

The Keadby 3 Low Carbon Gas Power Station Project

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The Keadby 3 (Low-Carbon Gas Power Station) Order

**Land at and in the vicinity of the Keadby Power Station site,
Trentside, Keadby, North Lincolnshire**

Environmental Statement Volume II - Appendix 11A: Biodiversity and Nature Conservation Legislation and Planning Policy

The Planning Act 2008

**The Infrastructure Planning (Environmental Impact Assessment)
Regulations 2017**

Applicant: Keadby Generation Limited

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GLOSSARY

Abbreviation	Description
CRoW	Countryside and Rights of Way Act
Defra	Department for Environment, Food and Rural Affairs
LBAP	Local Biodiversity Action Plan
LDF	Local Development Framework
LNR	Local Nature Reserve
LWS	Local Wildlife Site
MAGIC	Multi-Agency Geographic Information for the Countryside
MMO	Marine Management Organisation
NCA	National Character Area
NERC	Natural Environment and Rural Communities Act
NPPF	National Planning Policy Framework
NPPG	National Planning Policy Guidance
NPS	National Policy Statement
PEA	Preliminary Ecological Appraisal
S41	Section 41 of the NERC Act
SAC	Special Area of Conservation
SPA	Special Protection Area
SSSI	Site of Special Scientific Interest
WCA	Wildlife & Countryside Act
WFD	Water Framework Directive

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1.0 LEGISLATION

Table 1: Summary of relevant legislation

Statute	Relevant requirements
<p>The Conservation of Habitats and Species Regulations 2017 (as amended) (the Habitats Regulations) (UK Government, 2017a)</p>	<p>Consolidates the Conservation of Habitats and Species Regulations 2010 with subsequent amendments. The Regulations transpose Council Directive 92/43/EEC, on the conservation of natural habitats and of wild fauna and flora (EC Habitats Directive), into national law. They also transpose elements of Directive 2009/147/EC of the European Parliament and of the Council of 30 November 2009 on the conservation of wild birds (EU Wild Birds Directive) in England and Wales. The Regulations came into force on 30th November 2017.</p> <p>The Regulations provide for the designation and protection of 'European sites', the protection of 'European protected species', and the adaptation of planning and other controls for the protection of European Sites.</p> <p>Under the Regulations, competent authorities i.e. any Minister, government department, public body, or person holding public office, have a general duty, in the exercise of any of their functions, to have regard to the EC Habitats Directive and Wild Birds Directive.</p> <p>The Regulations make it an offence (subject to exceptions) to deliberately capture, kill, disturb, or trade in the animals listed in Schedule 2, or pick, collect, cut, uproot, destroy, or trade in the plants listed in Schedule 4. However, these actions can be made lawful through the granting of licenses by the appropriate authorities. Licenses may be granted for a number of purposes (such as science and education, conservation, preserving public health and safety), but only after the appropriate authority is satisfied that there are no satisfactory alternatives and that such actions will have no detrimental effect on wild population of the species concerned.</p> <p>The Regulations require competent authorities to consider or review planning permission, applied for or</p>

Statute	Relevant requirements
	<p>granted, affecting a European site, and, subject to certain exceptions, restrict or revoke permission where the integrity of the site would be adversely affected. Equivalent consideration and review provisions are made with respects to highways and roads, electricity, pipe-lines, transport and works and environmental controls (including discharge consents under water pollution legislation).</p>
<p>The Water Environment (Water Framework Directive) (England and Wales) Regulations 2017 (UK Government, 2017b)</p>	<p>The Water Framework Directive (WFD; EC Directive 2000/60/EC) (European Union, 2000) came into force in 2000. The WFD introduced a comprehensive river basin management planning system to protect and improve the ecological and chemical health of our rivers, lakes, estuaries, coastal waters and groundwater. At the heart of the WFD is the philosophy to “make waterbodies better” through sustainable development for the joint benefits of aquatic habitats and the human environment.</p> <p>The WFD requires members states achieve “good status” for all groundwater and surface waters (rivers, lakes, transitional waters, and coastal waters). For surface water, overall status comprises two elements: "good ecological status" and "good chemical status". Ecological status is defined by the biological condition or health of a watercourse, in combination with water quality and physical conditions that underpin biological conditions. The classification of ecological status considers biological elements (the abundance of aquatic flora and fauna), physical habitat availability (hydromorphology), and water quality factors such as the availability of nutrients, salinity, temperature and pollution by key chemical pollutants. The biological elements used as indicators of ecological quality include fish, macroinvertebrates, macrophytes and diatoms.</p> <p>Any proposed developments or activities that have the potential to affect the water environment require a WFD Assessment (WFDa). Compliance with the WFD means attainment of good ecological status, prevention of deterioration in status, and prevention of failure to achieve future attainment of good status where it is not already achieved within waterbodies. However, WFD</p>

