

**HABITATS REGULATIONS ASSESSMENT FOR AN APPLICATION
UNDER THE PLANNING ACT 2008**

M3 Junction 9 Improvement

16 May 2024

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1. INTRODUCTION

Background

- 1.1 This document (“the HRA Report”) is a record of the Habitats Regulations Assessment (“HRA”) that the Secretary of State for Transport has undertaken under regulation 63 of the Conservation of Habitats and Species Regulations 2017 (“the Habitats Regulations”) in respect of the Proposed Development Consent Order (“DCO”), for the proposed ‘M3 Junction 9 Improvement’ (“the Proposed Development”). The HRA Report includes an appropriate assessment for the purposes of regulation 63 of the Habitats Regulations.
- 1.2 The Habitats Regulations were amended by the Conservation of Habitats and Species (Amendment) (EU Exit) Regulations 2019 (“the 2019 Regulations”) and the amendments were taken into account in the preparation of this HRA Report. Reference to the Habitats Regulations in this HRA Report are therefore to the latest amended version, unless otherwise stated.
- 1.3 National Highways (“the Applicant”) submitted an application for development consent (“the Application”) to the Planning Inspectorate (“the Inspectorate”) which was received in full on 21 November 2022. The application was made under section 37 of the Planning Act 2008 (“PA 2008”) [ER 1.3.5]. The Proposed Development to which the Application relates is described in more detail in Section 2 of this HRA Report.
- 1.4 The Proposed Development meets the definition of a Nationally Significant Infrastructure Project (“NSIP”) as set out in section 14(1)(h) of the PA2008. It is an alteration to a highway within section 22(1)(b), section 22(3) and section 22(4) of the PA2008 and so requires development consent under section 31 of the PA2008 [ER 1.1.4].
- 1.5 The Application was accepted for examination by the Inspectorate (under the delegated authority of the Secretary of State) on 15 December 2022 [ER 1.3.5]. The Examination began on 16 May 2023 and concluded on 16 November 2023 [ER 1.4.1].
- 1.6 The ExA submitted the report of the examination, including its recommendation to the Secretary of State for Transport on 16 February 2024.
- 1.7 The Secretary of State’s conclusions in relation to European sites have been informed by the Recommendation Report, documents and representation submitted during the examination, late representations and responses to the Secretary of State’s requests for comments and further information issued on 8 March 2024 and 22 March 2024, insofar as these have any bearing on the effects of the Proposed Development on European sites.

Habitats Regulations Assessment

- 1.8 The Habitats Regulations contain the relevant provisions for the protection of European sites. This is the broad term which is used to refer to Special Areas of

Conservation (“SAC”) and Special Protection Areas (“SPA”). SACs are designated for their habitat features and populations of non-avian species. SPAs are designated for their bird populations. These sites form the national site network which includes all SACs and SPAs currently designated and new SACs and SPAs designated under the Habitats Regulations (as defined in regulation 8).

1.9 The UK Government is also a signatory to the Convention on Wetlands of International Importance 1972 (“the Ramsar Convention”). The Ramsar Convention provides for the listing of wetlands of international importance. Ramsar sites do not form part of the national site network, but all Ramsar sites are treated in the same way as SACs/SPA as a matter of Government policy¹.

1.10 For the purposes of this HRA Report, in line with the Habitats Regulations and relevant Government policy, the term “European sites” includes SAC, candidate SACs (“cSAC”), possible SACs (“pSAC”), SPA, potential SPAs (“pSPA”), Sites of Community Importance (“SCI”), listed and proposed Ramsar sites and sites identified or required as compensatory measures for adverse effects on any of these sites.

1.11 Regulation 63(1) of the Habitats Regulations requires that:

“(1) A competent authority, before deciding to undertake, or give any consent, permission or other authorisation for, a plan or project which-

(a) is likely to have a significant effect on a European site or a European offshore marine site (either alone or in combination with other plans or projects), and

(b) is not directly connected with or necessary to the management of that site,

must make an appropriate assessment of the implications of the plan or project for that site in view of that site’s conservation objectives...”

1.12 The Proposed Development is not connected with or necessary to the management of any European sites. Accordingly, the Secretary of State for Transport, as the competent authority for the purposes of Transport NSIPs under the PA2008, has undertaken an assessment in line with the requirements of the Habitats Regulations. This HRA Report (Sections 1 to 5) is the record of the appropriate assessment for the purposes of regulation 63 of the Habitats Regulations.

The Report on the Implications for European Sites (RIES) and consultation with the appropriate nature conservation body

1.13 The ExA, with support from the Inspectorate’s Environmental Services Team, produced a Report on the Implications for European Sites (“the RIES”). The purpose of the RIES was to compile, document and signpost information submitted by the Applicant and Interested Parties (“IPs”) during the examination up to and including Deadline 5 of the Examination (22 September 2023). The RIES was issued to set out the ExA’s understanding on HRA-relevant information and the position of IPs,

¹ Paragraphs 185 and 187 of the National Planning Policy Framework, December 2023.

including Natural England (“NE”), in relation to the effects of the Proposed Development on European sites at that point in time. The consultation on the REIS ran between 6 October 2023 and 3 November 2023. The Applicant and NE submitted their comments on the REIS at Deadline 6 (27 October 2023) and these comments were taken into account in producing the ExA’s HRA assessment [ER C.1.6].

- 1.14 Regulation 63(3) of the Habitats Regulations requires competent authorities (in this case the Secretary of State), if they undertake an appropriate assessment, to consult the appropriate nature conservation body and have regard to any representations made by that body. The Secretary of State is satisfied that NE, as the appropriate nature conservation body in respect of the Application for the Proposed Development, had been formally consulted on Habitats Regulations matters during the examination.
- 1.15 The Applicant provided further comments at Deadline 7 (3 November 2023) of the Examination but no other IPs responded. The Secretary of State notes that in the final version of the Statement of Common Ground with NE (“SoCG”) submitted at Deadline 8 (10 November 2023), detailed that the cumulative effects assessment was agreed. The SoCG also covered the air quality assessment and showed that NE had indicated that they “provisionally agreed” with the Applicant’s conclusions on HRA, meaning that outstanding issues were expected to be “agreed” by both parties shortly after the close of Examination [ER 3.5.54]. On 18 December 2023 NE confirmed to the ExA that agreement had been reached with the Applicant regarding the assessment of air quality effects on biodiversity. This confirmation was included by the Applicant as Appendix A to its response (15 March 2023) to the Secretary of State’s First Consultation (8 March 2023).

Changes to the Application during examination

- 1.16 The Secretary of State notes that there were no change requests made in relation to the application during the examination [ER 1.5.1].

Documents referred to in this HRA Report

- 1.17 This HRA Report has taken account of and should be read in conjunction with the documents produced as part of the application and examination, together with the responses to the Secretary of State’s request for comment and further information dated 8 March 2024.
- 1.18 The Applicant provided a report entitled ‘7.5 Habitats Regulations Assessment’ (“the Applicant’s HRA report”) with the DCO application. The same report was submitted as an appendix to the Environmental Statement. The Applicant continued to consult with relevant Local Authorities and statutory bodies during the course of the Examination. This resulted in amendments to the final HRA report submitted at the close of Examination [ER 3.6.35]. Unless otherwise stated, subsequent references to the Applicant’s HRA Report in this report refer to the version submitted as a late submission (16 November 2023) at Deadline 8.

1.19 The documents relied on in the preparation of this report are listed in Annex 1 of this report.

Structure of this HRA Report

1.20 The remainder of this HRA Report is presented as follows:

- Section 2 provides a general description of the Proposed Development.
- Section 3 describes the location of the Proposed Development and its relationship with European sites.
- Section 4 identifies the European sites and qualifying features subject to likely significant effects, alone or in-combination with other plans or project (HRA Stage 1).
- Section 5 considers adverse effects on the integrity of European sites, alone or in-combination with other plans or projects and summarises the Secretary of State's appropriate assessment and conclusions (HRA Stage 2).
- Section 6 summarises the Secretary of State's conclusion in respect of HRA Stages 1 and 2.

2. DEVELOPMENT DESCRIPTION

2.1 The Proposed Development is described in detail in [the executive summary of] the Applicant's Case for the Scheme submitted at Deadline 1 (6 June 2023) which is for an improvement to Junction 9 of the M3 motorway and summarised in the overview of the ExA Report [ER C.1.8] as follows:

- Widening of the M3 from a dual two-lane motorway (two-lane with hard shoulders) to a four-lane motorway (with hard shoulders) between the proposed M3 Junction 9 gyratory north and south slip roads.
- A new smaller grade separated gyratory roundabout arrangement within the footprint of the existing roundabout, incorporating new connections over the M3 with improved walking, cycling and horse-riding routes.
- Connector roads from and to the new gyratory roundabout.
- Improved slip roads to / from the M3.
- New structures (in the form of gyratory bridges, underpasses, retaining walls, subway and a new cycle and footbridge over the River Itchen).
- A new surface water runoff system with associated drainage and infiltration features.
- New signage and gantries.
- Utility diversions.
- New lighting (subways, underpasses and gantries).
- Modifications to topography through cuttings and false cuttings as well as re-profiling of existing landform.
- New walking, cycling and horse-riding provision.
- Creation of new areas of chalk grassland, woodland, scrub planting and species rich grassland.

2.2 The Environmental Statement Chapter 2: the scheme and its surroundings sets out at paragraph 2.8.8 that the construction phase of the Proposed Development is estimated to begin in late 2024 with operation anticipated to commence in winter 2027 [ER 3.10.26].

2.3 The Proposed Development is not anticipating being decommissioned and should decommissioning occur, this would be beyond the period of the projected UK Government carbon budgets. It is noted that the Planning Inspectorate 2020 Scoping Opinion agreed that impacts from decommissioning could be scoped out of the assessment [ER 3.7.31, see APP-031].

2.4 The potential effects on European sites associated with the construction, and operation of the Proposed Development are addressed in Section 4 of this HRA Report.

