

# **SLOUGH MULTIFUEL EXTENSION PROJECT**

Planning Inspectorate Ref: EN010129

## **The Slough Multifuel Extension Order**

**Land at 342 Edinburgh Avenue, Slough Trading Estate, Slough**

**Document Ref: 7.7.9 Condition 13 – Fauna Management Plan**

The Planning Act 2008



**Applicant: SSE Slough Multifuel Limited**

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# Slough Multifuel

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## Submission of Details to Discharge Condition 18 – Fauna Management Plan

**The Town and Country Planning Act 1990 (as amended)**

**Land at Edinburgh Avenue, Slough Trading Estate, SL1 4TU**



**Applicant: SSE**

**Date: November 2019**

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## 1.0 INTRODUCTION

- 1.1 On 2 June 2017 Slough Borough Council ('SBC' or 'the Council') granted full planning permission under the Town and County Planning Act (1990) ('the Act') for two applications (P/00987/024 and P/00987/025) associated with the construction and operation of a new multifuel combined heat and power ('CHP') plant on the site of an existing power station on land at Edinburgh Avenue, at the Slough Trading Estate, SL1 4TU (known as 'Slough Multifuel').
- 1.2 Planning permission Ref. P/00987/024 is for the demolition of redundant plant and buildings and development of a multifuel CHP plant of up to 50 megawatts, including an enclosed tipping hall; fuel storage bunker and blending facility; boiler house with combustion; grate/s, boilers and auxiliary equipment; flue gas treatment ('FGT') plant/s; turbine hall with condensing steam turbine; ash and residue handling facilities; erection of a new south chimney stack (up to 90 metres height) or extension of existing south chimney stack (up to 85 metres height); plant, associated development and alterations to site access. The permission was granted following completion of a Section 106 Agreement.
- 1.3 Permission was also granted by SBC on 2 June 2017 (Ref. P/00987/025) for the demolition of an existing fuel store and construction of a central site services building (containing staff facilities, stores/workshops and plant), installation of water treatment plant, provision of replacement car parking, and associated works.
- 1.4 The planning permissions are subject to a number of conditions, which are set out on the decision notices. The planning conditions are intended to secure the following:
  - the approval of certain details of the development prior to the commencement of development;
  - the approval of certain details prior to the commissioning of the development;
  - the approval of certain details prior to the development being brought into commercial use;
  - that the works comprised within the development are carried out in accordance with the details approved under the conditions; and
  - the manner in which the development is constructed, operated and decommissioned.
- 1.5 The applications (and accompanying details) to secure the necessary approvals under the planning conditions (i.e. to secure the discharge of the conditions) must be submitted to SBC as the 'planning authority' for the area in which the development is situated.
- 1.6 This document has been prepared to allow the discharge of Condition 18 of Permission P/00987/024 and details the measures to secure the welfare of legally protected fauna as required by that Condition.

## 2.0 CONDITION 18

2.1 Condition 18 of Permission P/00987/024 states that:

*“(18) The commencement of the development shall not take place until there has been submitted to, and approved in writing by the Local Planning Authority, in consultation with Natural England and the Environment Agency, a scheme detailing the measures to be taken to secure the welfare of legally protected fauna which are found on, inhabit or use the site. There shall be the provision of alternative nesting boxes, located in an easterly facing location and at a height greater than 20m.”*

### 3.0 BACKGROUND

#### Protected Species Legislation

- 3.1 All species of wild bird and their nests are protected under the Wildlife and Countryside Act, 1981 (as amended). As such it is an offence to:
- intentionally kill, injure or capture any wild bird;
  - intentionally damage or destroy the nest (whilst being built or in use) or eggs; and
  - possess, transport or sell any wild birds.
- 3.2 For species listed on Schedule 1 of the Wildlife and Countryside Act, such as Peregrine Falcon, additional protection is required against disturbance while nesting. This means it is also an offence to disturb any Schedule 1 nesting birds or their young during the breeding season whilst they are occupying a nest site. This includes causing the parent birds or fledglings apparent stress, and/or which may lead to the parents abandoning their nests or young.

#### References to Protected Species in the 2014 Environmental Statement

- 3.3 An Environmental Statement ('ES') was prepared in 2014 to support the application for the planning permission. The ES surveys confirmed that there were no Bats or Invertebrates of value or protected status present at the Site. The potential for the presence of peregrine falcon was identified, as the Site is likely to fall within the breeding territory of one pair of falcons and while breeding was not recorded, the need for peregrine falcon mitigation was identified.