Statute	Relevant requirements
	<p>Article 4.7 provides legislation for exemption conditions that could allow implementation of schemes that cause deterioration in ecological status, for example for reasons of overriding public interest.</p> <p>The WFD was originally transposed into UK law through the Water Environment (Water Framework Directive) (England and Wales) Regulations 2003. The 2017 Regulations revoke and replace the 2003 Regulations. The 2017 Regulations serve the dual purpose of consolidating the 2003 Regulations, which had been amended a number of times, and making aspects of the Regulations more detailed and transparent.</p>
<p>Animal Welfare Act 2006 (UK Government, 2006a)</p>	<p>The Act contains the general laws relating to domestic animal welfare, but also includes provisions for fish. It is an offence to cause unnecessary suffering to any animal covered by The Act. The Act makes owners and keepers (including landowners) responsible for ensuring that the welfare of animals within their control is met.</p>
<p>Countryside & Rights of Way Act 2000 (CRoW) (UK Government, 2000)</p>	<p>The Act places a duty on Government Departments to have regard for the conservation of biodiversity and maintain lists of species and habitats for which conservation steps should be taken or promoted, in accordance with the Convention on Biological Diversity.</p> <p>Schedule 9 of the Act amends SSSI provisions of the Wildlife and Countryside Act 1981, including increased powers for their protection and management.</p> <p>Schedule 12 of the Act amends the species provisions of the WCA, strengthening the legal protection for threatened species. The provisions make certain offences 'arrestable', create a new offence of reckless disturbance, confer greater powers to police and wildlife inspectors, and enable heavier penalties on conviction of wildlife offences.</p>
<p>Environmental Protection Act 1990 (UK Government, 1990)</p>	<p>Section 33 The Environmental Protection Act, 1990 (EPA 1990) contains a number of legal provisions concerning “controlled waste”, which are set out in Part II. This includes provisions relating to controlled weed species. Any soil and waste containing propagules of a</p>

Statute	Relevant requirements
	<p>plant species listed in Schedule 9 of the WCA is considered to have the potential to cause ecological harm and hence deemed “Controlled Waste” or “Directive Waste” (Waste Management Licensing Regulations (WMLR) 1994 as amended (UK Government, 1994)). The most relevant provisions are in Section 33 (1a) and (1b) which create offences to do with the depositing, treating, keeping or disposing of controlled waste without a licence.</p> <p>Material containing the propagules of species listed on Schedule 9 must be safely disposed of at an appropriately licensed landfill site in accordance with the Environmental Protection Act 1990 (Duty of Care) Regulations 1991 (as amended).</p>
<p>Marine and Coastal Access Act 2009 (MMO, 2009)</p>	<p>This Act is the basis upon which the Marine Management Organisation (MMO) determine applications to undertake works – or ‘licensable activities’ – within English waters.</p> <p>It sets out the legislative framework for the application of Marine Plans to relevant planning decisions in the UK Marine Area. Specifically, decisions affected by marine policy documents include ‘the determination of any application [...] for authorisation of the doing of any act which affects or might affect the whole or any part of the UK marine area.’ (Section 58).</p> <p>As the Proposed Development will require some works within the UK Marine Area (Section 42), a Marine Licence will be sought from the MMO. Whether this is ‘Deemed’ within the DCO (the preferred option) or ‘standalone’, in reaching a determination, the MMO must consider several factors associated with marine works, including their potential environmental impacts.</p> <p>The Act also amends existing legislation (including the Salmon & Freshwater Fisheries Act 1975 (UK Government, 1975)) relating to migratory and freshwater fish, giving new powers to the Environment Agency to conserve and manage migratory fish species.</p>

