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Stage 1 HRA Screening and Stage 2 Appropriate Assessment

HMP Holme House

Plowman Craven Limited

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Stage 1 HRA Screening and Stage 2 Appropriate Assessment

Project:	HMP Holme House
For:	Plowman Craven Limited
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Contents

Tables and Figures

Drawings and Appendices

1.0 Introduction and Approach

1.1 Commission

1.1.1 In November 2022 Enzygo Ltd was commissioned by Plowman Craven Limited (the client) to provide a Habitat Regulations Assessment (HRA) Stage 1 Screening and Stage 2 Appropriate Assessment Report associated with the proposed redevelopment at HMP Holme House, Holme House Road, Stockton-on-Tees TS18 2QU (central grid reference NZ 45915 20494) located within the Stockton-on-Tees Borough Council planning authority. This document has been updated in November 2023 following confirmation of the mitigation approach in relation to nutrient neutrality.

1.2 Development Details

1.2.1 The assessment will inform proposals to remove an existing building and storage shed and develop a mew houseblock to provide an additional 20 prisoner places. The approximately 0.76ha proposed redevelopment lies at the south-east of the wider Prison site, with existing buildings and other development to the north, west and south to be unaffected by the proposals. The wider landscape comprises extensive built development associated with the large towns of Stockton-on-Tees to the west and Middlesbrough to the east. Immediately surrounding the Prison site to the north, east and west are areas of woodland, scrub and open grassland.

1.3 Identification of Likely Significant Effects

1.3.1 This study will consider whether there are any 'likely significant effects' of the development proposals on any statutory designated sites for nature conservation, and their associated ecological features.

1.3.2 If a 'likely significant effect' or implications on a site's conservation objectives is identified then an Appropriate Assessment will be undertaken to demonstrate and ascertain that the proposal will not adversely affect the integrity of the site through the incorporation of appropriate avoidance, mitigation or compensation measures. Failing that, Stage 3 Assessment of Alternatives would then need to be considered.

1.3.3 It is our understanding that in accordance with standing guidance from the Planning Inspectorate (Inspectorate, 2013) the statutory consultee are to undertake the actual HRA assessment and make a determination using the supplied information and following consultation with third parties as necessary. Additionally, that any relevant recent case law, such as "*People over Wind*" will be taken into consideration.

1.4 Aims and Objectives

1.4.1 This report provides information in support of Stage 1 of the Habitat Regulations Assessment process, which represents the screening stage, and Stage 2 for Appropriate Assessment. The objective of these stages is to determine whether the project is likely to have a significant effect on the interest features of the designated sites, either alone or in-combination with other projects, and if appropriate measures can be incorporated to negate any identified impacts.

1.4.2 The aim of this report and of Stage 1 and 2 of the HRA is to provide sufficient information for the competent authority to determine whether further considerations are required for any potential implications on the designated site's conservation objectives, which may

subsequently lead to Stage 3 (assessment of alternative solutions) and Stage 4 (assessment of IROPI (imperative reasons of overriding public interest)).

1.4.3 To determine whether there will be 'likely significant effects' the objectives of this assessment are to:

- Identify all European Sites with the potential to be affected by the development proposals, by establishing a potential zone of influence considering the scale and nature of the proposals;
- A review of each identified site within this potential zone of influence, including outlining the features for which the site is designated, the current conservation status and objectives of the site, and details of threats to these features;
- Consider any other projects or plans in the surrounding area which may result in in-combination impacts on the designated sites; and
- Where potential impacts are identified, consideration of suitable mitigation measures to avoid/mitigate/compensate potential impacts.

1.4.4 Although suitable mitigation measures are considered, where required, the recent '*People Over Wind*' case ruling has been considered. In summary, this ruling states the mitigation measures cannot be taken into account when considering the Stage 1 screening test for 'likely significant effects,' whereas it was previously standard practice that projects could incorporate suitable mitigation measures at this stage and which often prevented the need for projects to progress to full Stage 2 appropriate assessment.

1.4.5 In addition, the recent High Court judgement "*R (on the Application of Preston) v Cumbria County Council [2019] EWCA 1362"* has also been considered. In summary this judgement confirms that the competent authority carrying out an HRA for a project must undertake its own appropriate assessment on matters even if they are separately assessed or controlled by another competent authority (e.g. the Environment Agency). The Competent Authority must satisfy their own HRA duties in conducting their own assessment and providing their own judgement (albeit informed where appropriate by other bodies, such as the EA).