#### Enhancement Measures

- 3.4 Chapter 13 of the ES states (paragraph 13.6.7):

*“Although no evidence of peregrine falcon nesting has been recorded during any ecological surveys of the Site it is noted that the site is likely to form part of the breeding territory for one pair of this species. In order to enhance the site for peregrine falcons artificial nesting habitat will be provided onsite if they are still deemed to be in residence onsite or in the local area at the start of the demolition and construction phase. The artificial nest site could be positioned upon a number of buildings or structures onsite, including the stacks, cooling towers or other tall structures onsite. A peregrine falcon mitigation and monitoring scheme will be put together post planning and subject to agreement with SBC.”*

#### Peregrine Falcon Surveys

- 3.5 Peregrine falcon surveys were originally carried out during 2012 and updated in 2018 prior to the decommissioning and demolition works commencing. Neither survey confirmed an active peregrine nest within the Site but both surveys confirmed the Site as forming part of an active breeding territory with suitable nest sites which could be used in future years.
- 3.6 A pair of peregrines were recorded together during the first 2018 visit but no evidence of chicks or fledgling young were recorded during the later visit. From the activity of the birds recorded during the surveys it is hypothesised that an early breeding attempt could have been made on the top of the north stack but (if attempted) failed for unknown reasons.
- 3.7 This was followed by monitoring of demolition works in 2019, where a nesting pair was recorded successfully raising a chick that went on to fledge. The nest was located on Building 41, within the mitigation nest box (installed in 2017) on the south east roof corner.

- 3.8 It was noted that the explosion panels on the boiler house (Building 12) were utilised for roosting and prey caching but no evidence of nesting has been recorded there.
- 3.9 The three most suitable nesting locations identified during the 2018 survey were:
- Top of the north stack (Building 39);
  - The explosion panel ledges on the east side of the boiler house (Building 12); and
  - The mitigation nest box located on the south east corner of the roof of Building 41.
- 3.10 The north stack (Building 39) and mitigation nest box on Building 41 remain in situ. The explosion panel ledges (Building 12) were removed in the 2018 / 2019 demolition works.



## 4.0 FAUNA MANAGEMENT PLAN

### Purpose

- 4.1 This Fauna Management Plan ('FMP' or 'the Plan') has been developed prior to the mobilisation of the contractor for the construction of the Multifuel Plant for the purpose of discharging Condition 18.

This FMP is based on:

- Environmental Statement (September 2014);
- the findings of surveys, observations and recommendations summarised in the Slough Peregrine Falcon and Breeding Bird Survey Report (August 2018), Bat Survey Report (June 2018) and Peregrine Falcon Mitigation Strategy (September 2018) developed for the demolition phase;
- contractual and site data; and
- subsequent feedback on observations from the SSE Ecologist during the 2018 / 2019 demolition works.

### The Site

#### Description

- 4.2 The Site of the Slough Multifuel facility is located in an industrial area within the Slough Trading Estate on the site of the Slough Power Station. Demolition of the existing plant has been ongoing since September 2018 and is currently scheduled for completion in Q4 2019. This will be followed by enabling works by SSE involving the relocation of utilities on Site.
- 4.3 Once the demolition and enabling works are complete, construction mobilisation will commence.

#### Construction Scope of Works

- 4.4 The Construction Scope of Work includes civils works, (likely to include ground works and limited piling works) followed by the mechanical erection and process installation. Commissioning of the plant would follow thereafter.

#### Timetable

- 4.5 The main milestones for construction works are as follows together with approximate dates:
- Month 1 - site Early Civils Works including soil improvement and potentially piling;
  - Month 13 - start of Mechanical Erection;
  - Month 31 - start of Commissioning Process; and
  - Month 34+ - commencement of Operation.

### Potential Impacts

- 4.6 As the construction area has been completely cleared, the potential for future nesting sites within this area has been removed. However, limited potential exists for disturbance to nests outside the construction area.
- 4.7 Given the demolition activity over the last 12 months, it is clear that existing plant, machinery and human activity did not constrain previous peregrine activity (i.e. the birds appear to be already acclimatised to this activity either exhibiting reduced or no behavioural response).
- 4.8 It is recognised that some construction activity, such as excessive noise, light or visual disturbance by workers or machinery especially at height near an active nest does have the potential for disturbance.

4.9 Activities creating a high noise level which occurs irregularly or at low frequency, (such as piling or the steam blow) has a higher risk of disturbance than continual or low-level noise, with impacts including raising the alertness levels of the birds up to and including nest abandonment. This risk is greatest at an active nest during the incubation and fledging stages, as detailed in Table 1 below.