Statute	Relevant requirements
<p>Invasive Alien Species (Enforcement and Permitting) Order 2019 (UK Government, 2019)</p>	<p>The Order allows for the enforcement of European Union Regulation No. 1143/2014 on the prevention and management of the introduction and spread of invasive alien species within England. The Regulation lists species of European Union concern which cannot be imported, kept, bred/ grown, transported, sold, used, allowed to reproduce, or released into the environment. The Order therefore tightens existing rules (e.g. under the Wildlife and Countryside Act 1981 (as amended)) around releasing invasive non-native animals which threaten our native wildlife.</p>
<p>Natural Environment and Rural Communities Act 2006 (NERC) (UK Government, 2006b)</p>	<p>Through Section 40 of the Act, a legal duty is placed on Government Departments and public authorities to have regard for the conservation of biodiversity. This 'biodiversity duty' includes, but is not restricted to, habitats and species of principal importance for nature conservation in England published by the Government in accordance with the requirement set through Section 41 of the Act. Protecting and enhancing England's Section 41 habitats and species is considered key to delivering the Government's Biodiversity 2020 Strategy (see Table 11A.2).</p>
<p>Protection of Badgers Act 1992 (UK Government, 1992)</p>	<p>Makes it an offence to kill or take a badger, to cruelly ill-treat a badger, or to interfere with a badger sett, including disturbing a badger while it is occupying a sett. In certain circumstances, licences can be granted to permit some actions prohibited under the Act.</p>
<p>Salmon & Freshwater Fisheries Act 1975 (as amended) (UK Government, 1975)</p>	<p>This Act contains provisions relating to:</p> <ul style="list-style-type: none"> • prohibition of certain methods for taking or destroying fish; and • obstructions to the passage of fish in watercourses.
<p>The Eels (England & Wales) Regulations 2009 (UK Government, 2009)</p>	<p>European Council Regulation No 1100/2007 set targets for the recovery of European eel stocks and requires EU member states to develop management plans to improve eel stocks. The Eels Regulations transpose this requirement, providing the legal powers to take action.</p> <p>The Regulations include provisions relating to the installation and maintenance of eel screens at water abstraction and discharge points.</p>

Statute	Relevant requirements
<p>The Hedgerow Regulations 1997 (UK Government, 1997)</p>	<p>Does not apply to acts of hedgerow removal covered by the process for granting planning permission. However, it retains value as part of the process for determining the relative value of specific hedgerows/hedgerow networks and requirements for appropriate mitigation.</p>
<p>Wild Mammals (Protection) Act 1996 (UK Government, 1996c)</p>	<p>This Act provides provisions to protect any mammals not protected by the Animal Welfare Act. It is an offence to inflict unnecessary suffering to any mammal the Act covers.</p>
<p>Wildlife and Countryside Act 1981 (as amended) (WCA) (UK Government, 1981)</p>	<p>Part 1 of the WCA affords general protection to all species of wild bird, and specific protection to flora and fauna listed in Schedules 1 (birds protected by special penalties), 5 (other animals), and 8 (flora, fungi and lichens). It is an offence (subject to exceptions) to:</p> <ul style="list-style-type: none"> • kill, injure, or take any wild bird; • take, damage or destroy the nest of any wild bird while that nest is in use or being built; • take or destroy an egg of any wild bird; • disturb any wild bird listed on Schedule 1 of the WCA while nesting, or disturb the dependent young of such a bird (e.g. quail); • kill, injure or take any wild animal listed on Schedule 5 (e.g. bats, great crested newt, common lizard); • damage, destroy or obstruct places used for shelter or protection by wild animals listed on Schedule 5 and covered by Part 4A of the WCA (e.g. bats and great crested newt); • intentionally disturb wild animals listed in Schedule 5, and covered by Part 4A of the WCA, that are occupying places of shelter and protection (e.g. bats and great crested newt); and • pick, uproot or destroy any plant, fungi or lichen listed in Schedule 8. <p>In certain circumstances, licences can be granted to permit some actions prohibited under the WCA.</p> <p>Schedule 9 provides lists of non-native flora and fauna that it is an offence to release or cause to spread in the</p>

Statute	Relevant requirements
	<p>wild. Of primary relevance in the context of proposed developments are flora e.g. invasive non-native plant species.</p> <p>Part 2 of the WCA details the law regarding SSSI and other protected areas within Great Britain.</p>

