

A19 Downhill Lane Junction Improvement
Scheme Number: TR010024
6.10 Habitats Regulations Assessment

APFP Regulation 5(2)(g)
Planning Act 2008
Infrastructure Planning (Applications: Prescribed Forms and Procedure)
Regulations 2009

Infrastructure Planning

Planning Act 2008

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

A19 DOWNHILL LANE JUNCTION IMPROVEMENT

The A19 (Downhill Lane Junction Improvement) Development Consent Order 201[]

HABITATS REGULATIONS ASSESSMENT

Regulation Number:	Regulation 5(2)(g)
Planning Inspectorate Scheme Reference	TR010024
Application Document Reference	TR010024/APP/6.10
Author:	A19 Project Team, Highways England & Jacobs

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CONTENTS

1	SUMMARY.....	1
2	METHOD OF ASSESSING IMPLICATIONS ON EUROPEAN OR RAMSAR SITES.....	2
3	ASSESSMENT OF POTENTIAL IMPACTS	3
APPENDIX A	ASSESSMENT OF IMPLICATIONS ON EUROPEAN SITES HABITAT REGULATION ASSESSMENT (HRA SCREENING REPORT: EUROPEAN DESIGNATED SITES	
APPENDIX B	NATURAL ENGLAND CONFIRMATION OF HRA SCREENING	

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1 SUMMARY

- 1.1.1 This document relates to an application by Highways England to the Secretary of State under the Planning Act 2008 (the Application) for the Highways England A19 Downhill Lane Junction Improvement Development Consent Order (the Scheme).
- 1.1.2 This document has been prepared to comply with the requirements of Regulation 5(2)(g) of the Infrastructure Planning (Applications: Prescribed Forms and Procedure) Regulations 2009, which requires an application for a Development Consent Order to be accompanied by:
- “any report identifying any European site to which regulation 48 of the Conservation (Natural Habitats, &c.) Regulations 1994 applies, or any Ramsar site, which may be affected by the proposed development, together with sufficient information that will enable the Secretary of State to make an appropriate assessment of the implications for the site if required by regulation 48(1);”*
- 1.1.3 This document has also been prepared in accordance with the Department for Communities and Local Government guidance, ‘Planning Act 2008: Application form guidance’ (June 2013).
- 1.1.4 As this document is part of a suite of documents it should be read alongside and is informed by the other Application documents. In particular, this document should be read alongside the Environmental Statement (the ES) (**Application Document Reference: TR010024/APP/6.1 to 6.3**).

2 METHOD OF ASSESSING IMPLICATIONS ON EUROPEAN OR RAMSAR SITES

2.1.1 In order to ascertain whether an Appropriate Assessment is required this report takes into consideration a number of factors, including:

- an assessment of whether the Scheme is directly connected to, falls within or adjacent to, or connected to the management of a European or Ramsar site;
- an examination of the proposed works;
- identification of the qualifying features of European or Ramsar sites; and
- assessment of the potential effects on European or Ramsar sites, and their qualifying features, as a result of proposed works.

3 ASSESSMENT OF POTENTIAL IMPACTS

- 3.1.1 The Scheme would not fall within the boundary of any European or Ramsar sites. Natural England have confirmed that there was no potential for the Scheme to have significant effects on any Natura 2000 site, a copy of the proof of this can be found in Appendix B.
- 3.1.2 The nearest European and/or a Ramsar designations are located approximately 6.5 km to the east of Downhill Lane junction:
- Northumbria Coast Ramsar Site;
 - Northumbria Special Protection Area (SPA); and
 - Durham Coast Special Area of Conservation (SAC).
- 3.1.3 In order to identify the nearest European and Ramsar designated sites, a 30 km search radius was employed following guidance published in DRMB Volume 11, Section 4 (HD44/09), taking into consideration the Scheme size and scope.
- 3.1.4 A map showing the locations of these sites relative to the location of the Scheme DCO boundary can be found in Appendix A.
- 3.1.5 The qualifying features of the above designated sites are detailed in the following table:

