

Our Ref: 784-B072252

Your Ref: 4/25/2180/0F1

FAO: Heather Morrison

18 September 2025

Dear Heather,

784-B072252 WOODEND AND MOOR ROW, EGREMONT 4/25/2180/0F1

The project is located to the east of Dazell Street between the villages of Bigrigg, Cleator and Moor Row. The Proposed Development is for a 30-megawatt (MW) Battery Energy Storage System (BESS) and associated ancillary structures. Planning application reference is FUL/4/25/2180/0F1.

The applicant provided the following ecological documents for initial review:

- Ecological Impact Assessment: BESS Egremont, Futures Ecology May 2025;
- Biodiversity Net Gain (BNG) Statutory Metric; and
- Biodiversity Impact Assessment: BESS Egremont, Futures Ecology May 2025.

Tetra Tech Limited (Tetra Tech), on behalf of Cumberland Council, provided comment response to the above documents on 09/07/2025 to Heather Morrison (Our Ref: 784-B072252). These comments are colour coded **blue** below, and dated, for ease of referral in this document.

Futures Ecology Ltd have provided Cumberland Council with a letter of response to Tetra Tech's comments dated 20/08/2025 (Futures Ecology Ltd Ref: FE496 / AGE / JSE, titled: 784-B072252 WOODEND AND MOOR ROW, EGREMONT 4/25/2180/0f1 – RESPONSE TO TETRA TECH / ECOLOGY COMMENTS DATED 9TH JULY 2025). These responses are colour coded **green**, and dated, below for ease of referral. The shadow Habitat Regulations Assessment has been provided:

- Futures Ecology Ltd., FE496/sHRA01, August 2025.

Tetra Tech's current comments with regards to Futures Ecology Ltd's responses are thus provided below are also colour coded **blue** below, and dated, for ease of referral.

Tetra Tech Limited. Registered in England number: 01959704

Tetra Tech Cockermouth, Unit 6, Lakeland Business Park, Lamplugh Road, Cockermouth, Cumbria, United Kingdom,
CA13 0QT

Tel +44 (0)1900 898 600 **Email** Ecology.Cumbria@tetrattech.com

Registered Office: 3 Sovereign Square, Sovereign Street, Leeds, United Kingdom, LS1 4ER

09/07/2025 Comments on Biodiversity Impact Assessment and Metric

1. The condition assessment for G1 (southern field) contradicts the submitted condition sheet in Appendix C. It is noted that there are less than 6 species per 1m² and so fails criteria 1, which in turn places it in 'Poor' condition. The report and supporting Metric state the grassland is in 'Good' condition. This should be rectified in either the appended Condition Sheet, or in the report body and supporting Biodiversity Metric. The quadrat data would side with the latter.
2. Hedgerows are Habitats of Principal Importance. As such the strategic significance for Hedgerows should be included as 'Medium' as per the included methodology of Section 2.16 and the West Moorland and Furnace guidance document. Consequently, the Biodiversity Metric will need to be amended alongside Section 3.5 of the report.
3. The ditch has been included as a feature of the hedgerow and not as a separate watercourse feature. As it is unlikely to hold water for extended periods of the year and is not a conveyancing feature, this assessment is accurate.

20/08/2025 Futures Ecology Ltd Response

The habitat condition assessment (HCA) sheet included for quadrat G1 was included in error. The correct HCA for this grassland quadrat has now been included in the BIA report. With regards to the incorrect assignment of strategic significance of the line of trees, this will now be correctly assigned a strategic significance of Medium. Again, this was an inputting error. Both these errors will be rectified in the forth coming revised BIA which will be submitted once proposed habitat offsetting has been finalised.

17/09/2025 Tetra Tech Comment

The required amends have been addressed and will be presented in the modified Biodiversity Impact Assessment (BIA) report, which will be submitted to the Council in due course.