2.0 PLANNING POLICY AND GUIDANCE

Table 2: Summary of relevant national and local planning policy and associated guidance

Document	Relevant policy	Relevant requirements
Overarching National Policy Statement for Energy (EN-1) (Department of Energy and Climate Change, 2011a)	Part 5.3: Biodiversity and geological conservation	<p>Sets out national policy for energy infrastructure. Where the development is subject to Environmental Impact Assessment (EIA) the applicant should ensure that the Environmental Statement (ES) clearly sets out any effects on internationally, nationally and locally designated sites of ecological or geological conservation importance, on protected species and on habitats and other species identified as being of principal importance for the conservation of biodiversity.</p> <p>Requires that the applicant shows how the project has taken advantage of opportunities to conserve and enhance biodiversity and geological conservation interests.</p>
National Policy Statement for Fossil Fuel Electricity Generating Infrastructure (EN-2) (Department of Energy and Climate Change, 2011b)	Part 2.10: Water quality and resources	In addition to the mitigation measures set out in EN-1, design of the cooling system should include intake and outfall locations that avoid or minimise adverse impacts. There should also be specific measures to minimise fish impingement and/ or entrainment and excessive heat from discharges to receiving waters.
UK Marine Policy Statement (MPS) (Defra, 2011)		The MPS is the framework for preparing Marine Plans and taking decisions affecting the marine environment. The Marine and Coastal Access Act 2009 requires all public authorities taking authorisation

Document	Relevant policy	Relevant requirements
		<p>or enforcement decisions that affect or might affect the UK marine area to do so in accordance with the MPS unless relevant considerations indicate otherwise. Chapter 3 of the MPS sets out the policy objectives for the key activities that take place in the marine environment. It promotes sustainable economic development to ensure healthy, functioning marine ecosystems and protection of marine habitats and species. Applications for Nationally Significant Infrastructure Projects are required to have regard to the MPS.</p>
<p>Eastern Inshore Marine Plan (HM Government, 2014)</p>	<p>Establishes the plan led system for the marine area in which the riverine parts of the Proposed Development Site are located.</p>	
	<p>ECO1</p>	<p>Cumulative impacts affecting the ecosystem of the Marine Plan and adjacent areas (marine, terrestrial) should be addressed in decision-making and plan implementation.</p>
	<p>ECO2</p>	<p>The risk of release of hazardous substances as a secondary effect due to any increased [marine vessel] collision risk should be taken account of in proposals that require an authorisation.</p>
	<p>BIO1</p>	<p>Appropriate weight should be attached to biodiversity, reflecting the need to protect biodiversity as a whole, taking account of the best available evidence including on habitats and species that are protected or of conservation concern in the East marine plans and adjacent areas (marine, terrestrial).</p>
	<p>BIO2</p>	<p>Where appropriate, proposals for development should incorporate</p>

Document	Relevant policy	Relevant requirements
		features that enhance biodiversity and geological interests.
	MPA1	Any impacts on the overall Marine Protected Area network must be taken account of in strategic level measures and assessments, with due regard given to any current agreed advice on an ecologically coherent network.
	FISH2	Requires that proposals consider their potential to have an adverse impact on spawning and nursery grounds (including any adverse impact on the ability of species to access these grounds).
National Planning Policy Framework (NPPF) (Ministry of Housing, Communities & Local Government, 2019)	Section 15: Conserving and Enhancing the Natural Environment	<p>The NPPF sets out the Government’s planning policies for England and how these are to be applied, and identifies overarching objectives, including environmental (such as protecting and enhancing our natural environment and improving biodiversity). The NPPF does not apply directly to NSIP projects but may be important or relevant to decision making.</p> <p>It states, ‘Planning decisions should contribute to and enhance the natural and local environment’ and that when determining planning applications, the following principles should be applied:</p> <p>‘a) 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;</p>

