not show signs of current use.

Where required, licences for development activities involving disturbance or sett interference or closure are issued by Natural England. Licences for activities involving watercourse maintenance, drainage works or flood defences are issued under a separate process.

When assessing the requirement for a licence in respect of development, Natural England¹³ state that badgers are relatively tolerant of moderate levels of noise and activity around their setts, and that a low or moderate level of apparent disturbing activity at or near to badger setts does not necessarily disturb the badgers occupying those setts.

Licences are normally not granted from December to June inclusive (the badger breeding season) because dependent cubs may be present within setts.

Species and Habitats of Principal Importance for the Conservation of Biodiversity

Section 40 of the Natural Environment & Rural Communities Act (NERC) 2006 sets out the duty for public authorities to conserve biodiversity in England.

Habitats and species of principal importance for the conservation of biodiversity are identified by the Secretary of State for England, in consultation with Natural England, are referred to in Section 41 of the NERC Act for England. The list, known as the 'England Biodiversity List', of habitats and species can be found on the Natural England web site.

The 'England Biodiversity List' is used as a guide for decision makers such as public bodies, including local and regional authorities, in implementing their duty under Section 40 of the NERC Act 2006 to have regard to the conservation of biodiversity in England when carrying out their normal functions.

Hedgerows

Under the Hedgerows Regulations 1997, it is against the law to remove or destroy certain hedgerows without permission from the local planning authority. In general, permission will be required before removing hedges that are at least 20 metres in length, over 30 years old and contain certain species of plant. The local planning authority will assess the importance of the hedgerow using criteria set out in the regulations.

Invasive Non-native Plant Species

Under the Wildlife and Countryside Act 1981 (as amended), it is an offence to plant or otherwise cause these species to grow in the wild.

Any contaminated soil or plant material is classified as controlled waste and should be disposed of in a suitably licensed landfill site, accompanied by appropriate Waste Transfer documentation, and must comply with section 34 of the *Environmental Protection Act 1990*.

Planning Policy

National Planning Policy Framework, 2019

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). Chapter 15 of the NPPF '*Conserving and enhancing the natural environment*' sets

¹³ Interpretation of 'Disturbance' in relation to badgers occupying a sett, Natural England (2009)

out the requirements to consider biodiversity in planning decisions. The policy was updated in June 2021.

Local Planning Policy

The local planning policies are detailed in the East Riding Local Plan 2012-2029 Strategy Document, adopted in 2016. Policies relevant to the EOS are outlined in the table below.

Table B1. Local Plan Policies relevant to the EOS

Policy Document	Policy Number	Policy Detail
East Riding Local Plan 2012-2029 Strategy Document	Policy ENV2: Promoting a high quality landscape	<p>Development proposals should be sensitively integrated into the existing landscape, demonstrate an understanding of the intrinsic qualities of the landscape setting and, where possible, seek to make the most of the opportunities to protect and enhance landscape characteristics and features. To achieve this, development should:</p> <ol style="list-style-type: none"> 1. Protect the character and individual identity of settlements by maintaining their physical separation, including through the maintenance of the Key Open Areas identified in Policies A1-A6, where there is a risk of settlement coalescence. 2. Protect and enhance important open spaces within settlements which contribute to their character. 3. Ensure important hedgerows and trees are retained unless their removal can be justified in the wider public interest. Where important hedgerows and trees are lost replacements will usually be required. 4. Maintain or enhance the character and management of woodland where appropriate. 5. Retain, not detract from, and enhance wetland and water feature characteristics. 6. Protect and enhance views across valued landscape features, including flood meadows, chalk grassland, lowland heath, mudflats and salt marsh, sand dunes and chalk cliffs. 7. Protect and enhance the undeveloped coast.
East Riding Local Plan 2012-2029 Strategy Document	Policy ENV4: Conserving and enhancing biodiversity and geodiversity	<p>Proposals that are likely to have a significant effect on an International Site will be considered in the context of the statutory protection which is afforded to the site.</p> <p>Proposals that are likely to have an adverse effect on a National Site (alone or in combination) will not normally be permitted, except where the benefits of development in that location clearly outweigh both the impact on the site and any broader impacts on the wider network of National Sites.</p> <p>Development resulting in loss or significant harm to a Local Site, or habitats or species supported by Local Sites, whether directly or indirectly, will only be supported if it can be demonstrated there is a need for the development in that location and the benefit of the development outweighs the loss or harm.</p> <p>Where loss or harm to a National or Local designated site, as set out in Table 9 (of the Local Plan), cannot be prevented or adequately mitigated, as a last resort, compensation for the loss/harm must be agreed. Development will be refused if loss or significant harm cannot be prevented, adequately mitigated against or compensated for.</p> <p>Proposals should further the aims of the East Riding of Yorkshire Biodiversity Action Plan (ERYBAP), designated Nature Improvement Areas (NIAs) and other landscape scale biodiversity initiatives.</p> <p>To optimise opportunities to enhance biodiversity, proposals should seek to achieve a net gain in biodiversity where possible and will be supported where they:</p> <ol style="list-style-type: none"> 1. Conserve, restore, enhance or recreate biodiversity and geological interests including the Priority Habitats and Species (identified in the ERYBAP) and Local Sites (identified in the Local Sites in the East Riding of Yorkshire). 2. Safeguard, enhance, create and connect habitat networks in order to: <ol style="list-style-type: none"> i. protect, strengthen and reduce fragmentation of habitats;