3. LOCATION OF THE PROPOSED DEVELOPMENT AND RELATIONSHIP WITH EUROPEAN SITES

Location and existing land use

- 3.1 The Proposed Development is located within the administrative boundaries of Winchester City Council and Hampshire County Council. It also lies partially within the jurisdiction of the South Downs National Park Authority (APP-043) [ER 1.31].
- 3.2 The Applicant's Environmental Statement Chapter 2: the scheme and its surroundings describes that the surrounding area is primarily urban to the west of the M3 and primarily rural to the east. To the north of the Application Boundary there are large concentrations of residential dwellings close to the A34 in Headbourne Worthy, King's Worthy and Abbots Worthy with residential areas of Winchester bordering the M3 to the south of the Application Boundary. To the east and south east of the Application Boundary are a small number of isolated farm holdings or rural dwellings. There are also a small number of schools and education facilities north of the B3404, east of the M3 and to the south west of the Junction a primary school and pre-school (paragraph 2.4.3). Immediately to the west of the Application Boundary is an area of commercial development that includes a business park, industrial estates and to the north west of the Junction a trade park and National Highways maintenance depot (paragraph 2.4.4).
- 3.3 The South Downs National Park is within and adjacent to the Application Boundary to the north, east, south and in some areas to the west. The National Park includes a rich variety of wildlife and habitats including rare and internationally important species. Other special qualities include inspirational and breath-taking views, tranquil and unspoilt places; great opportunities for recreational activities and learning experiences; an environment shaped by centuries of farming and embracing new enterprise; well-conserved historical features and a rich cultural heritage; distinctive towns and communities with a real pride in their area (paragraph 2.4.5).
- 3.4 The River Itchin SAC is located, in part, beneath the existing alignment of the existing A34, the A33 and the M3. The SAC is designated for its riverine habitats and species of plants and animals (paragraph 2.4.6). The River Itchin is also a nationally designated Site of Special Scientific Interest ("SSSI"), due to its complex mosaic of habitats found within the riparian zone and associated fen meadow, flood pasture and swamp habitats which support species such as otter, water vole and white clawed crayfish (paragraph 2.4.7).
- 3.5 St Catharine's Hill SSSI is located approximately 500m south of the Application Boundary and is designated for chalk grassland and associated habitats. Two kilometres to the east is Cheesefoot Head SSSI designated for chalk grassland and a colony of the Duke of Burgundy butterfly (paragraph 2.4.8).

European sites potentially affected by the Proposed Development

- 3.6 The Proposed Development is not directly connected with or necessary to the management of a European site [ER C.1.11].

3.7 The Applicant considered the potential for likely significant effects (LSE) on the following two European sites [ER 4.2.1].

- River Itchin SAC;
- Mottisfont Bats SAC;

3.8 Figures showing the European sites identified in the Applicant's assessment are provided in Section 8 of the Applicant's HRA Report and extracts from them are reproduced as Figures 1a and 1b below. Table 1 presents the proximity of the sites to the Proposed Development.

Table 1 European sites screened into the Applicant's assessment

Name of European Site	Distance from the Proposed Development
River Itchin SAC	0 km
Mottisfont Bats SAC	16 km

3.9 The Applicant's approach to identifying relevant European sites is explained in Section 3 of its HRA Report. A search area of 2km radius around the DCO boundary was used to identify European sites. This area was extended to a radius of 30km for European sites where bat species are a qualifying feature.

3.10 The Secretary of State notes that the Applicant did not identify any LSE on non-UK European sites in the Applicant's HRA Report or within its Environmental Statement ("ES"). Only UK European sites are addressed in this Report. The ExA was satisfied that no such impacts were raised by any IPs during the Examination [ER C.1.15].

3.11 The Secretary of State is therefore satisfied that no other European sites need to be addressed in this HRA Report.

Figure 1a Location of the Proposed Development in relation to European sites potentially affected.

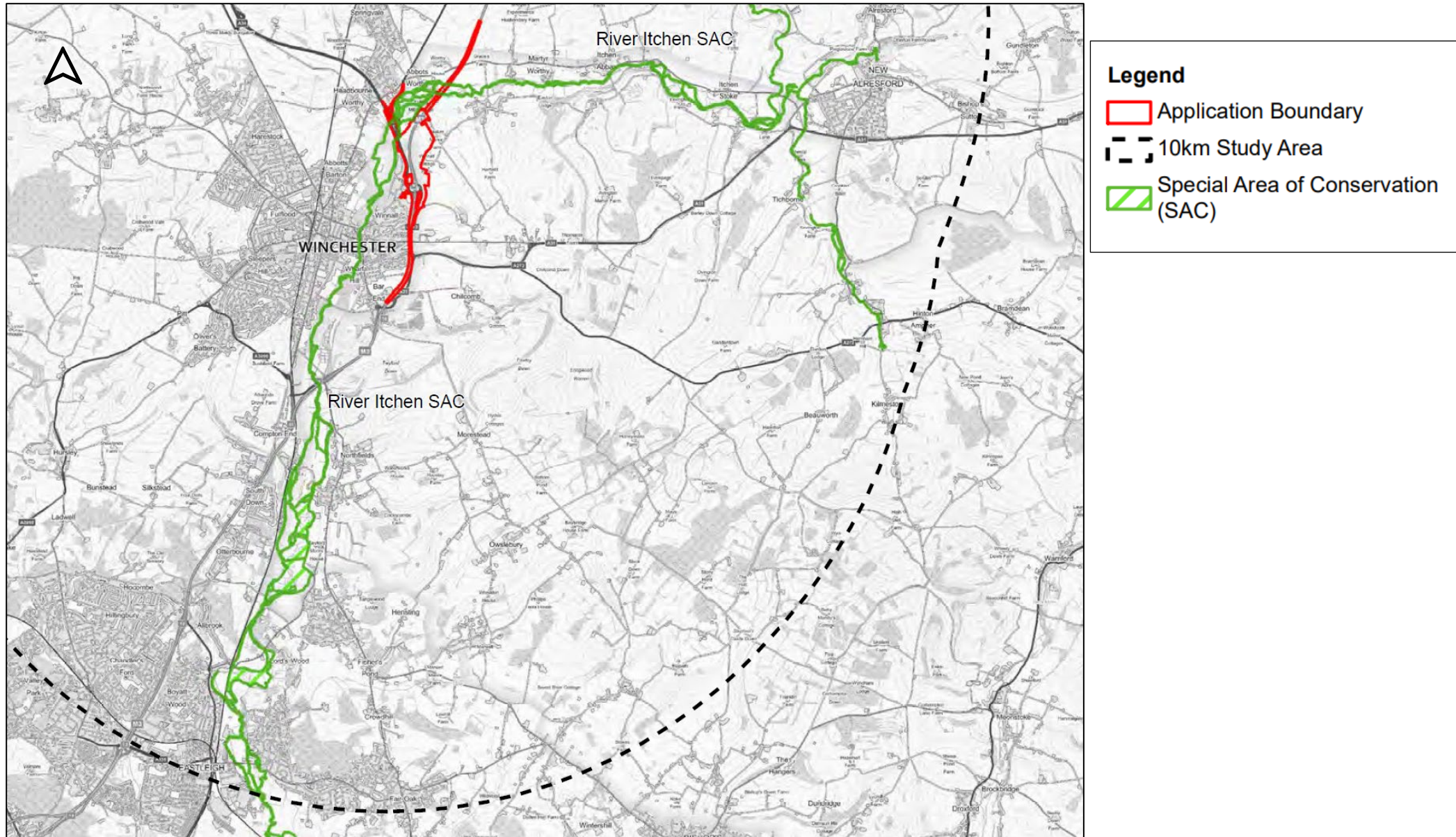
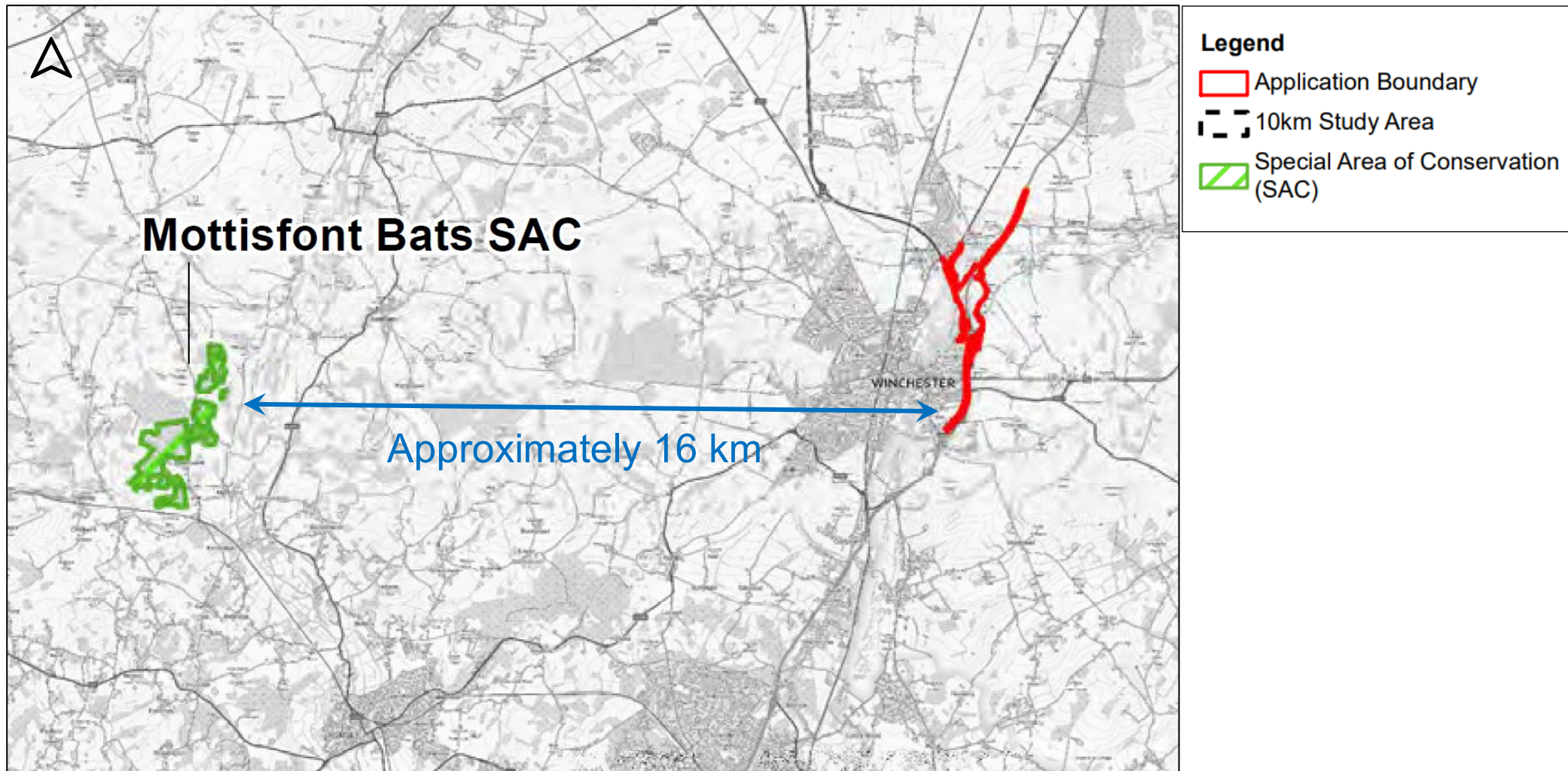


Figure 1b Location of the Proposed Development in relation to the European sites potentially affected.



