

# SLOUGH MULTIFUEL EXTENSION PROJECT

[PINS Ref: EN010129]

Environmental Statement  
Volume 3 – Appendix

## **Appendix 10E-Confidential Peregrine Falcon Assessment**

Application Document Reference: [6.4.12]

APFP Regulations 5(2)(a)

Revision Number: 1.0

Planning Act 2008  
Infrastructure Planning (Applications: Prescribed  
Forms and Procedure) Regulations 2009

**CONTENTS**

# Confidential Peregrine Falcon Appendix

<b>10.0 CONFIDENTIAL PEREGRINE FALCON APPENDIX.....</b>	<b>10-1</b>
10.1 Introduction .....	10-1
10.2 Legislation and Planning Policy .....	10-1
10.3 Assessment Assumptions and Limitations .....	10-3
10.4 Assessment Method .....	10-3
10.5 Baseline Conditions .....	10-4
10.6 Embedded Design Mitigation .....	10-5
10.7 Assessment of Likely Impacts and Effects .....	10-7
10.8 Residual Effects and Conclusions.....	10-8
10.9 Cumulative Effects .....	10-9
10.10 References.....	10-9

**TABLES**

Table 10.1	Criteria for Appropriate Peregrine Falcon Nest Box Installation
Table 10.2	Summary of Residual Effects (Construction and Decommissioning)
Table 10.3	Summary of Residual Effects (Operation)

## 10.0 CONFIDENTIAL PEREGRINE FALCON APPENDIX

### 10.1 Introduction

- 10.1.1 This report is a confidential appendix to the Environmental Statement (ES) Volume 1 **Chapter 10: Ecology [Application Document Reference 6.2.10- ES Chapter 10]** for the Slough Multifuel Extension Project (the Proposed Project) to provide information on the locations of peregrine falcon (*Falco peregrinus*) sightings and nesting activity in relation to the Consented Development.
- 10.1.2 As peregrine falcon is liable to persecution, this report should not be made publicly available in accordance with best practice.
- 10.1.3 This appendix reports the findings of an assessment to identify the potential for the Proposed Project to result in likely significant effects on peregrine falcon.
- 10.1.4 In this ES appendix, the approach to the assessment is outlined and the baseline environment with respect to ecology and biodiversity described. Those aspects of the Proposed Project that may cause impacts on ecology and biodiversity are identified, and an assessment is made of the likely significant effects. Appropriate mitigation and enhancement measures are reported.

### 10.2 Legislation and Planning Policy

- 10.2.1 A summary of applicable legislation and policy applicable to peregrine falcon is provided below with further detail provided in the referenced survey reports.
- Nesting Birds (Wildlife & Countryside Act 1981 (as amended))
- 10.2.2 All species of wild bird and their nests are protected under the Wildlife and Countryside Act, 1981 (as amended). 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.
- 10.2.3 Peregrine falcon is additionally listed on Schedule 1 of the Wildlife and Countryside Act, 1981 (as amended). Bird species listed on Schedule 1 are additionally protected against disturbance while nesting
- 10.2.4 This means that 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, which may lead to the parents abandoning their nests or young.

### Natural Environment and Rural Communities (NERC) Act 2006

- 10.2.5 The Natural Environment and Rural Communities (NERC) Act 2006 includes Section 41 (S41) which lists habitats and species, which are of principal importance for the conservation of biodiversity in England. The list was drawn up in consultation with Natural England, as required by the Act.
- 10.2.6 Note that while peregrine falcon is not listed within this Section, the below is provided in the context of general breeding birds including those that inhabit the Site (e.g., dunnock (*Prunella modularis*)).
- 10.2.7 The Section 41 list is used to guide decision-makers such as public bodies, including local and regional authorities, in implementing their duty under Section 40 of the Act, such that they should have regard to the conservation of biodiversity in England, when carrying out their normal functions.
- 10.2.8 There are 943 species of principal importance included on the Section 41 list. These are the species (including 53 species of bird) found in England which were identified as requiring action under the (now withdrawn) UK BAP, and which continue to be regarded as conservation priorities under the UK Post-2010 Biodiversity Framework.