Policy Document	Policy Number	Policy Detail
		<ul style="list-style-type: none"> ii. create a coherent ecological network that is resilient to current and future pressures; iii. conserve and increase populations of species; and iv. promote and enhance green infrastructure.
East Riding Local Plan 2012-2029 Strategy Document	Policy ENV5: Strengthening green infrastructure	<p>Development proposals should:</p> <ol style="list-style-type: none"> 1. Incorporate existing and/or new green infrastructure features within their design; and 2. Capitalise on opportunities to enhance and/or create links between green infrastructure features such as those listed in Table 10. Links should be created both on-site and, where possible, with nearby green infrastructure features. <p>Development proposals within, or in close proximity to, a green infrastructure corridor should enhance the functionality and connectivity of the corridor</p>

Local Biodiversity Action Plans

The East Riding of Yorkshire Biodiversity Action Plan Strategy was drafted by the East Riding of Yorkshire Biodiversity Partnership, and outlines conservation objectives in the region and the biodiversity interests of the East Riding of Yorkshire. The strategy document is a folder of separate documents which sets ground rules and framework that the other documents, including Species and Habitat Action Plans, will follow. There are specific criteria which govern which habitats and species are selected for the production of action plans, and each action plans details the distribution and ecology of the species or habitat of concern, as well as the measurable conservation objectives and actions required to achieve them, focussing on the maintenance of Favourable Conservation Status.

The Selby Biodiversity Action Plan, drafted in 2004 by North Yorkshire County Council, Selby District Council and the Selby BAP Partnership, details the biodiversity of the Selby district, and outlines the 12 species and 12 habitat action plans for the area.

Annex 2 Methodology

Desk Study

Background Records Search

The preliminary ecological assessment includes a desk study to obtain background records relevant to a Desk Study Area and the EOS. The data obtained provides contextual information for the scope of field surveys, to aid the evaluation of field survey results, and to provide supplementary information where complete field survey coverage is not possible.

The Desk Study Area is dependent upon the nature, timing and scale of the EOS, as well as the location of the Site and the surrounding landscape. These variables all contribute to what is referred to as the Zone of Influence (Zol) of the EOS, which is the area over which ecological features may be affected by biophysical changes because of the works and associated activities.

In June 2021 the North and East Yorkshire Ecological Data Centre (NEYEDC) was contacted to obtain the following ecological data:

- Records of non-statutory designated sites (LWS's) within the Desk Study Area;
- Records of legally protected and notable species (fauna and flora) within the Desk Study Area, including Species of Principal Importance for the Conservation of Biodiversity listed under Section 41 of the Natural Environment & Rural Communities Act 2006 in the England Biodiversity List¹⁴.

The Multi-Agency Geographic Information for the Countryside (MAGIC) website (www.magic.gov.uk) was reviewed for the following information:

- Designated sites of nature conservation importance (statutory sites only) within the Desk Study Area. This was extended to 10 km from the Scoping Boundary for internationally designated sites: SPA's, Wetlands of International Importance (Ramsar sites) and SAC's; and,
- Notable habitats within the Desk Study Area, these being areas of ancient woodland and 'Habitats of Principal Importance for the Conservation of Biodiversity' included in the England Biodiversity List¹⁵.

Bird records (wintering and breeding) were obtained from the following sources (further detail is provided in the Wintering and Breeding Bird Survey report (Appendix 7D):

- British Trust for Ornithology (BTO) Wetland Bird Survey (WeBS) count data – five-year wintering bird count synopsis data for the following sectors:
 - Harbour to Auburn Farm [Bridlington Bay] - BTO Location Code: 38473.
 - Little Kelk Gravel Pit – BTO Location code: 38223.
 - Riverhead to Whinhill [River Hull] – BTO Location Code: 38316.
 - Wansford to Whinhill [River Hull] – BTO Location Code: 38317.
- BTO Data Report - details of the ornithological importance of the Desk Study Area bird species of conservation and legislative concern and identifies 'notable species'.
- RSPB data - breeding locations and numbers of Annex I Birds, Schedule 1 species, Birds of Conservation Concern (BoCC) Red List species and NERC Act S41 species within the Desk Study Area for the most recent 5-year period.
- Relevant planning applications with publicly available information relating to breeding and wintering birds in the Desk Study Area accessed on the Planning Portal.

