



FLEXION ENERGY UK STORAGE LTD

LAND AT GRESLEY, SOUTH DERBYSHIRE

PRELIMINARY ECOLOGICAL APPRAISAL REPORT

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CONTENTS

EXECUTIVE SUMMARY	1
1 INTRODUCTION	3
1.1 Background.....	3
1.2 Scope of Report	3
1.3 Site Context	4
1.4 Description of Development	4
2 METHODOLOGY	5
2.1 Desk Study.....	5
2.2 Extended Phase 1 Habitat Survey	6
2.3 Assessment Methodology	6
2.4 Nomenclature.....	7
2.5 Caveat.....	7
2.6 Quality Assurance & Environmental Management	8
3 RESULTS AND EVALUATION	9
3.1 Statutory and Non- Statutory Conservation Sites.....	9
3.2 Ancient Woodland and Habitats of Principal Importance	12
3.3 Habitats	12
3.4 Species.....	17
3.5 Protected Species Evaluation.....	18
4 DISCUSSION AND RECOMMENDATIONS	25
4.1 Sensitive Receptors	25
4.2 Fauna and Flora	25
4.3 General recommendations	27
4.4 Conclusion	28
5 ECOLOGICAL ENHANCEMENTS	29
6 REFERENCES.....	30

APPENDICES

Appendix 1	Legislation and Policy Summary
Appendix 2	Trees with Features suitable for Roosting Bats

DRAWINGS	TITLE	SCALE
CA12288/001	Rev B Site Location Plan	1:10,000
CA12288/002	Rev D Extended Phase 1 Habitat Survey Results	1:2,500

EXECUTIVE SUMMARY

Wardell Armstrong LLP (WA) was commissioned by Flexion Energy UK Storage LTD to undertake a Preliminary Ecological Appraisal (PEA) of a site on land near Castle Gresley, centred on approximate National Grid Reference SK 27584 17896, to identify any ecological constraints in relation to the proposed construction of an energy storage facility and associated infrastructure.

Information obtained from the desk study as well as the Extended Phase 1 Habitat Survey undertaken was assessed and the following receptors have been evaluated as being subject to potential adverse effects from the Proposed Development (in the absence of mitigation)¹:

- Bats;
- [REDACTED]
- Birds;
- European hedgehog;
- Common reptiles; and
- Common amphibians (excluding GCN).

Additional assessments, surveys and pre-construction checks have been recommended as necessary to fully inform the planning application:

- Climb and Inspect Survey of trees with Bat Roost Suitability (if retention is not possible); and
- [REDACTED]
[REDACTED]

¹ Note: The Preliminary Ecological Appraisal Report provides an overview of likely effects and therefore may not be sufficient to support a planning application on its own. Specialist surveys may be required to fully investigate effects and/or to support an Ecological Impact Assessment (EclA) for projects screened as requiring Environmental Impact Assessment (EIA).

Mitigation² compensation³ and enhancement⁴ opportunities are discussed in the final section of the report but include the following:

- Tree Protection for retained scattered trees (If appropriate);
- Vegetation clearance undertaken outside of the bird nesting season or following an inspection carried out by a suitably qualified ecologist;
- Installation of a range of bat and bird boxes; and
- Implementation of hibernacula for common reptiles and amphibians.

In conclusion, given the identified ecological constraints, reasonable avoidance measures are recommended to minimise any potential effects. Should the reasonable avoidance measures detailed within this report not be able to be implemented or additional evidence be discovered during the construction of the Proposed Development, further protected species surveys and evaluation may be required.

² Mitigation are measures required in order to reduce the severity and magnitude of identified effects to an acceptable level.

³ Compensation is required where effects cannot be fully mitigated.

⁴ Enhancements are required in accordance with national planning policies in order to ensure no net loss of site biodiversity.

1 INTRODUCTION

1.1 Background

1.1.1 Wardell Armstrong LLP (WA) was commissioned by Flexion Energy UK Storage LTD to undertake a Preliminary Ecological Appraisal (PEA) of a site on land near Castle Gresley to identify any ecological constraints as part of a planning application. The site is located north of Coton Park Road and centred on approximate National Grid Reference SK 27584 17896.

1.1.2 This Preliminary Ecological Appraisal Report (PEAR) has been produced with reference to current Guidelines for Preliminary Ecological Appraisal (Chartered Institute of Ecology and Environmental Management (CIEEM, 2017)) and British Standard (BS) 42020:2013 (British Standards Institute, 2013) which involves the evaluation of potential ecological constraints, based on Extended Phase I (Joint Nature Conservation Committee (JNCC, 2010)) survey data and background desk study.

1.2 Scope of Report

1.2.1 The purpose of the PEAR is to satisfy the requirements of the National Planning Policy Framework (NPPF) 2021 and in broad terms to undertake the following:

- Identify the likely ecological constraints associated with a project;
- Identify any mitigation measures likely to be required, following the 'Mitigation Hierarchy'⁵;
- Identify any additional surveys that may be required to inform an Ecological Impact Assessment (EclA); and
- Identify the opportunities offered by a project to deliver ecological enhancement.

1.2.2 Certain species, habitats and nature conservation sites receive legislative protection which is detailed fully within Appendix 1. Other species/groups and habitats are notable due to their identification in national and/or local planning policy or via local records. An indicative assessment of potential adverse effects to such receptors is provided, although this is not a substitute for full Ecological Impact Assessment (CIEEM, 2018) which may be required to fully inform any subsequent planning application along with additional (Phase II) surveys and assessments.

⁵ As defined in British Standard BS 42020:2013 (BSI 2013)

- 1.2.3 In addition, mitigation and enhancement opportunities are also discussed, where appropriate.

1.3 Site Context

- 1.3.1 The planning application area comprises an area of land which is approximately 0.72 hectares (henceforth known as the Site). The survey area includes all land within the Site boundary plus an additional surrounding buffer of 50m where accessible. The Site covers a rectangular parcel of land, located within a larger pastoral field, with two linear areas to the north and south of the central area. The location of the Site is shown on Drawing CA12288/001 (Site Location Plan).
- 1.3.2 Castle Gresley village centre is located approximately 550m to the northeast of the Site boundary. Land directly surrounding the Site is agricultural/pastoral land with open arable farmland and residential and commercial properties dominating the wider landscape.

1.4 Description of Development

- 1.4.1 The client intends to construct an energy storage facility and associated infrastructure (henceforth known as the Proposed Development). This report highlights the potential ecological constraints associated with developing upon the land at the Site.

2 METHODOLOGY

2.1 Desk Study

2.1.1 The desk study was informed by a review of existing available information provided by the Derbyshire Biological Records Centre (Derbyshire Biological Records Centre (DBRC), 2021) and from available internet-based resources for a 2km search radius from the Site's central grid reference (such as the Multi Agency Geographic Information for the Countryside (MAGIC) website⁶). Ordnance Survey (OS) and satellite mapping was also used to gain contextual habitat information and identify aquatic features within 500m of the site.