09/07/2025 Comments Ecological Impact Assessment

Designated sites and Habitat Regulations Assessment (HRA)

The proposed development site does not lie within any international / European designated sites but does lie within the Impact Risk Zone (IRZ) for River Ehen (Ennerdale Water to Keekle Confluence) SSSI. The nearest international / European site is the River Ehen List Special Area of Conservation 110 m southeast of the site, and the River Ehen Site of Special Scientific Interest (SSSI) is the nearest National statutory designated site. The proposed development does not lie within any Local Nature Reserves. Longlands Lake is the closest Local Wildlife Site 20 m east of the site. A Habitat Regulations Assessment (HRA) has not been completed for the application. A Stage 1 and Stage 2 Assessment is required.

A Stage 2 Appropriate Assessment is required due to likely significant effects to River Ehen SAC / SSSI during construction phase.

The EclA recommends potential significant adverse effects on River Ehen Ponds LWS and Longlands Lake LWS during are prevented / minimised by the production and implementation of a Construction Environmental Management Plan (CEMP).

20/08/2025 Futures Ecology Ltd Response

A shadow Stage 1 and Stage 2 Assessment has been produced in relation to likely significant effects to the River Ehen SAC / SSSI during the construction phase (Futures Ecology Ltd., FE496/sHRA01, August 2025).

18/09/2025 Tetra Tech Comment

The required Stage 1 and 2 shadow (s) Habitats Regulation Assessment (HRA) has been produced and has been submitted to the Council for assessment.

It's noted the consultation comments received by Natural England requested pollution control measures as mitigation for water quality impact pathways on River Ehen SAC. With regards to Impact Risk Zones, given that the proposals fall into a category of likely risk to the River Ehen SSSI consultation between Natural England and the Competent Authority is required.

Following review the HRA, the impact pathways of water quality (both construction and operations) were screened in. Sufficient justification was provided to screen out other impact pathways on the River Ehen, ***however invasive species (which can easily spread via watercourses) are identified in the Site Improvement Plan and need to be considered.***

The mitigation detailed in the appropriate assessment includes protection from siltation; pollutants; the correct storage of materials. ***Further consideration is required to the storage and management of machinery; and biosecurity measures.***

Habitats

Habitat surveys were conducted initially in February 2025 which is outside the optimum survey period. Follow up surveys were conducted in April 2025 at the beginning of the optimum survey window.

Habitats recorded included Broadleaved trees, Ditch, Offsite woodland (Broadleaved and Mixed Woodland), Poor semi-improved grassland and Hardstanding. The EclA concluded there would be permanent significant adverse effects on several habitats through direct damage or indirect impacts from noise and dust during construction and that a CEMP should be produced to protect habitats.

20/08/2025 Futures Ecology Ltd Response

No response received.

17/09/2025 Tetra Tech Comment

No direct response to the comment was provided. The general comment *“A number of points raised by the consultation reiterate the conclusions of the EclA that are proposed to be dealt within under a Construction and Environmental Manage Plan (CEMP). Where this is stated in the document no further comment is provided below.”* responds to this comment sufficiently and Tetra Tech’s prior comments (09/07/2025) regarding the Council conditioning a CEMP is appropriate.

Protected species

The EclA states all surveys conducted to most recent standard guidance. It is not clear if the site, in its entirety including the 30 m buffer for badgers, was fully accessible for survey. No figure indicating survey extent, or the presence or extent of inaccessible areas, included.

The impact of the proposed development on red squirrel and otter could not be determined from the information in the EclA and further information is required. The red squirrel survey examined habitat suitability but did not indicate whether a survey for field evidence was included. 44 records of red squirrel were noted in the desk survey, the closest 117 m from the site and a red squirrel survey should be conducted to determine presence / likely absence on site. The EclA states that the ditch on site is unsuitable for otter and therefore otter was not considered further in the impact assessment. The desk study returned six records of otter, the closest 125 m southeast. There are no obvious barriers to movement between the site and the River Keekle to the east. Natal dens can be some distance from riverine habitat and the potential impact of the proposed development on breeding otter was not considered.

The EclA states that specific mitigation is required for grass snake to prevent a permanent not significant adverse effect at a Local level and a breach of the Wildlife and Countryside Act (1981). Adverse impacts to other protected species are to be prevented / minimised by implementation of the CEMP.

