

ECOLOGY

THE NATIONAL GRID ELECTRICITY TRANSMISSION (HARKER ENERGY
ENABLEMENT PROJECT) COMPULSORY PURCHASE ORDER 2023

STATEMENT OF EVIDENCE

OF

TIM KELL

1 QUALIFICATIONS AND EXPERIENCE

- 1.1 My full name is Timothy Kell and I am a Principal Ecologist at WSP; I have been in ecological consultancy for approximately 10 years. In my role I am responsible for providing advice to clients on ecological matters.
- 1.2 I graduated from University of Nottingham in Biodiversity (BSc (Hons)) in 2009, and gained a masters degree (MSc) in Biodiversity and Conservation from University of Leeds in 2010. After graduation, I worked on a private nature reserve situated in the cloud forest in Ecuador where I carried out surveys for a range of taxa groups including butterflies, dragonflies, amphibians and birds, and guided groups of people around the reserve and Ecuador on natural history, butterfly and bird tours. I also assisted in the managing of the reserve, habitat management, and staff supervision. Following this, I volunteered for the Wildlife Trust and then moved into ecological consultancy in 2014 as an Assistant Ecologist.
- 1.3 Since moving into ecological consultancy, I have managed and technically guided small to large projects, for clients across a range of industries including power generation and distribution, water supply, mineral extraction and commercial and residential property. As part of this, I have managed and undertaken ecological surveys, impact assessments and mitigation requirements.
- 1.4 I have experience of a range of ecological survey techniques including extended Phase 1 habitat/UKHab survey and protected species surveys. Protected species surveys include surveying and reporting for great crested newt (GCN) (including eDNA), badger, otter, water vole, natterjack toads, dormice, freshwater pearl mussel, reptiles, bats, red squirrel and invertebrates. I hold a Natural England protected species survey licence for GCN, sand lizard and smooth snake, bats (class 1), and natterjack toad. I also hold a NatureScot licence for otter camera trapping and Natural Resources Wales survey licence for GCN.

2 INTRODUCTION AND SCOPE OF EVIDENCE

- 2.1 I am supporting National Grid on ecology matters in relation to the Harker Energy Enablement Project (the Project).
- 2.2 In connection with the Project, WSP have undertaken a suite of ecology work on behalf of National Grid to inform ecological mitigation that National Grid and its principal/sub-contractors are required to adhere too, so they are compliant with environmental legislation. National Grid has an obligation to comply with legalisation afforded to protected species and statutorily protected sites and has a statutory duty under Section 38 and Schedule 9 of the Electricity Act 1989 to have regard to conserving flora and fauna. In addition, the Natural Environment and Rural Communities Act 2006 (as amended) requires statutory undertakers such as National Grid to have due regard to conservation and enhancement of biodiversity in undertaking their duties.
- 2.3 WSP have carried out a desk study and field surveys pertaining to the site and the zone of influence of National Grid's planned overhead line (OHL) refurbishment work, including UKHab survey (i.e. identifying and mapping habitat types) and habitat-based assessments to determine the suitability of the habitats on and adjacent the site to support protected and notable species. Where deemed necessary, based on the habitat-based assessments and the works design (i.e. where the works could negatively impact on a protected or notable species), species

presence/likely absence surveys were undertaken in accordance with the respective best practice guidance.

- 2.4 A Habitat Regulations Assessment screening and SSSI assent report has been submitted to Natural England outlining the potential impacts and associated proposed mitigation for works (plots 264 and 267) within the Upper Solway Flats and Marshes Ramsar/SSSI and Solway Firth SPA/SAC sites. WSP/National Grid are currently engaging in discussions with Natural England regarding the works in this site. Works can only occur once Natural England provide consent, which would confirm that they are satisfied that the proposed mitigation measures would maintain the favourable conservation status of the sites.
- 2.5 The works at and adjacent to plot 293 will be carried out under a great crested newt mitigation licence from Natural England. By default, a European Protected Species (EPS) mitigation licence does not allow for a significant negative effect on the favourable conservation status of the species affected. The works at plot 003/005 will potentially be covered under a badger licence.
- 2.6 The evidence provided is based on the results of the desk study and field surveys. In this statement of evidence, I cover the ecological matters raised by the outstanding objectors to the compulsory purchase order relating to the Project (the Order, **CD D01**). The relevant grounds of objection are as follows:
- (a) Conflict between the rights in the Order and a proposed bison and beaver reserve; and
 - (b) Interference with the proper management of deer and squirrels.

3 CONSIDERATION OF OBJECTIONS

Conflict between the rights in the Order and a proposed beaver and bison reserve

- 3.1 Armeria (UK) LLP and Castletown Trst LLP have both raised this ground in their respective Objections (**CD E01** and **CD E02**) in relation to Order land forming part of the Castletown Estate.
- 3.2 Beaver and bison are not currently present at the site. In the absence of detailed information about the proposed beaver and bison reserve, it is not possible to form a detailed assessment of potential effects to beavers, bison, or other habitats/species that the proposed reserve may support.
- 3.3 Based on the existing ecological baseline (i.e. habitats and species recorded during the ecology survey work undertaken to date), the assessment and the proposed OHL refurbishment works, the works will not result in a significant impact or effect such that they would influence the suitability of the land for a future bison and beaver reserve. This is based on the planned OHL works being temporary, short-term, comprise a minimal footprint compared to the extent of the habitats affected at the site and in the wider area¹, and any habitat that is temporarily damaged/lost will be reinstated upon completion of the works; whether by re-seeding/planting and/or allowing natural regeneration (preferably by allowing natural regeneration of the grassland to avoid importing plant material).