2.1.2 Specific information was sought for:

- Statutory designated sites⁷;
- Locally designated sites;
- Ancient woodland⁸;
- Protected and priority species;
- Priority Habitats and Species⁹; and
- Local Biodiversity Action Plan (LBAP) priority habitats and species.

2.1.3 Priority species and habitats agreed under the UK Biodiversity Action Plan (BAP) are those which were identified as being the most threatened and requiring conservation action. The UK BAP was superseded by 'The UK Post-2010 Biodiversity Framework' which was published in July 2012 with work focussing at the country level, however the list of priority habitats and species remain the basis for the biodiversity work. Therefore, species listed under Section 41 of the 2006 Natural Environment and Rural Communities (NERC) Act were reviewed as these are the rarest and most threatened in England.

⁶ <https://magic.defra.gov.uk/> (Accessed August 2021)

⁷ Locations provided by MAGIC <http://magic.defra.gov.uk/MagicMap.aspx>

⁸ As defined by Natural England in their Inventory of Ancient Woodlands
http://www.gis.naturalengland.org.uk/pubs/gis/tech_aw.htm

⁹ As defined under Section 41 (England) and Section 42 (Wales) of the Natural Environment and Rural Communities (NERC) Act 2006, which have superseded UK Biodiversity Action Plan lists.

2.2 Extended Phase 1 Habitat Survey

- 2.2.1 Wardell Armstrong LLP carried out an Extended Phase 1 Habitat Survey of the Site on 19th August 2021. The weather conditions during the survey were 17°C with 20% cloud cover, 0% rain and force F2 wind.
- 2.2.2 The survey broadly followed the techniques outlined in the '*Handbook for Phase 1 Habitat Survey*' (Joint Nature Conservation Committee, 2010) and the '*Guidelines for Baseline Ecological Assessment*' (Institute of Environmental Assessment, 1995). Each of the main habitats was classified according to the relevant criteria including vegetation composition expressed according to the DAFOR¹⁰ system. Specific habitat features are mapped on Drawing CA122288/002 (Rev D Extended Phase 1 Habitat Survey Results) with appropriate reference numbers identifying waterbodies and trees of particular note.
- 2.2.3 The presence of a legally protected species is a material consideration for a local planning authority dealing with a planning application for any development that would be likely to result in harm to the species or its habitat (NPPF, 2019). Therefore, preliminary investigations were undertaken during the Extended Phase 1 Habitat survey in respect of the potential presence of a legally protected species and S.41 species. An overview of national planning policy and species protection is provided in Appendix 1.
- 2.2.4 In addition to the mapping and description of habitats, incidental observations of protected and/or notable species and the potential for such species to occur on Site (and in the surrounding landscape where relevant) were also recorded.

2.3 Assessment Methodology

- 2.3.1 Evaluation of the importance/likely importance of ecological features and the likelihood of impacts affecting important features was made, where possible, using professional judgement in accordance with published guidance (CIEEM, 2017).
- 2.3.2 Protected species and Species of Principle Importance (SPI) (under Section 41 of the NERC Act (HMSO, 2006)) were evaluated in order to identify potential adverse effects, as set out in Table 4, based on the following criteria:
- Desk study records;

¹⁰ D – Dominant, A – Abundant, F – Frequent, O- Occasional, R-Rare.

- Evidence found during the survey;
- Presence, extent, quality and viability of suitable on-site habitat;
- Ecological connectivity to viable off-site habitats through watercourses and vegetative habitats such as woodlands and hedgerows; and
- Perceived impacts of habitat loss/impact to individuals in relation to proposals.

2.4 Nomenclature

- 2.4.1 Vascular plant names follow the 4th edition of the *New Flora of the British Isles* (Stace, 2019) with vernacular names as provided in the Botanical Society of the British Isles website (BSBI, 2013)¹¹. All other flora and fauna names following the National Biodiversity Network (NBN) Gateway (NBN, 2021).
- 2.4.2 The common and scientific name of species/taxa is provided (if available) when first mentioned in the text, with only the vernacular name referred to thereafter.

2.5 Caveat

- 2.5.1 Ecological surveys are limited by factors that affect the presence of plants and animals such as time of year, weather, migration patterns and behaviour. The survey was undertaken in August and therefore represents a valid sample of ecological evidence present on that date/season. The report is not designed, nor is it required to present a complete inventory of flora/fauna.
- 2.5.2 In general terms this report remains valid for up to 2 years from the date of the Extended Phase 1 Habitat Survey, however, a walkover survey after 12 months may be required to demonstrate whether or not the habitats have remained as described. Additional checks may also be necessary prior to the onset of development work for certain species to ensure legal compliance.
- 2.5.3 An update survey will be required in the event there are any changes to the site boundary.
- 2.5.4 The absence of desk study records is not relied upon to determine absence of a particular species/habitat. Often, the absence of records is a result of under-recording within the given search area and as such the experience of the ecologist concerned together with a range of additional factors, in particular the presence/absence of

¹¹ <http://rbg-web2.rbge.org.uk/BSBI/intro.php>

potentially supporting habitat; is used to infer likely presence/absence of ecological receptors.

- 2.5.5 A Habitat Suitability Index (HSI) assessment was not undertaken for waterbodies within 500m for these works as the impact of the Proposed Development is deemed to be limited in extent, the nearest pond to the Site is located approximately 380m to the west of the Site and habitats within the Site are considered to provide limited suitability for great crested newts.

2.6 Quality Assurance & Environmental Management

- 2.6.1 The surveys and assessments have been undertaken and verified by a Member of the Chartered Institute of Ecology and Environmental Management (CIEEM), who is bound by its code of professional conduct. All surveys and assessments have been undertaken with reference to the recommendations given in BS 42020, and as stated within specialist guidance, as appropriate and referenced separately.

3 RESULTS AND EVALUATION

3.1 Statutory and Non- Statutory Conservation Sites

- 3.1.1 Desk study results for conservation sites are evaluated in Table 1, below.
- 3.1.2 Sites which are considered potentially sensitive to the development proposals by virtue of their supported species or habitat assemblages, the distance/ecological connectivity to the Site and the nature of the perceived impacts are highlighted in **bold text** and are discussed in detail in the final sections of the report.
- 3.1.3 Sites for which potential adverse effects are not anticipated are excluded from further assessment.
- 3.1.4 Overall, one record of a statutory site was returned and 15 records for non-statutory sites were returned as part of the desk study. Details about these sites are detailed in **Table 1** below.