4. STAGE 1: ASSESSMENT OF LIKELY SIGNIFICANT EFFECTS (LSE)

Potential effects from the Proposed Development

- 4.1 Paragraphs 2.2.2 to 2.2.4 of the Applicant's HRA Report outlines its approach to screening for LSE. Paragraph 2.2.3 of the Applicant's HRA Report notes that the HRA was conducted in accordance with the ruling of the European Court of Justice (ECJ) in *People Over Wind, Peter Sweetman v Coillte Teoranta (C-323/17)* (the "People over Wind judgement"). That is mitigation measures intended to avoid or reduce impacts on a European site cannot be regarded as part of the "Project" and thus should not be taken into account at the screening stage of the
- 4.2 Section 3 of the Applicant's HRA Report identified the European sites which met the DMRB screening criteria and require assessment of likely significant effects [ER C.2.2]. The following impact pathways associated with construction and operation of the Proposed Development were identified as having potential to give rise to LSE to the River Itchin SAC:
- Changes in water quality;
 - Changes in hydraulic / hydrological conditions;
 - Other habitat degradation (including physical modification of habitat, spreading invasive species, increase in air-borne pollutants; increased shading of River Itchin, and inappropriate habitat management);
 - Species disturbance;
 - Disturbance to otter;
 - Mortality of white-clawed crayfish;
 - Impacts of air quality [Applicant's Habitats Regulations Assessment, paragraph 3.3.2].
- 4.3 As previously noted at paragraph 2.3 in this HRA Report, the effects of decommissioning were not considered in the Applicant's HRA Report.
- 4.4 The Secretary of State notes that no IPs raised concerns about the scope of the European sites considered or their qualifying features [ER 4.3.1].
- 4.5 The Secretary of State is satisfied that the Applicant's HRA Report has correctly identified all the potential effects on European sites from the Proposed Development.
- 4.6 The assessment of likely significant effects is addressed below for each of the European sites identified by the applicant.

Mottisfont Bats SAC

- 4.7 The Applicant's HRA Report concluded no likely significant effects from the Proposed Development alone on any of the qualifying features of the Mottisfont Bats SAC owing to the intervening 16km distance and the limited foraging range of the SAC bat population [ER C.2.7].

- 4.8 The evidence regarding the foraging range of the SAC bat population is derived from a protocol produced in a report to NE by Jonathan Cox Associates (2010) Mottisfont Bats Special Area of Conservation Protocol for Planning Officers. The protocol sets out that radiotracking studies undertaken between 2002 and 2005 have demonstrated that 80% of the foraging bats travel less than 7.28km from their roost sites. The protocol proposed a screening distance of 7.5km to identify plans and projects likely to have an impact upon habitats used by barbastelle bats from the Mottisfont Bats SAC [ER C.2.7]
- 4.9 The ExA notes that NE provided their agreement with the conclusion to screen out this SAC in the Statement of Common Ground submitted at Deadline 8 (10 November 2023) [ER C.2.8]
- 4.10 The Secretary of State notes that the ExA was satisfied that there would be no LSE on the Barbastelle bat qualifying feature of the Mottisfont Bat SAC [ER C.2.9]. The Secretary of State agrees with this conclusion.

River Itchin SAC

- 4.11 The Applicant's HRA Report screened out the following impact pathways to the River Itchin SAC:
- Habitat loss / fragmentation;
 - Operational disturbance to qualifying habitats and species (except to otters); and
 - Impacts from air quality (construction and operation) on qualifying habitat (water courses of plain to montane levels with the Ranunculus fluitantis and Callitriche-Baltrachion vegetation) [ER C.2.11].
- 4.12 No IPs disputed the decision to screen out habitat loss/fragmentation or operation disturbance impacts to qualifying habitats and species other than to the otter [ER C.2.12].
- 4.13 The ExA requested confirmation from NE on whether it was satisfied with the conclusion of the Applicant's HRA Report. NE, however, highlighted that it still had outstanding concerns regarding the assessment of air quality impacts. The Applicant provided revisions to their HRA Report at Deadlines 4 (18 August 2023) and 5 (22 September 2023). The revisions concluded that there is potential for LSE to occur due to deposition of pollutants on the qualifying habitat features of the SAC [ER C.2.13].
- 4.14 The Secretary of State notes that the ExA agreed with the Applicant that LSE could not be ruled out from the pathways identified in paragraph 4.2 above and those identified in the revisions of the Applicant's HRA Report and the ExA has carried these pathways forward to the consideration of adverse effects on integrity [ER C.2.15].

Potential in-combination effects

- 4.15 The Applicant's in combination assessment approach was outlined in Section 2.5 and detailed in Appendix I of their HRA Report [ER C.2.16]. Where the screening

exercise identified the potential for LSE alone to arise from the Proposed Development then the potential for in combination effects was also referred to [ER C.2.17].

- 4.16 The Applicant's HRA Report explains the approach for the in combination assessment in that where no impact pathways are identified and / or there is no appreciable effect resulting from the Proposed Development then there is no mechanism by which perceivable in combination effects with other plans and projects could occur (APP-158, paragraph 2.5.2)
- 4.17 No in combination LSE were identified for the sites and qualifying features where LSE was ruled out from the Proposed Development alone. That is impacts to foraging Barbastelle bats (Mottisfont Bat SAC); and habitat loss/fragmentation and operation disturbance to qualifying habitat and species (other than otter) (River Itchen SAC) [ER C.2.18].

Mottisfont Bats SAC

- 4.18 In combination LSE impacts to foraging Barbastelle bats have been ruled out by the Applicant because of the distance to the SAC [ER C.2.19].

River Itchin SAC

- 4.19 In combination LSE impacts due to habitat loss/fragmentation and operational disturbance to qualifying habitats and species (other than otter) have been ruled out by the Applicant because there is no appreciable effect on the qualifying features [ER C.2.19].
- 4.20 As mentioned above at paragraph 4.13 NE raised concerns regarding the air quality assessment and reiterated those concerns in relation to the in combination assessment. NE requested additional assessment of air quality impacts in combination with other projects, particularly beyond the Proposed Development's opening year, and in combination impacts with other non-road projects. This pathway was taken forward to the Stage 2 Appropriate Assessment [ER C.2.20].
- 4.21 The ExA noted that no other concerns were raised by IPs with respect to the in combination of LSE [ER C.2.21].
- 4.22 The Secretary of State is satisfied that the Applicant's HRA Report has correctly identified the projects which could lead to in-combination effects on European sites.

LSE Screening Conclusions

- 4.23 For Mottisfont Bats SAC the Applicant concluded that LSE from the Proposed Development alone and in combination with other plans and projects can be ruled out. The ExA noted that this conclusion was not disputed by any IPs during the Examination [ER C.2.22]. The Secretary of State agrees with this conclusion.
- 4.24 For the River Itchin SAC and its qualifying features the Applicant concluded that LSE could not be ruled out in respect of certain pathways. The ExA pointed out that while NR raised concerns about the initial conclusion of no LSE for air quality

impacts, it was agreed during the Examination that impacts from air quality should be progressed to the Stage 2 Appropriate Assessment [ER C.2.23].

- 4.25 The Secretary of State notes that the ExA was satisfied that, based on the information provided, the correct impact-effect pathways on each site were assessed and was satisfied with the approach to the assessment of alone and in combination assessment [ER C.2.24]. The Secretary of State has no reason to disagree.
- 4.26 The Secretary of State agrees with the ExA that the Proposed Development is likely to have a significant effect both alone and in combination with other plans and projects on the qualifying features of the River Itchin SAC [ER C.2.25].
- 4.27 The Secretary of State has summarised the pathway of effects and qualifying features for which an appropriate assessment is required in Table XX below.
- 4.28 The Secretary of State has considered the Applicant's conclusions, the ExA's Report and REIS for all European sites, qualifying features and pathways of effect that are not set out in Table 2 and concludes there would be no LSE in respect of them.
- 4.29 In reaching the conclusion on the screening assessment, the Secretary of State took no account of any measures intended to avoid or reduce the potentially harmful effects on the European sites.

Table 2 European sites and qualifying features requiring an appropriate assessment.

European site	Pathway of effect (construction / operation)	Relevant qualifying features
River Itchin SAC	Changes in water quality (c/o) (alone / in combination) Changes in hydraulic conditions (c/o) (alone / in combination) Other habitat degradation (c/o) (alone) Impacts from air quality (c/o) (alone / in combination)	Water courses of plain to montane levels with <i>Ranunculus fluitantis</i> and <i>Callitriche-Batachion</i> vegetation
	Changes in water quality (c/o) (alone / in combination) Changes in hydraulic conditions (c/o) (alone / in combination) Other habitat degradation (c/o) (alone) Impacts from air quality (c/o) (alone / in combination) Species disturbance (c) (alone / in combination)	Southern damselfly (<i>Coenagrion mercuriale</i>) Bullhead (<i>Cottus gobio</i>) Brook lamprey (<i>Lampetra planeri</i>) Atlantic salmon (<i>Salmo salar</i>)

European site	Pathway of effect (construction / operation)	Relevant qualifying features
	<p>Changes in water quality (c/o) (alone / in combination)</p> <p>Changes in hydraulic conditions (c/o) (alone / in combination)</p> <p>Other habitat degradation (c/o) (alone)</p> <p>Impacts from air quality (c/o) (alone / in combination)</p> <p>Species disturbance (c) (alone / in combination)</p> <p>Mortality (c) (alone)</p>	<p>White-clawed (or Atlantic stream) crayfish (<i>Austropotamobius pallipes</i>)</p>
	<p>Changes in water quality (c/o) (alone / in combination)</p> <p>Changes in hydraulic conditions (c/o) (alone / in combination)</p> <p>Other habitat degradation (c/o) (alone)</p> <p>Impacts from air quality (c/o) (alone / in combination)</p> <p>Species disturbance (c) (alone / in combination)</p>	<p>Otter (<i>Lutra lutra</i>)</p>

5. STAGE 2: APPROPRIATE ASSESSMENT

5.1 As LSE cannot be excluded, the Secretary of State as the competent authority is required to undertake an appropriate assessment to determine the implications for the conservation objectives of the affected European sites. In line with the requirements of regulation 63 of the Habitats Regulations:

“(5)...the competent authority may agree to the plan or project only after having ascertained that it will not adversely affect the integrity of the European site’; and

“(6) In considering whether a plan or project will adversely affect the integrity of the site, the competent authority must have regard to the manner in which it is proposed to be carried out or to any conditions or restrictions subject to which it proposes that the consent, permission or other authorisation should be given”.

