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# **EAST HAVERING DATA CENTRE CAMPUS HABITATS REGULATIONS SCREENING ASSESSMENT**

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# 1. INTRODUCTION

## 1.1 Background

Ramboll UK Limited (Ramboll) has been appointed by the Local Planning Authority of the London Borough of Havering (the 'LPA') to undertake a Habitats Regulations Assessment (HRA) of a proposed data centre campus (the 'proposed development') on land at North Ockendon within East Havering (the 'site'). The site location is presented in Figure 1, Appendix 1.

The HRA has been undertaken in accordance with The Conservation of Habitats and Species (Amendment) (EU Exit) Regulations 2019<sup>1</sup>, also known as the Habitats Regulations. HRA applies to plans or projects where there could be a likely significant effect on Special Areas of Conservation (SACs) and Special Protection Areas (SPAs), which are collectively known as National Site Network sites<sup>2</sup>, and / or on Ramsar sites.

## 1.2 Objective and Scope of Works

This report has been prepared with the aim of informing decision making by the competent authority (in this case the LPA), in relation to the potential for likely significant effects to arise from the proposed development on the following designated sites:

- Thames Estuary & Marshes SPA; and
- Thames Estuary & Marshes Ramsar site.

Additionally, Epping Forest SAC has been identified, which is designated for its stag beetle *Lucanus cervus* population and beech woodland habitat. However, at over 20 km distance away the proposed development is of a form and in a location that it cannot affect the species and habitats for which this SAC is designated.

This Habitat Regulations Screening Assessment has been prepared to conclude whether the proposed Local Development Order would have a likely significant effect on these European sites. Due to the distance between the site and the Thames Estuary & Marshes SPA and Ramsar sites as well as the lack of any clear impact pathways, the only identified potential impact on these sites is the loss of supporting habitat for wintering birds. The locations of these designated sites in relation to the site are shown in Figure 2, Appendix 1.

This report also considers the following:

- Ecological interest of the two designated sites;
- Nature and scale of any identified likely significant effects from the proposed development; and
- Consideration of the need for an appropriate assessment (see Section 4).

Where it is considered that an appropriate assessment is not likely to be required, the reasons and evidence to support that conclusion are presented.

<sup>1</sup> The Conservation of Habitats and Species (Amendment) (EU Exit) Regulations 2019. Available at: <https://www.legislation.gov.uk/ukdsi/2019/9780111176573> (Accessed: February 2025).

<sup>2</sup> Formerly known as European / Natura 2000 Sites.

## 2. SITE DETAILS AND PROPOSED DEVELOPMENT DESCRIPTION

### 2.1 Site Location and Description

As presented in Figure 1, Appendix 1, the site is located approximately 30 km east of central London, 4 km east of Upminster and less than 1 km from the London Orbital Motorway (M25), centred approximately at national grid reference of TQ 60005 85431.

The site boundary adjoins the administrative boundary of Thurrock Council to the east. The boundary with Brentwood Borough Council lies approximately 1.4 km to the north of the site boundary.

The site is located in an area of open agricultural land in arable use to the north and north-east of the village of North Ockendon, which is approximately 100 m west of the site boundary at its closest point.

At their closest points, South Ockendon and the village of Bulphan, both within the administrative area of Thurrock Council, are located approximately 3.5 km south-west of the site and 1.7 km to the east respectively. Upminster, within the administrative boundary of LBH, is approximately 4 km to the west and the village of West Horndon within the borough of Brentwood is approximately 2 km north-east.

The site comprises an irregularly shaped area of land, covering approximately 218.8 hectares (ha). The site is in agricultural use and currently consists of four individual working arable farms.

### 2.2 Proposed Development

The proposed development is intended to be delivered via Local Development Order (LDO). LDOs were introduced under Section 40 of the Planning and Compulsory Purchase Act 2004 which has the effect of amending the Town and Country Planning Act 1990<sup>3</sup>. An LDO grants permission for the type of development specified in the LDO and by so doing, removes the need for the submission of a planning application.

A LDO cannot grant planning permission for development which is likely to have a significant effect on a European site or a European offshore marine site (either alone or in combination with other plans or projects) and is not directly connected with or necessary to the management of the site.

The proposed development would consist of up to 400,000 m<sup>2</sup> of gross external area (GEA) comprising the following:

1. Erection of buildings up to a maximum of 400,000 m<sup>2</sup> (GEA) including the following:
  - a) Data centre uses up to 340,000 m<sup>2</sup>;
  - b) Indoor horticulture of 50,000 m<sup>2</sup>;
  - c) Visitor centre up to 600 m<sup>2</sup> (and no less than 300 m<sup>2</sup>);
  - d) District heating centre up to 3,300 m<sup>2</sup>;
  - e) Campus management facilities up to 2,700 m<sup>2</sup>; and
  - f) Campus security facilities (not including local facilities ancillary to individual data centres) up to 3,400 m<sup>2</sup>.