¹ Based on aerial imagery

- 3.4 Eurasian beavers are protected as a European Protected Species (EPS) in England. In a scenario where beavers are re-introduced to this area, National Grid would employ an ecologist to undertake an assessment to determine if the works would impact on beavers and/or on their habitat. If non-licensable mitigation measures could not sufficiently manage the risk to beavers/contravening legislation, a licence would be sought from Natural England to cover the works, supported by appropriate mitigation and habitat compensation (where necessary). By default, a licence works affecting EPS does not usually allow for a negative effect on the favourable conservation status of the species. Therefore, in obtaining a licence from Natural England, National Grid will be legally bound to delivering appropriate mitigation and/or compensation as set out in the licence.
- 3.5 In addition to the Eurasian beaver, National Grid's ecologist would also undertake an assessment to determine if the works would impact on any other protected/notable species or sensitive habitats that the bison and beaver reserve may support. The assessment would determine any necessary mitigation requirements that National Grid would implement during the works (in accordance with the relevant guidance and legislation at the time of any works).
- 3.6 In the event that bison (which are listed on The Dangerous Wild Animals Act 1976) are present at the time of National Grid's works, it is assumed that any bison would be treated like other large livestock and would be appropriately segregated from the working area to prevent access and protect the animals from harm and disturbance, and avoid potential health and safety risks to site personnel.
- 3.7 Should National Grid need to carry out works within any future beaver and bison reserve, National Grid, in conjunction with their ecologist, would seek to work with the landowner (and statutory consultees where needed) to assess any potential impacts on the reserve and/or the species and habitats which it supports, and agree any associated mitigation measures and habitat reinstatement which may be necessary.

Interference with the proper management of deer and grey squirrel

- 3.8 All four outstanding objectors have raised this ground of objection to the Order in their respective Objections (**CD E01, CD E02, CD E03 and CD E04**). However, many of the working locations within the Order land to which the objections relate are not favourable habitat for deer and grey squirrel, being primarily open arable and pasture fields, with existing access routes used.
- 3.9 Where working locations are in/adjacent to more favourable habitat i.e. woodland, pasture/arable fields in close proximity to woodland (which deer can use for cover), the footprint of the works is minimal compared to the extensive suitable habitat in the wider area. Effects to habitats would be temporary and short-term, and any habitat that is damaged/lost will be reinstated upon completion of the works; whether by re-seeding/planting and/or allowing natural regeneration (preferably by allowing natural regeneration of the grassland to avoid importing plant material). Given the temporary and short-term nature of OHL works and that any damaged/lost habitats would be reinstated, there would be no impact on deer or grey squirrel population sizes or distributions within the local area.
- 3.10 In carrying out the Project, National Grid would not seek to obstruct or interfere with the normal management of deer and grey squirrel. Should National Grid need to carry out works in areas where deer or grey squirrel management occurs, National Grid would seek to work with the landowner in advance to agree dates/timings for the works to occur, thereby avoiding or minimising disturbance or disruption to deer and grey squirrel management activities, and the risk of potential health and safety issues to site personnel.

4 SUMMARY AND CONCLUSIONS

- 4.1 Consideration has been given to the key potential effects (pre-, mid- and long-term) of the Project works on a proposed bison and beaver reserve, as well as interference with management of deer and grey squirrels.
- 4.2 As set out above, many of the working locations within the Order land to which the objections relate are not favourable habitat for deer and grey squirrel and beaver and bison are not currently present within the Order land. However, based on the existing ecological baseline, the Project works would not adversely affect the suitability of land within the Castletown Estate for a future bison and beaver reserve and, in the scenario where beavers were reintroduced to the land, National Grid would obtain any requisite licence from Natural England at the relevant time.
- 4.3 In any event Project works that would potentially affect sensitive species and habitats would be completed under an appropriate Ecological Method Statement (EMS) to facilitate compliance with environmental legislation. The EMS would detail non-licensable control measures to avoid and minimise harm and disturbance to ecological features throughout the working period/s (including species and habitats which are legally protected, notable, and other general fauna). The EMS would include standard best practice measures to protect biodiversity, outline where further activities by an ecologist are required such as pre-works checks and watching briefs, and the appropriate reinstatement of habitats. The EMS will also outline where separate licenced mitigation would be required if the risk to certain ecological features cannot be adequately controlled using the non-licensable measures in the EMS.
- 4.4 Further to this, Project works will be communicated through advance notice to landowners. This would assist with avoiding and mitigating ecological impacts, and would avoid or minimise disruption, disturbance and potential health and safety incidents as a result from interacting with large livestock and/or deer/grey squirrel management activities.

5 DECLARATION

- 5.1 I confirm that the opinions expressed in this statement of evidence are true and are based on my professional opinion.