5.2 As noted in Section 1 of this HRA Report, the competent authority is obliged to consult the appropriate nature conservation body and have regard to any representations made by that body. For this purpose, the ExA prepared a RIES as set out in paragraphs 1.15 – 1.17 of this HRA Report. NE were actively engaged with the examination, and provided confirmation of its agreement with the Applicant’s findings and outcomes in respect of HRA matters in its signed final SoCG at the examination. At Examination Deadline 8, NE “provisionally agreed” with the Applicant’s conclusions on HRA, meaning that outstanding issues were expected to be “agreed” by both parties shortly after the close of Examination [ER 3.5.54]. On 18 December 2023 NE confirmed to the ExA that agreement had been reached with the Applicant regarding the assessment of air quality effects on biodiversity. This confirmation was included by the Applicant as Appendix A to its response (15 March 2023) to the Secretary of State’s First Consultation (8 March 2023). The Secretary of State is therefore satisfied that NE have been consulted in line with regulation 63 of the Habitats Regulations.

5.3 If the competent authority in undertaking the appropriate assessment cannot exclude adverse effects on the integrity of the affected European site (“AEoI”) on the basis of objective scientific evidence, then it can only agree to a plan or project if it complies with the requirements of regulation 64 of the Habitats Regulations. Regulation 64 provides that the competent authority may agree to the plan or project only if satisfied that there are no alternative solutions, and that the plan or project must be carried out for imperative reasons of overriding public interest. In addition, Regulation 68 requires compensatory measures to be secured which maintain the overall coherence of the national site network, which includes existing SACs and SPAs.

Conservation objectives

5.4 As mentioned in paragraph 1.11 above, where an appropriate assessment is required in respect of a European site, regulation 63(1) of the Habitats Regulations requires that it be an appropriate assessment of the implications of the plan or project for the site in view of its conservation objectives. Government guidance also recommends that in carrying out the stage one assessment (screening), applicants

must check if the proposal could have a significant effect on a European site that could affect its conservation objectives.

- 5.5 The conservation objectives relevant to this HRA Report, as published by NE, are set out in Annex 3 of this HRA Report.

River Itchin SAC

- 5.6 The Secretary of State has undertaken an objective scientific assessment of the implications of the Proposed Development on the qualifying features of the SAC, using the best available scientific knowledge. The assessment has been made in light of the conservation objectives for the SAC. A summary of the Secretary of State's appropriate assessment is presented below.
- 5.7 The ExA noted that the current conservation status of the SAC was not reported in the Applicant's HRA Report, but it did provide the current condition of the River Itchin SSSI; reported as being in "unfavourable condition, and declining" [ER C.3.1].
- 5.8 NE confirmed ([REP6-033] 25 October 2023) the condition of the SAC following a request from the ExA in its REIS (at paragraph 3.1.1) advising that "...*the condition of the River Itchin SAC can be interpreted to be in an unfavourable condition because the condition of the underpinning River Itchin SSSI is known to be in unfavourable condition.*" [ER C.3.2].
- 5.9 Based on this information, the ExA recommended that the SAC be considered to be in unfavourable condition [ER C.3.3]. The Secretary of State has no reason to disagree with this.

Impact pathways for which AEol can be ruled out

- 5.10 The River Itchen SAC and qualifying features were further assessed by the Applicant to determine if they could be subject to AEol from the Proposed Development either alone or in combination. The assessment of AEol was made in the light of the conservation objectives for the European site [ER C.4.1]. The Applicant's HRA Report concluded that the Proposed Development would not result in AEol on the River Itchin SAC either alone or in combination with other plans and projects [ER C.4.3]. The evidence was provided in its HRA Report in sections 4.2 to 4.10 for the following impact pathways both alone and in combination:
- changes in water quality (construction and operation);
 - changes in hydraulic conditions (construction and operation);
 - other habitat degradation (construction and operation);
 - species disturbance (construction);
 - disturbance to otter (operation);
 - mortality to white-clawed crayfish, if present (construction); and,
 - impacts from air quality (construction).
- 5.11 The conclusion for each of the above impact pathways were not disputed by any of the IPs by the end of Examination [ER C.4.3].

Changes in water quality

Construction

- 5.12 The Proposed Development consists primarily of the widening of the M3 with a reconfiguration of Junction 9 and associated connector roads and slip roads. The majority of the works regarding the Proposed Development is outside the footprint of the SAC, though in close proximity. The exception to this is the installation of two new drainage outfall place structures and the refurbishment of a third existing drainage outfall which will take partially within the SAC [Habitats Regulations Assessment [REP8-041], Table 3.1 contained in paragraph 3.2.1].
- 5.13 Given the proximity of the construction works to the River Itchen SAC, such as works within the river itself (which will be limited to the construction/refurbishment of three drainage outfalls), works in the vicinity (strengthening of Kingsworthy Bridge and construction of new foot/cycle bridge) and in the wider site the Applicant concluded that without mitigation there is potential for adverse effects.
- 5.14 The works within the River Itchen SAC are limited to the construction / refurbishment of the three drainage outfalls. It is estimated that approximately 2m of existing riverbank around each outfall will be lost permanently. The works will require the temporary damming and dewatering of the River Itchen, extending approximately 5-10m along the riverbank in each location and across no more than 50% of the river [Habitats Regulations Assessment [REP8-041], paragraph 4.2.4]. Associated with the drainage outfalls is a trench (up to 1.5m in width) will be created on the riverbank in each new outfall location with a pipe laid within the trench to connect the drainage system to the river. The trench will be backfilled with a granular material (shingle) with the previously excavated topsoil replaced above the shingle to ground level [Habitats Regulations Assessment [REP8-041], paragraph 4.2.5].
- 5.15 In the immediate vicinity of the River Itchen SAC, works will include strengthening to the existing Kingsworthy Bridge and construction of a new foot / cycle bridge. The strengthening of the structure of the Kingsworthy Bridge will be through the attachment of carbon fibre plates to the underside of the edge beams. The existing concrete surface will be ground away to allow the plates to be attached properly. The existing road surface will be planed down and the top of the existing deck exposed. Due to the age of the water proofing system, it is envisaged that the whole deck will have to be re-waterproofed. A new central reserve with safety barrier is proposed to be installed on a new plinth to segregate the A34 southbound from the bidirectional A33. Both sides of the bridge will have new safety barriers installed [Habitats Regulations Assessment [REP8-041], paragraph 4.2.6].
- 5.16 The new foot/cycle bridge over the River Itchen will be between the existing Itchen Bridge, which carries the A34 northbound carriageway, and the existing Kingsworthy Bridge, which upon completion of the strengthening works will carry the A33 north and southbound carriageways and the A34 southbound carriageway. The new foot/cycle bridge will be 3.5m wide and will comprise a 35m single-span through-truss supported on reinforced concrete abutments on piled foundations. Timber and steel are being considered for the proposed structure. Separate reinforced concrete wing walls perpendicular to the abutments will likely be required on all four corners.

The abutments will be set back from the riverbank and be sited outside the boundary of the SAC [Habitats Regulations Assessment [REP8-041], paragraph 4.2.7].

5.17 The works within the wider site works include:

- Enabling works, including diversions of utilities, preparation and provision of temporary construction compounds and provision of areas for processing excess spoil etc;
- Works to existing carriageway and junction including widening of the M3 and works to the junction including the slip roads and connector roads,
- Works to additional bridge structures and walking, cycling and horse-riding facilities; and,
- Delivery of supporting infrastructure, including CCTV masts, lighting, signage, gantries, areas for drainage and ecological mitigation etc [Habitats Regulations Assessment [REP8-041], paragraph 4.2.9].

5.18 Such works will include vegetation clearance, compound establishment, archaeological preparatory works, service enabling works, service diversions, traffic management set up, delivery of ecological mitigation etc. Whilst the majority of the works will be completed during daylight hours there will on occasion be the need for early morning or late afternoon works that will require temporary lighting [Habitats Regulations Assessment [REP8-041], paragraph 4.2.10].

5.19 The Applicant's Chalk Stabilisation Technical Note (Appendix 13.3 of the ES) explains that there may be a need to add stabilising agents to excavated chalk to enable reuse within earthworks during construction. The Applicant's Technical note indicates that other products and technology are available, but that lime and cement are the most common forms of stabilisation treatment. Lime is a natural material with similar chemical composition to chalk and so will not result in any significant changes in chalk chemistry. Cement treatment is a recognised method of binding contaminants into host matrix and as an agent to improve material. Chalk that has been treated with cement is less likely to release contaminants than unstabilised chalk, and could have a beneficial effect on water quality. The Chalk Stabilisation Technical Note concludes that there will be no additional risk to water quality from the use of lime or cement as a stabilising agent [Habitats Regulations Assessment [REP8-041], paragraph 4.2.11].

5.20 It is currently envisaged that over the course of construction there will be 25,000 x 8m³ vehicle movements to manage the relocation of earth and spoil materials within the site. It is anticipated that a proportion of these movements, approximately 8,300 movements, will use the highway network due to the phasing of traffic management; the remaining movements will be off network. As concrete batching is not proposed to take place on the site, concrete will be imported through approximately 2,600 wagons capable of carrying 7.5m³ of material over the construction period. As there is a need to import material to the Proposed Development which currently anticipates 9,400 HGVs capable of carrying 8.5m³ of material. It is anticipated that approximately 100 car parking spaces will be required daily across the construction period [Habitats Regulations Assessment [REP8-041], paragraph 4.2.12].

5.21 In the absence of mitigation, during construction there is potential for a short-term temporary increase in pollutants and therefore a reduction in water quality as a result of the works or activities required to facilitate works. Although the Applicant considers it highly unlikely that the reduction in water quality will affect the overall integrity of the River Itchen SAC across its whole area it could result in a temporary reduction in the functioning of the habitat for which the River Itchen SAC is designated and as such indirectly affect the qualifying species many of which rely on good water quality to live and breed [Habitats Regulations Assessment [REP8-041], paragraph 4.2.13].

Mitigation

5.22 The mitigation measures to avoid impacts during construction have been outlined in the first iteration Environment Management Plan (the “fiEMP”), in accordance with LA 120 Environment Management Plans (Highways England, 2020). Measures to control and mitigate silt transport during construction are set out in The Temporary (Construction) Drainage Strategy (Appendix J) of the fiEMP. Full details will be set out in the second iteration EMP (the siEMP”) as the design develops towards construction phase. These details will be secured through a DCO Requirement. The EMPs will be drafted in consultation with statutory regulators with regular engagement with these parties through the subsequent detailed design and delivery of the construction phases [Habitats Regulations Assessment [REP8-041], paragraph 4.2.14].