Document	Relevant policy	Relevant requirements
		<p>b) development on land within or outside a Site of Special Scientific Interest, and which is likely to have an adverse effect on it (either individually or in combination with other developments), should not normally be permitted. The only exception is where the benefits of the development in the location proposed clearly outweigh both its likely impact on the features of the site that make it of special scientific interest, and any broader impacts on the national network of Sites of Special Scientific Interest;</p> <p>c) development resulting in the loss or deterioration of irreplaceable habitats (such as ancient woodland and ancient or veteran trees) should be refused, unless there are wholly exceptional reasons and a suitable compensation strategy exists; and</p> <p>d) development whose primary objective is to conserve or enhance biodiversity should be supported; while opportunities to incorporate biodiversity improvements in and around developments should be encouraged, especially where this can secure measurable net gains for biodiversity.'</p> <p>Irreplaceable habitats are defined as habitats which would be technically very difficult (or take a very significant time) to restore, recreate or replace once destroyed, considering their age, uniqueness, species diversity or rarity. They include ancient woodland, ancient and veteran trees, blanket bog, limestone pavement, sand dunes, salt marsh and lowland fen.</p>

Document	Relevant policy	Relevant requirements
North Lincolnshire Local Development Framework Core Strategy (adopted 2011) (North Lincolnshire Council, 2011)	CS5: Delivering design quality in North Lincolnshire	New development should incorporate appropriate landscaping and planting which enhances biodiversity and contribute to habitat linkages.
	CS16: North Lincolnshire's landscape, greenspace and waterscape	Protect, enhance and support a diverse multi-functional landscape, including through the protection of trees and hedgerows.
	CS17: Biodiversity	Promotes effective stewardship of biodiversity resources by protecting national and international nature conservation designations, paying due regard to the presence of European and nationally protected species, protecting and maintaining features of biodiversity interest, maintaining wildlife networks and green corridors, and ensuring ecological enhancement through good design.
North Lincolnshire Local Plan (adopted 2003) (North Lincolnshire Council, 2003a)	Saved policy LC1: Special Protection Areas, Special Areas of Conservation and Ramsar sites	Proposals for development which may affect a Special Protection Area (SPA), a proposed SPA, a Special Area of Conservation (SAC) or candidate SAC will be assessed according to their implications for the site's conservation objectives. Where the site hosts a priority natural habitat type or a priority species, proposals will not be permitted unless it can be conclusively demonstrated that it is necessary for reasons of human health or public safety, or for consequences of primary importance for nature conservation.
	Saved policy LC2: Sites of Special Scientific Interest	Proposals for development in, or likely to affect, Sites of Special Scientific Interest will be subject to special scrutiny. Where such

Document	Relevant policy	Relevant requirements
	and National Nature Reserves	<p>development may have an adverse effect ... it will not be permitted unless the reasons for the development clearly outweigh the nature conservation value of the site itself and the national policy to safeguard the national network of such sites.</p> <p>Where a site is a National Nature Reserve ... regard will be paid to the individual site's national importance.</p>
	Saved policy LC4: Development affecting sites of local nature conservation importance	Any development or land use change which is likely to have an adverse impact on a Local Nature Reserve, a Site of Importance for Nature Conservation or a Regionally Important Geological Site will not be approved unless it can be clearly demonstrated that there are reasons for the proposal which outweigh the need to safeguard the intrinsic nature conservation value of the site or feature.
	Saved policy LC5: Species protection	Prohibits development that would have an adverse impact on protected species, except where appropriate mitigation can be delivered.
	Saved policy LC6: Habitat creation	Provision will be made for the creation of nature reserves and new wildlife habitats both in rural and urban areas.
	Saved policy LC12: Protection of trees, woodland and hedgerows	<p>Proposals for all new development will, wherever possible ensure the retention of trees, woodland and hedgerows.</p> <p>... Landscaping and tree and hedgerow planting schemes will be required to accompany applications for new development where it is</p>

Document	Relevant policy	Relevant requirements
		appropriate to the development and its setting.
Emerging North Lincolnshire New Local Plan (Preferred Options (Regulation 18) consultation draft, 2020) (North Lincolnshire Council, 2020)	DQE3p: Biodiversity and Geodiversity	<p>The most relevant aspects of this draft policy are summarised below.</p> <p>All schemes (as appropriate to their nature and scale) are expected to:</p> <ul style="list-style-type: none"> • protect, manage and enhance the network of habitats, species and sites of international, national and local importance (statutory and non-statutory), including irreplaceable and priority habitats and sites that meet the criteria for selection as a Local Wildlife Site; • minimise and mitigate against impacts on biodiversity where adverse effects are unavoidable; and • deliver a net gain in biodiversity (either on site or through off-site offsetting); and • retain and enhance existing landscape and natural features; or • ensure an alternative corridor can be provided to ensure equivalent connectivity is maintained.
	DQE8p: Climate Change and Low Carbon Living	<p>Proposals for development should be designed to mitigate the impacts of climate change and reduce carbon emissions to meet the climate change challenge, including:</p> <ul style="list-style-type: none"> • Incorporating, where feasible, multi-functional green infrastructure, which can help species adapt to climate change through preventing fragmentation or isolation of habitats, reduce the heating of the urban environment, and manage flooding; and