1.4.6 In accordance with standing guidance (Inspectorate, 2013) at Stage 1 of the HRA, for each European Site considered it will be concluded from the baseline information and consultation responses received that either:

- *There are no likely significant effects on the European site(s), either alone or in combination with other plans or projects and therefore no further assessment is required*; or
- *Likely significant effects on the European site(s) exist, alone or in combination with other plans or projects, therefore requiring an appropriate assessment by the competent authority*.

1.4.7 Additionally, nationally designated sites (e.g. SSSIs) have also been considered where they form an integral part of a wider European designation.

1.4.8 This report has been produced with reference to the Nature England Habitat Regulations Assessment Standard (Natural England, 2017).

1.5 Background/Acknowledgments

1.5.1 To our knowledge a Preliminary Ecological Appraisal (PEA) or specific data search has not been undertaken, and no Ecological Impact Assessment (EcIA) technical report produced.

Figure 1 – Site Location

Image courtesy of Google Image Pro 7.3.2.5491. Imagery date July 2020.

2.0 Baseline Information

2.1 Identification of European Sites

2.1.1 The European Sites which are within an expected zone of influence of the proposed development have been identified directly from MAGIC the online mapping source (DEFRA, 2022), as there is no supporting EcIA technical document. Considering the scale and nature of the proposals, it has been determined the assessment is to include all European designated sites for nature conservation within a 10km radius of the development. In addition, as a matter of government policy (Natural England, 2017), potential SPAs and candidate and proposed SACs and their features are treated as if they are formally classified and therefore the provisions of the Habitat Regulations apply to them.

2.1.2 In this instance, following the production of the Nutrient Neutrality Technical Note (Enzygo, 2023), this document has been reviewed to identify any further designated sites to be included here. It is confirmed no additional designated sites beyond the 10km radius were assessed as part of the Nutrient Neutrality assessment.

2.1.3 Under the Conservation of Habitats and Species Regulations 2010 it is the duty of the statutory nature conservation body to provide conservation objectives for a European designated site to the relevant competent authority responsible for that site, including details and advice on any operations which may cause deterioration of the features for which that site is designated.

2.1.4 As a result, in this case, conservation objectives are set by Natural England to ensure that the obligations of the Habitats Regulations are met, particularly to ensure that there should be no deterioration or significant disturbance of the qualifying features from their condition at the time the status of the site was formally identified. The conservation objectives are also essential in determining whether the effects of a plan or project are likely to have a significant effect on the qualifying interests of the site.

2.1.5 Information on the conservation objectives and sensitives of the identified sites have been gathered through reviewing the relevant Joint Nature Conservation Committee data sheets (JNCC, 2020) and available information through the Natural England website (Natural England, 2022). Where necessary to inform the assessment of likely significant impacts the detailed Supplementary Advice on the Conservation Objectives as available through the Natural England website (Natural England, 2022) have been reviewed in detail.

2.2 Identifying Projects for In-Combination Affects Assessment

2.2.1 In addition to an assessment of likely significant effects of the project 'alone' on the European Sites, it is also necessary to consider addition projects in the local area which may result in likely significant effects 'in-combination' with the application site.

2.2.2 No in-combination or cumulative sites/impacts have been identified for consideration.

2.3 Supporting Technical Information/Evidence

2.3.1 The following supporting information has been reviewed to inform the assessments made within this report:

- Nutrient Neutrality - Technical Note (Enzygo, 2023)

