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British Lichen Society

Energy Consents Unit
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By email: Representations_Mailbox@gov.scot

12th April 2024

Dear Sir/Madam,

RE: Earba 1,800MW Pumped Storage Hydro Scheme ECU00005062

The British Lichen Society (BLS) objects to the proposed scheme Earba 1,800MW Pumped Storage Hydro Scheme (ECU Reference: ECU00005062) because it does not provide the information that would be expected to meet the National Planning Framework 4 (NPF4). The absence of any survey (scoping, detailed, or otherwise) for lichens in the zone of influence of the proposed scheme means that there is no information to inform an Environmental Impact Assessment with respect to significant effects on lichens.

National Planning Framework 4

National Planning Framework 4 (NPF4) Part 2 – National Planning Policy 3 (Annex 1 to this Note) sets out the expectations for information needed to demonstrate that a development will conserve, restore and enhance biodiversity. Of particular note to the BLS for this planning application is Planning Policy 3b part i) where:

“[3]b) Development proposals for national or major development, or for development that requires an Environmental Impact Assessment will only be supported where it can be demonstrated that the proposal will conserve, restore and enhance biodiversity, including nature networks so they are in a demonstrably better state than without intervention. This will include future management. To inform this, best practice assessment methods should be used. Proposals within these categories will demonstrate how they have met all of the following criteria:

i. the proposal is based on an understanding of the existing characteristics of the site and its local, regional and national ecological context prior to development, including the presence of any irreplaceable habitats; [BLS emphasis]

ii. etc”

Source: <https://www.gov.scot/publications/national-planning-framework-4/pages/3/>

The developer has provided insufficient information on the existing habitats and lichen species in the zone of influence of the proposed scheme i.e. the proposal is not based on an understanding of the existing characteristics of the site and its local, regional and national ecological context prior to development because these have not been properly described.

The society is a Charitable Incorporated Organization (number 1194213)

The Town & Country Planning (Environmental Impact Assessment) (Scotland) Regulations 2017

There is no description of the existing ecological baseline for lichens in the zone of influence of the proposed scheme. i.e. we do not know anything about the importance of the lichens in the zone of influence of the proposed development. This is the information that needs to be included in an Environmental Impact Assessment (EIA) as stated in Annex B (page 56) of 'The Town & Country Planning (Environmental Impact Assessment) (Scotland) Regulations 2017':

"A description of the relevant aspects of the current state of the environment (baseline scenario) and an outline of the likely evolution thereof without implementation of the development as far as natural changes from the baseline scenario can be assessed with reasonable effort on the basis of the availability of environmental information and scientific knowledge." [Annex B part 3]

There is good Guidance on how to prepare ecological elements of an EIA, for example the Chartered Institute of Ecology and Environmental Management (CIEEM, 2018)¹.

In the absence of information on lichens, the EIA process of avoid, mitigate, and compensate cannot be followed.

Potential Significance of the Area of the Proposed Development for Lichens

The Joint Nature Conservation Committee (JNCC) and Nature Scot provide guidance on assessing habitats and species for their significance for lichens (Sanderson et al., 2018)². These JNCC Guidelines identify certain habitats in Britain that are of particular importance for lichens:

"Britain retains a relatively high proportion of certain assemblages that have undergone widespread declines in Europe through habitat loss and pollution, namely those associated with: well-lit acid watercourses with stable rock outcrops and low silt loads..." (Source: Sanderson et al 2018 page 6).

After identifying this habitat, amongst several others (which includes the related 'rocky lake shores' habitat) as important, the JNCC gives guidance on how to determine whether the species assemblage within this habitat makes it of international/national importance or of lesser importance.

The area of the proposed development includes areas of the 'well-lit acid watercourses with stable rock outcrops and low silt loads' and 'rocky lake shores' habitats but the applicant has provided no information regarding this significance of these habitat types for lichens.

