

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

A1 in Northumberland: Morpeth to Ellingham

24 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 (“the Secretary of State”) has undertaken under regulation 63 of the Conservation of Habitats and Species Regulations 2017 (“the Habitats Regulations”) in respect of the Development Consent Order (“DCO”), for the proposed ‘A1 in Northumberland: Morpeth to Ellingham’ (“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 Highways England, now National Highways¹, (“the Applicant”) submitted an application for development consent (“the Application”) to the Planning Inspectorate (“the Inspectorate”) which was received in full on 2 July 2020. The application was made under section 37 of the Planning Act 2008 (“PA 2008”) [ER 1.1.1]. 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 s14(1)(h) of the PA2008. It is for the “construction” and “alteration” to a highway within the meaning of s22(1)(a) and s22(1)(b) of the PA2008. The Proposed Development is entirely in England and the Applicant is the highways authority for the highway to be altered by the Proposed Development and so requires development consent under s31 of the PA2008. The Proposed Development therefore meets the definition of NSIP set out in s14(1)(h) and s22 of PA2008 [ER 1.1.5].
- 1.5 The Application was accepted for examination by the Inspectorate (under the delegated authority of the Secretary of State) on 4 August 2020 [ER 1.1.1]. The Examination began on 5 January 2021 and concluded on 5 July 2021 [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 5 October 2021.
- 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 27 March 2024 and

¹ Highways Agency adopted the name National Highways on 19 August 2021

16 April 2024, insofar as these have any bearing on the effects of the 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 policy².
- 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 Development is not connected with or necessary to the management of any European sites [ER 5.2.3]. 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 (“AA”) for the purposes of regulation 63 of the Habitats Regulations.

² Paragraphs 185 and 187 of the National Planning Policy Framework, December 2023.

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

- 1.13 The ExA had reserved time for the publication of a REIS, but it noted that after giving careful consideration of all relevant evidence it was not necessary to issue a RIES [ER 1.4.46].
- 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 notes the Statement of Common Ground between the Applicant and NE [REP10-029] and 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.

Changes to the Application during examination

- 1.15 The Applicant submitted a Change Request (AS-018) which required the HRA Report submitted with the Applicant's DCO application to be revised during Examination. An Updated HRA Report was submitted at Deadline 4 (12 March 2021) as part of the Change Request [ER 5.1.7].

Documents referred to in this HRA Report

- 1.16 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.
- 1.17 The Applicant provided a report entitled '6.14 Habitats Regulations Assessment' ("the Applicant's HRA report") with the DCO application (APP-342). The same report was submitted with the Environmental Statement ("ES"). This was revised prior to the Examination and during the Examination with an Addendum Report (REP1-058). 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 Deadline 4 as part of the Change Request entitled '6.14 Updated Habitats Regulations Assessment Report for Change Request [(REP4-056) ER 5.1.7]. Unless otherwise stated, subsequent references to the Applicant's HRA Report in this report refer to the version submitted as part of the Change Request at Deadline 4 (12 March 2021).
- 1.18 The documents relied on in the preparation of this report are listed in Annex 1 of this report.

Structure of this HRA Report

- 1.19 The remainder of this HRA Report is presented as follows:

- Section 2 provides a general description of the Development.
- Section 3 describes the location of the 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 Section 2.5 of Chapter 2, (The Scheme) of the Applicant's ES (APP-037). The Proposed Development aims to enhance resilience, improve journey times and safety along two sections of the existing A1 between Morpeth and Ellingham [ER 2.1.2].
- 2.2 The Applicant notes in APP-037 (paragraph 2.1.1) that the A1 is a route of national importance playing a strategic role linking London to Edinburgh. It forms part of the Strategic Road Network ("SRN"), consisting of motorway, dual carriageways with some sections of single carriageway including between Morpeth and Ellingham. It also plays an important regional role providing a local route for commuters, holiday makers and agricultural traffic as well as accommodating a higher than average proportion of heavy goods vehicles using the route (APP-037 paragraph 2.1.2).
- 2.3 The Proposed Development is not anticipating being demolished due to its design life. The Applicant sets out that design life as follows (APP-037, paragraph 2.10.2):
- 40 years for pavement; and,
 - 120 years standard for bridges, though structural elements would require replacement in shorter periods for example
 - expansion joints every 15 – 25 years
 - bearings every 25 years
 - waterproofing every 30-50 years
- 2.4 The Applicant further notes that it is unlikely that the Proposed Development would be demolished before the end of its design life as the road is likely to have become an integral part of the infrastructure in the area. As such, demolition would not be feasible nor desirable and was not considered further within the Applicant's ES (APP-037, paragraph 2.10.2). The Planning Inspectorate agreed that decommissioning could be scoped out of the assessment (APP-192).
- 2.5 The ES Chapter 2: The Scheme (APP-037) describes that the Proposed Development consists of two main sections; Part A Morpeth to Felton and Part B Alnwick to Ellingham.