20/08/2025 Futures Ecology Ltd Response

As stated in the methodology section 3.12 of the EclA, signs of badger were searched for within a 30m buffer beyond the application site boundary. All signs were searched for including any mammal paths that could be attributable to badger. This survey was undertaken on two survey occasions as stated in section 3.7 on 13th February and 15th April, 2025. No signs of badger either within the redline boundary or 30m buffer were noted. The land immediately surrounding the application site boundary is within the same ownership of the application site. Any limitation to our search in this respect would have been included within the Limitations section in 3.35 if there had been any.

The desk study exercise confirmed the presence of red squirrel within the local area with the nearest record being 117m to the south-east of the south-eastern extent of the cable route. No desk study records were provided in close proximity to the BESS compound area. Given that this

species is a highly mobile species as well as the relatively close proximity of the nearest record, it was concluded that broadleaved woodland immediately offsite would provide a suitable resource for this species and therefore red squirrel are likely present within the wider landscape.

There are only very limited features within the redline boundary that represent a potential resource for red squirrel (a small number of individual trees, scattered scrub and a short section of tree line along the southern boundary). All of these features are retained as part of the proposals and the proposals will not physically sever these features from any existing habitat links to offsite habitats. The proposals do not directly affect any of the offsite habitats, no potential linear features around the development will be severed as a result of the proposals. As such, it was concluded that there are no direct impacts on red squirrel. Potential indirect impacts on offsite habitats have been scoped into the EclA for further consideration and will be dealt with by a CEMP to ensure no accidental damage to habitats or disturbance impacts on habitat features that could potentially be used by this species. Operational phase impacts on onsite retained habitats, onsite new habitats and offsite habitats resulting from development lighting will be fully mitigated through a careful development lighting design. It is anticipated that minimal lighting will be required within the development as the site will be monitored remotely via CCTV and will not have continual site personnel presence. As such, impacts to red squirrel can be adequately avoided and, therefore, presence / absence surveys were not considered necessary.

As part of the Preliminary Protected Species survey undertaken 13th February and 15th April, 2025 the ditch was inspected on two occasions for signs of otter. If any signs including holes that could be attributable to either otter or badger were noted further detailed surveys would have been recommended. As no such signs were observed the ditch was discounted with regard these species.

17/09/2025 Tetra Tech Comment

Badger: Clarification of the survey effort and limitations for badger field surveys is appropriate. A pre-commencement badger survey is required within three months of the start date (due to the transient nature of badgers). Precautionary working methods to prevent harm to badgers, and other mammals, must be detailed in the CEMP. If any badger setts are identified within 30 m of works, appropriate mitigation is required (which may include a licence).

Red squirrel: It is noted that impacts to on and off-site habitats suitable for red squirrel will be avoided during construction phase and operation, and there will be no severance of habitats. Precautionary working methods to prevent disturbance and harm to red squirrels and their habitats will be detailed in the CEMP. Therefore, no further surveys are considered required. A sensitive lighting scheme, as outlined in Tetra Tech's prior comments, is required.

Otter: The survey effort for otter field surveys were appropriate. A pre-commencement otter survey is required within three months of the start date (due to the transient nature of otter). Precautionary working methods to prevent harm to otter and other mammals will be detailed in

the CEMP. If evidence of otter is identified and otters will be impacted appropriate mitigation is required (which may include a licence). A sensitive lighting scheme, as outlined in Tetra Tech's prior comments, is required.

Grass snake and other protected species: Futures Ecology Ltd did not provide a response to this comment per se, beyond their general comment "*A number of points raised by the consultation reiterate the conclusions of the EclA that are proposed to be dealt within under a Construction and Environmental Manage Plan (CEMP). Where this is stated in the document no further comment is provided below.*" Precautionary working methods to prevent harm to fauna (including precautionary working methods for vegetation clearance regarding reptiles) must be detailed in the CEMP.

No further responses were received from Futures Ecology Ltd, and Tetra Tech's additional prior comments, not addressed by the above, remain.

Yours sincerely

Kay Went BSc MCIEEM

Associate

For and on behalf of Tetra Tech Limited

Candice Howe CEcol MCIEEM

Associate

For and on behalf of Tetra Tech Limited