

Response to statements submitted by Highways England and RSPB within respective Written Representations to Deadline 2: A303 Amesbury to Berwick Down Scheme

RACHEL HOSIER¹ & TRACÉ WILLIAMS²

FOR M & R HOSIER Ref: 20020373

¹ Boreland & Westfield Farms, Upper Woodford, Salisbury SP4 6PG, ² FarmView Consultancy, Brock Farm, Whiteparish, Salisbury SP5 2QD.

30/05/2019

H E Response to Examining Authorities written questions 8.10.7 Biodiversity, ecology and biodiversity Deadline 2 [1]

We remain concerned that Highways England have not adequately addressed the concerns raised within the examining authorities' questions [on the Biodiversity, biological environment and ecology submission for the A303 Amesbury to Berwick Down (Deadline 2) [2]]. Our concerns being:

Page 7-2 Question Ec.1.1 Cumulative and in-combination assessments:

Response to point ii) 2

The response does not address the key points of concern within our Written Representation, Deadline 2: In-Combination Effects, Pg. 7-9: 3.21- 3.28 [2]. We remain highly concerned that the planned increase of military personnel and families, increased housing development and encouraged tourism into the area will have an unknown level of increased recreational activity surrounding Normanton Down reserve. The increase proposed is such as to result in the MoD committing to mitigation to reduce suggested potential conflict for breeding Stone Curlews. Due to the scale or magnitude of impacts being unknown, it is not unreasonable to suggest that all of the above proposed increases in activity may result in increased use of the byways bordering Normanton Down reserve and effect an increase in disturbance to breeding Stone Curlew. This could be disastrous for the SPA population that is still in 'recovery'.

Question Ec.1.2 Green Bridges: Response to point i) 1

We believe that no shelter in the form of new habitat is to be provided on green bridge 4 to provide safe passage of wildlife from predators; the area is limited to chalk grassland with no hedging.

There is no assurance that bats will use the green bridges as safe crossing points. The bat data in Environmental Statement Appendix 8.1B Baseline valuation [APP-233] paragraphs 8.1.47 and 8.1.48 report in respect of green bridge 4 was contradictory stating that bat activity within this area was both the highest activity on transect surveys as well as being the lowest activity recorded at the Longbarrow Junction. This highlights that more survey work would be needed to further understand the baseline use of this area by bat species.

We would like HE to have specifically mentioned which “other species” they are proposing will use the green bridges other than bats. There is little difference between the species on either side of the road, therefore there will be no net gain.

The spreading of badger populations within the WHS is having a seriously damaging impact on a large number of scheduled monuments within the WHS already.

Badgers are believed to transmit TB. By encouraging badgers into the wider area there is the potential risk that TB may be spread to our livestock. This would have a negative impact on our farming business.

The requirement for fencing would also be important as dogs straying from the byway have the potential to disturb wildlife using the green bridges.

Response to point i) 3

We were informed that the 150m width of green bridge 4 was decided upon for optimum heritage inter-visibility reasons rather than for biodiversity. We would like to see how this compares with the width of other green bridges within the scheme and whether the other green bridge widths have been secured.

Response to point i) 4

There is no information regarding which species each of the green bridges are targeting.

In respect of green bridge 4 we question the benefits of “species” crossing to the southern side, as this will link to arable land. Discussions with Highways England note that the area south of the deep cutting will vary depending on the area required for constructing the cutting, yet we note that on Environmental Statement Figure 2.5 Environmental Master Plan that the area is coded for species-rich chalk grassland. Clarification on this contradiction is required for proper assessment of the scheme.

The dispersal of less desirable plant seeds in an arable situation is not beneficial to our farming business. We have experience of reversion of land to chalk grassland; during the first three years many undesirable and injurious weeds need management.

There is already a 6m floral enhanced grass margin running along the A303 between the western portal and the green bridge. This has been in place for 7 years and already provides a link for invertebrates and grassland flora. This should not be destroyed during the proposed scheme but compliment and be-linked to newly created grassland. We are not convinced that the measures to control notifiable weeds will be adequately dealt with within the proposed management in the OEMP. [APP-187]

Response to point i) 5: There is no bund proposed for green bridge 4.

