

This Written Representation (WR) details the Royal Society for the Protection of Birds (RSPB) considerations of the impact of the scheme on the stone-curlew *Burhinus oedicnemus*, a rare breeding bird in the UK. Items addressed in this WR will be included in the Statement of Common Ground (SoCG) drawn up between RSPB and Highways England (HE).

The species is restricted in range to eastern England and central southern England around Salisbury Plain and Porton Down, all of which have designations as SPA in recognition of the importance of their populations of stone-curlews. Stone-curlews are listed on Annex I of the Directive on the Conservation of Wild Birds 2009/147/EC (codified version) (the 'Birds Directive') as requiring special conservation measures including but not limited to SPA classification, are specially protected under Schedule 1 of the Wildlife and Countryside Act 1981 (as amended), and are a bird of conservation concern and a Section 41 Priority species under the Natural Environment and Rural Communities (NERC) Act 2006. Separately and collectively, these place obligations on Highways England to avoid impacts on the breeding stone-curlew population.

Environmental Statement Appendix 8.25 (ES app 8.25) Habitats Regulation Assessment: Statement to Inform Appropriate Assessment (AA), section 3.3, paragraph 3.3.3 describes the three impact pathways for which *Likely Significant Effect* could not be dismissed, and hence subject to AA, these are copied below:

1. Direct loss of a successful stone curlew breeding plot immediately south of Parsonage Down which will lie within the scheme boundary in the area for the Winterbourne Stoke bypass and will therefore be lost during construction. Although this plot is outside the SPA it is used by the same population of stone curlew that nest within the SPA and a net reduction in the number of successful stone curlew plots will result in a net reduction in breeding opportunities for the species, which could affect the ability of Salisbury Plain SPA to achieve its conservation objectives.
2. Construction activity/personnel disturbance of breeding stone curlew using the breeding plot at Parsonage Down prior to its removal.
3. The operation of the A303 may facilitate recreational disturbance of stone curlew at Normanton Down. The placement of the A303 in tunnel at this location will open up the area to recreational activity, potentially resulting in recreational users on the footpath through Normanton Down crossing the fence-line and disturbing the stone curlew plots.

Accordingly, RSPB concurs with this assessment.

Impact pathway 1

Section 5.1 of the ES app 8.25 describes the justification for, and the proposed mitigation (replacement plot, paragraph 5.1.5) to address impact pathway 1. This is agreed and supported by RSPB.

Impact pathway 2

Section 5.2 of the ES app 8.25 describes the justification for, and the proposed mitigation, which is detailed in the Outline Environmental Management Plan (OEMP), appendix 2.2 of the Environmental Statement to address impact pathway 2. This is agreed and supported by the RSPB.

Impact pathway 3

Section 5.3 of the ES app 8.25 describes the in-combination effects of recreational disturbance in relation to the potential adverse impact on stone-curlews nesting on the RSPB Normanton Down Reserve. The issue being that there is a reasonable expectation that the removal of the A303 as a barrier to foot traffic will result in increased usage of byways 11 & 12 adjacent to the reserve for both visitors to the Stonehenge monument and the local population. The consequence of an increase being potential adverse impact on nesting stone-curlew on the reserve and consequently the Salisbury Plain SPA.

Contrary to the statement that agreement has been reached with the RSPB (para. 5.3.6) that provision of an additional plot at the RSPB Winterbourne Downs Reserve 'would ensure no adverse effect on the integrity...of the SPA', RSPB has not agreed this and do not accept this as appropriate mitigation to adequately address the potential impacts. Our position is that provision for suitable replacement nesting habitat *within* the Stonehenge World Heritage Site should be made under legally binding agreement to be implemented should adverse impact be shown in the future.

Discussions regarding the provision of a stone-curlew plot at the RSPB Winterbourne Downs Reserve were conducted on the understanding that such provision would be by way of 'net gain', hence contributing to this as a stated objective of the scheme. This is, in fact, clearly reflected as stated in the Environmental Statement paragraph 8.9.30.

Our position remains as follows; that an acceptable scheme for monitoring and mitigation in the event of adverse impact on breeding stone-curlews being demonstrated [via impact pathway 3] at the RSPB Normanton Downs Reserve, and hence the Salisbury Plain SPA must include:

1. Enhanced fencing of the RSPB Normanton Down Reserve to deter trespass onto the reserve.
2. A mechanism to quantify the number of people using the byways for comparison to the current state
3. Continued monitoring of stone-curlew nesting on the Reserve
4. An agreed threshold of impact derived through correlation of lack of nesting and volume of foot traffic on byways 11 & 12

5. An agreed legally binding agreement with a landowner within the Stonehenge World Heritage Site for the provision of a replacement nesting plot should adverse impact be demonstrated.