

**A30 Chiverton to Carland Cross
TR010026**

**8.22 COMMENTS ON THE REPORT ON
THE IMPLICATIONS FOR EUROPEAN
SITES**

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Table of Contents

	Pages
1 Introduction	1
1.1 Purpose of this document	1
1.2 Structure	1
2 Applicant's Comments on the RIES	2
2.2 Natural England	2
2.3 Points of clarification	2
3 Response to Examining Authority's Second Written Questions	5
3.1 Q2.2.3 of the Examining Authority's Second Written Questions	5

1 Introduction

1.1 Purpose of this document

- 1.1.1 This document sets out Highways England's (the Applicant) comments on the Report on the Implications for European Sites (RIES) for the A30 Chiverton to Carland Cross scheme (the scheme), published by the Planning Inspectorate on the 21 May 2019.
- 1.1.2 The RIES compiles, documents and signposts information provided within the DCO application, and the information submitted throughout the examination by both the Applicant and interested parties (IPs), up to Deadline 4 of the examination (1 May 2019) in relation to potential effects on European Sites.

1.2 Structure

- 1.2.1 For ease of reference, this document is structured as follows:
- Section 2 – Applicant's Comments on the RIES
 - Section 3 – Response to Examining Authority's Second Written Questions (of relevance to the RIES)

2 Applicant's Comments on the RIES

2.1.1 Highways England has reviewed the RIES which restates the conclusion presented in the **Statement to Inform an Appropriate Assessment (SIAA)** (Document Reference 6.5) [APP-033] submitted with the DCO application, that the scheme is not predicted to result in any adverse effect on the Integrity of any European Designated Site. The RIES also confirms that, at the time of issue, this conclusion has not been disputed by any Interested Parties during the examination.

2.2 Natural England

2.2.1 The RIES states that the **Statement of Common Ground between Natural England and Highways England** (SoCG), submitted at Deadline 2 of the examination (Document Reference 7.4.2) [REP2-018], provided confirmation from Natural England (NE) that: *"they concur with the conclusions presented by the Applicant in the Statement to Inform an Appropriate Assessment"*. As a point of minor clarification, NE responded to the final draft SIAA Report. The final draft SIAA Report did not materially differ in content or conclusions to that presented within the final SIAA Report submitted with the DCO application. Within the signed SOCG submitted at Deadline 2 it is clearly identified that there are no matters outstanding between Natural England and the Applicant in relation to the Habitats Regulation Assessment for the scheme.

2.3 Points of clarification

- 2.3.1 The RIES states that: *"as a result of the screening assessment, the Applicant concluded that the project is **likely to give rise to significant effects**"* on the qualifying features of the Newlyn Downs SAC and the Breney Common and Goss and Tregoss Moors SAC. As a point of clarification, the **SIAA** (Document Reference 6.5) [APP-033] concluded that a likely significant effect could not be excluded for these two sites at the screening stage, and they were therefore taken forward to Stage 2: Appropriate Assessment (AA), where it was subsequently concluded that that no reasonable scientific doubt remains and the project will not adversely affect the integrity of any European Site, alone or in combination with other plans or projects.
- 2.3.2 The RIES notes that: *"A potential significant effect was identified for the Breney Common and Goss and Tregoss Moors SAC. This was identified on the basis that the 1% threshold (0.3µg/m³) would be exceeded by the Scheme and could result in overall exceedances of the vegetation criterion critical load (CL) (30 µg/m³). The increased emission levels were predicted to occur between 0-10 meters from the highway boundary. Further investigation found that 0.2% of the total area of the SAC lies within 10m of the Affected Road Network and of this area, only a small part was found to contain any Annex 1 Habitat for which the SAC has been designated – H4c Ulex gallii Agrostis curtisii heath, Erica tetralix sub-community. As such a small amount of the qualifying habitat may be affected, it was concluded that having regard to the magnitude of the impact the effect would be of neutral significance"*.
- 2.3.3 As a point of clarification, no potential significant effect was identified, but as a result of predicted NO_x levels exceeding the critical level / limit value of 30µg/m³ and exceeding an increase of 1% of the objective, a likely significant effect could

not be excluded at the screening stage, and so the site proceeded to the AA stage, where it was determined that:

- The relevant critical load for the habitat present within 0-10m of the roadside was 10-20 kg N ha⁻¹ y⁻¹. Predicted nitrogen deposition levels (17.2 – 19.3 kg N ha⁻¹ yr⁻¹) exceed the lower limit but do not exceed the upper limit of the critical load threshold at all locations.
- 1% of the critical load equates to 0.1-0.2 kg N ha⁻¹ yr⁻¹. Predicted increases in nitrogen deposition levels (0.01 - 0.13 kg N ha/yr), do not exceed 1% of upper limit for the critical load but do exceed 1% of lower limit for the critical load within 0-10m of the roadside.
- Guidance recommends that the high end of the range of the critical load is applied in areas that experience high precipitation. Cornwall receives comparatively high levels of precipitation, and therefore the expectation would be that the upper limit (0.2 kg N ha⁻¹ yr⁻¹) for the critical load would be an appropriate threshold to apply in this case. Therefore, consideration of changes in nitrogen deposition against the lower limit for the critical load represent a worst-case scenario.
- All exceedances of the critical load and of 1% of the lower limit of the critical load under the Do-something scenario, are predicted to occur within 0-10m of the roadside.
- The area within 0-10m of the roadside was calculated to represent 0.2% of the total area of the SAC.
- Only 0.26 Ha of the area within 0-10m of the roadside was considered to potentially qualify as Annex I habitat (European dry heath) for the site, comprising just 0.03% of the total area of the SAC and 0.2% of European dry heath habitat within the SAC.
- This is likely to be an overestimate of the area experiencing increases in nitrogen deposition levels that exceed 1% of the lower limit of the critical load, as any increases in nitrogen deposition have decreased to less than 1% of the lower limit of critical load before reaching 10m from the roadside.
- Applying professional judgement and following best practice national guidance, it is concluded that any impact from nitrogen deposition resulting from the scheme will be imperceptible and any increase would not have a discernible degradational effect, and the structure and function (including typical species) of qualifying habitats is unlikely to be affected. As such, and in view of the relevant site conservation objectives, an adverse effect on the integrity of the European site can be excluded.

2.3.4 Paragraph 2.1.66 of the **SIAA** Appendix 2 Integrity Matrices (Document Reference 6.5) [APP-033], states that: *“Based on NVC Habitat surveys undertaken by Natural England (2015), the total area of habitat mapped as H4 within the European Site equates to 83.6 hectares. Therefore, the area of habitat mapped as H4 within 0-10m of the roadside accounts for just 0.07% of the total recorded habitat type within the SAC.”* Instead this should read *“Based on NVC Habitat surveys undertaken by Natural England (2015), the total area of habitat mapped as H4 within the European Site equates to 83.6 hectares. Therefore, the area of habitat mapped as H4 within 0-10m of the roadside accounts for just*

0.07% of the total qualifying habitat within the SAC and 0.2% of the European dry heath habitat within the SAC".

2.3.5 The applicant has no further comment to make on the RIES.

3 Response to Examining Authority's Second Written Questions

3.1 Q2.2.3 of the Examining Authority's Second Written Questions

- 3.1.1 In response to Q2.2.3, Highways England has provided a plan showing all European designated sites included within the assessment of European Sites. This is included at Appendix A of **Responses to the Examining Authority's Second Written Questions** (Document Reference 8.21) submitted at Deadline 5.

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