



The Planning Inspectorate

# **REPORT on the IMPLICATIONS for EUROPEAN SITES**

## **Proposed A428 Black Cat to Caxton Gibbet Road Improvement Scheme**

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

Planning Inspectorate Reference: TR010044

17 December 2021

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# 1 INTRODUCTION

## 1.1 Background

- 1.1.1 National Highways (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 A428 Black Cat to Caxton Gibbet Road Improvement Scheme. 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 Directive<sup>1</sup> and the Habitats Regulations<sup>2</sup> 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 6 of the examination (14 December 2021) in relation to potential effects to European Sites<sup>3</sup>. 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/TR010044-000449>
- 1.1.4 It is issued to ensure that interested parties including the statutory nature conservation bodies (SNCBs), i.e. 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.
- 1.1.5 The Applicant has not identified any potential impacts on European sites in EEA States<sup>4</sup>. Only UK European sites are addressed in this report.

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<sup>1</sup> 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').

<sup>2</sup> The Conservation of Habitats and Species Regulations 2017 (the Habitats Regulations).

<sup>3</sup> 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.

<sup>4</sup> European Economic Area (EEA) States.

## 1.2 Documents used to inform this RIES

1.2.1 The Applicant provided a No Significant Effects Report (NSER) entitled A428 Black Cat to Caxton Gibbet Road Improvement Scheme Habitats Regulations Assessment: No Significant Effects Report [APP-233] with the DCO application, together with screening matrices. The NSER draws upon various chapters of the Environmental Statement and their appendices.

1.2.2 NE submitted a Relevant Representation (RR) on 10 June 2021 [RR-076] prior to the Examination. This explained that NE was not satisfied with the evidence supporting the Applicant's conclusions. NE requested a series of additional bat surveys be undertaken to rule out likely significant effects (LSE) in regard to Eversden and Wimpole Woods SAC bat population. The subsequent submissions to the examination centred mainly around this matter.

### **Issue Specific Hearing 1 (ISH1) (18 August 2021)**

1.2.3 The Applicant's position on NE's request for further surveys was set out in their submission of oral case submitted at Deadline 1 [REP1-031].

### **Deadline 1 (31 August 2021)**

1.2.4 The Applicant's responses to the ExA's First Written Questions [REP1-022] and NE's RR [REP1-021] explain the further discussion with NE, during which the Applicant committed to undertaking further bat surveys. A Joint Position Statement [REP1-033] sets out the parties positions concerning this matter.

1.2.5 In response to Action 6 arising from the Issue Specific Hearing 1 held on 18 August 2021 [EV-016], the Eversden and Wimpole Woods SAC Technical Note [REP1-032] was submitted at Deadline 1. This document provided an update on the Applicant's progress with surveys and tracking. The Technical Note [REP1-032] also responds to points raised by NE in its RR [RR-076], and the ExA in its First Written Questions [PD-008 Q1.3.4.2].

1.2.6 Also submitted at this deadline were:

- NE Written Representation [REP1-087];
- Cambridgeshire County Council, Huntingdonshire District Council and South Cambridgeshire District Council (hereafter 'the Cambridgeshire Councils') Joint Written Representation [REP1-048]; and
- Draft Statement of Common Ground with NE - Rev 1 (REP1-010).

### **Deadline 2 (8 September 2021)**

1.2.7 Relevant documents submitted at this deadline:

- Bedford Borough Council Local Impact Report [REP2-002];
- Cambridgeshire Councils Joint Local Impact Report [REP2-003]; and
- Central Bedfordshire Council Local Impact Report [REP2-004].

**ISH 3 (24 September 2021)**

1.2.8 At ISH3, the Applicant provided an update on the progress of the bat surveys and the implications of the survey outcomes for the examination timetable were discussed. The following written submissions of their oral cases were submitted at Deadline 3:

- Applicant [REP3-023]; and
- Cambridgeshire Councils [REP3-036].

**Deadline 3 (6 October 2021)**

1.2.9 Other relevant documents submitted at this deadline include:

- Applicant Comments on other parties' responses to First Round of Written Questions [REP3- 007];
- Applicant Comments on Written Representations [REP3- 008]; and
- Applicant Comments on Local Impact Reports [REP3- 009].