Whilst no lichenologist has ever surveyed the aquatic habitats in the area of the proposed development area, surveys in terrestrial habitats in the surrounding area³ have found lichen assemblages of international/national importance as well as species that are, for example, rare, threatened, and/or on the Scottish Biodiversity List (under the Nature Conservation (Scotland) Act 2004). These findings, based on limited work, indicate the potential of the proposed development

¹ CIEEM (2018) *Guidelines for Ecological Impact Assessment in the UK and Ireland: Terrestrial, Freshwater, Coastal and Marine* version 1.2. Chartered Institute of Ecology and Environmental Management, Winchester

² Sanderson, N. A., Wilkins, T.C., Bosanquet, S.D.S and Genney, D.R. 2018. *Guidelines for the Selection of Biological SSSIs*. Part 2: Detailed Guidelines for Habitats and Species Groups. Chapter 13 Lichens and associated microfungi. Joint Nature Conservation Committee, Peterborough.

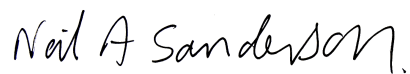
³ These are past surveys carried out as part of the explorations of Scotland for its lichens and not surveys commissioned for development

area for lichen habitats and species of significant importance. If present, these would be a material consideration for this development.

Conclusions

In conclusion, there is the potential for important ecological features to be present in the zone of influence of the proposed development, but no surveys have been done to resolve this issue. The information expected for an EIA has not been provided and there remains the potential for important ecological features to be negatively impacted without the possibility of examining how they could be avoided or potential impacts to them being mitigated. No effective or appropriate compensation measures can be prepared without knowing what is currently present. Without knowing what is present, National Planning Framework Policy 3 cannot be met if no surveys have been carried out.

Yours sincerely, Neil A Sanderson

A handwritten signature in black ink that reads "Neil A Sanderson". The signature is written in a cursive style with a clear, legible font.

Conservation Officer, British Lichen Society

(Email conservationofficer@britishlichensociety.org.uk & Phone 07765 648149)

Annex 1

National Planning Framework 4 (NPF4)

Part 2 – National Planning Policy

Policy 3

a) Development proposals will contribute to the enhancement of biodiversity, including where relevant, restoring degraded habitats and building and strengthening nature networks and the connections between them. Proposals should also integrate nature-based solutions, where possible.

b) Development proposals for national or major development, or for development that requires an Environmental Impact Assessment will only be supported where it can be demonstrated that the proposal will conserve, restore and enhance biodiversity, including nature networks so they are in a demonstrably better state than without intervention. This will include future management. To inform this, best practice assessment methods should be used. Proposals within these categories will demonstrate how they have met all of the following criteria:

- i. the proposal is based on an understanding of the existing characteristics of the site and its local, regional and national ecological context prior to development, including the presence of any irreplaceable habitats;
- ii. wherever feasible, nature-based solutions have been integrated and made best use of;
- iii. an assessment of potential negative effects which should be fully mitigated in line with the mitigation hierarchy prior to identifying enhancements;
- iv. significant biodiversity enhancements are provided, in addition to any proposed mitigation. This should include nature networks, linking to and strengthening habitat connectivity within and beyond the development, secured within a reasonable timescale and with reasonable certainty. Management arrangements for their long-term retention and monitoring should be included, wherever appropriate; and
- v. local community benefits of the biodiversity and/or nature networks have been considered.

c) Proposals for local development will include appropriate measures to conserve, restore and enhance biodiversity, in accordance with national and local guidance. Measures should be proportionate to the nature and scale of development. Applications for individual householder development, or which fall within scope of (b) above, are excluded from this requirement.

d) Any potential adverse impacts, including cumulative impacts, of development proposals on biodiversity, nature networks and the natural environment will be minimised through careful planning and design. This will take into account the need to reverse biodiversity loss, safeguard the ecosystem services that the natural environment provides, and build resilience by enhancing nature networks and maximising the potential for restoration.