### Birds of Conservation Importance (UK)

- 10.2.9 Red and Amber Lists of species of conservation concern have been compiled by a multi-partner group drawn from relevant organisations in both statutory and non-governmental sectors. Red List species are those whose breeding population or range is rapidly declining (50% or more in the last 25 years), recently or historically, and those of global conservation concern. Amber List species are those whose breeding population is in moderate decline (25-49% in the last 25 years), rare breeders, internationally important and localised species and those of unfavourable conservation status in Europe.
- 10.2.10 Note that while peregrine falcon is not Amber or Red Listed, the information is provided in the context of general breeding birds including those that inhabit the Site (e.g., wood pigeon (*Columba palumbus*), grey wagtail (*Motacilla cinerea*) dunnock and wren (*Troglodytes troglodytes*)).

### Local Planning Policy

- 10.2.11 Local Planning policies that are relevant to the Proposed Project are:
- Slough Borough Council's Local Development Framework Core Strategy 2006-2026; Core Policy 9 – Natural and Built Environment;
  - Slough Local Development Plan 2004; and
  - Future emerging Local Plan for Slough 2016-36.
- 10.2.12 These policies identify the need for ecological surveys to inform the assessment of how biodiverse an area is and how much of an impact to biodiversity the

development will have on land within the Site and areas surrounding the Site. In addition, they require the assessment to consider features of ecological interest and connectivity between habitats. The policies also identify measures to enhance biodiversity and adequately mitigate unavoidable impacts on existing biodiversity.

10.2.13 With regards to enhancing and protecting biodiversity and connectivity, the policies require consideration of the impacts on biodiversity by assessing protected species and habitats that could be impacted by the Proposed Project. This includes peregrine falcon.

#### Other Guidance

10.2.14 The Natural Environment in Berkshire Biodiversity Strategy 2014 – 2020 has been produced to conserve and enhance the habitats and species of principal importance (those on Section 41 of the NERC Act) in Berkshire. The strategy has a number of published objectives to “protect and enhance habitats and ecosystems on land”, and objectives for species and people. This includes the identification of Biodiversity Opportunity Areas (BOAs) and the delivery of conservation action within these areas.

10.2.15 Note that while the strategy does not reference peregrine falcon specifically, the aims of the strategy are habitat and landscape scale conservation and habitat to indirectly benefit notable and protected species such as peregrine falcon.

### **10.3 Assessment Assumptions and Limitations**

10.3.1 Limitations to the undertaking of protected species surveys were identified, and these are set out in the relevant survey reports (refer to AECOM, 2018a; AECOM, 2019 and, BSG, 2021). It should be noted that the presence and breeding status of peregrine falcon varies from year to year, however multiple years of data are available (2013, 2018, 2019 and 2021) to inform the assessment.

10.3.2 No significant limitations were identified that were considered to materially affect the data collected, or the ecological impact assessment presented in this report.

### **10.4 Assessment Method**

#### Study Area

10.4.1 The study area comprised all of the areas within the Site boundary with an additional zone of influence outside the Site boundary within which peregrine falcons could be subject to indirect disturbance impacts from construction (e.g., dust, noise, vibration and human disturbance). This was the adjacent area within 250 m of the boundary.

#### Method

10.4.2 The methods section within the main chapter (AECOM, 2022) provides the assessment method, which is in accordance with the Chartered Institute of Ecology and Environmental Management’s (CIEEM’s) guidelines for Ecological Impact Assessment in the UK and Ireland CIEE (CIEEM, 2018).

## 10.5 Baseline Conditions

10.5.1 Given the extent of previous surveys for peregrine falcon and variation in survey findings between years, this section is split between a description of the previous and current baseline and the expected future baseline to inform an overall evaluation.

### Previous / Current Baseline

10.5.2 The previous Environmental Statement (URS, 2013) for the Consented Development identified the presence of peregrine falcon within the Site and several locations suitable for nesting during surveys undertaken in 2012. While no evidence of rearing young was recorded during 2012, a pair was recorded as present (i.e., confirmed evidence of the Site being used as a breeding territory). Anecdotal evidence of breeding on the Site with successful rearing of young was given by the on-site SSE (Scottish and Southern Energy) team.

10.5.3 The 2012 survey report (URS, 2012) identified a number of locations within or adjacent to the Site as possible nesting locations. While the majority of these were to be retained within the Consented Development, one (an explosion panel on the side of the boiler house) was to be removed as part of future demolition works.

10.5.4 Update surveys in advance of demolition works were carried out in 2018 (AECOM, 2018a) which again confirmed the presence of a pair with some evidence of breeding seen (i.e., mating and prey swapping behaviour). While no successful rearing of young was observed, it was hypothesised that a breeding attempt had been made on the north stack (the historic stack, not the Consented Development), which was due to be retained as part of Slough Heat and Power (SHP) facility. The explosion panel on the east side of the boiler house (Turbine Hall) was recorded in use as a hunting and feeding perch only. It was also noted that a peregrine falcon nest box had been installed within the north-west of the Site (on Boiler 17).