**Deadline 4 (4 November 2021)**

1.2.10 In response to Written Question 2.3.4.1 [PD-009] requesting interim updates on the ongoing survey and ongoing discussion between NE and the Applicant, in particular any exploratory discussion on further mitigation measures, the Applicant submitted a Barbastelle Bat Survey and Mitigation Technical Note [REP4-044]. Other relevant documents submitted at this deadline include:

- Applicant Response to the Examining Authority's Second Round of Written Questions [REP4-037];
- NE Response to the Examining Authority's Second Round of Written Questions [REP4-070]; and
- Draft Statement of Common Ground with NE [REP4-015].

**Deadline 5 (16 November 2021)**

1.2.11 Relevant documents submitted at this deadline:

- Barbastelle Bat Surveys and Mitigation Technical Note (Rev 2) [REP5-006]; and
- Updated Bat Surveys 2021 Technical Note [REP5-010].

**Deadline 6 (14 December 2021)**

1.2.12 Relevant documents submitted at this deadline:

- Barbastelle Bat Surveys and Mitigation Technical Note (Rev 3) [REP6-027];
- Appropriate Assessment Note [REP6-052];
- East West Rail 2020 Bat Surveys [REP6-053];

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- Draft Statement of Common Ground with NE [REP6-017];
- Applicant Written submission of oral case Issue Specific Hearing 4 on 30 November 2021 [REP6-036]; and
- Applicant response to actions arising from Issue Specific Hearing 4 [REP6-030].

### 1.3 Structure of this RIES

#### 1.3.1 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 Deadline 6 (14 December 2021). 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 project 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 inclusion within the assessment (Table 2.1). The locations of the sites are presented in the NSER [APP-233 Figure 1 – Appendix A].

**Table 2.1: Sites Screened into the HRA by Applicant**

| Name of European Site   | Features  |
|---|---|
| <p><b>The Ouse Washes Special Protection Area (SPA)</b><br/>(located 16.01km to the north-east / 43.2km downstream)</p> | <b>Article 4.1:</b>   |
|   | Ruff <i>Philomachus pugnax</i> (Breeding)                       |
|   | Bewick's Swan <i>Cygnus columbianus bewickii</i> (Non-breeding) |
|   | Whooper Swan <i>Cygnus</i> (Non-breeding)                       |
|   | Hen Harrier <i>Circus cyaneus</i> (Non-breeding)                |
|   | <b>Article 4.2:</b>   |
|   | Gadwall <i>Anas strepera</i> (Breeding)                         |
|   | Mallard <i>Anas platyrhynchos</i> (Breeding)                    |
|   | Garganey <i>Anas querquedula</i> (Breeding)                     |
|   | Shoveler <i>Anas clypeata</i> (Breeding)                        |
|   | Black-tailed Godwit <i>Limosa limosa</i> (Breeding)             |
|   | Eurasian Teal <i>Anas crecca</i> (Non-breeding)*                |
|   | Eurasian Wigeon <i>Anas Penelope</i> (Non-breeding)*            |
|   | Pintail <i>Anas acuta</i> (Non-breeding)*                       |
|   | Shoveler <i>Anas clypeata</i> (Non-breeding)*                   |
| An assemblage of breeding waders and wildfowl associated with lowland damp grassland                                    |   |
| An assemblage of waterfowl of more than 20,000 birds  |   |
| <p><b>The Ouse Washes Special Area of Conservation (SAC)</b></p>  | Spined Loach ( <i>Cobitis taenia</i> )                          |

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|  |  |
|--|--|
| (located 16.01km to the north-east / 43.2km downstream)                                  |  |
| <b>The Ouse Washes Ramsar</b><br>(located 16.01km to the north-east / 43.2km downstream) | Ramsar criterion 2 - Nationally scarce plants  |
|  | Ramsar criterion 2 - Relict fenland fauna  |
|  | Nationally rare breeding waterfowl   |
|  | Internationally important wildfowl   |
| <b>Portholme SAC</b><br>(located 8.9km to the north)                                     | Lowland hay meadows ( <i>Alopecurus pratensis</i> , <i>Sanguisorba officinalis</i> ) |
| <b>Eversden and Wimpole Woods SAC</b><br>(located 8.10km to the south-east)              | Barbastelle bat ( <i>Barbastella barbastellus</i> )                                  |

2.1.3 The NSER [APP-233 paragraphs 3.2.5–3.2.7] explains that European sites to be scoped into the assessment were identified using professional judgement and the thresholds contained within Design Manual for Roads and Bridges (DMRB) LA 115 regarding whether or not the Proposed Development met the following criteria:

- The Proposed Development is within 2 kilometres (1.24 miles) of a European Site or functionally linked land.
- The Proposed Development is within 30 kilometres (18.6 miles) of a SAC, where bats are noted as one of the qualifying features.
- The Proposed Development crosses or lies adjacent to, upstream of, or downstream of, a watercourse which is designated in part or wholly as a European Site.
- The Proposed Development has a potential hydrological or hydrogeological linkage to a European Site containing a groundwater dependent terrestrial ecosystem which triggers the assessment of European Sites in accordance with DMRB LA 113 Road Drainage and the Water Environment (Revision 1) (Ref 1-11).
- The Proposed Development has an affected road network (ARN) which triggers the criteria for assessment of European Sites, as set out in DMRB LA 105 Air Quality (Revision 0) (Ref 1-12).