<sup>3</sup> Secretary of State, 1990. Town and Country Planning Act 1990 (as amended), London. HMSO.

2. Installation of electrical infrastructure and associated plant equipment to serve the development.
3. Creation of an 'ecology park'.
4. Any operations or engineering works necessary to enable the delivery of the development including the following:
  - a) Excavation and earthworks (e.g. 'cut and fill');
  - b) Formation of compounds for the stockpiling and sorting of excavated materials;
  - c) Foundations and piling, and any other operations or engineering necessary for site mobilisation and new buildings / structures;
  - d) Creation of estate roads and associated infrastructure for access for all modes of transport;
  - e) Site security measures including fencing, gates and gate houses;
  - f) Works to install underground services and utilities; and
  - g) Provision of temporary site offices and welfare facilities.
  - h) Highway works on Fen Lane and Ockendon Road.

## 3. ASSESSMENT METHODOLOGY

A competent authority is required under the Habitats Regulations to carry out a habitat regulations assessment (HRA) to test if a plan or project could significantly harm the features of a European site (SACs, SPAs and Ramsar sites). The process can have up to three stages as set out below.

### 3.1 Stage 1 – Screening

Under the first stage, it is necessary for the competent authority to examine if the plan or project would result in any 'likely significant effect' on the conservation objectives of a European site, either alone or in combination with other plans or projects.

If it can be objectively concluded that there are not likely to be significant effects on relevant designated sites, no further assessment is necessary.

If any 'likely significant effects' are identified or where it remains unclear whether effects would be significant, the assessment procedure should follow on to Stage 2.

Measures intended to avoid or reduce the harmful effects of a plan or project on a designated site should not be taken into account at this screening stage, and instead these must be considered as part of an Appropriate Assessment (Stage 2). An exception to this is where the mitigation proposed is integral to or embedded in the project in order for the project to ensure compliance with an identified piece of legislation (other than the Habitats Regulations) or policy, as opposed to being required to avoid or reduce impacts to the specific features of the designated site.

Should it be determined that (in the absence of mitigation/avoidance measures) a plan or project would result in 'likely significant effects' on a designated site (or that such effects cannot be ruled out), the competent authority should proceed to the next stage (Stage 2 Appropriate Assessment), where further assessment is required.

### 3.2 Stage 2 – Appropriate Assessment

Under the second stage, it is necessary for the competent authority to determine whether the plan or project, either alone or in combination with other projects or plans, would result in any adverse effects on the integrity of the designated site in view of the conservation objectives of the designated site. The precautionary principle should be applied, and the focus should be on objectively demonstrating, with supporting evidence, that there would be no adverse effects on the integrity of the designated site. Where this is not the case, adverse effects must be assumed.

If it is considered by the competent authority that the plan or project would not adversely affect the integrity of the designated site, the plan or project can proceed. If this cannot be ascertained, or there is uncertainty, the assessment procedure should follow on to Stage 3.

### 3.3 Stage 3 - Derogation

If significant effects are still considered to be likely then Stage 3 is required, which requires the competent authority to consider alternatives. If no satisfactory alternatives are found, it should then be considered if there are imperative reasons of overriding public interest. If there are considered to be sufficient imperative reasons of overriding public interest, then the competent authority may still grant permission for a proposal. However, regarding LDOs, Regulation 80

states that "*Regulation 64 (Considerations of overriding public interest) does not apply to the making of a local development order*".

## 4. STAGE 1 – NATIONAL SITE NETWORK AND RAMSAR SITES SCREENING ASSESSMENT

### 4.1 Legislative Basis for Designations

In England, Wales and Scotland, a national site network has been created comprising sites previously designated under the European Commission (EC) Nature Directives (previously referred to as 'Natura 2000' sites). These sites, which include Special Areas of Conservation (SACs) and Special Protection Areas (SPAs), continue to be designated through domestic UK legislation, comprising the Conservation of Habitats and Species (Amendment) (EU Exit) Regulations 2019<sup>4</sup> (the '2019 Habitats Regulations') in England and Wales and the Conservation (Natural Habitats) Regulations 1994 and Conservation of Offshore Marine Habitats and Species Regulations 2017 in Scotland.