Table 1: Designated Sites Evaluation			
Site Name and Status ¹²	Reason for Designation/Identification	Approximate Distance and Location from the Site	Potential Adverse Effects
Statutory Designated Sites			
Badgers Hollow, Coton Park LNR.	The Badgers Hollow, Coton Park LNR was formerly a coal stacking yard which has since been reclaimed and landscaped as an area for nature. The site consists of a mosaic of habitats with the wetland habitat present being of particular interest. Several species of locally rare or uncommon birds and plants have been recorded within this site.	440m northwest	No – The Site lies wholly outside the designated area with the Proposed Development infringing only on minimal areas of limited ecological value that are connected through linear and area habitat features. Due to the distance between the sites and the minimal works required, no negative effects are anticipated on the Badgers Hollow, Coton Park LNR as a result of the Proposed Development.
Non-Statutory Designated Sites			
Castle Mound, Castle Gresley LWS	A 0.19ha area of semi-improved neutral grassland.	330m northeast	No – All non-statutory designated sites fall outside of the construction footprint of the Proposed Development and due to the limited extent of the development, no effects are anticipated on any of the sites.
White Lady's Spring LWS	0.92ha habitat mosaic.	400m east	
Hillside Road Field pLWS	2.02ha area of unimproved grassland.	420m south	
Christ Church Field pLWS	1.99ha area of unimproved grassland.	510m south	
High Cross Bank Field pLWS	6.73ha area of unimproved grassland.	550m southeast	
Badger's Hollow LWS	10.01ha habitat mosaic.	630m west	No – All non-statutory designated sites fall outside of the construction footprint of the Proposed Development and
Castle Gresley Wetland LWS	4.37ha habitat mosaic.	830m east	

¹² SPA – Specially Protected Area, SAC – Special Area for Conservation, Ramsar – site designated under the Ramsar Convention, SSSI – Site of Special Scientific Interest, NNR – National Nature Reserve, LNR – Local Nature Reserve, LWS – Local Wildlife Site, pLWS – Potential Local Wildlife Site.

Table 1: Designated Sites Evaluation			
Site Name and Status ¹²	Reason for Designation/Identification	Approximate Distance and Location from the Site	Potential Adverse Effects
Hall Wood LWS	2.99ha area of semi-natural mixed deciduous woodland.	1.20km northeast	due to the limited extent of the development, no effects are anticipated on any of the sites.
Netherseal Colliery Line LWS	1.24ha area of semi improved neutral grassland.	1.25km southwest	
Cadley Hill Railway Area LWS	11.61ha habitat mosaic.	1.27km northwest	
Hall Farm Field Ponds pLWS	41.82ha area of wetland habitat.	1.70km north	
Swainspark Wood LWS	10.83ha area of secondary broadleaved woodland.	1.87km southeast	
Church Gresley Wood pLWS	55.49ha area of broadleaved woodland plantation.	1.95km east	
Bretby Railway Line LWS	2.44ha area of unimproved grassland.	1.96km northwest	
Church Gresley Scrub pLWS	0.93ha habitat mosaic.	2.00km northeast	

3.2 Ancient Woodland and Habitats of Principal Importance

- 3.2.1 No ancient woodland is present within 250m of the Site. Ancient woodland located beyond this distance is not considered to be affected by the proposed development due to the relatively small impacts on site.
- 3.2.2 Two types of Habitats of Principal Importance (HPI), deciduous woodland and open mosaic habitat, are present within 250m of the Site. HPis located beyond this distance are not considered to be affected by the proposed development due to the relatively small impacts on site. The closest area of deciduous woodland is located approximately 150m to the west of the Site boundary. The closest area of wood pasture and parkland is located immediately adjacent to the western Site boundary.

3.3 Habitats

- 3.3.1 All habitats within the survey area are described in Table 2, below, together with an indication of their NERC s41¹³ and within the Lowland Derbyshire BAP¹⁴ (Lowland Derbyshire Partnership , 2011) and Peak District BAP¹⁵ (Peak District Biodiversity Partnership, 2001). The table also provides an evaluation of the sensitivity of the habitats relative to the proposals.
- 3.3.2 Habitats which could be subject to adverse effects are indicated with **bold text** and are discussed in the latter sections of the report. Habitats for which potential adverse effects are not anticipated are excluded from further assessment. The location and extent of habitats is shown on Drawing CA12288/002 (Rev D Extended Phase 1 Habitat Survey Results).

¹³Habitats listed under section 41 of the Natural Environment and Rural Communities (NERC) Act as habitats of Principal Importance

¹⁴<https://www.derbyshire.gov.uk/site-elements/documents/pdf/environment/conservation/ecology/lowland-derbyshire-biodiversity-action-plan/lowland-derbyshire-biodiversity-action-plan-lbap-2011-2020.pdf>

¹⁵ <https://www.peakdistrict.gov.uk/looking-after/biodiversity/biodiversity-action-plan>

Table 2: Habitat Description and Evaluation				
Habitat type and description	Photo	NERC s.41 Priority Habitat	LBAP Habitat	Potential Adverse Effects
Improved Grassland The only habitat present within the central section of the Site and making up the northern section of the proposed access route. The grassland featured a short sward length (approx. <5cm) due to use as pastoral fields for cattle. Dominant species within this habitat include perennial rye-grass <i>Lolium perenne</i> and annual meadow grass <i>Poa annua</i> with other species including occasional common nettle <i>Urtica dioica</i>, spear thistle <i>Cirsium vulgare</i>, broadleaved dock <i>Rumex obtusifolius</i>, red clover <i>Trifolium pratense</i>, meadow buttercup <i>Ranunculus acris</i>, dandelion <i>Taraxacum spp.</i> and garlic mustard <i>Alliaria petiolata</i>. The grassland showed signs of recent heavy grazing although no cattle were present within the field at the time of survey.		x	x	No – The habitat is species poor and common and widespread within the local area and not considered to be of significant conservation value.

Table 2: Habitat Description and Evaluation				
Habitat type and description	Photo	NERC s.41 Priority Habitat	LBAP Habitat	Potential Adverse Effects
Poor Semi-improved Grassland The proposed access route, where not already existing hardstanding or improved grassland, is intended to be created within poor semi-improved grassland. The grassland is tussocky featuring a moderate sward length (approx. 10-15cm) and featured a number of grassland and forb species. The proposed cable route is also located within poor semi-improved grassland, located north of the railway track just north of the Site. Dominant species within this habitat include perennial rye-grass, cock's foot <i>Dactylis glomerata</i>, Yorkshire fog <i>Holcus lanatus</i> and redshank <i>Persicaria amphibia</i>. Other species include broadleaved dock, curly dock <i>Rumex crispus</i>, meadow foxtail <i>Alopecurus pratensis</i>, chamomile <i>Matricaria chamomilla</i>, cleaver <i>Galium aparine</i> and ribwort plantain <i>Plantago lanceolata</i>.		x	x	No – Poor semi-improved grassland is common and widespread in a national and local context and not considered to be of significant conservation value. Only small extents of this habitat are due to be lost to facilitate the Proposed Development. This habitat may support protect species (see Table 4).
Scattered Trees Small numbers of scattered trees are present along the proposed access route, within the hedgerow that is adjacent to the existing access track, on the banks of the railway track immediately to the north of the Site and on the banks of the brook that is being crossed. Species		x	x	No – All of the scattered trees fall outside of the footprint for the Proposed Development and are expected to be retained throughout. Should any of these