The deep cutting from the western portal to green bridge 4 creates a new barrier in the landscape in this location.

The area currently has a 6m floral enhanced chalk grassland margin that runs along the A303 in this area. This already forms part of the baseline connectivity between the eastern and western parts of the scheme.

The provision of the green bridge does not actually increase connectivity it reduces the connectivity within this area to 150m.

Response to point ii) 6: The fauna targeted as using green bridges has not been identified.

We have concerns as to the suitability of the type of chalk grassland proposed within the OEMP [APP-187] as it is not typical of Salisbury Plain and will require a high management input to deliver the objectives. As outlined in our written representation 2] page 18 paragraph 6.15-6.21

We have only had 2 meetings with HE ecology consultants from which we understand that green bridge 4 will just be chalk grassland. There is no intention to have any hedgerow with the area.

Environmental Statement chapter 8 Biodiversity [APP-046] 8.8.15 notes that green bridges will provide sheltered habitat links for fauna (as yet undisclosed), but in respect to green bridge 4 there is no shelter provided. This bridge has no bunds and no hedging.

Hedging would provide cover from predation for any animals using the bridge and provide some barrier between the general public and dogs that will be using the byway over the bridge. Hedging would also provide a navigable feature in the landscape that has the potential to encourage bats to link to the other side of the carriageway.

The species using the green bridge to link to the other side of the carriageway will be limited to species that are tolerant of human activity or nocturnal.

Response to point iii) 7

We note that Environmental Statement, Figure 8.10 Barn Owl Habitat Suitability and Road Casualties) [APP-158] contains a number of errors.

Areas on our farm that have been permanent grassland since 2002 have been incorrectly classified as '*Other non-grassland habitats with little or no value for foraging barn owls*'.

Normanton Down Reserve has never been surveyed by HE consultants and yet they have classified it as '*Type 2 Sub optimal foraging habitat*'. This is incredible as there are nest boxes within the barn on the Reserve that regularly host breeding Barn Owls, Little Owls and Kestrels and are monitored annually by staff of the Hawk Conservancy Trust. Grassland of the Reserve is managed such that different grass heights are available.

There are other questionable areas on the map that are noted as '*Type 1 Optimum foraging habitat*' which are close to woodland. Barn owls require a taller grass sward

for optimum habitat, which can be easily created and managed by the correct grazing regime.

The intention to provide a low open sward in the area of chalk grassland creation between the existing A303 and the cutting from the western portal will not provide optimum foraging habitat for barn owls unless it is left to grow longer.

There are another 4 areas on the map (neighbouring Environmental Scheme grassland that borders Boreland Farm) which has also been incorrectly classified as '*Other non-grassland habitats with little or no value for foraging barn owls*'. These areas regularly consist of longer grass which provides good habitat for Barn owls and their prey.

We question the noting of woodland as habitat for Barn owls. Apart from being factually incorrect as the Barn owl does not frequent woodland habitat, it is habitat for the Tawny owl, which if present, being more aggressive would drive Barn owls away.

This inaccurate poor-quality baseline data does not provide an accurate assessment of the current ecology of the area or of the ecological benefits of the scheme once in operation. The current surveys would suggest that the scheme will benefit the ecology of the area, yet this is based upon a realistic representation of the area. We suggest that old inaccurate desk top data has been used in preference to physical surveys. There has been no updating following field surveys as noted in Environmental Statement chapter 8 Biodiversity [APP-046] page 8-24. We question if the surveys were undertaken.

Response to point iii) 8

Selected areas of our farm have been walked as part of the 'Porton to Plain Project'. From this and our knowledge of the area and the surrounding land, leads us to question some of the findings within the report. Maps are too small to see clearly and it would appear that some of the data is out of date.

As noted in the DCO documents, non-presence of a species does not mean that it is not present. We believe that comprehensive surveys of the whole area should be undertaken for all the target species at the correct time and with the correct methodology to provide accurate base line information.

