



The Planning Inspectorate
Yr Arolygiaeth Gynllunio

REPORT on the IMPLICATIONS for EUROPEAN SITES

Proposed A303 Sparkford to Ilchester Dualling

An Examining Authority report prepared with the
support of the Environmental Services Team

Planning Inspectorate Reference: TR010036

16 April 2019

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TABLE OF CONTENTS

1. INTRODUCTION	1
1.1 BACKGROUND	1
1.2 DOCUMENTS USED TO INFORM THIS RIES	2
1.3 STRUCTURE OF THIS RIES.....	3
2. OVERVIEW	4
2.1 EUROPEAN SITES CONSIDERED	4
2.2 HRA MATTERS CONSIDERED DURING THE EXAMINATION.....	6
3. LIKELY SIGNIFICANT EFFECTS	8
3.1 SUMMARY OF HRA SCREENING OUTCOMES DURING THE EXAMINATION	13
ANNEX 1 STAGE 1 MATRIX: SCREENING FOR LIKELY SIGNIFICANT EFFECTS	

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1 INTRODUCTION

1.1 Background

- 1.1.1 Highways England (the Applicant) has applied to the Secretary of State for a development consent order (DCO) under section 37 of the Planning Act 2008 (PA2008) for the proposed A303 Sparkford to Ilchester Dualling (the Proposed Development). The Secretary of State has appointed an Examining Authority (ExA) to conduct an examination of the application, to report its findings and conclusions, and to make a recommendation to the Secretary of State as to the decision to be made on the application.
- 1.1.2 The relevant Secretary of State is the competent authority for the purposes of the Habitats Directive¹ and the Habitats Regulations² for applications submitted under the PA2008 regime. The findings and conclusions on nature conservation issues reported by the ExA will assist the Secretary of State in performing their duties under the Habitats Regulations.
- 1.1.3 This report compiles, documents and signposts information provided within the DCO application, and the information submitted throughout the examination by both the Applicant and Interested Parties, up to Deadline 5 of the examination (5 April 2019) in relation to potential effects to European Sites³. It is not a standalone document and should be read in conjunction with the examination documents referred to. Where document references are presented in square brackets [] in the text of this report, that reference can be found in the Examination library published on the National Infrastructure Planning website at the following link:
<http://infrastructure.planninginspectorate.gov.uk/document/TR010036-000363>
- 1.1.4 This report is issued to ensure that Interested Parties, including the statutory nature conservation body Natural England (NE), are consulted formally on Habitats Regulations matters. This process may be relied on by the Secretary of State for the purposes of Regulation 63(3) of the Habitats Regulations. Following consultation the responses will be considered by the ExA in making their recommendation to the Secretary of State and made available to the Secretary of State along with this report. The RIES will not be revised following consultation.

¹ Council Directive 92/43/EEC of 21 May 1992 on the conservation of natural habitats and of wild fauna and flora (as codified) (the 'Habitats Directive').

² The Conservation of Habitats and Species Regulations 2017 (the Habitats Regulations).

³ The term European Sites in this context includes Sites of Community Importance (SCIs), Special Areas of Conservation (SACs) and candidate SACs, Special Protection Areas (SPAs), possible SACs, potential SPAs, Ramsar sites, proposed Ramsar sites, and any sites identified as compensatory measures for adverse effects on any of the above. For a full description of the designations to which the Habitats Regulations apply, and/ or are applied as a matter of Government policy, see PINS Advice Note 10.

- 1.1.5 The Applicant has not identified any potential impacts on European sites in other EEA States⁴. Only UK European sites are addressed in this report.

Documents used to inform this RIES

- 1.1.6 The Applicant provided a No Significant Effects Report entitled Habitats Regulations Assessment (HRA) Findings of No Significant Effects Report [APP-147] as part of the DCO application, together with screening matrices.
- 1.1.7 The Applicant concluded within their DCO application that there would be no likely significant effects on all European sites screened.
- 1.1.8 Other documents referred to in this RIES are listed below.