Document	Relevant policy	Relevant requirements
		<ul style="list-style-type: none"> Protecting and enhancing habitats that provide important carbon sinks, including peat habitats and woodland.
<p>North Lincolnshire Supplementary Planning Guidance 3: Design in the Countryside (adopted 2003) (North Lincolnshire Council, 2003b)</p>	<p>Paragraph 3.11 to 3.13</p>	<p>New development should be designed to be in harmony with landscape reflecting the distinct characteristics of the locality.</p> <p>In order to maintain local habitats and conserve the distinctive natural heritage of the countryside ... new tree and shrub planting should be of native, predominantly deciduous species.</p> <p>Tree planting may be inappropriate on or near to a Site of Special Scientific Interest (SSSI) or Site of Importance for Nature Conservation (SINC).</p> <p>It is of most value to wildlife if planting is undertaken in substantial belts or groups of trees linked to existing hedgerows or copses to provide wildlife corridors. Planting within existing hedgerows and new hedge planting is also important and, if space permits, woodland planting of native species will be encouraged though the design of planting should be in keeping with the local landscape character.</p>
<p>Natural England, Forestry Commission and Defra Standing Advice (Forestry Commission)</p>	<p>Protected sites and species</p>	<p>Guidance has been published covering protected sites, habitats and species. This includes guidance on providing and protecting wild bird habitats to address legal requirements set out in the Habitats Regulations.</p>

Document	Relevant policy	Relevant requirements
and Natural England, 2018; Natural England and Department for Environment, Food & Rural Affairs, 2021).		<p>The purpose of standing advice is to guide decision-makers on the determination of proposals with potential to affect protected sites, habitats and species. The guidance sets out responsibilities and minimum requirements for survey and mitigation, including the need to consider objectives for no net loss and provision of net gain. Where impacts cannot be avoided, then planning applications should be determined with regard to ensuring:</p> <ul style="list-style-type: none"> • no more habitat is lost than is replaced (no net loss); • as a minimum like-for-like habitat replacement; • consideration of options to secure better alternative habitat in terms of quality or area, compared to what will be lost.
Biodiversity 2020: A strategy for England's wildlife and ecosystem services (Defra, 2011)	-	Sets out the strategic direction of the Government for biodiversity policy for the next decade on land (including rivers and lakes) and at sea, and how international commitments will be implemented.
National Pollinator Strategy (Defra, 2014)	-	Set's out the approach of Government for improving the state of national populations of bees and other pollinating insects. Many of the actions set out in the strategy are about expanding food, shelter and nest sites across all types of land to allow pollinator species to survive and thrive.
Lincolnshire Local Biodiversity	-	Provides the local nature conservation strategy for identifying threats to habitats and species within

Document	Relevant policy	Relevant requirements
Action Plan (LBAP) (Lincolnshire Biodiversity Partnership, 2011)		the district and setting out the actions necessary to conserve them. The Lincolnshire LBAP identifies priorities for conservation and enhancement but confers no legislative or policy protection to the habitats and species identified (but in some cases this may be provided through related legislation and policy).
National Character Area Profile 39 (NE339): Humberhead Levels (Natural England, 2012)	-	<p>See the above introduction for NCA 30. Key objectives for the NCA include:</p> <ul style="list-style-type: none"> • Managing and expanding wetland habitats, including wet pastures, fens, reedbeds and, where appropriate, wet woodland; • Ensuring that the important network of ditches is managed to encourage emergent vegetation thus forming important landscape features and wildlife corridors; • Managing the water table levels so that existing wetland habitats are protected and opportunities to extend them or create buffering pastures can be developed; and • Conserving, managing and expanding semi-natural habitats that reveal the influence of underlying soils and hydrological conditions, especially lowland heath, lowland raised bogs, wet woodlands, birch/ oak woodlands, fens, intertidal and saline habitats.