Question Ec.1.7 Habitat creation: Response to point 3

The location of the deep cutting from the western portal to the green bridge is shown in the various DCO documents as having an area of chalk grassland creation between the current A303 and the cutting.

We have previously asked HE why the red line boundary on the opposite side of the cutting (between the cutting and our land holding) is so wide. We have been informed by HE that this area may not need to be as wide as shown in the plans; it being for the construction process, hence the full area may not be required. At no point have we been told of any other proposals for this area.

However, the Environmental Statement Figure 2.5 Environmental Master Plan shows maps with mitigation indicated along the length of the Scheme. Map sheet 15 and 16 have colour coded the whole of the area as species rich chalk grassland rather than just the area between the cutting and the existing A303. At no time has the area to the south of the cutting been discussed at meetings as we were led to believe that it was a flexible area for construction purposes alone. The cross-sectional drawing page 19 chainage 6750 G1 shows the area just prior to green bridge 4. It also notes the presence of species-rich grassland on the southern side of the carriageway. Management of this area for species-rich chalk grassland would be complex, poor value for money with debatable returns for biodiversity benefits.

Response to point 4

We have concerns about the establishment methods, management and proposed seed mixtures. Contradictions within OLEMP [APP-267] page 3 2.1.4 f) to use native indigenous species of local provenance wherever appropriate. Also, page 9 6.1.2 ...*"A seed mix with affinity to CG2 grassland would, with appropriate management, meet these requirements"*. Page 9 6.1.3 the intention to overlook using brush-harvested seed from Salisbury Plain Training Area is astonishing when with planning brush-harvested seed can be stored. The intention to not include certain locally represented floral species due to their height is questionable. See written representation M & R Hosier Appendix 1. Page 18 6.15 to page 19 6.21. 2]

Response to point 5

Management measures stated in OLEMP [APP-267] page 13, 7.1.2 and 7.1.3 are not methods that have been successfully proven on site at Normanton Down. A mowing regime is not beneficial to grassland establishment and is incredibly destructive to invertebrate biodiversity. Although not stated, we assume that invertebrates are the key species targeted for biodiversity. See M & R Hosier Written Representation Appendix 1 page 17, 6.6 to 6.12, page 19, 6.19 and 6.20.

We question what the '*other objectives*' are that HE refer to as benefitting from the mowing of chalk grassland. Mowing as a management tool is unlikely to benefit any biodiversity, being destructive to invertebrates, small mammals, nesting birds such as skylark that need to undertake several nesting attempts during the season; mowing results in the loss of the entire habitat where it is undertaken.

Question Ec.1.17 Stone curlew: Response to point iv) 5

OEMP [APP-187] various mitigation methods are proposed for limiting the impacts of construction works on Parsonage Down Stone curlew plot. Little detail is provided of what visual screening actually entails.

Page 24, Stone curlews b), planting areas of temporary bare ground with quick growing crop/wildflower/game cover. With correct planning the Preliminary Works would take place just prior to construction works in areas where Stone curlews have historically frequented, that way there would be no suitable habitat available for them to prospect for nesting ie bare ground.

Areas cleared for construction will presumably have no or little topsoil, so will not be able to quickly grow any crops. Having farmed the local land for three generations, we can say that establishment of quick growing crops is, in reality, not that quick to give coverage to such a level that Stone curlew would be deterred from nesting. Crop establishment could take four or five weeks under good growing conditions and with normal levels of topsoil.

Question Ec.1.18 Stone curlews: Response to point i) 1

We question why HE have not used the software package known as Stone-Curlew Access Response Evaluator (SCARE) modelling to aid the evaluation of the impact of specified disturbance at Normanton Down reserve which was developed by Taylor et al. [5]. The current situation of unknown level of disturbance caused by the new scheme would cause to affect the breeding Stone curlew at the Reserve is unsatisfactory.

Taylor *et al* report [5] research found that people on foot disturbed Stone Curlews at 450m but this is only a guideline, and that if the disturbance has not been regularly encountered before some disturbance can occur at distances of greater than 300m. Our personal experience has found that not all pairs of Stone Curlew follow these guidelines. Therefore, to promote the biodiversity benefits of the scheme we suggest a 'buffer zone' of 500m as a minimum should be adopted as best practice, especially when taking into account the unknown level of recreational disturbance being encouraged into the southern half of the WHS.