Table 2: Habitat Description and Evaluation				
Habitat type and description	Photo	NERC s.41 Priority Habitat	LBAP Habitat	Potential Adverse Effects
include sycamore <i>Acer pseudoplatanus</i> , hawthorn <i>Crataegus monogyna</i> , elder <i>Sambucus nigra</i> , aspen <i>Populus tremula</i> , beech <i>Fagus sylvatica</i> , oak <i>Quercus robur</i> and ash <i>Fraxinus excelsior</i> .				scattered trees need to be removed to facilitate the development then further survey work/sensitive working measures in relation to protected species may be required.
Running Water The proposed access route crosses over a brook that is located approx. 160m to the south of the Site. The access route across this brook may require widening to facilitate access and therefore the brook was included as part of this assessment. The brook is shallow (approx. 5cm), with a slow flow and has a silty substrate. The banks of the brook have a gradual gradient and support minimal bankside vegetation.		x	x	No – The Proposed Development is expected only to impact on the brook through the potential widening of the existing crossing point. This is anticipated to result in a negligible effect on the brook.
Scattered Scrub Adjacent to the central section of the Site and the proposed cable route immediately to the north of the central section.		x	x	No – The habitat is intended to be wholly

Table 2: Habitat Description and Evaluation				
Habitat type and description	Photo	NERC s.41 Priority Habitat	LBAP Habitat	Potential Adverse Effects
Habitat is dominated by bramble <i>Rubus fruticosus</i> agg. and nettle and mostly located on the banks of the railway track just north of the Site.				retained as part of the Proposed Development.

3.4 Species

3.4.1 Sightings and/or evidence of protected and/or invasive species from the field survey are described below.

Bats

3.4.2 Two individual trees (T1 and T2) have suitable Potential Roost Features (PRFs) that they are considered to be of moderate suitability for use by roosting bats.

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

Birds

3.4.4 All birds recorded during the survey are summarised in Table 3 below, together with a preliminary assessment of potential adverse effects arising from the development.

3.4.5 All nesting birds are discussed in the final section given the general legislative provisions relating to the protection of active nests.

Table 3: Bird Species Recorded on the Site

Common name	Latin name	Status ¹⁶	Supporting Habitat
Blackbird	<i>Turdus merula</i>	-	Scrub and scattered tree nesting habitat immediately north of the Site boundary and grassland foraging habitat within the Site boundary.
Robin	<i>Erithacus rubecula</i>	-	Scrub and scattered tree nesting habitat immediately north of the Site boundary and grassland foraging habitat within the Site boundary.
Wood Pigeon	<i>Columba palumbus</i>	-	Scrub and scattered tree nesting habitat immediately north of the Site boundary and grassland foraging habitat within the Site boundary. This species was observed nesting within a tree immediately adjacent to the Site's northern extent on the southern bank of the railway track.

¹⁶ S1 – Schedule 1 Wildlife and Countryside Act, A1 – Annex 1 EU Birds Directive, RL - Birds of Conservation Concern 'red list', AL - Birds of Conservation Concern 'amber list', s.41- species listed under section 41 of the NERC Act as species of principal importance

Invasive Plants

3.4.6 No invasive species were recorded during the field survey.

3.5 Protected Species Evaluation

3.5.1 Protected and NERC s.41 Priority species are evaluated in order to identify potential adverse effects in Table 4 below, based on the following criteria:

- Desk study records;
- Evidence found during the survey;
- Presence, extent, quality, and viability of supporting on-site habitat;
- Ecological connectivity to viable off-site habitats; and
- Perceived impacts of habitat loss/impact to individuals in relation to proposals.

3.5.2 Species for which adverse effects are predicted are indicated in bold text and are discussed in more detail in the Discussion and Recommendations section.

3.5.3 Species/taxa for which potential adverse effects are not anticipated are excluded from further assessment.

Table 4: Species Evaluation				
Receptor (species/taxa)	Description of Desk Study records	Status ¹⁷	Supporting Habitat(s) Present	Potential Adverse Effects
Bats <i>Chiroptera</i>	9 records of bats were returned as part of the desk study, including brown long-eared <i>Plecotus auratus</i>, common pipistrelle <i>Pipistrellus pipistrellus</i>, Daubenton's bat <i>Myotis daubentonii</i>, <i>Pipistrellus</i> spp., soprano pipistrelle <i>Pipistrellus pygmaeus</i> and unidentified bat species <i>Chiroptera</i> spp. The closest of these records relates to <i>Pipistrellus</i> spp. roost located approx. 1.05km to the south of the Site. The most recent records (from 2018) relate to the sighting of a common pipistrelle, soprano pipistrelle and daubenton's bats located approx. 1.52km to the northwest. The nearest European Protected Species mitigation licence related to bats is located approx. 2.23km to the southeast of the Site relating to Brandt's <i>Myotis brandtii</i>, common pipistrelle and Whiskered bats <i>Myotis mystacinus</i>.	CHSR, WCA, s.41,	Yes – Roosting and foraging habitat present on Site. Trees with features suitable for roosting bats (T1 & T2) are present adjacent to the existing hardstanding access track located to the south of the Site. Limited bat foraging habitat is present on site with the pastoral grassland but the immediately surrounding areas of scrub and scattered trees would provide further opportunities for foraging bats. Foraging habitat is considered to be of 'low' suitability.	Yes – Poor quality foraging habitat restricted to improved grassland within the Site boundary. Those habitats surrounding the Site provide better opportunities for foraging bats. Adverse effects may occur if peripheral vegetation is removed from site however this is currently due to be wholly retained. Consideration should also be given to the adverse effects of lighting.

¹⁷ CHSR – Protected under Conservation of Habitats and Species Regulations 2017 (as amended), WCA – Wildlife and Countryside Act, A1 – Annex 1 (Birds Directive), BA –
[REDACTED] .41- species listed under section 41 of the NERC Act as species of principal importance

Table 4: Species Evaluation				
Receptor (species/taxa)	Description of Desk Study records	Status ¹⁷	Supporting Habitat(s) Present	Potential Adverse Effects
Birds	A large number of bird records have been returned, including a wide range of BoCC and Red List species and WCA Schedule listed species associated with inland habitats are also provided. Species include barn owl <i>Tyto alba</i> , dunnoek <i>Prunella modularis</i> , house sparrow <i>Passer domesticus</i> , reed bunting <i>Emberiza schoeniclus</i> , song thrush <i>Turdus philomelos</i> , starling <i>Sturnus vulgaris</i> , tree sparrow <i>Passer montanus</i> and yellowhammer <i>Emberiza citrinella</i> .	WCA, s.41, BoCC	Yes – grassland and scattered trees have the potential to support a wide range of breeding, foraging and nesting birds.	Yes – potential for harm if present at the time of construction works. Potential breeding habitat may be lost/disturbed by the proposals. Foraging habitat may also be lost.
Brown Hare <i>Lepus europaeus</i>	2 records were returned for brown hair within the 2km of the Site. The nearest of	s.41	No – This species favours open expanses of pastoral farmland and	No – the habitats on site are unlikely to support this species.