5.23 Mitigation measures contained within the EMPs will include:

- Works near watercourses will be carried out in accordance with Construction Industry Research and Information Association (CIRIA) guidance, in particular C532 Control of water pollution from construction sites, C650 Environmental Good Practice on Site, and CIRIA C648 Control of water pollution from linear construction projects. This includes selecting appropriate probability rainfall events (10 year return period) and overspill contingencies. ‘Factors of Safety’ will be incorporated and agreed with the regulatory bodies (LLFA and EA) due to the sensitivity of the receptors.
- Completion of construction works will be in accordance with a comprehensive construction phase drainage strategy in the Temporary (Construction) Drainage Strategy of the fiEMP. Due to the close proximity to the River Itchen SAC a comprehensive package of pollution prevention measures will be determined to avoid accidental pollution events during construction. Measures such as source control, settlement tanks and silt fencing will be used. Flocculation elements (that is, the precipitation of suspended (colloid) solids by flocculation or coagulation) will be used as high up in the drainage network as possible to capture silts at their highest concentrations near their source before dilution in the runoff stream. The measures are outlined in the fiEMP and the final construction phase drainage strategy will be produced in consultation with statutory regulators and secured as part of the siEMP, or as a stand alone document, through a DCO Requirement [Habitats Regulations Assessment [REP8-041], paragraph 4.2.15].

- 5.24 Such measures as are set out in the fiEMP are well-established, based on industry standards and can be relied upon in confidence. The Applicant indicates that the implementation of such measures will avoid adverse effects on the River Itchen SAC as a result of changes in water quality during construction. As such there will be no adverse effects on the integrity of the River Itchen SAC as a result of construction phase changes in water quality [Habitats Regulations Assessment [REP8-041], paragraph 4.2.16].

In combination Effects

- 5.25 A full list of plans and projects considered by the Applicant for the in combination assessment was provided in Appendix I of its HRA Report. Subject to the implementation of the mitigation measures described above, no appreciable effects are anticipated to result from construction phase changes in water quality, and as such, there is no mechanism by which perceivable in combination effects with other plans and projects could occur [Habitats Regulations Assessment [REP8-041], paragraph 4.2.17].

Operation

- 5.26 The River Itchen SAC is designated for its river habitats and associated species and once the Proposed Development is operational, there is the potential to result in changes in water quality as a result of an increase in water-borne pollutants such as dust or particulates generated from vehicles or from waste-water/surface water runoff to be discharged in to the river, which could ultimately affect the integrity of the European site [Habitats Regulations Assessment [REP8-041], paragraphs 4.3.1 and 4.3.2]. The drainage system of the existing highway is predominantly piped. Carriageway runoff is captured by channels, gullies, trench drains and ditches. From here water is conveyed to soakaway trenches or soakaways. Eighty percent of the considered area drains to soakage features, with the remaining 20% draining into the River Itchen or its immediate floodplain via highway drainage ditches. The existing overland flow is captured in soakaway trenches or piped under the M3 corridor through an existing culvert into the River Itchen floodplain. There is an existing pollution control device (PCD) located upstream of the only relevant river outfall [Habitats Regulations Assessment [REP8-041], paragraph 4.3.4].
- 5.27 Once operational, the Proposed Development will include the use of an improved operational drainage system designed to modern highway standards. The system will be multi-staged with features that will slow discharge rates, capture pollutants within road runoff and remove them before the treated runoff is discharged. Pollution mitigation measures will include catchpits, PCDs and sediment forebays (where runoff to the river is via extended drainage basins), swales and an unsaturated zone over a geocell tank (where runoff to the river is via a geocell tank). The drainage design and associated plans are presented in the Drainage Strategy Report (Appendix 13.1 of the ES) which outlines additional consideration of the pollution control measures embedded into the Proposed Development for road runoff [Habitats Regulations Assessment [REP8-041], paragraph 4.3.5].
- 5.28 An assessment of the risk of acute and chronic water pollution for all attenuation basins and the geocellular tank has been undertaken. The basins and tank were

assessed individually, as if these features each discharged directly into the River Itchen, without the ameliorating effects of basins upstream within their catchment. The cumulative effect of basins in series has not been considered in order to account for future bypassing of basins during maintenance or spill recovery [Habitats Regulations Assessment [REP8-041], paragraph 4.3.6].

- 5.29 The Highways England Water Risk Assessment Tool (HEWRAT) assessment concluded that each detention basin provides sufficient removal of sediments and pollutants to preclude exceedance of the thresholds of acute and chronic pollutant concentrations. The assessment is considered conservative in that the basins and tank have been assessed individually and if these features each discharged directly into the River Itchen without the ameliorating effects of basins upstream within their catchment [Habitats Regulations Assessment [REP8-041], paragraph 4.3.7].
- 5.30 Such pollution control measures are well-established, based on standard industry guidance and are likely to result in a betterment of the existing situation. Any effects on the River Itchen SAC as a result of changes in water quality associated with the Proposed Development, once operational are not anticipated to be significant. As such no adverse effects on the integrity of the River Itchen SAC are anticipated as a result of changes in water quality once the Proposed Development is operational [Habitats Regulations Assessment [REP8-041], paragraph 4.3.8].

In combination effects

- 5.31 A full list of plans and projects considered by the Applicant for in combination assessment was provided in Appendix I of its HRA Report. A number of these have the potential to act in combination with the Proposed Development. With implementation of the mitigation measures described above no appreciable effects are anticipated to result from changes in water quality during the operation of the Proposed Development, and as such there is no mechanism for perceivable in combination effects with other plans and projects [Habitats Regulations Assessment [REP8-041], paragraph 4.3.9].

Changes to Hydraulic conditions

Construction

- 5.32 The installation of two new drainage outfall and refurbishment of a third will take place within the SAC itself [Habitats Regulations Assessment [REP8-041], paragraph 4.4.1]. Such works will require the temporary damming and dewatering of the River Itchen around each drainage outfall location [Habitats Regulations Assessment [REP8-041], paragraph 4.4.3]. These activities are standard practice for such in-channel works but there remains the potential for a short term temporary changes in hydraulic conditions as a result of such dam installation and dewatering. In the medium term there is a risk of hydraulic changes as a result of damage to the river bed associated with dam installation or removal. While such changes in hydraulic conditions are considered highly unlikely to affect the overall integrity of the River Itchen SAC in its entirety, they could result in a temporary reduction in the functioning of the habitat for which the River Itchen SAC is designated and as such indirectly affect the qualifying species [Habitats Regulations Assessment [REP8-

041], paragraph 4.4.4]. There also remains the potential for changes in surface water flow volumes from the Proposed Development to the River Itchen via new/refurbished outfalls during construction [Habitats Regulations Assessment [REP8-041], paragraph 4.4.8].

Mitigation

- 5.33 To minimise adverse effects as a result of temporary damming (installation and removal) and dewatering of the River Itchen around the drainage outfall locations a detailed method statement to be implemented on site will be produced by suitably experienced contractors. The Applicant's Appendix 2.1 of the ES sets out the outline methods. The detail will be agreed through consultation with statutory regulators, which will be contained in the second iteration EMP ("siEMP") through a DCO Requirement [Habitats Regulations Assessment [REP8-041], paragraphs 4.4.6 and 4.4.7].

Changes in the surface water flow volumes from the Proposed Development to the River Itchen via the new/refurbished outfalls during construction will be managed through measures outlined in the fiEMP Temporary (Construction) Drainage Strategy. It is explained that full details will be developed as design moves towards the construction phase and full details of the required mitigation will be set out in the siEMP, secured through a DCO Requirement. The EMPs will be drafted in consultation and with regular engagement with statutory regulators through the subsequent detailed design and delivery phases. As such there will be no adverse effects on the integrity of the River Itchen SAC as a result of construction phase changes in hydraulic conditions [Habitats Regulations Assessment [REP8-041], paragraphs 4.4.8 and 4.4.9].

In combination effects

- 5.34 A full list of plans and projects considered as part of the in combination assessment with the Proposed Development has been provided in Appendix I of their HRA Report. A number of these have the potential to act in combination with the Proposed Development. Subject to the implementation of mitigation measures proposed and no appreciable effects are anticipated to the hydraulic conditions during construction. The Applicant indicates that there is no mechanism by which perceivable in combination effects with other plans and projects could occur [Habitats Regulations Assessment [REP8-041], paragraph 4.4.10].

Operation

- 5.35 Once operational the Proposed Development has the potential to result in changes in hydraulic conditions as a result of altered river flows on account of increased discharge from the new and refurbished drainage outfall structures, which could ultimately affect the integrity of the European site [Habitats Regulations Assessment [REP8-041], paragraph 4.5.2].

Mitigation

- 5.36 Full details of the mitigation measures during the operational phase drainage (including in relation to pollution) are set out in the Drainage Strategy Report (Appendix 13.1 of the ES). The existing highway drainage system is predominantly piped with carriageway run-off captured by the use of channels, gullies, trench drains and ditches which are then conveyed to soakaway trenches or soakaways. Eighty percent of the considered area drains to soakaway features. The remaining 20% drains to the River Itchen or its immediate floodplain via highway drainage ditches. The existing overland flow is captured in soakaway trenches or piped under the M3 corridor via an existing culvert to the River Itchen floodplain. Once operational, the Proposed Development will reduce existing groundwater discharges by replacing them with a combination of either discharge to ground water or discharge into the River Itchen after treatment, attenuation and detention. All new drainage will convey run-off to extended detention basins which will infiltrate to ground where possible. Runoff volumes will be attenuated in extended detention basins as far as space and acceptable draw-down times allow [Habitats Regulations Assessment [REP8-041], paragraphs 4.5.2 to 4.5.5].
- 5.37 Run-off volumes that are unable to drain to ground within a practicable time period will be treated prior to discharge at the long-term storage rate of 2 litres per second per hectare. At the river new outfalls it is proposed that vortex flow controls will be able to minimise upstream attenuation and reduce the risk of blockage. Between basins flows will be controlled in either vortex controls or where backflows are required to be facilitated in small diameter pipes. The total new highway area with cuttings which drain to the river with an allowable flow has been apportioned approximately pro rata across new outfalls depending on the new catchment area being discharged to river [Habitats Regulations Assessment [REP8-041], paragraph 4.5.6].
- 5.38 Such drainage control measures are well-established and can be relied upon with confidence. Appendix 13.1 of the ES identifies that no mitigation for runoff flows is required. Once operational there will be no significant effects on the River Itchen SAC because of changes in hydraulic conditions associated with the Proposed Development. As such there will be no adverse effects on the integrity of the River Itchen SAC as a result of changes in hydraulic conditions, once the Proposed Development is operational [Habitats Regulations Assessment [REP8-041], paragraph 4.5.7].

In combination effects

- 5.39 A full list of projects and plans considered as part of the in combination assessment is provided within Appendix I of the Applicant's HRA Report. A number of the these have the potential to act in combination with the Proposed Development. Subject to the implementation of the above mitigation measures no appreciable effects are anticipated to result from construction phase changes of hydraulic conditions and there is no mechanism by which perceivable in combination effects could occur with other plans and projects [Habitats Regulations Assessment [REP8-041], paragraph 4.5.8].