The Regulations impart a duty on competent authorities to carefully consider whether a proposed development is likely to have a significant effect on a National Site Network or Ramsar site, either alone or in combination with other plans or projects.

In most circumstances, permission may only be given for a plan or project that has a likely significant effect to proceed if it has been ascertained that it would not have an adverse effect on the integrity of any such designated site.

The habitat types and species for which these sites are designated are those considered to be most in need of conservation at an international level. SACs with marine components are sites that contain qualifying marine habitats or species. Ramsar sites are designated under the Convention on Wetlands of International Importance (Ramsar Convention 1971). Although Ramsar sites do not form part of the national site network, many overlap with SAC and SPA boundaries, and Ramsar sites are in effect protected in the same way as SACs and SPAs under the 2019 Habitats Regulations as a result of policy<sup>5</sup>.

### 4.2 Special Protection Areas

A distance threshold of 10 km has been used as a precautionary measure, to ensure that impacts on highly mobile species such as wintering birds and foraging bats are considered even if a direct impact to a European site within this range is not likely.

The site is within 10 km of one SPA:

- Thames Estuary & Marshes SPA, located 9.19 km south-east of the site.

Reasons for designation and qualifying features of each SPA are outlined in Table 4.1.

**Table 4.1: Designation Criteria and Qualifying Features of Special Protection Areas within 10 km of Site**

Special Protection Area	Reference Code	Qualifying Features	Initial Screening of Impact Pathways (Screen IN or OUT)
Thames Estuary &	UK9012021	Qualifies for supporting significant populations of the following Annex I birds over winter:	IN – Due to the European site's

<sup>4</sup> The National Archives, 2019. The Conservation of Habitats and Species (Amendment) (EU Exit) Regulations 2019 [online] <https://www.legislation.gov.uk/uksi/2019/579/contents/made#:~:text=The%20Conservation%20of%20Habitats%20and%20Species%20%28Amendment%29%20%28EU,Regulations%202019%20UK%20Statutory%20Instruments%202019%20No.%20579> [January 2023]

<sup>5</sup> National Planning Policy Framework (Ministry of Housing, Communities and Local Government) 2021, Paragraph 181 available at [https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/1005759/NPPF\\_July\\_2021.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/1005759/NPPF_July_2021.pdf) [March 2023]

**Table 4.1: Designation Criteria and Qualifying Features of Special Protection Areas within 10 km of Site**

Special Protection Area	Reference Code	Qualifying Features	Initial Screening of Impact Pathways (Screen IN or OUT)
Marshes SPA		<ul style="list-style-type: none"> <li>- Hen harrier <i>Circus cyaneus</i> – 1% of the GB population</li> <li>- Avocet <i>Recurvirostra avosetta</i> – 28.3% of the GB population</li> </ul> <p>Qualifies for supporting significant populations of the following non-Annex I migratory birds over winter or in passage:</p> <ul style="list-style-type: none"> <li>- Dunlin <i>Calidris alpina alpina</i> – 2.1% of the population</li> <li>- Red knot <i>Calidris canutus</i> – 1.4% of the population</li> <li>- Black-tailed godwit <i>Limosa limosa islandica</i> – 2.4% of the population</li> <li>- Grey plover <i>Pluvialis squatarola</i> – 1.7% of the population</li> <li>- Redshank <i>Tringa totanus</i> – 2.2% of the population</li> <li>- Ringed plover <i>Charadrius hiaticula</i> – 2.6% of the population (passage)</li> </ul> <p>Qualifies for supporting an internationally important assemblage of birds:</p> <ul style="list-style-type: none"> <li>- Over winter the area regularly supports 75,019 waterfowl<sup>6</sup></li> </ul>	designation for mobile species, which may make use of habitats on site despite the considerable distance.

### 4.3 Ramsar Sites

The site is within 10 km of one Ramsar site:

- Thames Estuary & Marshes Ramsar site, located 9.19 km south-east of the site.

Reasons for designation and qualifying features of the Ramsar site are outlined in Table 4.2.