Procedural Decisions

- Examining Authority's (ExA) Written Questions [PD-009]
- Examining Authority's (ExA) Further Questions [PD-014]

Application Documents

- HRA Findings of No Significant Effects Report [APP-147]
- Environmental Statement Chapter 14: Combined and Cumulative Effects [APP-051]
- Statement of Common Ground with Natural England (draft) [APP-157]

Deadline 2

- Draft Statement of Common Ground with Natural England [REP2-015]

Deadline 4

- (Draft) Statement of Common Ground with Natural England (Revision B) [REP4-007]

Deadline 5

- Statement of Common Ground with Natural England (Revision C) [REP5-015]

⁴ European Economic Area (EEA) States.

1.2 Structure of this RIES

1.2.1 The remainder of this report is as follows:

- **Section 2** identifies the European sites that have been considered within the DCO application and during the examination period, up to 5 April 2019. It provides an overview of the issues that have emerged during the examination.
- **Section 3** identifies the European sites and qualifying features screened by the Applicant for potential likely significant effects, either alone or in-combination with other projects and plans. The section also identifies where Interested Parties have disputed the Applicant's conclusions, together with any additional European sites and qualifying features screened for potential likely significant effects during the examination.

2 OVERVIEW

2.1 European Sites Considered

- 2.1.1 The Proposed Development is not connected with or necessary to the management for nature conservation of any of the European sites considered within the Applicant's assessment.
- 2.1.2 The Applicant's HRA Report identified the following European sites (and features) for which the UK is responsible for inclusion within the assessment:

Table 2.1: European sites and qualifying features considered in the Applicants HRA No significant Effects Report [APP-147]

Name of European Site	Features
Mells Valley SAC	Annex I habitat: Semi-natural dry grasslands and scrubland facies on calcareous substrates
	Annex I habitat: Caves not open to the public
	Annex II species: Greater horseshoe bat
North Somerset and Mendip Bats SAC	Annex I habitat: Semi-natural dry grasslands and facies on calcareous substrates
	Annex I habitat: Tilio-Acerion forests of slopes, screes and ravines.
	Annex I habitat: Caves not open to the public.
	Annex II species: Lesser horseshoe bat
	Annex II species: Greater horseshoe bat
Brackets Coppice SAC	Annex I habitat: Molinia meadows on calcareous, peaty or clayey-silt laden soils
	Annex II species: Bechstein's bat
Somerset Levels and Moors SPA	Bewick's Swan
	Golden Plover
	Teal
	Wigeon
	Snipe
	Lapwing
	Pintail

Report on the Implications for European Sites for
A303 Sparkford to Ilchester Dualling

	Gadwall
	Whimbrel
	Shoveler
Somerset Levels and Moors Ramsar	Criterion 2: Supports 17 species of British Red Data Book invertebrates.
	Criterion 5: Assemblages of international importance:
	Criterion 6: Species/populations occurring at levels of international importance. Qualifying species/populations (as identified at designation). Species with peak counts in winter: Tundra swan, Eurasian teal, Northern lapwing. Species/populations identified subsequent to designation for possible future consideration under Criterion 6. Species with peak counts in winter: Mute swan, Eurasian wigeon, Northern pintail, Northern shoveler.

- 2.1.3 The Applicant relied on the criteria within the Highways England's Design Manual for Roads and Bridges (DMRB) to determine the zone of influence of the Proposed Development in relation to European sites. The zone of influence extends to European sites located within 2km of the Proposed Development; European sites beyond the 2km radius that are hydraulically linked to the Proposed Development and European sites within 30km of a Proposed Development where bats are qualifying species. The European sites screened by the Applicant are detailed in Table 2.1 of this report.
- 2.1.4 In [APP-147] the Applicant provided information regarding consultation with NE who had identified a potential in- combination effect on air quality with the A303 Stonehenge scheme on the Salisbury Plain SAC. NE requested that the Applicant included the Salisbury Plain SAC within their screening matrices. The Applicant did not revise its matrices to include Salisbury Plain SAC.