2.1.4 In their letter dated 28th July 2019 [APP-233 Appendix C], NE confirmed that the European sites identified above in Table 2.1 should be the focus of the HRA screening assessment.

2.1.5 The NSER [APP-233 Appendix F] references a citation report for the Ouse Washes SPA dated June 1992 and lists the features of the SPA. At Deadline 6 in response to ISH4 Action 3 [EV-091], the Applicant submitted the citations for the Ouse Washes SPA and Ramsar site [REP6-030 Appendix A]. Again, the citation for the Ouse Washes SPA is dated 1992. The citation provided does not include the four features marked with an asterisk (\*) in Table 2.1 above as migratory qualifying features, which are identified in the NE Ouse Washes SPA Conservation Objectives Supplementary Advice<sup>5</sup> (2019). The same features are not addressed in Table 3.1 in terms of LSE/effects on integrity and the position of the SNCB/Interested Parties.

## 2.2 HRA Matters Considered During the Examination

2.2.1 The following HRA matters were raised by the ExA and considered during the Examination:

- The ExA had concerns, prompted by the wording used by NE in their RR [RR-076], that the negative screening conclusions pertaining to the hydrologically connected sites (Ouse Washes SAC, SPA and Ramsar site and Portholme SAC) relied on measures intended to avoid or reduce the harmful effects of the Proposed Development on the sites (which would go against the European Union Court of Justice (CJEU) People over Wind judgement (C-323/17)<sup>6</sup>).
- NE disputed that there was sufficient information available to rule out LSE with regard to the Eversden and Wimpole Woods SAC bat population [RR-076][REP1-087]. NE argued that Barbastelle bats are known to travel up to 20km from their roosting sites, which is within reach of the Proposed Development boundary, and that the application documents do not provide sufficient evidence to prove beyond reasonable doubt that functional linkages do not exist between Eversden and Wimpole Woods SAC and the Barbastelle bat roosts within, or immediately surrounding, the Order Limits.

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<sup>5</sup> <http://publications.naturalengland.org.uk/publication/6636062256398336> Published 2019/03/23

<sup>6</sup> The 2018 ruling by the Court of Justice of the European Union (the CJEU) on the interpretation of the Habitats Directive in the case of People Over Wind and Sweetman vs Coillte Teoranta (2018) ('the Sweetman judgement'), confirmed that mitigation should not be taken into account at screening stage.

## 3 LIKELY SIGNIFICANT EFFECTS

### 3.0 The Applicant's Assessment

- 3.0.1 The Applicant has described how they have determined what would constitute a 'significant effect' within their NSER [APP-233 section 3]. This follows guidance on HRA with reference to relevant case law.
- 3.0.2 The Applicant's conclusions on LSE from the Proposed Development alone are also presented in the NSER [APP-233 Section 4 and screening matrices at Appendix D]. It concluded no LSE from the project alone for all five European sites considered (see Table 2.1).
- 3.0.3 The Applicant has addressed potential in-combination effects within their NSER [APP-233 Section 5.1]. They conclude that in the absence of any impacts of the Proposed Development alone there is no potential for in-combination effects to occur on the identified European Sites with other plans and projects. The in-combination assessment was not disputed by NE during the examination.
- 3.0.4 Table 3.1 presents a summary of the Applicant's screening exercise and the degree of agreement reached with SNCBs.