Response to point ii) 3

As evidenced by the Stone curlew that nested on the Archaeological Survey area at the western portal during 2018, it is imperative that Ecology Clerk of Works and ecology team has a good understanding of Stone curlew behaviour with previous experience. Even experienced staff can find the birds challenging to locate on occasions due to the birds' camouflage.

The Environmental Statement states that monitoring will continue until Stone curlews are no longer utilising the nest site. This shows a lack of understanding of species behaviour; Stone curlew breeding can span 68 days; 26 days of incubation and up to 42 days of chick rearing [6]. Chicks are entirely dependent on their parents for food and foraging will occur within 3km of the nest [7]. Regulations within the Wildlife and Countryside Act 1981 (as amended) protect all nesting birds during their breeding cycle; this includes feeding of young until fledging. HE should recognise that if Stone curlew nest within the construction area, works will have to cease for a period of up to 10 weeks to comply with legislation.

Environmental Statement chapter 8 biodiversity [APP-046] page 8-57 para 8.9.35 notes the potential for disturbance if birds are foraging in the area of the scheme. This is recorded as a '*low frequency occurrence*', but from our experience the birds are frequently drawn to this area to feed on the invertebrates associated with the

outdoor pig unit. This is especially noted during the late summer months when the birds are feeding their young.

Question Ec.1.20 Impact on habitats: Response to point 2

Ground investigations and archaeological surveys have been supervised where appropriate by an Ecology Clerk of Works. However, due to the ecology team being inexperienced regarding behaviour of Stone curlew, the RSPB Stone curlew team were called on a number of occasions to teach them the necessary Stone curlew behaviour signs and locate the birds when they could not be spotted. It is alarming that being a high-profile species that there were not adequate experienced staff on the ecology team. We question how and who will assess the main contractors' ecology staff to ensure they have relevant and adequate knowledge with key species.

Our request for a copy of the written document detailing measures to be adopted should Stone curlew breed within the area were never provided. Instead this was covered by a paragraph in an email stating that RSPB did not consider that a Stone curlew would nest in the survey area. From that we deduce that there was no document in respect of nesting Stone curlews within the survey area detailing mitigation.

Our holding has proved very important for the Great Bustard reintroduction project and we have had both visiting and nesting Great Bustard on our land, we have a vested interest in protection of this species.

We also note that HE did not consult with the Great Bustard Group (GBG pers.comm) prior to commencing the archaeological surveys on the landscape in Spring 2018. GBG were not informed of where the surveys would take place or how long they would last. GBG were not asked if Great Bustards were prospecting in those areas for nesting and GBG were given no contact details for the ecology clerk of works. Furthermore, there were no discussions with GBG regarding what procedures HE surveyors should follow should a Great Bustard be found to have put down a nest during the survey period. This is a gross error being that Great Bustard is also a Schedule 1 bird covered by the Wildlife & Countryside Act 1981.

Question Ec.1.22 Great Bustards: Response to point i) 2

There seems to be no consistent approach in respect of the Great Bustard and how it is considered within the scheme. There are very few references to this species:-

- Appendix 8.1B Biodiversity [APP-233] the species is noted of National Importance /High Value. It is also listed under Annex 1. Annex 1 birds are given additional protection under European law being a species for which an SPA can be designated.
- The UK population of Great Bustard is currently only found within the Salisbury Plain area, being the location of the Great Bustard Recovery Project.

- The Scheme is billed at delivering biodiversity benefits and yet it seems to continually overlook the Great Bustard despite it being a very high-profile species nationally and one that visitors to the area are keen to spot.
- The Environmental Statement chapter 8 Biodiversity [APP-046] table 8.7 Summary of the study area for likely important biodiversity features does not include the Great Bustard.
- There were no field study methods or dates of survey recorded in table 8.8 as per other noteworthy species. Page 8-36 table 8.12 Summary evaluation of species and species assemblages does include the Great Bustard, with page 8-39 referring to the area as '*the only known population within the UK*'. We question why, considering their conservation status and when Great Bustard are observed as being largely limited to the south of the existing A303, that no surveys have been carried out in relation to the species?