Table 2.2: Additional European Sites identified by Interested Parties

Name of European Site	Features
Salisbury Plain SAC	Annex I habitats - Juniperus communis formations on heaths or calcareous grasslands
	Annex I habitats - Semi-natural dry grasslands and scrubland facies on calcareous substrates (important orchid sites)
	Annex II species - Marsh fritillary butterfly

2.2 HRA Matters Considered During the Examination

- 2.2.1 On 20 December 2018 the ExA issued its First Written Questions [PD-009] which included a question directed to NE. This asked NE to clarify whether it agreed with the Applicant's conclusion that likely significant effects, either alone or in-combination from the A303 Sparkford to Ilchester Dualling scheme, could be excluded. In the event that NE did not agree with the conclusion reached by the Applicant, they were asked to explain and provide evidence in support of their position.
- 2.2.2 NE did not provide a response to this question. In the draft Statement of Common Ground [REP2-015] submitted at Deadline 2, the matter concerning the inclusion of Salisbury Plain SAC within the Applicant's screening matrices remained under discussion. Table 2.2 of the draft Statement of Common Ground identified NE's concern that despite its distance from the Proposed Development the Salisbury Plain SAC should be considered in the screening report for air quality impacts, particularly when in relation to in-combination effects with other developments including the A303 Stonehenge scheme, and the A358 Taunton dualling scheme.
- 2.2.3 The Applicant explained that the approach they had followed to identify European sites for the Habitats Regulations screening process is in accordance with that which is prescribed in the DMRB. Its assessment was that the changes in traffic level as a result of the Proposed Development would be below the relevant DMRB⁵ threshold for significant effects on ecological receptors [REP2-015].
- 2.2.4 At Deadline 4, a revised draft Statement of Common Ground between the Applicant and NE was submitted [REP4-007]. The Applicant and NE maintained their respective positions in relation to effects on the Salisbury Plain SAC.

⁵ Less than 200 Heavy Goods Vehicle change, para 3.12 of DMRB v11, s3, p1

- 2.2.5 The ExA issued Further Written Questions [PD-014] on 22 March 2019. NE was asked to confirm whether it agreed or disagreed with the Applicant's proposition that the Proposed Development would not have, either on its own or in-combination with other plans or projects a significant effect on the conservation objectives of Salisbury Plain SAC. NE were asked to provide evidence or reasoning if they considered that the Proposed Development could have a significant effect.
- 2.2.6 At Deadline 5, a final and signed version of the Statement of Common Ground [REP5-015] between the Applicant and NE was submitted. The Applicant reiterated the content of previous submissions and stated that the Proposed Development would not have a significant effect on Salisbury Plain SAC either alone or in combination with other plans and projects. The Statement of Common Ground confirms that NE are now in agreement with the Applicant on this matter.

3 LIKELY SIGNIFICANT EFFECTS

- 3.0.1 This section of the RIES provides a summary of the HRA matters considered during the examination up to Deadline 5 (5 April 2019).
- 3.0.2 The Applicant has described how they have determined what would constitute a 'significant effect' within its HRA report [APP-147]. This follows EC guidance on habitats assessment (EC Guidance document: 'Managing Natura 2000 sites: The provisions of Article 6 of the 'Habitats' Directive 92/43/EEC (2000)' and EC Guidance document: 'Assessment of plans and projects significantly affecting Natura 2000 sites (2001)').
- 3.0.3 The Applicant has addressed potential in-combination effects within its HRA report [Section 2 of APP-147]. However, this did not discuss the issue regarding potential air quality impacts on Salisbury Plain SAC.
- 3.0.4 The Applicant's screening assessment [APP-147] concluded that the Proposed Development would have **no likely significant effect**, either alone or in-combination with other projects or plans, on the qualifying features of the European sites listed below:
- Mells Valley SAC
 - North Somerset and Mendip Bats SAC
 - Brackets Coppice SAC
 - Somerset Levels and Moors SPA
 - Somerset Levels and Moors Ramsar.
- 3.0.5 The Applicant's conclusions in relation to these sites and their features **were not disputed** by any Interested Parties during the examination.
- 3.0.6 As noted in section 2.2 of this report, NE did not initially agree with in-combination effects on air quality could be excluded for the Salisbury Plain SAC.