Site Name	Designation	Approx. distance from scheme	Description of site and qualifying features
Northumbria Coast	Ramsar site and Special Protection Area	6.5 km to east	<p>Qualifying features – Breeding little tern <i>Sterna albifrons</i>; Migratory (over-wintering) purple sandpiper <i>Calidris maritima</i>, turnstone <i>Arenaria interpres</i></p> <p>The Northumbria Coast Ramsar site and SPA includes the majority of the coastline between the Tweed and Tees Estuaries. The site consists of discrete sections of rocky shore with associated boulder and cobble beaches. The SPA also includes parts of three artificial pier structures and a small section of sandy beach. In summer, the site supports important numbers of breeding Little Tern, whilst in winter the mixture of rocky and sandy shore supports large number of Turnstone and Purple Sandpiper.</p>

Site Name	Designation	Approx. distance from scheme	Description of site and qualifying features
Durham Coast	Special Area of Conservation	6.5 km to east	<p>Qualifying feature – Vegetated sea cliffs of the Atlantic and Baltic Coasts</p> <p>The Durham Coast is the only example of vegetated sea cliffs on Magnesian Limestone in the UK. The cliffs stretch between South Shields, southward to Blackhall Rocks, comprising over 20km of habitat. Vegetation present comprised a mosaic of paramaritime, mesotrophic and calcareous grasslands, tall herb fen, seepage flushes and wind-pruned scrub. The habitats present also sustain nationally important numbers of wintering shore birds and breeding little terns.</p>

- 3.1.6 Guidance published by the Planning Inspectorate sets out a four-stage process to be undertaken when deciding whether an Appropriate Assessment needs to be undertaken. The first stage of this is a ‘screening process’ designed to determine whether it is necessary to proceed to the later stages.
- 3.1.7 Highways England’s own guidance¹ specifies that, in carrying out the screening process, consideration should be given to any European or Ramsar site within 2 km of the route corridor or project boundary (or within 30 km if bats are one of the qualifying features), plus any waterbody in the same catchment area if the project crosses a designated river.
- 3.1.8 This Scheme would not be located wholly or partially within a European or Ramsar site and would be located at least 6.5 km from the nearest of them. There would also be no European or Ramsar sites within 30 km with bats as a qualifying feature and the Scheme would not cross a designated river.
- 3.1.9 Further consideration has also been given as to whether traffic-related effects, such as changes in air quality or noise, could affect the nearest European and Ramsar sites. This has been done through examining the network of affected roads beyond the extent of the Scheme in which induced traffic changes would be sufficient to warrant their being included in the study area for air and/or noise assessment. No such affected roads would be within 2 km of the relevant European or Ramsar sites. Further details of the consideration of air quality and the affected road network can be found in Chapter 6 of the ES and its associated

¹ Design Manual for Roads and Bridges, Volume 11 (Environmental Assessment), Section 4 (Assessment of Implications on European Sites), HD44/09.

Figures and Appendices (**Application Document Reference: TR010024/APP/6.1 to 6.3**).