Other habitat degradation

Construction

- 5.40 The majority of the construction associated with the Proposed Development will take place outside the footprint of the SAC. Only the installation of the two new drainage outfall structures and the refurbishment of a third will be within the SAC. These works will result in a permanent loss of approximately 2m of existing riverbank at each outfall location, to be replaced with a pre-cast concrete headwall. Given the nature of the habitat present within the works area (non-SAC habitat) and the negligible extent of vegetation to be effected when considered within the context of the wider River Itchen SAC, any such vegetation removal is considered highly unlikely to affect the overall integrity of the River Itchen SAC, nor result in a significant reduction in the functioning of the habitat or species for which the SAC is designated. As such the Applicant did not consider further assessment to the physical modification of habitats [Habitats Regulations Assessment [REP8-041], paragraphs 4.6.1 and 4.6.3].
- 5.41 The temporary damming and dewatering of the River Itchen around the two new outfalls and the existing outfall (due for refurbishment) will be required. This work is to be done sequentially so that only one location will be affected at any one time. The dewatering will be localised around the drainage outfalls extending approximately 5-10m along the riverbank and not more than 50% of the river width. The Applicant explains that there will be no permanent degradation of qualifying SAC features [Habitats Regulations Assessment [REP8-041], paragraph 4.6.4].
- 5.42 Invasive non-native species (“INNS”) associated with the riverine habitat have not been identified. They have the potential to be transported within the SAC during construction activities. There is potential for long-term permanent change in the functioning of the habitat for which the River Itchen is designated through the introduction of such species which could ultimately affect the overall integrity of the River Itchen SAC [Habitats Regulations Assessment [REP8-041], paragraph 4.6.5].

Mitigation

- 5.43 The majority of potential effects are most likely through the result of construction processes. Mitigation measures are already outlined in the fiEMP with the detail set out in the siEMP, secured through DCO requirement 3. This will include, adhering to standard biosecurity measures to avoid the risk of inadvertently transferring INNS via equipment and construction phase fencing to avoid accidental damage to ecologically sensitive areas [Habitats Regulations Assessment [REP8-041], paragraph 4.6.6].
- 5.44 The measures outlined in the fiEMP will be agreed in detail through consultation with statutory regulators and secured through DCO requirement 3. As part of the preparatory works for the Proposed Development updated ecological surveys will be carried out and if any new INNS are identified contact will be made with the relevant statutory regulators to discuss and agree species-specific eradication strategy. This will be contained within or appended to the siEMP [Habitats Regulations Assessment [REP8-041], paragraph 4.6.7].

- 5.45 The measures set out in the fiEMP are well established, based on industry standards and considered reliable. As such there will be no significant effects from habitat degradation as a result of the construction phase and there will be AEol of the River Itchen SAC as a result of other construction phase habitat degradation [Habitats Regulations Assessment [REP8-041], paragraph 4.6.8].

In combination effects

- 5.46 A full list of plans and projects considered by the Applicant as part of the in combination assessment was provided in Appendix I of its HRA Report. A number of these have the potential to act in combination with the Proposed Development. With implementation of the mitigation measures described above, no appreciable effects are anticipated to result from habitat degradation during construction phases and there is no mechanism for perceivable in combination effects with other plans and projects [Habitats Regulations Assessment [REP8-041], paragraph 4.6.9].

Operation

- 5.47 Once operational, habitat management will be required to maintain access to the structures associated with the Proposed Development. For example, those located within the River Itchen SAC, and maintaining the optimal functioning of surrounding soft landscape and drainage features, detention basins, catchpits, pollution control devices and sediment forebays. Without agreed methods of works there is potential for short-term temporary increases in sediments, pollutants, arisings, or litter generated from management and maintenance activities which could enter the River Itchen SAC causing localised reduction of habitat quality. The Applicant considers that such a reduction in habitat quality is highly unlikely to affect the overall integrity of the River Itchen SAC. However, it could result in temporary and highly localised reduction in the functioning of the habitat for which the River Itchen SAC is designated and as such indirectly affect qualifying species [Habitats Regulations Assessment [REP8-041], paragraphs 4.7.3 and 4.7.4].

Mitigation

- 5.48 The Applicant has provided an Outline Landscape and Ecological Management Plan (“LEMP”). The use and implementation of a LEMP is well-established, based on industry standard guidance and can be relied upon in confidence. A full LEMP will be secured through a DCO requirement in agreement with statutory consultees. The full LEMP will include detailed measures for the on-going management and maintenance of habitat and drainage features and measures to avoid potential impacts to the River Itchen SAC through habitat degradation once operational. As such, there will be no AEol on the River Itchen SAC from other habitat degradation when the Proposed Development is operational [Habitats Regulations Assessment [REP8-041], paragraphs 4.7.5 and 4.7.6].

In combination effects

- 5.49 A full list of plans and projects considered by the Applicant for in combination assessment was provided in Appendix I of its HRA Report. With implementation of the mitigation measures described above no appreciable effects are anticipated to

result from habitat degradation during construction phases, there is no mechanism for perceivable in combination effects with other plans and projects [Habitats Regulations Assessment [REP8-041], paragraph 4.7.7].

Species disturbance

Construction

- 5.50 The majority of the construction work associated with the Proposed Development will be outside the footprint of the SAC. Only the installation of the two new drainage outfall structures and the refurbishment of a third will be within the SAC [Habitats Regulations Assessment [REP8-041], paragraph 4.8.2].
- 5.51 Works within and in close proximity to the River Itchen SAC will include vegetation clearance, compound establishment, archaeological preparatory works, service enabling works and service diversions, delivery of ecological mitigation and earthworks. Such works will require the use of a range of plant and equipment. Although the majority of the works will be completed during daylight hours there will, however, be on occasion the need for early morning or late afternoon works which will require the need for temporary lighting. These instances will be agreed with the relevant local authority [Habitats Regulations Assessment [REP8-041], paragraph 4.8.3].
- 5.52 Without mitigation there is a potential for short-term temporary increase in construction phase noise, vibration, lighting or other visual disturbance and resultant disturbance to qualifying species due to the works themselves, for example to otter. Otter resting places have not been identified but should the situation change prior to construction there is potential for damage, destruction or obstruction of their places of breeding, resting or sheltering. There is also potential for short-term temporary increase in the risk of accidentally killing or injuring individual or small numbers of qualifying fish species. The Applicant considers such effects highly unlikely to affect the overall integrity of the SAC (given other readily available and undisturbed habitat suitable for these species such that overall population density can be maintained) they could result in temporary adverse effects on individuals or small numbers of the qualifying species [Habitats Regulations Assessment [REP8-041], paragraph 4.8.4].

Mitigation

- 5.53 Mitigation measures to address the potential effects from construction have been outlined in the fiEMP, with the details provided in a siEMP secured through a DCO requirement. The siEMP will be agreed in detail through consultation with statutory regulators. Measures to avoid or mitigate potential effects from species disturbance from construction will include:
- A pre-construction otter survey to confirm presence of resting places;
 - Construction methods adhering to Environment Agency guidance on working methods and timing restrictions in relation to avoiding impacts to fish, including qualifying fish species of the River Itchen SAC;

- Construction phase lighting designed to reduce light spill on the River Itchen corridor which is known to support otters;
- Measures to avoid entrapment of animals (including otters) during construction, such as covering certain excavations overnight or providing escape ramps;
- Avoidance of night-time working adjacent to the River Itchin; and
- An Ecological Clerk of Works (ECoW) present on site during key periods of construction who will ensure all committed mitigation measures are adhered to [Habitats Regulations Assessment [REP8-041], paragraph 4.8.5].

5.54 The mitigation measures set out in the fiEMP, with the detail provided in the siEMP, are well established, based on guidance from statutory regulators and can be relied on with confidence. With the implementation of these measures during construction will avoid significant effects on the River Itchen SAC and as such there will be no AEoI of the River Itchen SAC as a result of construction phase disturbance to or killing or injury of the qualifying species of the River Itchen SAC [Habitats Regulations Assessment [REP8-041], paragraph 4.8.6].

In combination effects

5.55 A full list of plans and projects considered by the Applicant for in combination assessment was provided in Appendix I of its HRA Report. With implementation of the mitigation measures described above no appreciable effects are anticipated to result from species disturbance during construction phases, and as such there is no mechanism by which perceivable in combination effects with other plans and projects could occur [Habitats Regulations Assessment [REP8-041], paragraph 4.8.7].

Operation

5.56 Once operational, disturbance effects on species are anticipated to be limited to the anthropogenic disturbance of otter. This will be through a risk that users of the new footpath and cycle path which will cross the SAC and enter habitats used by the otter and increase visual and noise disturbance.. Although the Applicant considers this impact highly unlikely to impact the overall otter population as there is other readily available and undisturbed habitat suitable for otter, there is potential for long-term disturbance to otters in the absence of agreed mitigation measures. Therefore, adverse effects cannot be ruled out [Habitats Regulations Assessment [REP8-041], paragraph 4.9.2].

Mitigation

5.57 Potential effects on individual otters will be suitably minimised through the use of pedestrian fencing between the new footpath / cyclepath will prevent pedestrians entering areas of sensitive terrestrial habitat adjacent to the River Itchen SAC. The details of the proposed fencing, its specification, the exact location and proposed maintenance schedule will be provided within the full LEMP, secured through a DCO requirement in agreement with statutory consultees. Fencing used in this way is a well-established method of preventing human-wildlife conflict and can be relied upon

in confidence. As such, with this mitigation in place there will be no adverse effects on the integrity of the River Itchen SAC as a result of species disturbance once the Proposed Development is operational [Habitats Regulations Assessment [REP8-041], paragraph 4.9.3].

In combination effects

- 5.58 A full list of plans and projects considered by the Applicant for in combination assessment was provided in Appendix I of its HRA Report. With implementation of the mitigation measures described above no appreciable effects are anticipated to result from species disturbance once the Proposed Development is operational, and as such there is no mechanism by which perceivable in combination effects with other plans and projects could occur [Habitats Regulations Assessment [REP8-041], paragraph 4.9.4]

Mortality of white-clawed crayfish

Construction

- 5.59 The construction of two new drainage outfalls and the refurbishment of a third on the bank of the River Itchen is required for the Proposed Development. To facilitate construction, temporary damming and dewatering of the River Itchen around each of these structures will be required. In-river working could result in direct mortality of white-clawed crayfish if they are present in in these sections of the River Itchen. The Applicant also identified that introduction on INNS or pathogens could also lead to mortality of the white-clawed crayfish [Habitats Regulations Assessment [REP8-041], paragraph 4.10.2].
- 5.60 Given the small areas affected by in-river working, the Applicant considered this impact to be highly unlikely to affect the overall population of white-clawed crayfish within the SAC. However, it was considered that such activities could lead to adverse effects on the qualifying species [Habitats Regulations Assessment [REP8-041], paragraph 4.10.3].