**Table 4.2: Designation Criteria and Qualifying Features of Ramsar Sites within 10 km of Site**

Ramsar site	Reference Code	Qualifying Features	Initial Screening of Impact Pathways (Screen IN or OUT)
Thames Estuary & Marshes Ramsar site	UK11069	<p>Qualifies under Ramsar criterion 2 for supporting rare wetland flora and invertebrates:</p> <ul style="list-style-type: none"> <li>- Supports one endangered and 14 nationally scarce plant species of wetland habitats</li> <li>- Supports more than 20 British Red Data Book invertebrates</li> </ul> <p>Qualifies under Ramsar criterion 5 for supporting a wintering bird assemblage of international importance:</p> <ul style="list-style-type: none"> <li>- 45,118 peak waterfowl count</li> </ul> <p>Qualifies under Ramsar criterion 6 for supporting internationally important populations of the following bird species:</p> <ul style="list-style-type: none"> <li>- Ringed plover – 595 individuals / 1.8% GB population (spring/autumn peak counts)</li> <li>- Black-tailed godwit – 1,640 individuals / 4.6% population (spring/autumn peak counts)</li> <li>- Grey plover – 1,643 individuals / 3.1% GB population (winter peak counts)</li> <li>- Red knot – 7,279 individuals / 1.6% population (winter peak counts)</li> </ul>	IN – Due to the European site's designation for mobile species, which may make use of habitats on site despite the considerable distance.

<sup>6</sup> Natural England, 2012. Thames Estuary and Marshes SPA Standard Data Form. Available at: <https://publications.naturalengland.org.uk/publication/3227002> (Accessed: January 2025).

**Table 4.2: Designation Criteria and Qualifying Features of Ramsar Sites within 10 km of Site**

Ramsar site	Reference Code	Qualifying Features	Initial Screening of Impact Pathways (Screen IN or OUT)
		<ul style="list-style-type: none"> <li>- Dunlin – 15,171 individuals / 1.1% population (winter peak counts)</li> <li>- Redshank – 1,178 individuals / 1% GB population (winter peak counts)<sup>7</sup></li> </ul>	

#### 4.4 Justification of Likely Significant Effects

Based on the initial screening outlined above, the following designated sites have been identified as requiring further consideration to assess the likelihood of significant effects:

- Thames Estuary & Marshes SPA; and
- Thames Estuary & Marshes Ramsar site.

Baseline information for these sites is provided in Table 4.3.

Likely significant effects on these sites have been considered together in Tables 4.3 through 4.5 as their boundaries overlap and they are designated for similar features.

**Table 4.3: Baseline Information for Thames Estuary & Marshes SPA and Ramsar Site**

Baseline Information	Detail
Relationship between Designated Site and the site	Located 9.2 km south-east of the site boundary.
Relationship with other National Site Network or Ramsar Sites	These designated sites overlap with one another, sharing the same border in the area closest to the site. Both designated sites are underpinned by Mucking Flats and Marshes Site of Special Scientific Interest (SSSI) in this area.
Conservation Objectives	<p>SPA:</p> <p><i>"Ensure that the integrity of the site is maintained or restored as appropriate, and ensure that the site contributes to achieving the aims of the Wild Birds Directive, by maintaining or restoring;</i></p> <ul style="list-style-type: none"> <li>- <i>The extent and distribution of the habitats of the qualifying features</i></li> <li>- <i>The structure and function of the habitats of the qualifying features</i></li> <li>- <i>The supporting processes on which the habitats of the qualifying features rely</i></li> <li>- <i>The population of each of the qualifying features, and,</i></li> <li>- <i>The distribution of the qualifying features within the site.</i>"<sup>8</sup></li> </ul> <p>Ramsar:</p> <p>Not listed.</p>
Condition	<p>Condition information is not available for Thames Estuary &amp; Marshes SPA or Ramsar site; however, this information is published for Mucking Flats and Marshes SSSI.</p> <p>Aggregations of black-tailed godwit, dunlin, grey plover, redshank, ringed plover and shelduck <i>Tadorna tadorna</i> are all considered to be in favourable condition.</p> <p>The invertebrate assemblage in unshaded early successional areas is in favourable condition, whilst the invertebrate assemblages in saltmarsh and traditional brackish marsh, open water on disturbed sediments and permanent wet mire are in unfavourable condition but are recovering.</p> <p>Littoral sediment habitats (including saltmarsh and mudflats) are in favourable condition, whilst inshore sublittoral sediments (including free-draining brackish grassland with scattered scrub and wetland habitats with ditches) are in unfavourable condition but are also recovering.</p>

<sup>7</sup> Joint Nature Conservation Committee, 2008. Information Sheet on Ramsar Wetlands (RIS) – Thames Estuary & Marshes. Available at: <https://jncc.gov.uk/jncc-assets/RIS/UK11069.pdf> (Accessed: January 2025).

<sup>8</sup> Natural England, 2019. European Site Conservation Objectives for Thames Estuary and Marshes Special Protection Area Site Code: UK9012021. Available at: <https://publications.naturalengland.org.uk/publication/4698344811134976> (Accessed: January 2025).