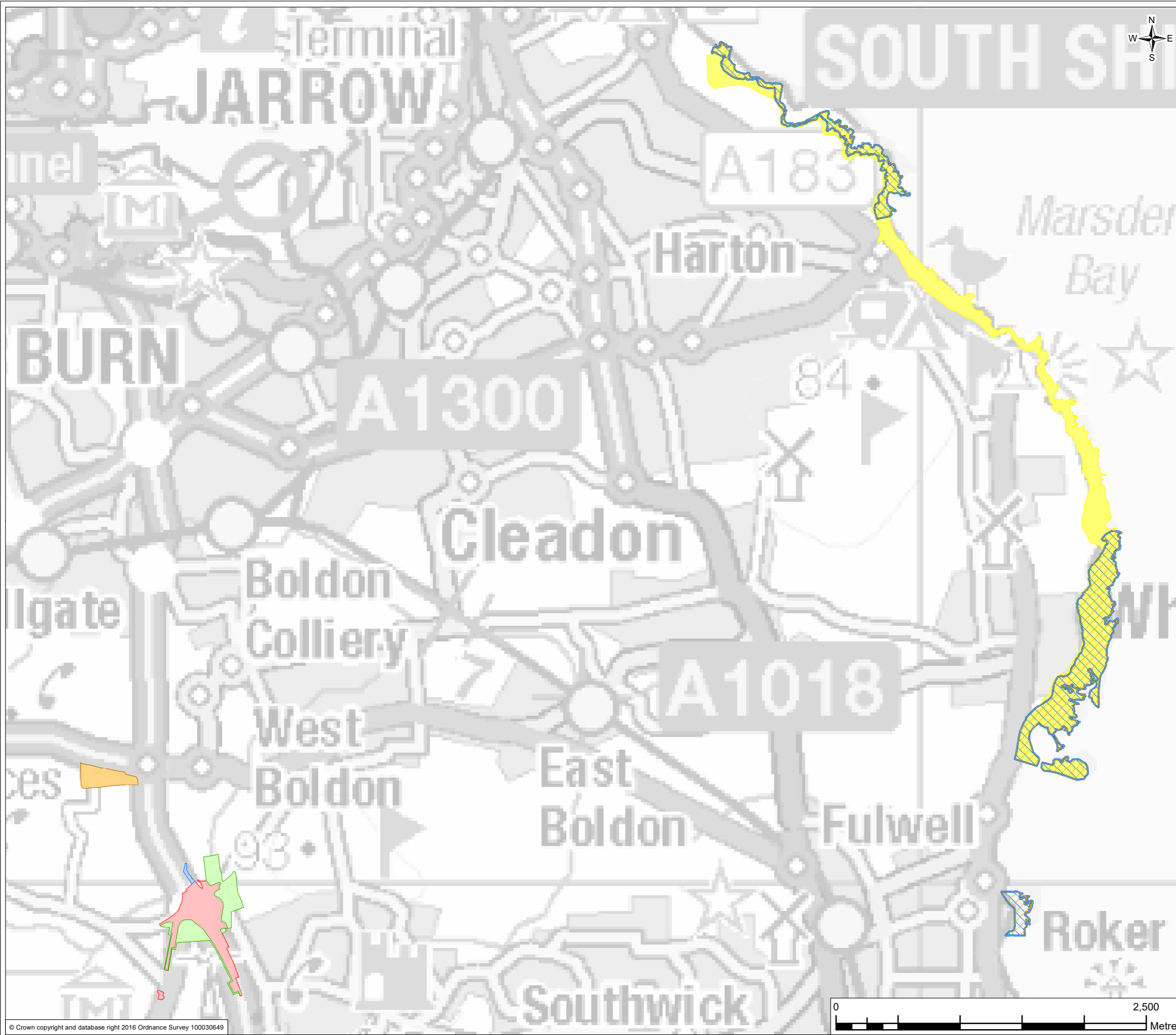
- 3.1.10 Therefore, it was considered that the combination of the localised nature of the works and construction of the Scheme, together with the large distance between the European and Ramsar sites and the Scheme, provides no pathway for any potential adverse, or otherwise, effects upon the qualifying features of the designated European or Ramsar site.
- 3.1.11 For the reasons presented above it was considered that a Habitats Regulations Assessment / Appropriate Assessment of likely significant effects upon European Sites was not required.

APPENDIX A ASSESSMENT OF IMPLICATIONS ON EUROPEAN SITES HABITAT REGULATION ASSESSMENT (HRA SCREENING REPORT: EUROPEAN DESIGNATED SITES

FIGURE 1

Legend

- Land to be acquired or used permanently for construction, operation and/or maintenance works
- Land to be used temporarily for material storage, construction access and storage of plant
- Rights of Way permanently extinguished or reinstated. No physical construction works proposed
- Testo's main site compound – shared use option area
- Northumbria Coast Ramsar
- Northumbria Coast Special Protection Area
- Durham Special Area of Conservation



0	JAN 19	Initial Issue	IM	AM	MR	GW
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Client **highways england**

Project **A19 DOWNHILL LANE JUNCTION IMPROVEMENTS**

Drawing Title **ASSESSMENT OF IMPLICATIONS ON EUROPEAN SITES HABITAT REGULATION ASSESSMENT (HRA) SCREENING REPORT: EUROPEAN DESIGNATED SITES**