Mitigation

- 5.61 Biosecurity measures to avoid effects to white-clawed crayfish (and other wildlife) during the construction process are set out in the Applicant's Outline LEMP. During construction, mitigation measures have been outlined in the fiEMP, with the detail to be provided in the siEMP, which will be agreed through consultation with statutory regulators secured through a DCO requirement [Habitats Regulations Assessment [REP8-041], paragraph 4.10.4].
- 5.62 During construction works within the watercourses, biosecurity measures will be implemented to avoid risk of introducing INNS or pathogens. This will include disinfecting all equipment, personal protective equipment (PPE) and machinery with a broad-spectrum disinfectant. This treatment will be repeated whenever machinery, equipment or PPE is transferred to another site or watercourse [Habitats Regulations Assessment [REP8-041], paragraph 4.10.5].

- 5.63 Checks for the presence of white-clawed crayfish will be required before in-river activities to the river channel or its banks. If found to be present in the working area, white-clawed crayfish will be moved to an adjacent, unaffected area of the River Itchen. A licence will be obtained if white-clawed crayfish need to be moved. In-river works will be scheduled between 1 July and 30 September to avoid the sensitive breeding period for this species. As such, with this mitigation in place there will be no adverse effects on the integrity of the River Itchen SAC as a result of mortality to white-clawed crayfish during construction [Habitats Regulations Assessment [REP8-041], paragraph 4.10.6].

In combination effects

- 5.64 A full list of plans and projects considered by the Applicant for in combination assessment was provided in Appendix I of its HRA Report. With implementation of the mitigation measures described above no appreciable effects are anticipated to result from mortality of white-clawed crayfish during the construction phase of the Proposed Development, and as such there is no mechanism by which perceivable in combination effects with other plans and projects could occur [Habitats Regulations Assessment [REP8-041], paragraph 4.10.8]. As this issue relates to the temporary damming and dewatering of a limited area for construction, it is not anticipated that there would be any impact from this pathway during the operational phase of the Proposed Development.

Impacts from air quality

Construction

- 5.65 The Applicant's HRA Report explained that in order to understand the potential changes in traffic flows during the construction period, the microsimulation traffic modelling of the junction which considered the effect of traffic management measures, identified that Phase 3A of the construction programme resulted in the greatest impacts in terms of travel time through the Proposed Development and therefore the greatest risk of impact on wider traffic routing. The assessment on construction traffic indicated that there would be increases in traffic across the majority of the site, but these would be below screening thresholds. The screening thresholds would be exceeded in only a small number of locations [Habitats Regulations Assessment [REP8-041], paragraph 4.11.1].
- 5.66 Phase 3A is expected to last for approximately 9 months. Where there are predicted to be increases above the screening thresholds in discrete areas, these would be temporary and short term. The Applicant considers these changes in air pollution from construction traffic would not result in adverse effects on the integrity of the River Itchen SAC [Habitats Regulations Assessment [REP8-041], paragraph 4.11.2].
- 5.67 The main construction compound is located east of the M3 over 600m from the River Itchen SAC. Some construction activities which have the potential to generate emissions such as dust will be undertaken in close proximity to the River Itchen SAC. These activities will be temporary and short-term and will be minimised by the application of standard environmental management measures. For instance, dust

control as set out in the fiEMP. On this basis, the Applicant considers that the emissions from construction activities will not result in AEol on the River Itchen SAC [Habitats Regulations Assessment [REP8-041], paragraph 4.11.3].

- 5.68 Table C2 of the ExA's Report summarised the Applicant's conclusions on AEol on the River Itchen SAC, either alone or in combination with other plans or projects and at the close of the Examination these conclusions had not been disputed by any IP [ER C.4.3]. The table summarised the mitigation measures required to avoid AEol and referenced the relevant sections in the fiEMP.
- 5.69 NE confirmed that it was satisfied with the elements above of the Applicant's assessment, including the mitigation measures proposed for both construction and operational phases of the Proposed Development [ER C.4.4]
- 5.70 The Secretary of State notes that the ExA was satisfied that based on the information above that AEol from the impact pathways assessed on the River Itchin SAC and its qualifying features can be ruled out, subject to the delivery of the relevant mitigation [ER C.4.5].

Air quality impacts

Operation

- 5.71 NE requested additional work be undertaken on the operational air quality impacts of the Proposed Development to ensure all airborne pollutants were considered and that further evidence be provided to consider the ecological impact of the pollutants on the qualifying features of the sites, and whether they would undermine any conservation objectives [ER C 4.8].
- 5.72 The Applicant revised Appendix 8.3 Assessment of Operational Air Quality Impacts on Biodiversity of the ES and the HRA Report through DL4, DL5, and DL8 to consider the operational air quality pathway for AEol, take account of increases in NOx and nitrogen deposition, and provide justification and clarification on the use of critical loads for the deposition of nitrogen and ammonia [ER C.4.9].
- 5.73 The Applicant's HRA Report assessed the impacts from changes in air quality during the operation of the Proposed Development. The impacts on the qualifying habitat feature (water courses of plain to montane levels) and the qualifying species features (southern damselfly, bullhead, brook lamprey, Atlantic salmon, white-clawed crayfish and otter) were assessed [ER C.4.6].
- 5.74 The Applicant assessed the chalk river habitat, and it was considered unsuitable for Southern damselfly. Therefore, this species was not assessed further [ER C.4.7, first bullet].
- 5.75 Some areas of habitat would see increases in the levels of nitrogen deposition and nitrogen oxides (NOx) with some increases above the 1% screening threshold [ER C.4.7, start of second bullet]. The Applicant's HRA Report describes the effect of NOx emissions and nitrogen deposition explaining that they are intrinsically linked. The main effect of NOx emissions is through their contribution to nitrogen deposition. NOx can be toxic to vegetation causing leaf yellowing and dieback under certain concentrations [Habitats Regulations Assessment [REP8-041], paragraph

4.11.8]. Excessive nitrogen can affect plants and habitats by altering the biochemistry through stimulating the growth of competitive plant species which can reduce the species diversity within a habitat [Habitats Regulations Assessment [REP8-041], paragraph 4.11.10]. The Applicant referred to the Institute of Air Quality Management (IAQM) guidance which states that when assessing traffic emissions where NO_x emissions are above the 1% threshold then changes in nitrogen deposition should be calculated as supporting information to assist in the evaluation of significance [Habitats Regulations Assessment [REP8-041], paragraph 4.11.8].

- 5.76 The qualifying chalk river habitat of the SAC includes aquatic vegetation which could theoretically be affected. However the low levels of NO_x increase over a short length of the River, the Applicant's assessment indicates that the NO_x levels within the SAC are below the NO_x 30 microgram per cubic metre (µg/m³) critical level for the protection of vegetation both with and without the Proposed Development. With these low levels of increase of NO_x over a small geographical area and along with the diluting effect of the water and constant flushing, the small increases in NO_x would not adversely affect the integrity of the SAC [Habitats Regulations Assessment [REP8-041], paragraph 4.11.9].
- 5.77 The assessment indicated that the small increases in total nitrogen are most noticeable at the edge of the River Itchen SAC, reducing quickly beyond that. Critical loads for nitrogen are not available for rivers and streams as quantitative relationships between their biology and nitrogen concentrations are poorly understood. The Air Pollution Information System site suggests that for lowland rivers, such as the River Itchen, nitrogen inputs from catchment land-use, rather than atmospheric deposition, are likely to be much more significant [Habitats Regulations Assessment [REP8-041], paragraph 4.11.10].
- 5.78 Freshwater systems are typically phosphorus limited, meaning that it is generally scarce and will inhibit plant growth even in the presence of excess nitrogen. The qualifying habitat of the SAC is unlikely to be sensitive to increases in nitrogen (especially small increases as in this instance). The diluting effect of the water and constant flushing would further reducing the potential effects from nitrogen deposition. The assessment shows that the increases in nitrogen deposition are at low levels, along with the flushing and diluting effect of the water and the qualifying habitat not being sensitive to nitrogen and would not alter the aquatic plant species composition or richness of the SAC [Habitats Regulations Assessment [REP8-041], paragraph 4.11.11].
- 5.79 In relation to ammonia (NH₃) levels from the Proposed Development, the modelling completed by the Applicant shows increases in levels of ammonia where the assessment transects intersect the SAC will be below 1% of the critical level, or will see reductions below the critical level. As lichens and bryophytes are not integral to the qualifying SAC habitat, the upper NH₃ critical level of 3 µg/m³ was used for the assessment. Ammonia levels from the Proposed Development are below 1% of the screening threshold and no impacts from NH₃ are anticipated, which NE accepts [Habitats Regulations Assessment [REP8-041], paragraph 4.11.12].

- 5.80 NE's guidance on advising competent authorities on the assessment of road traffic emissions under paragraph 4.16 the Habitats Regulations (NEA001) states that chalk rivers are typically not sensitive to acid deposition due to their natural buffering capacity. No impacts from acid deposition are anticipated from the Proposed Development [Habitats Regulations Assessment [REP8-041], paragraph 4.11.13].
- 5.81 Otter are known to use the river habitats and adjacent terrestrial habitats for foraging and resting along this stretch of the River Itchen. The qualifying river habitats will not be affected by changes in air pollution resulting from the operation of the Proposed Development, as discussed above. There is potential for terrestrial habitats outside the SAC to be affected by changes in air quality which may be used by otter. The Applicant's assessment indicated that any changes in terrestrial habitat from increases in nitrogen deposition would be within tens of metres adjacent to the Proposed Development, and the typical home range of otters can be up to 35km of watercourse. Therefore, in the context of overall habitat within an otter's territory, the impacts would be negligible [Habitats Regulations Assessment [REP8-041], paragraph 4.11.14].
- 5.82 The Applicant's assessment indicated that although there are small increases in air pollutants above the relevant thresholds, these are minor. Considering that the habitat is more sensitive to phosphorus, the dynamic nature of the River Itchen and the precautionary nature of the air quality modelling these small increases are unlikely to result in appreciable changes to the qualifying features of the River Itchen SAC. The Applicant concluded that there will be No AEoI from changes in air quality due to the operation of the Proposed Development on the qualifying features of the River Itchen SAC [Habitats Regulations Assessment [REP8-041], paragraph 4.11.15].