3.0 Designated Sites Details

Table 1 – Designated Sites and Qualifying Features

Designated Site	Qualifying Features	Conservation Objectives	Existing Threats and Pressures with Negative Impacts (as identified by JNCC)
Teesmouth and Cleveland Coast Special Protection Area (SPA) Marine Component 900m South at its closest point	The site qualifies under Article 4.1 of the Directive (2009/147/EC) as it is used regularly by 1% or more of the Great Britain populations of the following species listed in Annex I in any season: - *Non-breeding*: Sandwich Tern - *Breeding*: Little Tern The site qualifies under Article 4.2 of the Directive (79/409/EEC) as it is used regularly by 1% or more of the biogeographical populations of the following regularly occurring migratory species (other than those listed in Annex I) in any season: - *Non-breeding*: Red Knot (wintering) and Common Redshank (passage) The site also qualifies under Article 4.2 of the Directive (79/409/EEC) as it supports an internationally important assemblage of birds (regularly supporting over 20,000 individuals overwinter).	With regard to the SPA and the individual species and/or assemblage of species for which the site has been classified (the 'Qualifying Features'), and subject to natural change; Ensure that the integrity of the site is maintained or restored as appropriate, and ensure that the site contributes to achieving the aims of the Wild Birds Directive, by maintaining or restoring; - The extent and distribution of the habitats of the qualifying features - The structure and function of the habitats of the qualifying features - The supporting processes on which the habitats of the qualifying features rely - The population of each of the qualifying features, and, - The distribution of the qualifying features within the site.	<u>Negative Impacts</u> - Urbanised areas, human habitation (both inside and outside the SPA) - Outdoor sports and leisure activities, recreational activities (both inside and outside the SPA) - Roads, paths and railroads (both inside and outside the SPA) - Renewable abiotic energy use (both inside and outside the SPA) - Hunting, fishing or collecting activities (both inside and outside the SPA) - Other ecosystem modifications (both inside and outside the SPA) - Invasive non-native species (both inside and outside the SPA) - Changes in biotic conditions (both inside and outside the SPA) - Air pollution, air-borne pollutants (both inside and outside the SPA) - Other forms of pollution (both inside and outside the SPA) - Illegal taking/ removal of marine fauna (both inside and outside the SPA) - Marine water pollution (both inside and outside the SPA) - Shipping lanes, ports, marine constructions (both inside and outside the SPA) - Other human intrusions and disturbances (inside the SPA) - Changes in abiotic conditions (both inside and outside the SPA) <u>Positive Impacts</u> None currently identified
Teesmouth and Cleveland Coast Ramsar 900m South at its closest point	Site qualifies in respect of the following Ramsar Criterion: - Criterion 5 – Supports a waterfowl assemblage of international importance - Criterion 6 – Supports species/populations occurring at levels of international importance. *Spring/Autumn Passage*: Common Redshank *Overwintering*: Red Knot	For Ramsar sites conservation objectives are not set. However, objectives for the assessment have been established from those of the corresponding overlapping SPA (see above).	<u>Negative Impacts</u> - Eutrophication (outside the Ramsar) – Major Impact

4.0 Stage 1 Screening of Likely Significant Effects

Table 2 – Screening Assessment of Likely Significant Effects (Stage 1)

Designated Site	Qualifying Feature	Potential Impacts/Effect to Qualifying Feature	Summary/Assessment of Supporting Evidence	Likely Significant Effect
Teesmouth and Cleveland Coast SPA Marine Component	Waterbird assemblage of international importance including breeding Little Tern, and wintering/passage Sandwich Tern, Common Redshank and Red Knot	Increase in nutrient inputs from the operational development leading to changes in water chemistry which can speed up the growth of certain plants, disrupting natural processes and impact wildlife including bird populations utilising these habitats. Waterbird foraging success can be impaired by this eutrophication.	The Nutrient Neutrality Technical Note (Enzygo, 2023) has identified a combined increase in nutrient loads at the designated site from wastewater associated with the operation of the redevelopment sites, at HMP Holme House, HMP Kirklevington and HMP Deerbolt. Based on the Teesmouth Nutrient Budget Calculator, the nutrient budget indicates that without mitigation the combination of these three proposed developments would add an additional 303.19 kg TN /year load to the Teesmouth and Cleveland Coast designated sites. The Technical Note states that without suitable mitigation there is "*a Likely Significant Adverse Effect*" from increased nutrient loads on the designated sites. High concentrations of nutrients in the water column can cause phytoplankton and opportunistic macroalgae blooms, leading to reduced dissolved oxygen availability. This can impact sensitive fish, epifauna and infauna communities, and hence adversely affect the availability and suitability of bird breeding, rearing, feeding and roosting habitats. Any nutrients entering the catchment upstream of the locations which are exceeding their nutrient targets will make their way downstream and have the potential to further add to the current exceedance.	Minor
Teesmouth and Cleveland Coast Ramsar	Waterfowl assemblage of international importance including migrating Common Redshank and overwintering Red Knot	Increase in nutrient inputs from the operational development leading to changes in water chemistry which can speed up the growth of certain plants, disrupting natural processes and impact wildlife including bird populations utilising these habitats. Waterbird foraging success can be impaired by this eutrophication.	The Nutrient Neutrality Technical Note (Enzygo, 2023) has identified a combined increase in nutrient loads at the designated site from wastewater associated with the operation of the redevelopment sites, at HMP Holme House, HMP Kirklevington and HMP Deerbolt. Based on the Teesmouth Nutrient Budget Calculator, the nutrient budget indicates that without mitigation the combination of these three proposed developments would add an additional 303.19 kg TN /year load to the Teesmouth and Cleveland Coast designated sites. The Technical Note states that without suitable mitigation there is "*a Likely Significant Adverse Effect*" from increased nutrient loads on the designated sites. High concentrations of nutrients in the water column can cause phytoplankton and opportunistic macroalgae blooms, leading to reduced dissolved oxygen availability. This can impact sensitive fish, epifauna and infauna communities, and hence adversely affect the availability and suitability of bird breeding, rearing, feeding and roosting habitats. Any nutrients entering the catchment upstream of the locations which are exceeding their nutrient targets will make their way downstream and have the potential to further add to the current exceedance.	Minor