10.5.5 The 2018 surveys in combination with previous data and review of demolition programme and methods informed the creation of a peregrine falcon mitigation strategy for the Site in respect of the Consented Development (AECOM, 2018b). This noted the habituation to existing disturbance of the breeding pair. The demolition programme was assessed in comparison to the peregrine falcon breeding season and possible breeding locations to minimise potential disturbance. The strategy included a prescription for monitoring surveys.

10.5.6 Monitoring surveys during 2019 (AECOM, 2019) recorded a breeding pair present through demolition, utilising the nest box on the retained building (Boiler 17) at the west of the Site. The pair successfully raised a juvenile to fledging.

10.5.7 As a further review of mitigation for the construction phase of the Consented Development was required, a fauna mitigation strategy was produced and approved pursuant to a condition attached to the planning permission for the Consented Development. The main additional impact of construction in

comparison to demolition was the increased height of buildings (and associated workforce at height) in proximity and overseeing the nest box (now known to be utilised for nesting). As a result, relocation and reorientation of the nest box so that it faced away from construction activities was recommended to reduce human disturbance.

- 10.5.8 Further monitoring in 2021 (BSG Ecology, 2021) reconfirmed presence of a nesting pair within the Site and also confirmed that the nest box had been relocated. The pair did visit and utilise the nest box but no direct evidence of nesting was recorded in 2021.
- 10.5.9 Three records of peregrine falcon were returned from Thames Valley Environmental Record Centre (TVERC) in 2022 within 2 km of the Site (TVERC, 2022).

#### Future Baseline

- 10.5.10 During construction and operation of the Consented Development, suitable nesting opportunities for peregrine falcon will still be present. These are primarily the top of the north stack and the existing mitigation nest box, with the previous Turbine Hall explosion panel now removed. There, therefore, remains the opportunity for peregrine falcon to nest within the Site during future breeding seasons, with previous use of the nesting box by peregrine falcons during 2021 potentially indicating this location is most likely.

#### Valuation

- 10.5.11 Peregrine falcon pairs are known to be present across Slough town centre and industrial environments of Berkshire (Berkshire Ornithological Club, 2016), as an expanding species within urban environments. The distribution of this species is however limited by its territory size and top predator status and as such, each pair has a high level of conservation significance. In combination with its recovering population trend and national breeding population estimate (1,750 pairs), the presence of a pair of peregrine falcon has been assessed as of **County** importance.

## **10.6 Embedded Design Mitigation**

- 10.6.1 A Construction Environmental Management Plan (CEMP) has been submitted and approved by SBC in line with the Consented Development. Details of the CEMP were included in the Scoping Report (refer to ES Volume 3, **Appendix 1A [Application Document Reference 6.4.1 – EIA Scoping Report]** and a copy of the CEMP is included in **Appendix 2A [Application Document Reference 6.4.4 – Existing CEMP for Consented Development]**
- 10.6.2 The CEMP will reduce the level of indirect effects (e.g., noise, dust and vibration) upon local ecological receptors including peregrine falcon.



10.6.3 The existing fauna management plan (SSE, 2019) contains the overarching mitigation principles for the construction of the Consented Development as follows which are required to be extended to the Proposed Project construction:

- *"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.*
- *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).*
- *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.*
- *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."*

10.6.4 As a continuously operational facility, it is recognised in previous reports that peregrine falcons utilising the Site are already habituated to ongoing human and planned activities including previous demolition and ongoing construction.



However, implementation of the above will further minimise any potential for disturbance impacting breeding peregrine.

## 10.7 Assessment of Likely Impacts and Effects

10.7.1 The section details an assessment of likely impacts and effects of the Proposed Project, sub-divided between construction and operation, noting that demolition has been completed under the Consented Development.

### Assessment of Likely Impacts and Effects (Construction and Decommissioning)

10.7.2 Demolition has now been completed in connection with the Consented Development which has removed some availability of breeding bird habitat as a result of the removal of on-site buildings. Notably, for peregrine falcon, the boiler house explosion panels on the side of the Turbine Hall have been removed with the loss of a suitable nesting location on this building, but the nest box and the north stack remain as suitable potential nesting locations

10.7.3 A fauna management plan (SSE, 2019) was previously produced for the discharge of Planning Condition 18 of the planning permission for the Consented Development to mitigate for the presence of protected species during the construction of the Consented Development. This management plan details the requirement for pre-demolition nesting bird checks as well as the potential for localised disturbance on nesting birds (primarily peregrine falcon) in the adjacent area while recognising nesting birds are habituated to the ongoing high levels of disturbance associated with the day-to-day operation of both the pre-existing SSHP facility and the future operational Multifuel facility.