Table 4: Species Evaluation				
Receptor (species/taxa)	Description of Desk Study records	Status ¹⁷	Supporting Habitat(s) Present	Potential Adverse Effects
	these records (a historic record from 2000) is located approx. 1.6km northwest of the Site.		therefore are unlikely to utilise the habitats on Site.	
European Hedgehog <i>Erinaceus europaeus</i>	A single record for hedgehog was returned located approx. 1.89km northeast of the Site, dated 2017.	s.41	Yes – Poor semi-improved grassland and scrub.	Yes – potential for harm if present at the time of construction works. The habitats surrounding the Site provide better opportunities for hedgehog. Adverse effects may occur if peripheral vegetation is removed from site however this is currently due to be wholly retained.
Dormouse <i>Muscardinus avellanarius</i>	No records of dormice within 20m of the Site were returned.	CHSR, WCA, s.41	No – the habitats within the site are considered unlikely to support dormice.	No – the habitats on site are unlikely to support this species. Additionally, the Site is located outside of the dormouse's natural range, with no records returned within 2km.
Otter <i>Lutra lutra</i>	2 records for otter were returned approx. 1.58km north of the Site, dated 2016.	CHSR, WCA, s.41	The brook, over which the proposed access route is planned, is very shallow and has banks that would not provide sheltering opportunities for otter or water vole. Foraging opportunities for either species along this stretch of the brook would also be considered to be very limited.	No – None anticipated. The effects to the brook are considered to be minimal at most with only the widening of the current crossing point proposed.
Water Vole <i>Arvicola amphibius</i>	No records of water vole within 2km of the Site were returned.	WCA, s.41		

Table 4: Species Evaluation				
Receptor (species/taxa)	Description of Desk Study records	Status ¹⁷	Supporting Habitat(s) Present	Potential Adverse Effects
Common Reptiles	15 records for reptiles were returned concerning 2 species, grass snake <i>Natrix natrix</i> and common lizard <i>Zootoca vivipara</i> . The nearest of these records is located approx. 745m east relates to common lizard and is dated 1996.	WCA, s.41	Yes – Improved grassland within the Site presents few opportunities for foraging and sheltering reptiles. The poor semi-improved grassland that is present along the proposed locations for the access route and cable route would provide foraging, basking and sheltering opportunities.	Yes – vegetation clearance has the potential to harm/disturb reptiles, if present at the time of the construction works. Poor semi-improved grassland provides suitable habitat for widespread reptile species. However, the anticipated loss of suitable habitat to facilitate the Proposed Development is minimal with suitable habitats immediately surround the Site being retained and unaffected.
Great Crested Newt <i>Triturus cristatus</i>	74 records for great crested newt were returned within 2km of the Site, dated between 1985 – 2019. The closest of these records is located approx. 1.61km north of the Site, dated 2014. The nearest great crested newt European Protected Species Licence relating the great crested newts was located approx. 1.69km southwest of the Site but expired in 2018.	CHSR, WCA, s.41	No – No ponds are present on Site. Closest pond located approx. 380m west. Improved grassland within the Site provides minimal foraging and sheltering opportunities.	No – Species considered unlikely to be present on Site. No direct loss to suitable breeding habitat will occur. Minimal areas of suitable foraging and sheltering habitat to be lost to facilitate the access route and cable route for the Proposed Development. No adverse effects to great crested newt are considered likely as a result of development on Site.
Other Amphibians	55 records for common toad <i>Bufo bufo</i> were returned within 2km of the Site, dated	s.41	No – No ponds are present on Site. Closest pond located approx. 380m	No – Species considered unlikely to be present on Site. No direct loss to

Table 4: Species Evaluation				
Receptor (species/taxa)	Description of Desk Study records	Status ¹⁷	Supporting Habitat(s) Present	Potential Adverse Effects
	between 2007 – 2018. The nearest of these records, dated 2013, is located approx. 670m to the south. No records for any other species of amphibian within 2km were returned.		west. Improved grassland within the Site provides minimal foraging and sheltering opportunities.	suitable breeding habitat will occur. Minimal areas of suitable foraging and sheltering habitat to be lost to facilitate the access route and cable route for the Proposed Development. No adverse effects to common amphibians are considered likely as a result of development on Site.
White-clawed Crayfish <i>Austropotamobius pallipes</i>	No records of white-clawed crayfish within 2km of the Site were returned.	CHSR, WCA, s.41	No – No suitable habitat present on Site. The brook located near the Site supported a silty substrate and had none of the cover, such as rocks and tree roots, preferred by this species.	No – the habitats on site are unlikely to support this species.
Protected Plant Species	None returned from within the search area.	WCA, s.41	No – None recorded at the time of survey. The habitats at the Site are common and widespread within the local area.	No – None anticipated. No Species recorded at the time of the survey and habitats are common and widespread within the local area.
Protected Invertebrate Species	5 records for 3 different species of invertebrate were returned, dated between 1983 and 2018. Species recorded are wall butterfly <i>Lasiommata megera</i> , dingy skipper <i>Erynnis tages</i> and small heath butterfly <i>Coenonympha pamphilus</i> .	WCA, s.41, LBAP	Yes – Poor semi-improved grassland considered to provide suitability for a wide range of invertebrate species.	No – Due to the minimal amounts of suitable habitats being lost to facilitate the Proposed Development and the habitats being common and widespread within the local area no adverse effects are anticipated.

Table 4: Species Evaluation				
Receptor (species/taxa)	Description of Desk Study records	Status ¹⁷	Supporting Habitat(s) Present	Potential Adverse Effects
	The closest of the records relates to a dingy skipper record approx. 590m to the west, dated 2018.			
Invasive non-native species	6 invasive non-native floral species were returned as part of the desk study. Species include Japanese knotweed <i>Fallopia japonica</i>, snowberry <i>Symphoricarpos albus</i>, Canadian waterweed <i>Elodea canadensis</i>, Himalayan balsam <i>Impatiens glandulifera</i>, New Zealand pigmyweed <i>Crassula Helmsii</i> and cherry laurel <i>Prunus laurocerasus</i>. No records for invasive non-native fauna species were returned.	WCA (s.9)	Yes – The Site supports habitats suitable for invasive species.	No – No invasive non-native species were recorded at the time of survey, therefore no effects are anticipated.