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¹⁵ Section 40 of the Natural Environment & Rural Communities (NERC) Act 2006 requires that every public authority must, in exercising its functions, have regard, so far as is consistent with the proper exercise of those functions, to the purpose of conserving biodiversity. The Secretary of State has drawn up, in accordance with Section 41 of the Act and in consultation with Natural England, a list of habitats and species of principal importance for the conservation of biodiversity in England that is known as the [England Biodiversity List](#)

Great Crested Newt Pond Search

OS maps and the *Where's the Path* website (<https://wtp2.appspot.com/wheresthepath.htm>) have been used to identify the presence of water bodies the Survey Area, in order to help establish if the land within and immediately surrounding the Survey Area could be used by great crested newts. This species can use suitable terrestrial habitat up to 500 m from a breeding pond (Ref 9), though there is a notable decrease in great crested newt abundance beyond 250 m from a breeding pond (Ref 10).

Field Survey

The preliminary ecological assessment includes a walkover survey of the Survey Area (all land within the Site), broadly following the Phase 1 habitat survey methodology as set out in Joint Nature Conservation Committee guidance (Ref 11). This survey method records information on habitat types and is 'extended' to record any evidence of and potential for protected or notable species to be present. Plant names recorded during the survey follow Stace (Ref 12).

During the walkover survey, the following protected or notable species are considered:

- **Badger:** the survey involves searching for signs of badger activity including setts, tracks, snuffle holes and latrines, following the methodology detailed in Scottish Badgers (Ref 13) and Harris et al (Ref 14);
- **Bats:** the survey involves searching for potential roosting sites for bats within trees and structures (such as buildings, bridges or underground features such as mines) and categorising the potential of those trees or structures to support roosting bats (negligible to high, or confirmed roost), in accordance with Bat Conservation Trust (BCT) guidance (Ref 15);
- **Otter:** the survey involves assessing the potential of watercourses and water bodies, and adjacent terrestrial habitat within the Survey Area to support otter, following RSPB (Ref 16) and Chanin, P. (Ref 17) guidance;
- **Water vole:** the survey involves assessing the potential of watercourses and water bodies within the Survey Area to support water vole, following The Mammal Society (Ref 18) guidance;
- **Birds:** the survey involves assessing the potential of habitats within the Survey Area to support breeding, wintering or migrating birds, either individually notable species or assemblages of both common and rarer species;
- **Great crested newt:** the survey involves assessing the potential of habitats within the Survey Area to support great crested newt, following English Nature (Ref 9) and Froglife (Ref 19) guidance;
- **Reptiles:** the survey involves assessing the potential of habitats within the Survey Area to support reptiles (typically adder, grass snake, common lizard and slow worm only, though in some locations and habitat types (most notably heathland) may also include smooth snake and sand lizard), following Froglife (Ref 20) and JNCC (Ref 21) guidance;
- **Notable species of invertebrate:** the survey involves assessing the potential of habitats within the Survey Area to support notable species of invertebrates, both terrestrial and aquatic (including white-clawed crayfish);
- **Protected or Notable species of plants:** the survey involves recording protected or notable plant species;
- **Other notable species:** the survey involves assessing the potential of habitat within the Survey Area to support other Notable Species, such as hedgehog, brown hare, polecat or common toad;
- **Non-native invasive plant species:** the survey involves recording evidence of the presence of invasive plants listed on Schedule 9 of the *Wildlife and Countryside Act 1981* (as amended) and subject to strict legal control.

Limitations and Assumptions

Detailed botanical and protected species surveys were beyond the scope of Phase 1 Habitat survey and PEAR.

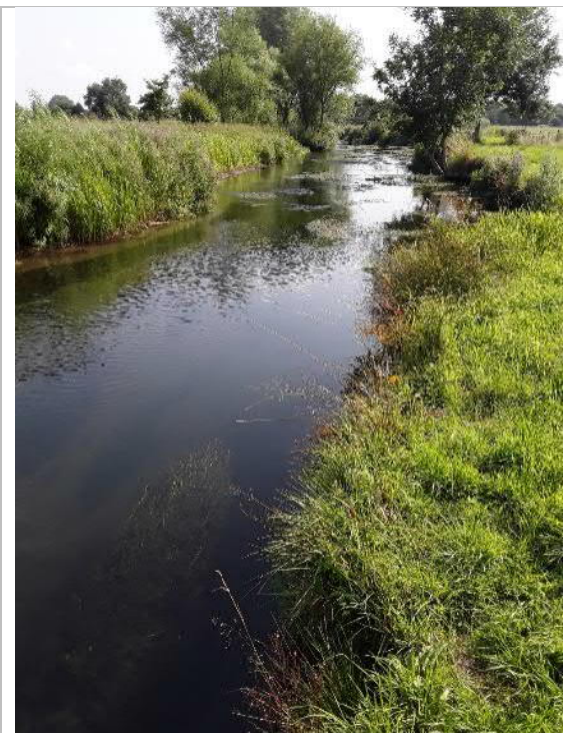
The aim of a desk study is to help characterise the baseline context of a proposed development and provide valuable background information that would not be captured by a single site survey alone. Information obtained through desk study is dependent upon people and organisations having made and submitted records for the area of interest. As such, a lack of records for a particular habitat or species does not necessarily mean that it does not occur in the Desk Study Area. Likewise, the presence of records for particular habitats and species does not automatically mean that these still occur within the area of interest or are relevant in the context of the EOS.