**Table 1: Approximate Peregrine Falcon Breeding Timescales (extracted from the SSE Slough Peregrine Falcon Mitigation Strategy, September 2018)**

Nesting Activity	Approx. Timing	Sensitivity to Disturbance
Pair Courtship	February to March	Low – pair can choose to locate to an alternative nest site or may nest if they are habituated to ongoing site activities
Egg Laying	Mid to late March	High – nest and eggs may be abandoned if disturbance occurs to the nest site.
Incubation	Mid March to Mid May	
Hatching	Mid April to Mid May	
Young in Nest	Mid April to June	Medium – disturbance may prevent adults visiting nest to feed
Fledging	June	High – disturbance may cause fatalities
Post-fledging	July	Low – young now free flying and not dependant on nest (but may be present within the territory for a number of weeks)

### **Mitigation**

4.10 Mitigation measures have been therefore been developed to reduce the potential impact of construction activities upon nesting birds with the aim of reducing the level of the level of effect on any nearby nesting peregrine falcons.

#### General

4.11 The following general mitigation measures will be applied at the Site:

- A suitably qualified ecologist will be appointed prior to construction work commencing;
- An inspection programme to monitor the presence and activity of peregrine falcons in the vicinity of the Site will be developed and undertaken by the site ecologist. This inspection programme will include year-round visits with those visits increasing in frequency during the period when the birds are likely to have a high or medium sensitivity to disturbance. Visits will also be undertaken prior to commencing construction works in a new area;
- All construction staff shall be trained to identify peregrine falcons through the induction process. Any sightings and any potential nest sites (and evidence of any other legally protected fauna) will be reported to the site ecologist;

- Activities with the potential to cause disturbance will be minimised or mitigated where possible to reduce disturbance on any roosting or foraging peregrine falcons;
- Activities with the potential to cause significant disturbance shall be scheduled to avoid the time of year when birds have a high or medium sensitivity to disturbance where possible, although these may be undertaken during these periods if there is no evidence of nesting activities or if they can be suitably mitigated to avoid significant disturbance. These activities and any proposed mitigation would be discussed and agreed with the site ecologist in advance; and
- Spill from site lighting shall be minimised and directed onto the site to reduce the potential for disturbance during the hours of darkness.

#### Peregrine Falcon Nesting

- 4.12 The current nest box location on Building 41 is in close proximity to future construction, which will be at a greater height than Building 41 and would therefore bring the future workforce in close proximity to the nest box.
- 4.13 Accordingly, it is proposed to remove this nest box and install an alternative nest box on the northern edge of Building 41. This will increase the distance of the nest box from future construction work (to approximately 40m) and orientate the nest box entrance to face away from the active construction area. It is noted that Condition 18 specifically requires the nest box to be located in an easterly position, however, a northerly location as been selected to minimise potential disturbance. This alternate orientation is considered equally suitable for nesting (north and east are specified for nesting birds to avoid overheating by mid-day sun) and is in accordance with established guidance (the CIRIA Zero Carbon for Biodiversity Handbook).
- 4.14 The north stack (Building 39) is being retained which will provide an alternative nesting location at a greater height than the proposed construction works and therefore removed from construction disturbance.
- 4.15 These boxes will be monitored by the site ecologist for evidence of nesting at the appropriate time of the year as per the general mitigation strategy described above.

## 5.0 SUMMARY AND CONCLUSIONS

- 5.1 This Fauna Management Plan has been prepared for the purpose of discharging Condition 18 of Planning Permission P/00987/024. Other than peregrine falcons, no legally protected fauna have been found or use the Site, neither is the site currently providing a suitable habitat for other protected fauna.
- 5.2 Given that the peregrine falcons have been observed during the demolition works which have preceded the proposed construction works, it is considered reasonable to assume that they have become acclimatised to a certain level of activity. It is considered reasonable to expect this to continue into the construction period.
- 5.3 The following measures will be undertaken to reduce the potential impact on peregrine falcons:
- the potential presence and activity of peregrine falcons at or near the site will be monitored by a site ecologist, appointed for that purpose;
  - the existing nest box will be relocated from its current position to increase its distance from construction activity and change its orientation to reduce the potential for disturbance;
  - construction staff will be trained to refer any sightings of peregrine falcons or potential nests to the site ecologists; and
  - activities with the potential to cause significant disturbance will be minimised and mitigated or avoided during the nesting season, should nesting be identified as taking place on site.