Table 3.1: The Applicant's screening exercise and degree of agreement with Interested Parties

Features	Screening result*: LSE alone or in combination?	Agreed with SCNB and other relevant parties?	Assessment of effects on integrity required?
European site name: Mellis Valley SAC			
Annex I habitat: semi-natural dry grasslands and scrubland facies on calcareous substrates	No [APP-147]	Yes [APP-147]	No [APP-147]
Annex I habitat: Caves not open to the public	No [APP-147]	Yes [APP-147]	No [APP-147]
Annex II species: Greater horseshoe bat	No [APP-147]	Yes [APP-147]	No [APP-147]
European site name: North Somerset and Mendip Bats SAC			
Annex I habitat: Semi-natural dry grasslands and facies on calcareous substrates	No [APP-147]	Yes [APP-147]	No [APP-147]
Annex I habitat: Tilio-Acerion forests of slopes, screes and ravines.	No [APP-147]	Yes [APP-147]	No [APP-147]
Annex I habitat: Caves not open to the public.	No [APP-147]	Yes [APP-147]	No [APP-147]
Annex II species: Lesser horseshoe bat	No [APP-147]	Yes [APP-147]	No [APP-147]

Features	Screening result*: LSE alone or in combination?	Agreed with SCNB and other relevant parties?	Assessment of effects on integrity required?
Annex II species: Greater horseshoe bat	No [APP-147]	Yes [APP-147]	No [APP-147]
European site name: Brackets Coppice SAC			
Annex I habitat: Molinia meadows on calcareous, peaty or clayey-siltladen soils	No [APP-147]	Yes [APP-147]	No [APP-147]
Annex II species: Bechstein's bat	No [APP-147]	Yes [APP-147]	No [APP-147]
European site name: Somerset Levels and Moors SPA			
Bewick's Swan	No [APP-147]	Yes [APP-147]	No [APP-147]
Golden Plover	No [APP-147]	Yes [APP-147]	No [APP-147]
Teal	No [APP-147]	Yes [APP-147]	No [APP-147]
Wigeon	No [APP-147]	Yes [APP-147]	No [APP-147]
Snipe	No [APP-147]	Yes [APP-147]	No [APP-147]
Lapwing	No [APP-147]	Yes [APP-147]	No [APP-147]
Pintail	No [APP-147]	Yes [APP-147]	No [APP-147]
Gadwall	No [APP-147]	Yes [APP-147]	No [APP-147]
Whimbrel	No [APP-147]	Yes [APP-147]	No [APP-147]
Shoveler	No [APP-147]	Yes [APP-147]	No [APP-147]
European site name: Somerset Levels and Moors Ramsar			

Features	Screening result*: LSE alone or in combination?	Agreed with SCNB and other relevant parties?	Assessment of effects on integrity required?
Criterion 2: Supports 17 species of British Red Data Book invertebrates.	No [APP-147]	Yes [APP-147]	No [APP-147]
Criterion 5: Assemblages of international importance:	No [APP-147]	Yes [APP-147]	No [APP-147]
Criterion 6: Species/populations occurring at levels of international importance. Qualifying Species/populations (as identified at designation). Species with peak counts in winter: Tundra swan, Eurasian teal, Northern lapwing. Species/populations identified subsequent to designation for possible future consideration under Criterion 6. Species with peak counts in winter: Mute swan, Eurasian wigeon, Northern pintail.	No [APP-147]	Yes [APP-147]	No [APP-147]
European site name: Salisbury Plains SAC			
Annex I habitats - Juniperus	N/a – excluded from	NE initially disagreed	No [REP5-007]

Features	Screening result*: LSE alone or in combination?	Agreed with SCNB and other relevant parties?	Assessment of effects on integrity required?
communis formations on heaths or calcareous grasslands	report [APP-147]	with the conclusion of no significant effects ([REP2-015] and [REP4-007]) but has now agreed with the Applicant that LSE can be excluded [REP5-007].	
Annex I habitats - Semi-natural dry grasslands and scrubland facies on calcareous substrates (* important orchid sites)	N/a – excluded from report [APP-147]	NE initially disagreed with the conclusion of no significant effects ([REP2-015] and [REP4-007]) but has now agreed with the Applicant that LSE can be excluded [REP5-007].	No [REP5-007]

*From Applicant's HRA report and screening matrices [APP-147].

3.1 Summary of HRA Screening outcomes during the examination

- 3.1.1 The Applicant identified five European sites which could be affected by the Proposed Development but concluded that likely significant effects could be excluded for the qualifying features of all five sites. These conclusions were not disputed by any of the Interested Parties.
- 3.1.2 NE initially raised concerns about the potential for in-combination effects on the Salisbury Plain SAC but subsequently agreed that likely significant effects could be excluded [REP5-015].