

## External Memo: technical note

To	Bev Pearson, Newark and Sherwood DC
From	Neil Davidson CMLI CEnv CIEEM, Lepus Consulting
Subject	Habitats Regulations Assessment record of the Appropriate Assessment
Code	LC-506 Cromwell Weir
Date	14 <sup>th</sup> March 2019
CC	-



### Summary

*This note is a record of the Appropriate Assessment process followed by Newark and Sherwood District Council for a proposed HEP scheme at Cromwell Weir, Nottinghamshire. The assessment concludes that the scheme will have no adverse effect on the integrity of any European site, either alone or in-combination with any other plan or project. Monitoring measures are recommended in this note.*

### Introduction to the Habitats Regulations Assessment (HRA)

1. The HRA relates to a planning application for full planning consent of a Hydropower Electricity Generating Station, supported by energy storage and fish passage at Cromwell Weir, Nottinghamshire. It has been prepared in accordance with the Conservation of Habitats and Species Regulations 2017 (SI 1012) commonly referred to as 'the Habitats Regulations'.

### Summary of the conclusion of the assessment

2. The assessment concludes that the scheme will have no adverse effect on the integrity of any European site, either alone or in-combination with any other plan or project.

### **Information used for the assessment**

3. The Shadow HRA submitted by the applicant dated 2<sup>nd</sup> March 2019. And the Addendum dated 8<sup>th</sup> March 2019.

### **The screening of the project**

4. The project identified the Humber Estuary SAC and likely significant effects on some of its qualifying features, namely sea and river lamprey, as the trigger for HRA. See Shadow HRA submitted by the applicant dated March 2019.

### **Mitigation measures**

5. See Shadow HRA (and addendum) submitted by the applicant dated March 2019.

### **Appropriate assessment**

6. See Shadow HRA (and addendum) submitted by the applicant dated March 2019.

### **Further mitigation measures**

7. All necessary mitigation is included in the Shadow HRA.

### **Integrity test**

8. It is considered that the planning application and submitted information allows Newark and Sherwood to ascertain that the scheme will have no adverse effect on the integrity of any European site, either alone or in combination with any other plan or project. In making that decision as the competent authority, Newark and Sherwood has taken account of the potential of the planning application proposals to contribute to cumulative effects when compared to other plans and projects. See

Shadow HRA (and Addendum) submitted by the applicant dated March 2019 for more details.

9. Natural England should now be consulted on the scheme proposals again. A letter dated 24<sup>th</sup> January from Natural England specified a requirement for a 6mm and 3mm screen on the intake weir; this has been incorporated in to the mitigation for the project.

### **Assumptions and limitations**

10. See Shadow HRA (and Addendum) submitted by the applicant dated March 2019.
11. The applicant has made an informed assumption as part of the conclusions in the Shadow HRA and addendum (dated 12<sup>th</sup> March 2019), that *'in terms of ammocoetes migration downriver, the entirety of flow will be discharged over the remaining section of weir (where works are not being undertaken) and there will be no change from the current situation'*.
12. To confirm that this is in fact the case, water samples should be taken in the spring time to confirm that ammocoetes are passing safely through the weir. Numbers and ammocoete condition should be recorded. Precise details should be agreed with the applicant's fisheries ecologist.
13. Besides the focus on ammocoetes, given that the HRA relies in part on mitigation, e.g. the new fish pass, to overcome identified adverse effects, it would be prudent to consider conditioning any consent with the requirement to monitor lamprey populations in and around the location of the weir, including impacts of the HEP scheme before and after construction and operation. In other words, as soon as consent is given. And the monitoring condition ought to consider whether operations be reviewed if significant adverse effects are identified on river and sea lampreys or their habitat as a consequence of operation.

### **References and reports**

- The Habitats Regulations Assessment Handbook (2013, as updated) DTA Publications.
- Cromwell Weir Hydropower: Draft Shadow Habitat Regulations and Appropriate Assessment (2019) Eelpower Ltd. 2<sup>nd</sup> March 2019.
- Addendum to Cromwell Weir Hydropower HRA Screening and Appropriate Assessment (8<sup>th</sup> March 2019) Word document received from Eelpower Ltd, 12<sup>th</sup> March 2018.
- Letter from Natural England dated 24<sup>th</sup> January 2019.

**- End of note -**