In combination Effects

- 5.83 The Applicant's assessment of road traffic air quality emissions is described as inherently cumulative. It incorporates modelled traffic data growth for future traffic flows, defining the entirety of the road network of the south-east region of England on which the operational end-users utilise.
- 5.84 The Applicant revised their road traffic assessment in the HRA Report at Deadlines 5 (23 September 2023) and at 8 (16 November 2023) to provide additional information on the traffic model and the developments it considers, including information on predicted traffic growth and changes in emissions over time, beyond 2027 [ER C.4.14].
- 5.85 Following consultation with NE on the traffic data used to inform the assessment, and the provision of further information including information of predicted traffic growth and changes in emissions over time, it was agreed that the worst case year would be 2027 as the opening year to inform the assessment, would be appropriate [Habitats Regulations Assessment [REP8-041], paragraph 4.11.17].
- 5.86 The traffic model contains data on the following:

- The Proposed Development and adjoining Strategic Road Network and local road network;
- Other schemes promoted by the Applicant in the near vicinity of the Proposed Development with high certainty they are to be progressed (i.e. progressed beyond preferred route announcement stage);
- Foreseeable developments promoted by third parties likely to be developed in a similar timeline to the Applicant's Development, based on discussions with the relevant planning authority and knowledge of where proposed third party developments are sited, the extents and types of development, and timescales for their completion – all of which can be reasonably described in the traffic model;
- National Government regional growth rates which include a representation of likely growth rates excluding known planning developments already included in the traffic model, all as represented by the Department for Transport's (DfT) NTWM/TEMPRO3 growth factors for car usage and growth in freight (derived from DfT's National Transport Model) [Habitats Regulations Assessment [REP8-041], paragraph 4.11.18].

5.87 The foreseeable developments selected are those that contribute to vehicles onto roads within the vicinity of the Proposed Development. The vehicle emissions presented in Chapter 5 Air Quality of the ES are representative of all likely emissions from the Proposed Development together with other projects planned to progress in the region. Therefore, the assessment includes the Proposed Development's emissions and those emissions generated by the traffic from other developments in the south-east region of England [Habitats Regulations Assessment [REP8-041], paragraph 4.11.19]. The cumulative nature of such assessments is recognised in the Planning Inspectorate's Advice Note 17 where it states:

3.4.4 Certain assessments, such as transport and associated operational assessments of vehicular emissions (including air and noise) may be inherently cumulative assessments. This is because they may incorporate modelled traffic data growth for future traffic flows. Where these assessments are comprehensive and include a worst case within the defined assessment parameters, no additional cumulative assessment of these aspects is required (separate consideration may be required for the accumulation or inter-relationship of these effects on an individual set of receptors e.g. as part of a socio-economic assessment) [Habitats Regulations Assessment [REP8-041], paragraph 4.11.20].

5.88 In relation to the potential for in combination impacts from non-road sources was also reviewed and identified an Anaerobic Digestion (AD) facility approximately 3.6km from the River Itchen SAC. The HRA Report submitted with the application for the AD facility concluded no significant effects to the River Itchen SAC alone or in combination with other plans and projects [Habitats Regulations Assessment [REP8-041], paragraph 4.11.21]. The Applicant reviewed the Air Quality assessment that was submitted in support of the AD facility and that assessment set out that in terms of NO_x, NH₃ and subsequent nitrogen deposition on the River Itchen SAC equivalent to 0.4% of the NO_x critical level, 0.4% of the NH₃ critical level

and 0.7% of the nitrogen critical load. And as noted above paragraph 5.80, the fact that the river is phosphorus-limited rather than nitrogen-limited and subject to constant flushing means that the AD facility contributions are unlikely to alter the conclusion of the assessment [ER C.4.15].

- 5.89 On 8 November 2023, as part of the on-going consultation with the Applicant, NE agreed that there was no need to quantitatively assess the AD facility in combination due to the timing of the two projects coming forward [Habitats Regulations Assessment [REP8-041], paragraph 4.11.24].
- 5.90 During Examination NE requested further work to be undertaken on the operational air quality to ensure all relevant types of airborne pollutants were accounted for, including acid deposition. NE also requested that further evidence be provided to consider the ecological impacts on the qualifying features and whether the conservation objectives would be undermined [ER C.4.8].
- 5.91 As mentioned above at paragraph 5.76, the Applicant revised its HRA report at Deadlines 5 and 8 to take into account NE's advice. A response from NE was not provided on the latest amendments to the Applicant's HRA Report before the close of Examination [ER C.4.16].
- 5.92 However, on 18 December 2023, after the close of Examination NE clarified its position in relation to the Statement of Common Ground (10 November 2023, REP8-021) regarding the following points that were 'provisionally agreed' subject to minor amendments:
- *2.17 Residual effects and conclusions*
 - *4.1 Habitats Regulations Assessment*
- 5.93 Based on the findings of the Examination, the ExA was satisfied that this pathway would not result in AEoI to the River Itchin SAC from the Proposed Development in combination with other plans and projects [ER C.4.11].
- 5.94 NE confirmed in their late representation (18 December 2023) and attached as Appendix A in the Applicant's response (15 March 2024) to the Secretary of State's consultation (8 March 2024) "*...that these minor amendments have since been made, we have no further comments on these aspects. Therefore, these items on the statement of common ground can now be considered 'agreed'.*"

Conclusion of the appropriate assessment

- 5.95 The Secretary of State has carefully considered all the information presented within the application, during the Examination and the representations made by IPs, along with the Recommendation Report and the responses to the Secretary of State's further consultations.
- 5.96 The Proposed Development is not directly connected with, or necessary to, the management of a European site, and is likely to have a significant effect on the River Itchen SAC. The Secretary of State therefore carried out an appropriate assessment

to determine whether there would be any adverse effects on the integrity of the European site.

- 5.97 The Secretary of State concludes that when mitigation measures are taken into account, adverse effects on the integrity of the River Itchen SAC can be excluded.
- 5.98 The Secretary of State has therefore concluded, as competent authority for the purposes of the Habitats Regulations, taking into account the mitigation measures, which will avoid any potential adverse effects on site integrity, it is permissible for him to give consent for the Proposed Development.

6. SUMMARY OF CONCLUSIONS

- 6.1 As the competent authority in relation to the application for development consent, the Secretary of State for Transport has undertaken an appropriate assessment under regulation 63 of the Habitats Regulations for the River Itchen SAC. Likely significant effects were ruled out for Mottisfont Bats SAC.
- 6.2 The Secretary of State is satisfied that given the relative scale and magnitude of the identified effects on the qualifying features of this European site and where relevant, the measures in place to avoid and reduce the potential harmful effects, there would not be any implications for the achievement of the conservation objectives for the River Itchen SAC. Those conservation objectives are set out in Annex 3 of this HRA Report.
- 6.3 Based on the submissions to the Examination as summarised in the ExA's REIS and Recommendation Report together with further consultations undertaken by the Secretary of State after the close of Examination, the Secretary of State is satisfied that the views of NE, as the appropriate nature conservation body have been considered and that they are in agreement with the scope and conclusions of the Applicant's HRA Report.
- 6.4 Having carried out the appropriate assessment, the Secretary of State concludes that the Proposed Development would not adversely affect the integrity of the River Itchin SAC. The Secretary of state has therefore concluded that taking into account the mitigation measures it is permissible for him to give consent for the Proposed Development.

Annex 1 Documents used to inform this HRA Report

NB. This list is not exhaustive. The HRA Report is informed by the application and submissions to the examination, together with submissions after the close of examination.

Application Documents

- Environmental Statement (including supporting figures and appendices)
- Habitats Regulations Assessment

Examination Documents produced by Applicant

- Statement of Common Ground between National Highways and Natural England
- Response to ExA's Written Questions

ExA Procedural Documents

- Report on the Implications for European Sites

Submissions after close of Examination

- Natural England email (18 December 2023) to ExA
- National Highways response (15 March 2024) to Secretary of State's First Consultation Letter (8 March 2024)

Annex 2 Full list of qualifying features screened for LSE

Site name	Qualifying features
River Itchin SAC	Water courses of plain to montane levels with the Ranunculion fluitantis-Callitricho-Batrachion vegetation; Rivers with floating vegetation often dominated by water-crowfoot
	Southern damselfly; <i>Coenagrion mercuriale</i>
	White-clawed (or Atlantic stream) crayfish; <i>Austropotamobius pallipes</i>
	Brook lamprey; <i>Lampetra planeri</i>
	Atlantic salmon; <i>Salmo salar</i>
	Bullhead; <i>Cottus gobio</i>
	Otter; <i>Lutra lutra</i>
Mottisfont Bats SAC	Barbastelle bat; <i>Barbastella barbastellus</i>

Annex 3: Conservation objectives for sites considered in the appropriate assessment

The conservation objectives reproduced below are available from:

<http://publications.naturalengland.org.uk/category/6490068894089216²>

NB. In the case of all European sites identified below, the Conservation Objectives are to be read in conjunction with the accompanying Supplementary Advice documents, which provides more detailed advice and information to enable the application and achievement of the Objectives set out.

River Itchin SAC (Site Code UK0012599)

With regard to the SAC and the natural habitats and/or species for which the site has been classified (the 'Qualifying Features' listed below), and subject to natural change:

Ensure that the integrity of the site is maintained or restored as appropriate, and ensure that the site contributes to achieving the Favourable Conservation Status of its Qualifying Features, by maintaining or restoring:

- The extent and distribution of the qualifying natural habitats and habitats of qualifying species;
- The structure and function (including typical species) of qualifying natural habitats;
- The structure and function of the habitats of the qualifying species;
- The supporting processes on which qualifying natural habitats and the habitats of qualifying species rely;
- The populations of qualifying species; and
- The distribution of qualifying species within the site.

Qualifying Features:

H3260. Water courses of plain to montane levels with the *Ranunculus fluitans* and *Callitriche-Batrachion* vegetation; Rivers with floating vegetation often dominated by water-crowfoot

S1044. *Coenagrion mercuriale*; Southern damselfly

S1092. *Austropotamobius pallipes*; White-clawed (or Atlantic stream) crayfish

S1096. *Lampetra planeri*; Brook lamprey

S1106. *Salmo salar*; Atlantic salmon

² Accessed 13/03/2024

S1163. *Cottus gobio*; Bullhead

S1355. *Lutra lutra*; Otter

Mottisfont Bats SAC (Site Code: UK0030334)

With regard to the SAC and the natural habitats and/or species for which the site has been designated (the 'Qualifying Features' listed below), and subject to natural change:

Ensure that the integrity of the site is maintained or restored as appropriate, and ensure that the site contributes to achieving the Favourable Conservation Status of its Qualifying Features, by maintaining or restoring:

- The extent and distribution of the habitats of qualifying species;
- The structure and function of the habitats of qualifying species;
- The supporting processes on which the habitats of qualifying species rely;
- The populations of qualifying species; and
- The distribution of qualifying species within the site.

Qualifying Features:

S1308. *Barbastella barbastellus*; Barbastelle bat