### 3.1 Examination

#### **Ouse Washes SAC, SPA and Ramsar site and Portholme SAC**

- 3.1.1 The Applicant's conclusions regarding these sites were not disputed by NE or any IP. NE stated in [RR-076 para 2.12.1] that it "*is broadly satisfied that impacts to statutorily designated sites, including hydrological and air quality impacts, can be ruled out or proposed mitigation is sufficient to demonstrate no adverse effect. The exception to this is in relation to Eversden and Wimpole Woods SAC*".
- 3.1.2 Due to the reference in NE's RR to proposed mitigation measures, and to ensure that the Applicant's approach was consistent with case law (the Sweetman judgement), the ExA sought clarification from NE over its position [PD-008 WQ1, Q1.3.4.1] and at ISH3 [EV-044][EV-049]. NE confirmed at ISH3 [EV-044] that the measures are embodied mitigation and would have been necessary regardless of the designated site and are therefore not relied on solely for the purposes of the assessment conclusions on LSE.
- 3.1.3 The Applicant provided further evidence in [REP3-007] that the intervening hydrological distances between the Scheme and the Ouse Washes SPA, SAC and Ramsar site and the Portholme SAC (20 km and 43.2 km respectively) and natural dilution rates and settlement rates, are sufficient on their own to conclude no LSE on these sites.

#### **Eversden and Wimpole Woods SAC**

- 3.1.4 During examination, the Applicant's conclusion of no LSE on Eversden and Wimpole Woods SAC was disputed by NE [RR-076][REP1-087][REP1-010] and the Cambridgeshire Councils [REP1-048].

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- 3.1.5 NE did not consider there was sufficient information available to rule out LSE with regard to the Eversden and Wimpole Woods SAC bat population [REP1-087]. NE argue that Barbastelle bats have been recorded travelling up to 20km from their roost and the A428 scheme is located approximately 8km at its nearest point from Eversden and Wimpole Woods SAC. Considering the possibility that Barbastelle bats functionally linked with the SAC could be affected by the project, NE advised the Applicant to provide:
- Further information on the winter foraging, hibernation and population exchange with other known barbastelle colonies in the area as these are considered important supporting functions to the SAC;
  - Winter automated static acoustic bat detector work along key sections of the route in areas that represent optimal winter foraging habitat to identify whether the Proposed Development impacts on winter foraging (hibernating) barbastelle;
  - Further data collected by advanced licensed bat survey techniques along the length of the scheme or through further surveys of Eversden and Wimpole Woods SAC population; and
  - An assessment of cumulative and in combination impacts with other known developments as part of the HRA as appropriate.
- 3.1.6 The Cambridgeshire Councils agreed [REP1-048][REP1-052] that the survey work requested by NE should be carried out and the results incorporated into an updated assessment.
- 3.1.7 In response to this, the Applicant agreed [REP1-033] to undertake further bat surveys during 2021 before the close of the examination, whilst maintaining their position that sufficient information already exists to rule out LSE on Eversden and Wimpole Woods SAC.
- 3.1.8 It was confirmed at ISH3 [EV-049] and ISH4 [EV-059] that NE and the Cambridgeshire Councils were in agreement with the Applicant over the proposed scope of the additional surveys.
- 3.1.9 Periodic updates of progress in undertaking surveys and interim findings have been submitted to the examination [REP4-044][REP5-006 [REP6-027].
- 3.1.10 The Barbastelle Bat Survey and Mitigation Technical Note [REP4-044][REP5-006] reported on discussions between the Applicant and NE regarding the effectiveness of bat mitigation measures. It was clarified at ISH4 [EV-059] that (subject to the final findings of the surveys) the measures being discussed were not designed to mitigate the effects on the Eversden and Wimpole Woods SAC.
- 3.1.11 At the time of writing, the latest position of the Applicant is that, to date, the findings of the surveys support the results of the existing baseline data (i.e. no functional linkage) and therefore indicate no LSE on the SAC Barbastelle population [EV-059] [REP6-027] [REP6-052]. NE confirmed [EV-059] [REP6-017] that (based on the information currently provided,

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and subject to the completion and reporting of the remaining surveys) it appears that Barbastelle from the SAC are not interacting with the Proposed Development, and therefore it appears unlikely that there would be any adverse effect on the integrity of the SAC.