Response to point ii) 3

The GBG have had to rely on one of their landlords for an introductory meeting with HE consultants, with minimal follow up engagement and no formal surveys carried out in relation to Great Bustard (GBG Pers.comm). The lack of regard shown by HE for such a high-profile and protected species within the Scheme area is unsatisfactory. There has been a serious lack of communication with GBG – so we fail to comprehend how HE can comment that no nest sites would be lost to the proposed scheme; HE consultants have not taken the opportunity to learn about the habitat and behaviour of the species, nor we assume the legislation surrounding it.

Environmental Statement chapter 8, Biodiversity [APP-045] page 8-76 Great Bustard paragraph 8.9.144 Disturbance. This paragraph shows a lack of understanding of the behaviour of Great Bustard, noting that the birds would not be disturbed by construction as they were already used to traffic from an existing major road. There is a vast difference between road traffic and construction traffic. The presence of large machines in the hitherto undisturbed arable areas where the birds have previously nested will be a significant disturbance resulting in the displacement of breeding Great Bustard. Construction traffic will be operating within the landscape day and night, large machines with warning alarms and flashing amber beacons together with a marked increase in human presence supporting high viz jackets is not a '*temporary adverse impact*'. This statement has been made with no engagement with GBG (GBG Pers. comm).

Response to point 4

Environmental Statement chapter 8 Biodiversity [APP-045] page 8-44 para 8.8 Design, mitigation and enhancement measures. 8.8.1 '*The Scheme incorporates measures that have been embedded into the design to mitigate adverse effects on biodiversity features and compensate for the loss of habitats by the creation of new areas of habitat within the Scheme. It also includes working practices which would avoid impacts and provide mitigation for important biodiversity features during construction and operation. These measures have been identified and developed through the EIA process, including consultation with stakeholders and statutory*

bodies. The following sections outline the measures and how they would minimise the impact of the Scheme on biodiversity. Details are provided in the Environmental Masterplan (figure 2.5) and OEMP.

There are no direct statements within the OEMP [APP-267] for working criteria or mitigation in relation to Great Bustards as inferred in the HE response.

Page 47 MW-BIO 1 Table 3.2 (a) mentions Protected and notable species, however, Great Bustards are omitted.

Page 26 PW-BIO10 lists “*other notable species*” but Great Bustards are omitted.

HE response infers that Great Bustards will be afforded the same protection as Stone Curlew as they are an Annex 1 species with similar legal protection, but this is omitted from the OEMP.

In addition, there have been no surveys carried out within the area to provide base line data and there has been minimal contact with the Great Bustard Group (Environmental Statement chapter 8 Biodiversity [APP-046] page 8-15 Table 8.5 Stakeholder consultations on biodiversity only two occasions compared to numerous meeting dates with statutory organisations with lesser knowledge on Great Bustards)

In practice, there have been no measures incorporated to mitigate for the increase in number of PRow within the area that will bring more people into direct conflict with nesting and feeding Great Bustard. This is shocking when Salisbury Plain is the only area in the UK where the Great Bustards are breeding and this Scheme is billed to provide biodiversity benefits.

Response to point 5

There has been no true assessment for the Great Bustard species involving the Great Bustard Group, therefore it is **an inaccurate statement** that the Scheme will not be a threat to the success of the reintroduction project.

To correctly assess claims that creation of additional grassland habitat at Parsonage Down would have a benefit for the Great Bustards, would require both consultation with the GBG and survey work to be undertaken – both of which have not occurred.

No work has been done to establish the disturbance response of Great Bustards to general public, with or without dogs, and to traffic volumes. We believe the area is to be open access so these surveys are crucial. Again, consultation with GBG would have corrected the assumption (dictated by Natural England) that Great Bustard is a solely grassland species. It is well documented by other countries with surviving Great Bustard populations that the species requires both arable and grassland habitats.