4 DISCUSSION AND RECOMMENDATIONS

4.1 Sensitive Receptors

4.1.1 The following conservation sites, habitats, and species (receptors) have been evaluated as being subject to potential adverse effects:

- Bats;
- [REDACTED]
- Birds;
- European hedgehog; and
- Common reptiles.

4.1.2 The nature of potential effects, requirements for further surveys, and proposed mitigation/compensation are discussed below for each of the identified receptors.

4.2 Fauna and Flora

Bats - Roosting

4.2.1 Two trees (T1 and T2) have features suitable for use by roosting bats. The trees are both located along the existing access track in the south of the Site. It is recommended that those trees are retained and left in situ. The location of the access route has been redesigned to avoid any impacts on these two trees.

4.2.2 If in future it is identified that these trees cannot be retained, further surveys will be required. A climb and inspect survey of these trees would be required to fully assess the features suitable for use by roosting bats. The tree inspections involve a bat licenced surveyor in possession of an aerial ascent and rescue certificate climbing trees which lie within the influencing zone of the proposed development to check cavities for the presence of roosting bats or evidence of previous roosts.

4.2.3 If trees cannot be exhaustively searched to rule out use by roosting bats, emergence surveys in accordance with Bat Conservation Trust (BCT) Good Practice Survey guidelines (Collins, J, 2016) will be required. For trees assessed as having 'moderate' suitability two surveys between May to August are required. All surveys must be at least two weeks apart.

4.2.4 In the event that bats, or evidence of roosts are recorded, it may be necessary to obtain a European Protected Species Licence (EPSL) with an accompanying method

statement to ensure that bats are adequately protected, and that compensatory roosting habitat is provided following the works.

Bat activity (Foraging and commuting)

- 4.2.5 The site supports limited suitable foraging and commuting habitat for bats. The habitats present on Site are considered to be of 'Low' habitat suitability (Collins, J, 2016). Any foraging / commuting bats flying along the railway embankment could be disturbed by the construction works should these works be undertaken at night through noise and light disturbance. It is therefore recommended that night-working is avoided and lighting, if required, is directed away from the railway embankment.

[REDACTED]

[REDACTED]
[REDACTED]
[REDACTED]

[REDACTED]
[REDACTED]
[REDACTED]

[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

[REDACTED]
[REDACTED]
[REDACTED]

Birds

- 4.2.11 It is recommended that habitat clearance works are undertaken outside of the usual bird breeding season (normally taken to be March – August inclusive). If such timescales cannot be accommodated, it is recommended that a check for the presence of active nests, and nesting birds should be undertaken by a suitably qualified ecologist no more than 48hrs prior to the commencement of the vegetation clearance. Any active nests should be identified and protected subject to the relevant legal provisions until the nesting attempt is complete and the young have fledged.

European Hedgehog

- 4.2.12 The risk of harm to hedgehogs, if present, can be reduced by the implementation of suitable reasonable avoidance measures, such as limiting night-time working, providing means of escape from excavations left open overnight, avoid the removal of suitable hibernacula during the hibernation period (November – March).

Common Reptiles

- 4.2.13 The risk of killing / injuring common reptiles can be reduced by the implementation of suitable reasonable avoidance measures. These measures should include:
- Clearance of semi-improved grassland and scrub habitat should be undertaken in a two staged process, which an initial cut being undertaken down to 150m and then left for a minimum of 24 hrs to allow any reptiles to move out of the area. Following this period, the remaining habitat can be removed.
 - Avoid the removal of suitable hibernacula during the hibernation period (November – March).

4.3 General recommendations

- 4.3.1 Wooden planks, or another means of egress, should be placed in all excavations which are to remain open overnight. This will provide a means of escape for mammals which may enter the excavations.
- 4.3.2 Night-time work should be avoided whenever possible to minimise potential disturbance to nocturnal mammals.
- 4.3.3 It is recommended that an update walkover survey is undertaken if 12 months has elapsed since this report to see if there have been any substantial changes to the habitats present.

4.4 Conclusion

- 4.4.1 In conclusion, if the reasonable avoidance measures mentioned within this report are adhered to no adverse effects are anticipated as part of the Proposed Development. Should any ecological constraints be observed during the construction of the Proposed Development then works should cease immediately and a suitably qualified ecologist be contacted for advice.

5 ECOLOGICAL ENHANCEMENTS

- 5.1.1 In accordance with the requirements of the NPPF and BSI 42020:2013 ecological enhancements should be proposed which will result in a net gain in biodiversity.
- 5.1.2 To help achieve this it is recommended that a number of species-specific provisions including the incorporation of a number of bat and bird boxes be considered and implemented into the Proposed Development.
- 5.1.3 Hibernacula could be created, for both common reptiles and amphibians, through the creation of log piles with any woody vegetation that is to be removed.

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Appendix 1

Legislation and Policy Summary

Appendix 1: Legislation and Policy Summary

Legislation for Habitats/Sites

Designated Site/Habitat	Status
Ramsar Sites	Ramsar Sites are wetlands of international importance designated following The Ramsar Convention. RAMSAR sites have the same level of protection as SSSIs under the Wildlife and Countryside Act 1981 (as amended).
SPA (Special Protection Areas)	SPAs seek to protect the habitats of rare and vulnerable European and UK birds. The Wildlife and Countryside Act 1981 (as amended) and the Conservation of Habitats and Species Regulations 2017 protect such sites in the UK.
SAC (Special Areas for Conservation)	SACs are strictly protected areas which represent important and threatened habitats in Europe and the UK. The Wildlife and Countryside Act 1981 (as amended) and the Conservation of Habitats and Species Regulations 2017 protect such sites in the UK.
SSSI (Sites of Special Scientific Interest)	SSSIs protect the best examples of the UK's flora, fauna, or geological or physiographical features. Originally notified under the National Parks and Access to the Countryside Act 1949, SSSIs were renotified under the Wildlife and Countryside Act 1981 (as amended). Modified provisions for the protection and management of SSSIs were introduced by the Countryside and Rights of Way Act 2000.
NNR (National Nature Reserves)	NNRs are examples of some of the most important natural and semi-natural terrestrial and coastal ecosystems in Great Britain. NNRs are declared by the statutory country conservation agencies under the National Parks and Access to the Countryside Act 1949 and the Wildlife and Countryside Act 1981 (as amended). Legal protection of NNRs is provided under The Wildlife and Countryside Act 1981 (as amended).
Hedgerows	All hedgerows are protected by the Hedgerows Regulations 1997, under which it is an offence to remove or destroy certain hedgerows without planning consent or permission from the Local Planning Authority. These regulations do not apply to any hedgerow within the curtilage of, or marking the boundary of the curtilage of, a dwelling house.
LNR (Local Nature Reserves)	Designated by the National Parks and Access to the Countryside Act 1949, LNRs may be declared for nature conservation by local authorities after consultation with the relevant statutory nature conservation agency. Legal protection of LNRs is provided under The Wildlife and Countryside Act 1981 (as amended).