- 3.1.12 However, NE also explained at ISH4 [EV-059] that they had reached this (preliminary) conclusion through a comparison of the Applicant's survey data with data produced by East West Rail Company. The Applicant explained [EV-059] that the NSER referenced studies produced by the Cambridgeshire Bat Group and South Cambridgeshire District Council, but not the data from East West Rail Company due to issues of timing and ownership. The ExA emphasised that unless this data was submitted to the examination, it cannot be relied upon by the Competent Authority. In response the Applicant submitted an East West Rail Company 2020 bat survey report to the examination at Deadline 6 [REP6-053], noting that although NE had acknowledged that the surveys support the conclusions reached by the Applicant, the East West Rail data was not relied upon in the HRA assessment [REP6-030].
- 3.1.13 Despite provisional agreement between NE and the Applicant over the findings of the 2021 surveys and the effect of the Proposed Development on the SAC, at the time of writing the parties remain in disagreement over the procedural matter of whether this issue should be assessed at the HRA screening stage or within an Appropriate Assessment (AA). The Applicant maintains [EV-059] [REP6-052] that there is no need to alter the conclusion of the original NSER as the supplementary survey data substantiates the previously established baseline. In contrast, NE considers that there was uncertainty with respect to the original conclusion of no LSE, and therefore it should progress sequentially to the AA stage with the additional surveys being used to inform this [EV-059]. According to the Applicant [REP6-052], NE's view is that the volume of survey work being presented goes above and beyond what would be appropriate at the LSE screening stage.
- 3.1.14 The Applicant has committed to providing an updated NSER or Shadow AA report to the examination at Deadline 8 on 14 January 2022 [REP6-052].

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

| <b>Features</b>   | <b>Screening result:<br/>LSE alone or in<br/>combination?</b> | <b>Agreed with SNCB<br/>and other relevant<br/>parties?</b> | <b>Assessment of<br/>effects on integrity<br/>required?</b> | <b>Agreed with<br/>SNCB and<br/>other relevant<br/>parties?</b> |
|---|---|---|---|---|
| <b><u>Ouse Washes SPA:</u></b>                                  |   |   |   |   |
| Ruff <i>Philomachus pugnax</i> (Breeding)                       | No LSE<br>[REP6-030 Table 2a]                                 | Yes<br>[RR-076] [EV-044]                                    | No<br>[APP-233 Table 4-2]                                   | Yes<br>[EV-044]   |
| Bewick's Swan <i>Cygnus columbianus bewickii</i> (Non-breeding) | No LSE<br>[REP6-030 Table 2a]                                 | Yes<br>[RR-076] [EV-044]                                    | No<br>[APP-233 Table 4-2]                                   | Yes<br>[EV-044]   |
| Whooper Swan <i>Cygnus cygnus</i> (Non-breeding)                | No LSE<br>[REP6-030 Table 2a]                                 | Yes<br>[RR-076] [EV-044]                                    | No<br>[APP-233 Table 4-2]                                   | Yes<br>[EV-044]   |
| Hen Harrier <i>Circus cyaneus</i> (Non-breeding)                | No LSE<br>[REP6-030 Table 2a]                                 | Yes<br>[RR-076] [EV-044]                                    | No<br>[APP-233 Table 4-2]                                   | Yes<br>[EV-044]   |
| Gadwall <i>Anas strepera</i> (Breeding)                         | No LSE<br>[REP6-030 Table 2a]                                 | Yes<br>[RR-076] [EV-044]                                    | No<br>[APP-233 Table 4-2]                                   | Yes<br>[EV-044]   |
| Mallard <i>Anas platyrhynchos</i> (Breeding)                    | No LSE<br>[REP6-030 Table 2a]                                 | Yes<br>[RR-076] [EV-044]                                    | No<br>[APP-233 Table 4-2]                                   | Yes<br>[EV-044]   |
| Garganey <i>Anas querquedula</i> (Breeding)                     | No LSE<br>[REP6-030 Table 2a]                                 | Yes<br>[RR-076] [EV-044]                                    | No<br>[APP-233 Table 4-2]                                   | Yes<br>[EV-044]   |
| Shoveler <i>Anas clypeata</i> (Breeding)                        | No LSE<br>[REP6-030 Table 2a]                                 | Yes<br>[RR-076] [EV-044]                                    | No<br>[APP-233 Table 4-2]                                   | Yes<br>[EV-044]   |