Where habitat boundaries coincide with physical boundaries recorded on OS maps the resolution is as determined by the scale of mapping. Elsewhere, habitat mapping is as estimated in the field and/or recorded by hand-held Global Positioning System (GPS). Where areas of habitat are given these are approximate and should be verified by measurement on site where required for design or construction. While indicative locations of trees are recorded this does not replace requirements for detailed specialist arboricultural survey to British Standard 5837:2012 Trees in Relation to Design, Demolition and Construction.

There were no constraints to the undertaking of field surveys as a result of government restrictions imposed during the COVID-19 pandemic in 2021.

Annex 3 Photographs

These photographs show a selection of locations of key interest within the Survey Area.



1 - TN46 River Hull



2 - TN28 groundwater-dependent marshy area within River Hull Headwaters SSSI



3 - Kelk Beck, part of River Hull Headwaters SSSI



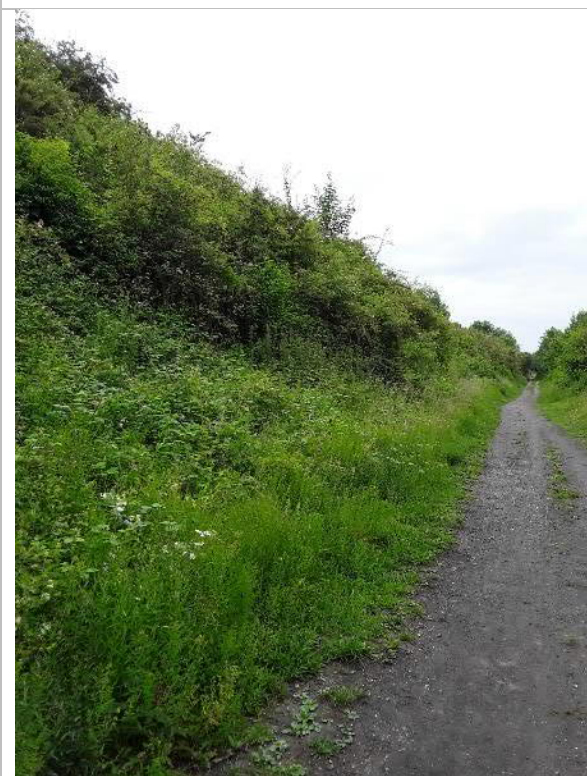
4 - Pond forming Unit 6 of River Hull Headwaters SSSI



5 - Spring Dale cLWS



6 - Kiplingcoates Road Earthworks LWS



7 - Scrub and grassland at Granny's Attic Railway LWS



8 - Calcareous grassland margins to footpath at Etton-Gardham Disused Railway LWS



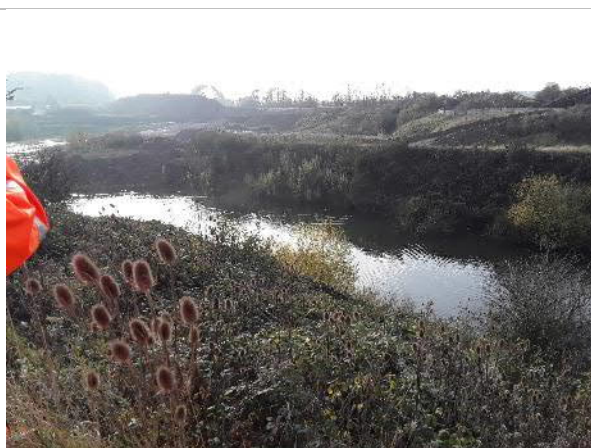
9 - Grassland at Kiplingcoates Station Pit deleted LWS



10 - River Ouse, north-east of Drax



11 - River Foulness



12 - Thornham Hill Gravel Pit deleted LWS



**13 - Proposed converter station site east of
Drax Power Station**



**14 - Dry pond in woodland south of the
proposed converter site, covered in invasive
*Crassula helmslii***