That Great Bustards do not currently frequent Parsonage Down is not understood, but a fact which should be considered relevant with investigations undertaken to determine why the birds do not choose the area.

The reference to the presence of green bridges as being of benefit to the Great Bustard also shows a lack of understanding of the birds' behaviour. As the largest British flying bird, they have no need of green bridges to expand their habitat. The bridges also include byways for general public which would result in the birds actively avoiding these structures.

References to the A303 being in a tunnel as encouraging the dispersal of the Great Bustard into the wider landscape shows a lack of understanding of the birds' behaviour. The A303 road is not a barrier to Great Bustards as they already fly over the road at heights well above high sided lorries. The birds will not disperse into the area as it is an open access landscape with people and dog disturbance.

Response to RSPB WR- Deadline 2 [3]

We are pleased to note the recent clarification by the RSPB, which support the concerns made in our WR [2].

The RSPB has highlighted **that Highways England have an obligation to avoid impacts on the breeding stone-curlew population. The RSPB also agrees with the Statement to Inform Appropriate Assessment which states that:**

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. [2].

The RSPB have now clarified that the provision of a Stone Curlew plot at the RSPB Winterbourne Downs Reserve is regarded as 'net gain', therefore this cannot be seen as mitigation for the unknown increased recreational pressure that would be imposed upon the breeding Stone Curlew at Normanton Down reserve.

In fact, the RSPB have stated that provision should be made for suitable replacement nesting habitat within the Stonehenge World Heritage Site should adverse impacts be shown in future.

As the landowner has only been provided with one meeting with Highways England ecology consultant for meaningful discussions regarding any of the concerns leading to and raised within our written representation, we conclude the following:

- **The landowner, M & R Hosier will not agree to new fencing proposals for Normanton Down reserve.**
- **We have no confidence that new fencing would deter trespass as fencing has not proven to be an adequate barrier to prevent trespass under the current level of byway usage.**
- **In addition, new fencing will not create a visual barrier against disturbance from increased recreational users on the byways for breeding, foraging or roosting Stone Curlew.**

References

- 1] Highways England WR Deadline 2 Submission - Response to the Examining Authority's Written Questions - 8.10.7 Biodiversity, ecology and biodiversity (Ec.1)
[https://infrastructure.planninginspectorate.gov.uk/wp-content/ipc/uploads/projects/TR010025/TR010025-000804-8.10.7%20Biodiversity,%20ecology%20and%20biodiversity%20\(Ec.1\).pdf](https://infrastructure.planninginspectorate.gov.uk/wp-content/ipc/uploads/projects/TR010025/TR010025-000804-8.10.7%20Biodiversity,%20ecology%20and%20biodiversity%20(Ec.1).pdf)
- 2] REP2-104: M & R Hosier Written Representation, Appendix 1 Biodiversity, biological environment and ecology.2: Appendix 1: Rachel Hosier & Tracé Williams
<https://infrastructure.planninginspectorate.gov.uk/wp-content/ipc/uploads/projects/TR010025/TR010025-000808-M&R%20Hosier-Written%20Representation.pdf>
- 3] REP2-125: RSPB <https://infrastructure.planninginspectorate.gov.uk/wp-content/ipc/uploads/projects/TR010025/TR010025-000680-Royal%20Society%20for%20the%20Protection%20of%20Birds%20-%20Written%20Representation.pdf>
- 4] 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
- 5] Taylor, EC., Green, RE and J Perrins. 2007. Stone-curlews *Burhinus oedicnemus* and recreational disturbance: developing a management tool for access. *Ibis*, 149 (Suppl. 1), 37–44.
- 6] RSPB website. <https://www.rspb.org.uk/birds-and-wildlife/wildlife-guides/bird-a-z/stone-curlew/>
- 7] Green, R. E., Tyler, G. A and C.G.R Bowden. *Habitat selection, ranging behaviour and diet of the stone curlew (Burhinus oedicnemus) in southern England. Journal of Zoology. Volume 250: Issue 2*, February 2000. pp. 161-183.