Legislation for Species

Species	Legal Status
Creeping Marshwort, Early Gentian, Fen Orchid, Floating-leaved Water Plantain, Killarney Fern, Lady's Slipper, Shore Dock, Slender Naiad, Yellow Marsh Saxifrage	Under the Conservation of Habitats and Species Regulations 2017 (and as amended), it is illegal to deliberately pick, collect, uproot, or destroy any such species.
Bats, Dormouse, Otter, Wild Cat, Great Crested Newt, Natterjack Toad, Sand Lizard, Smooth Snake, Large Blue Butterfly	These animals and their breeding sites or resting places are protected under Regulation 41 of the Conservation of Habitats and Species Regulations 2017 (and as amended), which makes it illegal to: • Deliberately capture, injure, or kill any such animal or to deliberately take or destroy their eggs; • Deliberately disturb¹⁹ such an animal; and • Damage or destroy a breeding site or resting place of such an animal. European Protected Species (EPS) licenses can be granted by Natural England in respect of development to permit activities that would otherwise be unlawful under the Conservation Regulations, providing that the following 3 tests (set out in the EC Habitats Directive) are passed, namely: • The development is for reasons of overriding public interest; • There is no satisfactory alternative; and • The favourable conservation status of the species concerned will be maintained and/or enhanced. LPAs must consider the above 3 'tests' when determining whether Planning Permission should be granted for developments likely to cause an offence under the Conservation Regulations.
Bats, Dormouse, Great Crested Newt, Heath Fritillary, High Brown Fritillary, Large Blue, Marsh Fritillary, Natterjack Toad, Pine Martin, Otter, Red Squirrel, Sand Lizard, Smooth Snake, Swallowtail, Water Vole, Wildcat	These animals receive full protection under the Wildlife and Countryside Act 1981 (and as amended), which makes it illegal (subject to certain exceptions) to: • Intentionally kill, injure, or take any such animal; • Intentionally or recklessly damage, destroy or obstruct any place used for shelter or protection; and

¹⁹ Under the Conservation Regulations, disturbance of protected animals includes in particular any disturbance which is likely to: (i) impair their ability to survive, breed or reproduce, or to rear or nurture their young or to hibernate or migrate; (ii) significantly affect the local distribution or abundance of the species in question.

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NOVEMBER 2021

Policy Summary

Section 40 of the Natural Environment and Rural Communities (NERC) Act imposes a legal duty on Planning Authorities to 'have regard' to the conservation of biodiversity when considering planning applications.

Section 41 of the NERC Act requires the Secretary of State to publish a list of species and habitats of principal importance for conserving biodiversity in the UK. Such Biodiversity Action Plan (BAP) Habitats and Species (2007) do not offer the species any specific protection but help to highlight the species importance at a national level. This list is used by Local Planning Authorities to identify the species and habitats that should be afforded priority when applying the requirements of the National Planning Policy Framework (NPPF).

The NPPF underpins the Government's planning policies for England and how these are to be applied. The central theme of the NPPF is a presumption in favour of sustainable development. This presumption does not apply where development requiring Appropriate Assessment because of its potential impact on a habitats site is being planned or determined.

The NPPF states:

Planning policies and decisions should contribute to and enhance the natural and local environment by:

- *if significant harm resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts), adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused;*
- *development on land within or outside a Site of Special Scientific Interest, and which is likely to have an adverse effect on it (either individually or in combination with other developments), should not normally be permitted. The only exception is where the benefits of the development in the location proposed clearly outweigh both its likely impact on the features of the site that make it of special scientific interest, and any broader impacts on the national network of Sites of Special Scientific Interest;*
- *development resulting in the loss or deterioration of irreplaceable habitats (such as ancient woodland and ancient or veteran trees) should be refused, unless there are wholly exceptional reasons⁵⁸ and a suitable compensation strategy exists; and;*
- *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;*

- *The following should be given the same protection as habitats sites:*
 - a) potential Special Protection Areas and possible Special Areas of Conservation;*
 - b) listed or proposed Ramsar sites; and*
 - c) sites identified, or required, as compensatory measures for adverse effects on habitats sites, potential Special Protection Areas, possible Special Areas of Conservation, and listed or proposed Ramsar sites.*

The presumption in favour of sustainable development does not apply where development requiring appropriate assessment because of its potential impact on a habitats site is being planned or determined.

The NPPF requires the Planning Authority to have a responsibility to promote the preservation, restoration and re-creation of priority habitats, ecological networks and the protection and recovery of priority species populations, linked to national and local targets, and identify suitable indicators for monitoring biodiversity in the plan. In addition, the planning system should contribute to and enhance the natural and local environment by minimising impacts on biodiversity and providing net gains in biodiversity where possible, contributing to the Government's commitment to halt the overall decline in biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures.

Appendix 2

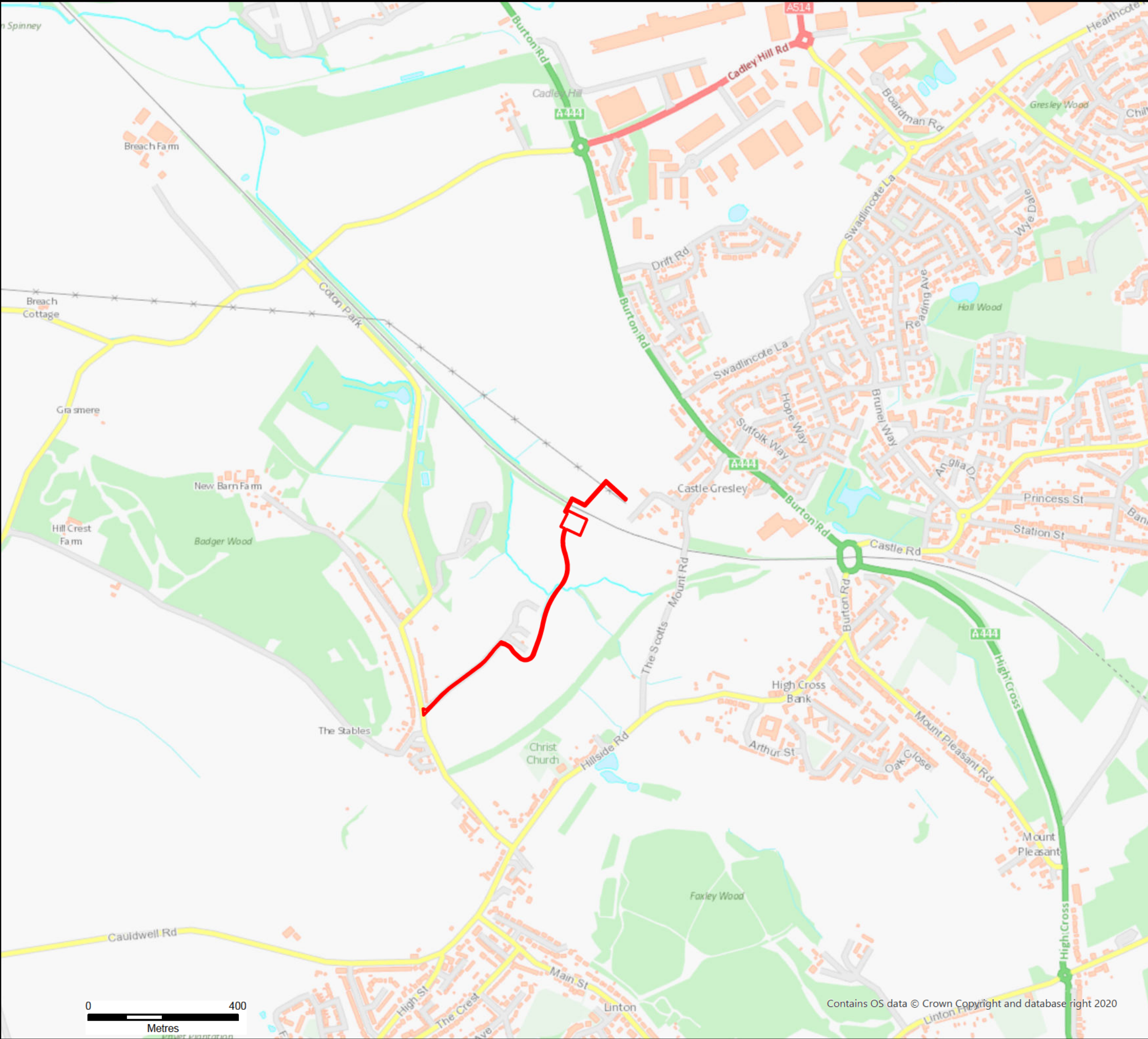
Trees with Features suitable for Roosting Bats