Part A

- 2.6 Part A is subdivided into two main categories of works: provision of a new dual carriageway (online and offline) and works to the de-trunked section of the A1 and include;
- approximately 12.6km of dualling the existing single carriageway between Morpeth and Felton, detrunking of a section of the existing A1, overbridges, an underbridge, a new subway, a bridge over the River Coquet, new and extended culverts and new access tracks together with new and/or improved ancillary features.

- Statutory utilities would need to be diverted, in particular sections of the National Grid high-pressure gas main, a Northern Gas Networks pipeline and a Northern Powergrid overhead electricity line near Causey Park.
- The dualling of the existing single carriageway would begin at Northgate Hospital. From the Hospital to Priest's Bridge the existing single carriageway section (approximately 2.9km) would be used as the southbound carriageway and a new northbound carriageway constructed to the west of the existing single carriageway. At Priest's Bridge the works include approximately 6.1 km of offline widening with the construction of the new northbound carriageway (offline section). The new offline section would be moved to the west of the existing A1 at Earsdon Moor, passing east of Fenrother New House Farms and Causey Park, returning to the existing A1 to the east of Burgham Park and west of Felmoor Park.
- A new grade-separated junction with a bridge over the A1 will be constructed where the new road crosses the side road between the existing A1 and Fenrother. Connectivity between Causey Park across the new dual carriageway would be maintained by a new overbridge on the line of the existing side road to Causey Park. An underbridge would be constructed at Burgham Park to enable the road from Longhorsley to the existing A1 to pass under the new dualled A1.
- The offline section from Burgham Park to the northern extent of Part A would tie in with the existing A1. The widening would be online for approximately 3.6km and the existing A1 would form the new northbound carriageway and include the existing bridge over the River Coquet. On the eastern side the new southbound carriageway will have a new bridge over the River Coquet.
- The 3.8km long Bywell Road rural single carriageway connects the A697 to the existing A1 in an east-west direction, both junctions are at grade. The Bywell Road will be realigned north from its existing junction with the A1, which will be removed, to connect to West Moor Road, with an at-grade junction to the west of the proposed West Moor Junction. From there, access to the A1 will be via the new junction.
- Between Priest's Bridge and Felmoor Park, the existing A1 will be bypassed by the offline section of Part A. This section of the A1 will be de-trunked and cease to be a trunk road as pass into ownership of Northumberland County Council (NCC) who would have responsibility for its future maintenance as a local access road.

Part B

2.7 Part B consists of:

- approximately 8km of dualling the existing A1 single carriageways (online widening) a new junction at Charlton Mires, Heckley Fence Accommodation Bridge, new and extended culverts, temporary and permanent Public Rights of Way (PRoW).

- Utilities would need to be diverted, in particular the Northern Powergrid circuit from Denwick to Middlemoor Windfarm Teed and sections of the Northern Gas Networks pipeline.
- The entire length of Part B from Alnwick to Ellingham will include online widening to the east of the existing A1. There will be 23 direct accesses on to the A1, including 22 field accesses and one residential property access at Charlton Mires Farm would be stopped up and alternative safer accesses provided.
- A new grade-separated junction, with a bridge over the A1 will be constructed at Charlton Mires. To the west of Charlton Mires junction, the B6347 will be realigned to accommodate a roundabout and access to the junction. An accommodation overbridge will provide connectivity to the south of Part B, located east of Heckley Fence.

2.8 Chapter 2 of the ES (APP-037) assumed that construction would commence in December 2021 starting with mobilisation and site set up activities and would last for approximately 30 months with mainline works planned to be completed by May 2024. This was revised during the Examination to 2025. The Applicant subsequently advised in March 2024 that an opening year of 2025 is no longer feasible for the scheme and a later opening year of 2029 is expected.

2.9 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 DEVELOPMENT AND RELATIONSHIP WITH EUROPEAN SITES

Location and existing land use

- 3.1 The Proposed Development is located entirely within the administrative boundary of Northumberland County Council.
- 3.2 Section 2.3 of the Applicant's ES Chapter 2: The Scheme (APP-037) describes the surrounding areas around Parts A and B. Overall the area surrounding the Proposed Development is generally an open and rural landscape of medium to large scale intensive farmland. There are arable and pasture fields enclosed with hedgerows, some tree-lined and some with stone walls.