5.0 Stage 2 Appropriate Assessment

Table 3 - Appropriate Assessment of significant effects and mitigation measures (Stage 2)

Designated Site	Qualifying Feature	Identification of potential Impacts/Effect to Qualifying Feature	Avoidance/mitigation/compensation measures	Residual Effect
Teesmouth and Cleveland Coast SPA Marine Component	Waterbird assemblage of international importance including breeding Little Tern, and wintering/passage Sandwich Tern, Common Redshank and Red Knot	Increase in nutrient inputs from the operational development leading to impaired waterbird foraging success through increased eutrophication.	As outlined in the Nutrient Neutrality Technical Note (Enzygo, 2023) a new Wastewater Treatment Works (WTW) facility is proposed at HMP Holme House. This facility is to be designed to treat the wastewater from the total of 244 additional residents at the three sub-developments of HMP Holme House, HMP Kirklevington and HMP Deerbolt. It is also proposed that the Developer will pay for temporary credits from Natural England as a nutrient mitigation solution to cover the time gap until the WTW upgrade is completed. This proposed nutrient offsetting scheme will ensure that the proposed developments at all three HMP sub-developments are nutrient neutral and therefore it can be concluded there is no anticipated adverse effect on the integrity of the designation sites. Refer to the Nutrient Neutrality Technical Note (Enzygo, 2023) and separately submitted WTW plans for further details.	None
Teesmouth and Cleveland Coast Ramsar	Waterfowl assemblage of international importance including migrating Common Redshank and overwintering Red Knot	Increase in nutrient inputs from the operational development leading to impaired waterbird foraging success through increased eutrophication.	As outlined in the Nutrient Neutrality Technical Note (Enzygo, 2023) a new Wastewater Treatment Works (WTW) facility is proposed at HMP Holme House. This facility is to be designed to treat the wastewater from the total of 244 additional residents at the three sub-developments of HMP Holme House, HMP Kirklevington and HMP Deerbolt. It is also proposed that the Developer will pay for temporary credits from Natural England as a nutrient mitigation solution to cover the time gap until the WTW upgrade is completed. This proposed nutrient offsetting scheme will ensure that the proposed developments at all three HMP sub-developments are nutrient neutral and therefore it can be concluded there is no anticipated adverse effect on the integrity of the designation sites. Refer to the Nutrient Neutrality Technical Note (Enzygo, 2023) and separately submitted WTW plans for further details.	None

6.0 Assessment of Potential In-combination Effects

6.1 Introduction

6.1.1 No in-combination or cumulative effects have been identified.

7.0 Conclusion

7.1.1 Two European designated sites have been identified within a potential zone of influence of the proposed development and all qualifying features have been assessed. Through assessment of the technical information available, the only pathway through which there is potential effects on the qualifying features of a designated site is through increased nutrient inputs at Teesmouth and Cleveland Coast Ramsar/SPA leading to impaired waterbird foraging success.

7.1.2 Stage 1 HRA screening has identified that this increase in nutrient inputs result in a likely significant effect on the qualifying features of Teesmouth and Cleveland Coast Ramsar/SPA. As a result, further assessment and mitigation measures are presented at the Stage 2 Appropriate Assessment stage in order to confirm no residual effect.

7.1.3 It is anticipated that the provided information is sufficient to demonstrate that the requirements of Regulations 63 and 64 of the Habitats Regulations have been fully considered, and will allow the competent authority to undertake an HRA Screening exercise and Appropriate Assessment, and reach the same conclusion as detailed within this report i.e. no significant residual effect upon any statutory designated site/qualifying feature.

8.0 References

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Appendix A – Nutrient Neutrality- Technical Note

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