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APPENDIX B NATURAL ENGLAND CONFIRMATION OF HRA SCREENING

From: Whitehead, Andrew (NE) <Andrew.Whitehead@naturalengland.org.uk>
Sent: 23 July 2018 15:44
To: McIlwraith, Andy; Miller, Michael (NE)
Cc: Phil Emison; Willis, Graeme; Robinson, Michael (Leeds); Adam, Emma
Subject: [EXTERNAL] RE: A19 Downhill Lane - NE Confirmation of HRA Screening

Hi Andy

I can confirm that we are happy with this approach. We do, however, advise that you keep a record of the decision making process to arrive at this conclusion for completeness and to provide an audit trail.

Regards

Andy

Andy Whitehead
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Please note I work a 9 day fortnight, with alternate Fridays off.

www.gov.uk/naturalengland; Follow us on [Twitter](#).

We are here to secure a healthy natural environment for people to enjoy, where wildlife is protected and England's traditional landscapes are safeguarded for future generations.

In an effort to reduce Natural England's carbon footprint, I will, wherever possible, avoid travelling to meetings and attend via audio, video or web conferencing.

Northumbria Area Team is accredited to the Cabinet Office Customer Service Excellence Standard.

We now offer free and chargeable advice to land owners and managers planning works on Sites of Special Scientific Interest through [SSSI Advice Service](#).

To help Developers consider the environment Natural England offers two chargeable services:
- the [Discretionary Advice Service \(DAS\)](#) which can provide advice on planning/licensing proposals;
- the [Pre-submission Screening Service \(PSS\)](#) for European Protected Species mitigation licence applications.

From: McIlwraith, Andy [mailto:Andy.McIlwraith@jacobs.com]
Sent: 09 July 2018 12:55
To: Miller, Michael (NE) <Michael.Miller@naturalengland.org.uk>; Whitehead, Andrew (NE) <Andrew.Whitehead@naturalengland.org.uk>
Cc: Phil Emison <Phil.Emison@costain.com>; Willis, Graeme <Graeme.Willis@jacobs.com>; Robinson, Michael (Leeds) <Michael.Robinson@jacobs.com>; Adam, Emma <Emma.Adam@jacobs.com>
Subject: A19 Downhill Lane - NE Confirmation of HRA Screening

Dear Michael/Andrew,

Further to our meeting on 6th June 2018 to discuss ecology matters for the A19 Downhill Lane Junction Improvements. We have scoped out the requirement for a Habitats Regulations Assessment (HRA) Screening report as part of the DCO submission, with the detailed rationale for this set out in the Ecology Chapter of the Environmental Statement. In brief this would be based on a number of factors, mainly relating to the distance of the proposed scheme to the nearest Natura 2000 site. Specifically the Northumbria Coast Ramsar site and SPA and Durham Coast SAC are located over 6.5km to the east. The conclusion reached was that no screening for potential effects on Natura 2000 sites was necessary as there was no potential for the Scheme to have significant effects on any Natura 2000 site.

In addition, there were no Special Areas of Conservation (SACs) identified within 30 km of the proposals that have noted bats as one of the qualifying interests.

This is in line with Highways England assessment criteria set out in the Volume 11 of DMRB and the Planning Inspectorate advice note 10 – see links below.

<http://www.standardsforhighways.co.uk/ha/standards/dmr/vol11/section4/hd4409.pdf>

<https://infrastructure.planninginspectorate.gov.uk/wp-content/uploads/2012/10/Advice-note-10-HRA.pdf>

Please can you let me know if Natural England agree with this approach to the assessment. It should be noted that a similar assumption was made for the A19 Testo's Junction Improvements DCO submission. Please do not hesitate to contact me if you have any queries."

Regards

Andy McIlwraith MSc BSc (Hons) CEnv MCIEEM | Jacobs | Principal Ecologist | Environment, Maritime and Resilience | Leeds | 0113 3891318 direct | [REDACTED] mobile
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