**Table 4.3: Baseline Information for Thames Estuary & Marshes SPA and Ramsar Site**

Baseline Information	Detail
Threats	<p>There are no listed threats or pressures for Thames Estuary &amp; Marshes SPA or the underpinning Mucking Flats and Marshes SSSI.</p> <p>Listed threats to Thames Estuary &amp; Marshes Ramsar site include:</p> <ul style="list-style-type: none"> <li>- Dredging (on-site and off-site)</li> <li>- Erosion (on-site)</li> <li>- Eutrophication (on-site and off-site)</li> <li>- General disturbance from human activities (on-site)<sup>7</sup></li> </ul>

**Table 4.4: Screening of Likely Significant Effects for Thames Estuary & Marshes SPA**

Key Issues and Relevant Threats	Justification
Supporting habitat loss for wintering birds	<p>Construction: Construction of the proposed development would lead to the loss of extensive farmland within the site boundary, which could serve as ancillary / supporting habitat for wintering birds for which Thames Estuary &amp; Marshes SPA and Ramsar site are designated. However, due to the substantial distance from the site to the SPA and Ramsar site (9.2 km at the closest points) it is considered unlikely that the site would be used by bird populations for which the SPA and Ramsar site are designated. This is supported by wintering bird surveys undertaken by SLR Consulting Limited (SLR Report ref: 231220 424.01455.00013 Havering Data Centre Bird Survey Report V1) in January / February 2021 and from September 2022 to February 2023, which recorded no species for which Thames Estuary &amp; Marshes SPA and Ramsar site are designated. Whilst this data is several years old, it covers multiple years and shows that the site has not consistently been used by these species. Therefore a likely significant effect resulting from supporting habitat loss has been screened out for Stage 2 Appropriate Assessment.</p> <p>Completed Development: Due to the distance from the SPA and Ramsar site and the lack of any clear impact pathways resulting from the proposed development, it has been concluded that the proposed development is unlikely to give rise to significant effects in respect of the two designated sites.</p> <p>In-Combination Effects: A number of cumulative schemes have been identified for the proposed development, however as wintering bird surveys have identified that the site itself does not support bird species associated with the Thames Estuary &amp; Marshes SPA &amp; Ramsar site, a cumulative significant effect from habitat loss has been ruled out.</p>

**Table 4.5: Conclusions for Thames Estuary & Marshes SPA and Ramsar site**

Is the potential scale or magnitude of any effect likely to be significant?	
Alone	No
In combination with other plans or projects	No
In the absence of mitigation, is the proposed development likely to have a significant effect on the designated site?	
The proposed development is unlikely to give rise to significant effects on the designated sites.	

## 5. CONCLUSION

This report has been prepared to provide information to the competent authority regarding the potential for the proposed development to have likely significant environmental effects on designated sites, in accordance with the HRA process required under the Conservation of Habitats and Species (Amendment) (EU Exit) Regulations 2019.

The effects of the proposed development on Thames Estuary & Marshes SPA and Thames Estuary & Marshes Ramsar site have been considered using the available information and professional judgement.

There would be **no likely significant environmental effects** arising from the proposed development, either alone or in combination with other plans or projects (during the construction stage or completed development stage), on National Site Network or Ramsar sites, and therefore an appropriate assessment (Stage 2) is **not** required.

## **APPENDIX 1 FIGURES**

## **APPENDIX 2 LIMITATIONS & CONSTRAINTS**

This report has been prepared by Ramboll exclusively for the intended use by the LPA in accordance with the agreement between Ramboll and the LPA defining, among others, the purpose, the scope and the terms and conditions for the services. No other warranty, expressed or implied, is made as to the professional advice included in this report or in respect of any matters outside the agreed scope of the services or the purpose for which the report and the associated agreed scope were intended, or any other services provided by Ramboll.

Ramboll has been commissioned to identify potential impacts on relevant designated sites as a consequence of the proposed development. This report does not address any other potential environmental impacts that may result from the proposed development.

In preparation of the report and performance of any other services, Ramboll has relied upon publicly available information, information provided by the client and information provided by third parties. Accordingly, the conclusions in this report are valid only to the extent that the information provided to Ramboll was accurate, complete and available to Ramboll within the reporting schedule. Ramboll does not accept any liability for the accuracy or otherwise of any information derived from secondary sources; however, reasonable endeavours have been made to verify information obtained in this way.

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This report is based on an assessment of the site (the boundaries of which are as presented in Figure 1) and the proposed development. If the proposed development extends to land additional to that presented in Figure 1, or the proposals alter, the assessment and subsequent recommendations may need to be revised.