10.7.4 The Proposed Project construction will not interfere or alter the location of these nesting opportunities and the Proposed Project works (i.e. internal works and elevated pipe installation) are not in proximity to the peregrine falcon nesting locations or likely to produce disturbance above what will already be produced by either construction of the Consented Development or operation.

10.7.5 The Proposed Project could potentially be constructed either simultaneously or separately to the Consented Development, though it is understood that the former is preferred. If separately, this could potentially extend construction works into an additional peregrine falcon breeding season, though the nature and location of the Proposed Project make significant additional disturbance unlikely.

10.7.6 With the implementation of the mitigation measures set out within the fauna management plan (SSE 2019) and the CEMP, the effect of construction disturbance is assessed as **negligible adverse**, i.e., non-significant.

10.7.7 Decommissioning for the Proposed Project would occur at the same time as that of the Consented Development. Decommissioning impacts would result in similar or less disturbance as for construction upon peregrine falcon and would be managed using the same principles and they have been assessed as negligible adverse, i.e., non-significant.

Assessment of Likely Impacts and Effects (Operation)

- 10.7.8 There would be no potential effects on breeding birds during the operational phase of the Proposed Project, as the disturbance effect from the operation of the Proposed Project would be equivalent to the previous and future baseline.
- 10.7.9 Construction of the Consented Development will replace the previous buildings and landscaping on the Site with broadly equivalent habitats and nesting opportunities. The Proposed Project does not affect the building envelope of the Consented Development.
- 10.7.10 No mitigation is therefore planned for this phase as the baseline environment will be effectively maintained.
- 10.7.11 There will be **No effect** upon peregrine falcon.

**10.8 Residual Effects and Conclusions**

Residual Effects (Construction and Decommissioning)

- 10.8.1 Taking into consideration the implementation of the mitigation measures already secured as part of the Consented Development outlined above, there are assessed to be no significant residual ecological effects as a result of the Proposed Project during the construction either on or off site (Table 10.2).

**Table 10.2: Summary of Residual Effects (Construction and Decommissioning)**

<i>Receptor</i>	<i>Value</i>	<i>Description of Impact</i>	<i>Magnitude of Impact</i>	<i>Effect with Embedded Mitigation</i>	<i>Additional Mitigation</i>	<i>Residual Effect and Statement of Significance</i>
Peregrine Falcon	County	Habitat loss and potential visual and noise disturbance	Limited to construction disturbance now demolition complete Implementation of measures detailed within fauna management plan to minimise disturbance	Negligible adverse	N/A	Negligible adverse Not significant

### Residual Effects (Operation)

10.8.2 Taking into consideration the implementation of the mitigation measures already secured as part of the Consented Development outlined previously, there are not considered to be any significant residual ecological effects upon peregrine falcon as a result of the Proposed Project during operation (Table 10.3).

**Table 10.3: Summary of Residual Effects (Operation)**

<i>Receptor</i>	<i>Value</i>	<i>Description of Impact</i>	<i>Magnitude of Impact</i>	<i>Effect with Embedded Mitigation</i>	<i>Additional Mitigation</i>	<i>Residual Effect and Statement of Significance</i>
Peregrine Falcon	County	Operational disturbance	Post construction localised operation disturbance	No effect	N/A	No effect

## 10.9 Cumulative Effects

10.9.1 The desk study undertaken in 2022 (TVERC 2022) returned three records of peregrine falcon within 2km of the Site from 2014 and 2016 for the same location (1km quadrant). Standley et al. (1996) report that there were 21 sightings of peregrine falcon from 1992 to 1994, which were from the Kennet Valley from Newbury to Reading, from higher ground between the Kennet Valley and the Berkshire Downs, and from Eversley Gravel Pits, all well to the west of Slough. No breeding or indication of breeding was reported. No evidence of peregrine falcon projects has been found in Slough. Therefore, no cumulative impacts are expected upon peregrine falcon as Proposed Project impacts are localised and foraging and breeding habitat likely to be used by any other peregrine falcon pair nesting within or adjacent to the Proposed Project will not be significantly impacted.

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