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| <b>Features</b>  | <b>Screening result:<br/>LSE alone or in<br/>combination?</b> | <b>Agreed with SNCB<br/>and other relevant<br/>parties?</b> | <b>Assessment of<br/>effects on integrity<br/>required?</b> | <b>Agreed with<br/>SNCB and<br/>other relevant<br/>parties?</b> |
|--|---|---|---|---|
| Black-tailed Godwit<br><i>Limosa limosa</i><br>(Breeding)  | No LSE<br>[REP6-030 Table 2a]                                 | Yes<br>[RR-076] [EV-044]                                    | No<br>[APP-233 Table 4-2]                                   | Yes<br>[EV-044]   |
| Eurasian Teal <i>Anas<br/>crecca</i> (Non-<br>breeding)*   | Unclear from evidence   | Unclear from evidence                                       | Unclear from evidence                                       | Unclear from<br>evidence  |
| Eurasian Wigeon <i>Anas<br/>Penelope</i> (Non-<br>breeding)*                                     | Unclear from evidence   | Unclear from evidence                                       | Unclear from evidence                                       | Unclear from<br>evidence  |
| Pintail <i>Anas acuta</i><br>(Non-breeding)*   | Unclear from evidence   | Unclear from evidence                                       | Unclear from evidence                                       | Unclear from<br>evidence  |
| Shoveler <i>Anas clypeata</i><br>(Non-breeding)*   | Unclear from evidence   | Unclear from evidence                                       | Unclear from evidence                                       | Unclear from<br>evidence  |
| An assemblage of<br>breeding waders and<br>wildfowl associated<br>with lowland damp<br>grassland | No LSE<br>[REP6-030 Table 2a]                                 | Yes<br>[RR-076] [EV-044]                                    | No<br>[APP-233 Table 4-2]                                   | Yes<br>[EV-044]   |
| An assemblage of<br>waterfowl of more than<br>20,000 birds                                       | No LSE<br>[REP6-030 Table 2a]                                 | Yes<br>[RR-076] [EV-044]                                    | No<br>[APP-233 Table 4-2]                                   | Yes<br>[EV-044]   |
| <b><u>Ouse Washes SAC:</u></b>   |   |   |   |   |

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| <b>Features</b>  | <b>Screening result:<br/>LSE alone or in<br/>combination?</b> | <b>Agreed with SNCB<br/>and other relevant<br/>parties?</b>      | <b>Assessment of<br/>effects on integrity<br/>required?</b> | <b>Agreed with<br/>SNCB and<br/>other relevant<br/>parties?</b> |
|--|---|--|---|---|
| Spined Loach ( <i>Cobitis taenia</i> )   | No LSE<br>[REP6-030 Table 2b]                                 | Yes<br>[RR-076] [EV-044]   | No<br>[APP-233 Table 4-2]                                   | Yes<br>[EV-044]   |
| <b><u>Ouse Washes Ramsar:</u></b>  |   |  |   |   |
| Nationally scarce plants   | No LSE<br>[REP6-030 Table 2c]                                 | Yes<br>[RR-076] [EV-044]   | No<br>[APP-233 Table 4-2]                                   | Yes<br>[EV-044]   |
| Fenland Fauna  | No LSE<br>[REP6-030 Table 2c]                                 | Yes<br>[RR-076] [EV-044]   | No<br>[APP-233 Table 4-2]                                   | Yes<br>[EV-044]   |
| Nationally rare breeding waterfowl   | No LSE<br>[REP6-030 Table 2c]                                 | Yes<br>[RR-076] [EV-044]   | No<br>[APP-233 Table 4-2]                                   | Yes<br>[EV-044]   |
| Internationally important wildfowl   | No LSE<br>[REP6-030 Table 2c]                                 | Yes<br>[RR-076] [EV-044]   | No<br>[APP-233 Table 4-2]                                   | Yes<br>[EV-044]   |
| <b><u>Portholme SAC:</u></b>   |   |  |   |   |
| Lowland hay meadows ( <i>Alopecurus pratensis</i> , <i>Sanguisorba officinalis</i> ) | No LSE<br>[APP-233 Table 4-3]                                 | Yes<br>[RR-076]  | No<br>[APP-233 Table 4-3]                                   | Yes<br>[RR-076]   |
| <b><u>Eversden and Wimpole Woods SAC:</u></b>  |   |  |   |   |
| Barbastelle bat ( <i>Barbastella barbastellus</i> )                                  | No LSE<br>[APP-233 Table 4-4]                                 | No<br>[RR-076] [REP1-087]<br>[REP1-010] [REP6-052]<br>[REP6-017] | No<br>[APP-233 Table 4-4]<br>[EV-059]                       | No<br>[EV-059]<br>[REP6-017]                                    |

## 3.2 Summary of HRA Screening outcomes during the examination

- 3.2.1 A total of five European sites were screened by the Applicant prior to examination (Table 2.1). Of these sites, the Applicant concluded that there would be no LSE on any of the five European sites and their qualifying features (Table 3.1). NE disputed the conclusion of no LSE for Eversden and Wimpole Woods SAC and their qualifying feature Barbastelle bats (Table 3.1) and discussions are ongoing as to whether this feature should be progressed to Stage 2 AA.