Appendix 2: Trees with Bat Roost Potential

Tree Number	Species	Age	Feature	Suitability
T1	Ash	Mature	Large rot hole at the base of the tree on its north western extent	Moderate
T2	Oak sp	Mature	Numerous cracks within limbs on all elevations	Moderate

T= Tree

DRAWINGS

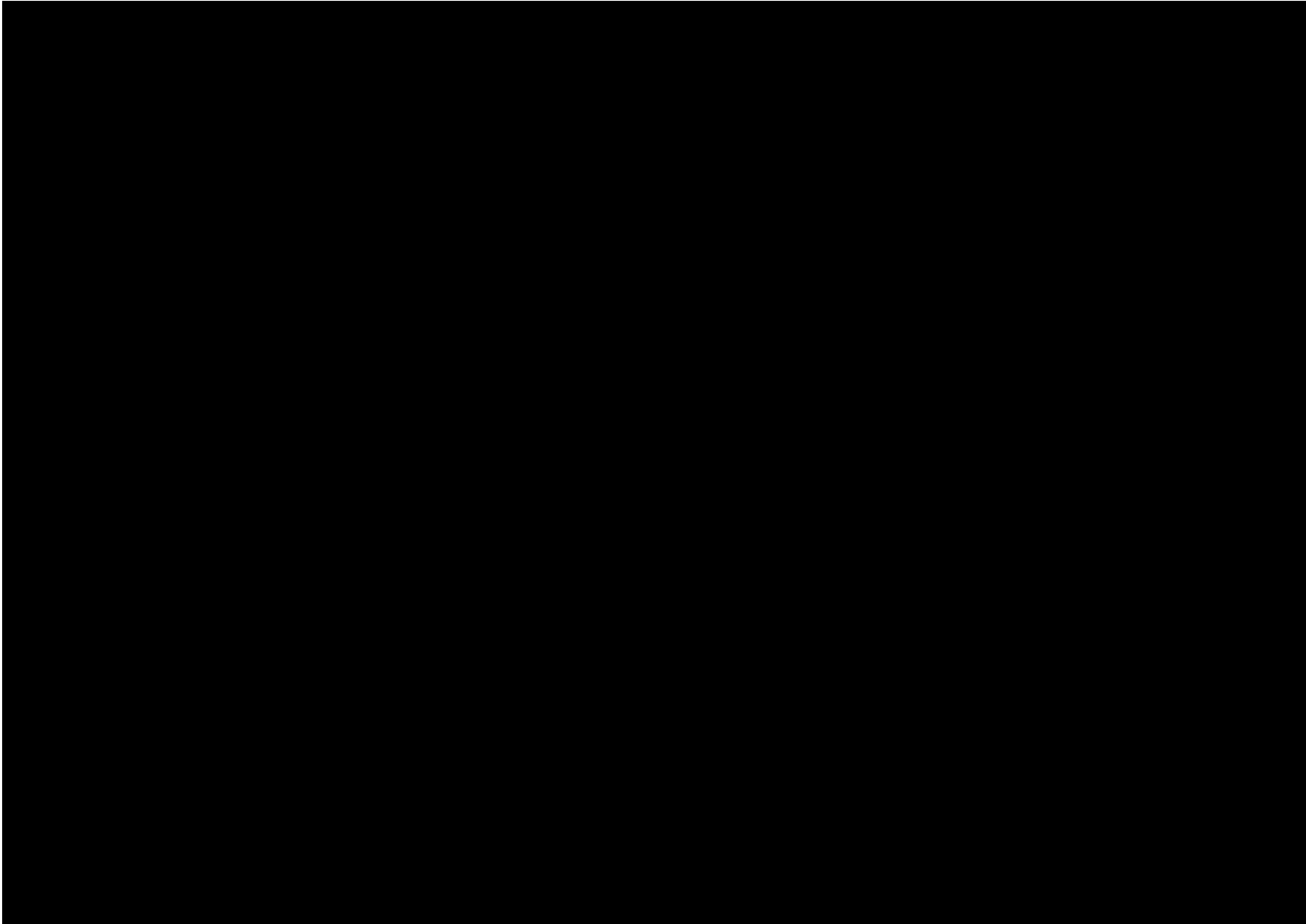


KEY

Site Boundary

Note:
Boundaries are indicative.

B A	Site Boundary Updated First Issue	04/11/21 28/09/21	CT SW	SC SC	AB AB
REV SION	DETAILS	DATE	DRAWN	CHKD	APPRD
CLIENT					
FLEXION ENERGY UK STORAGE LTD					
PROJECT					
LAND AT GRESLEY, SOUTH DERBYSHIRE					
DRAWING TITLE					
SITE LOCATION PLAN					
DRG No.		REV			
CA12288/001		B			
DRG SIZE	SCALE	DATE			
A3	1:10,000	04/11/2021			
DRAWN BY	CHECKED BY	APPROVED BY			
SW	SC	AB			



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