3.0 LINCOLNSHIRE LOCAL BIODIVERSITY ACTION PLAN

Table 3: Summary of locally important (Lincolnshire LBAP) habitats and species of potential relevance* to the Proposed Development

Habitat or Species	Potentially relevant to the Proposed Development	Comments
Habitats		
Arable field margins	x	In this context 'arable field margin' is intended to mean a planned strip of uncropped land lying between a crop and the field boundary that is deliberately managed to benefit biodiversity. No such margins were found in arable fields recorded during the Preliminary Ecological Appraisal (PEA) (refer to Appendix 11C (ES Volume II - Application Document Ref. 6.3)).
Brownfield	✓	This habitat is also known as 'open mosaic habitat on previously developed land'. The PEA found this habitat within the former Keadby Ash Tip.
Hedgerows	✓	Recorded during the PEA.
Lowland dry acid grassland	✓	High quality acid grassland occurs within the former Keadby Ash Tip adjacent to the land required for the Proposed Development.
Lowland meadows	x	This action plan only refers to species-rich examples of neutral grassland of high nature conservation importance or areas that are restorable to such habitat. None of the neutral grasslands recorded during the PEA meet this definition.
Lowland mixed deciduous woodland	✓	Encompasses all types of semi-natural broad-leaved woodland. Recorded during the PEA

Habitat or Species	Potentially relevant to the Proposed Development	Comments
Saltmarsh	x	While the Multi-Agency Geographic Information for the Countryside (MAGIC) database identifies potential for this habitat in association with the River Trent, no such habitat was found during the PEA.
Species		
Bats – all species	✓	Known presence in the area, suitable habitats confirmed by the PEA.
Commercial fish (marine)	x	LBAP focusses on locally commercially important species such as crab and lobster and juvenile sole and plaice. The Humber Estuary downstream of the Proposed Development, is a major nursery site for plaice and sole. Correct application of permitting regimes is sufficient to address commercial fish, and specific impact assessment is not required.
Farmland birds: grey partridge (<i>Perdix perdix</i>), lapwing (<i>Vanellus vanellus</i>), yellow wagtail (<i>Motacilla flava</i>), skylark (<i>Alauda arvensis</i>), corn bunting (<i>Miliaria calandra</i>), linnnet (<i>Carduelis cannabina</i>), yellowhammer (<i>Emberiza citronella</i>), reed bunting (<i>Emberiza schoeniclus</i>), turtle dove (<i>Streptopelia</i>	✓	A generic plan covering a group of birds associated with farmland. While all the species named in the plan share a general requirement for some aspect of farmland, their basic needs are often otherwise quite different. The PEA identified habitats of variable but generally low (due to the setting and context of the Proposed Development) suitability for some of these species.

Habitat or Species	Potentially relevant to the Proposed Development	Comments
<i>turtur</i>), bullfinch (<i>Pyrrhula pyrrhula</i>), starling (<i>Sturnus vulgaris</i>), tree sparrow (<i>Passer montanus</i>), snipe (<i>Gallinago gallinago</i>), curlew (<i>Numenius arquata</i>), redshank (<i>Tringa tetanus</i>), barn owl (<i>Tyto alba</i>)		
Freshwater fish: European eel (<i>Anguilla anguilla</i>), spined loach (<i>Cobitis taenia</i>), sea lamprey (<i>Petromyzon marinus</i>), river lamprey (<i>Lampetra fluviatilis</i>), smelt (<i>Osmerus eperlanus</i>), brown trout and sea trout (<i>Salmo trutta</i>), Atlantic salmon (<i>Salmo salar</i>)	✓	Suitable habitats for migratory species associated with River Trent, non-migratory species may use local canals and larger drains. Relevant to consideration of fish screens and water discharge.
Newts: Great crested newt (<i>Triturus cristatus</i>), palmate newt (<i>Lissotriton helveticus</i>), smooth newt (<i>Lissotriton vulgaris</i>)	x	Scoped out in the PEA report following review of habitat suitability.
Water vole	✓	Known presence in the area, suitable habitats confirmed by the PEA.
* Based on the findings of the PEA report (Appendix 11C (ES Volume II - Application Document Ref. 6.3))		

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