Part A

- 3.3 The area around Part A is moderately elevated, generally between 80m and 150m Above Ordnance Datum ("AOD") and gently roll with the topography generally falling towards the coast to the east. Adjacent to Part A are numerous small areas of woodland, including coniferous plantations and broadleaf woodland. The southern extent is located within Green Belt (APP-097).
- 3.4 The main urban areas near to Part A are Morpeth and Felton, with smaller hamlets and villages interspersed along its length, such as Hebron, Fenrother and Espley. There are isolated residential and commercial properties nearby along with farm holdings and community facilities. A PRow network surrounds Part A and at some locations crosses it. The St Oswald's Way is part of this network following the route of the River Coquet under the A1.
- 3.5 The nearest Air Quality Management Area ("AQMA") to Part A is Newcastle City Council AQMA No.5 (Gosforth) approximately 6.5km south. Two Noise Important Areas ("NIA") lie adjacent to Part A: at Northgate Farm adjacent to the southbound side of the A1 just north of Morpeth and at Field View also adjacent to the southbound side of the A1. Part A lies within areas designated as Area of High Landscape Value ("AHLV"), mainly in the northern extent around the River Coquet.
- 3.6 Within the Order Limits there are 6 designated heritage assets (Grade II Listed mileposts), 9 non-designated assets and 15 areas identified as being of potential to be directly impacted as a result of Part A. There are 18 historic landscape types recorded within the Order Limits of Part A.
- 3.7 Within 1km boundary of Part A there are 61 Listed Buildings, 1 Scheduled Monument (Old Felton Bridge) and 2 Conservation Areas (Felton and West Thirston. Six of the historic buildings lie on or adjacent to the carriageway and comprise of Grade II mileposts.
- 3.8 There are internationally designated sites within 10km of Part A, namely;
- Northumbria Coast SPA
 - Northumbria Coast Ramsar site

- Northumberland Marine SPA
- North Northumberland Dunes SAC.

- 3.9 Nationally designated sites, the River Coquet and Coquet Vally Woodlands Site of Special Scientific Interest (“SSSI”), the Coquet River Felton Park Local Wildlife Site and the Dukes Bank Ancient Woodland are also within the Order Limits of Part A. The Order Limits and surrounding area have many priority or notable habitats and records of, potential for, numerous protected or notable species including great crested newts, bats, barn owls and breeding birds.
- 3.10 Part A crosses or lies near to several watercourses such as The River Coquet and Longdike Burn (north of Causey Park Bridge) designated as Main Rivers. The majority of Part A is within Flood Zone 1, where a risk of fluvial flooding is low, at less than 1 in 1000 (0.1%) in any year. Some sections are in Flood Zone 1 with a high risk of fluvial flooding greater than 1 in 100 in any year (1%). Some sections are in Flood Zone 2, a medium risk of between 0.1% and 1%.
- 3.11 Secondary A Aquifer in the bedrock and Secondary (undifferentiated) Aquifer in the superficial deposits underlay the majority of Part A. The sands and gravel are classified as a Secondary Aquifer along the River Coquet and Longdike Burn. To the north of Morpeth, the southern section of Part A is located within a Source Protection Zone.

Part B

- 3.12 The area around Part B has many small areas of woodlands adjacent to the existing A1. The landform gradually rises to approximately 100m AOD, to the east near Rennington Moor. The land is hillier to the west with more undulations and a high point of about 140m AOD near White House Folly. A number of natural resources and areas classified or protected under legislation and policy are located within the corridor and surrounding area.
- 3.13 Alnwick is the largest town within 5km and south-west of Part B’s most southern extent. Interspersed along its length are smaller villages and hamlets such as Denwick, South Charlton, North Charlton and Brownieside. Isolated residential dwellings, commercial properties and several farms lie adjacent to Part B. A network of PRoW cross and lie within 500m of Part B. There are no National Cycle Routes or National Trails within 500m of Part B.
- 3.14 AQMA No.5 (Gosforth) (see 3.5 above) is the nearest AQMA situated approximately 46km south of Part B. The nearest NIA is approximately 3.8km north of Part B.
- 3.15 Alnwick Castle Registered Park and garden is approximately 900m to the south-west of Part B. Three kilometres to the east lies the Northumberland Coast Area of Outstanding Natural Beauty (AONB). There are two former AHLV’s, Kyloe Hills and Glendale (320m north) and an unnamed area (250m west), which were designated under Alnwick District Local Plan which has since been superseded. Key visual receptors include individual rural properties and recreational viewpoints from PRoW.

- 3.16 There are no designated built heritage assets within the Order Limits of Part B, but there are seven Schedule Monuments that abut it (North Charlton Medieval Village and open field system, Camp at West Linkhall). Two are in close proximity namely Ellsnook Round Barrow at about 5m (175m northeast of Heiferlaw Bridge) and a Prehistoric Burial Mound at about 20m (420m north west of East Linkhall).
- 3.17 Thirty-eight Listed Buildings were identified, with two also designated as Scheduled Monuments; the Grade I Alnwick Castle Registered Park and Garden, and Rock Conservation Area which are within 1km of the Order Limits.
- 3.18 An assessment using the Heritage Environment Record identified 48 non-designated heritage assets within 500m of the Order Limits. Within the Order Limits of Part B are two non-designated built heritage assets (Mileposts north of Shipperton Bridge and Charlton Mires) and three non-designated belowground heritage assets (Stone Cists and Tumulus, two flint flakes of Neolithic and Bronze Age date, and earthworks at Heckley House). Nine historic landscape types have been recorded with the Order Limits of Part B and there is potential for unknown buried archaeological remains.
- 3.19 There are no statutory ecological sites within the Order Limits of Part B. There are seven internationally designated sites within 10km of Part B, however. These are Northumbria Coast SPA and Ramsar, Northumberland Marine SPA, North Northumberland Dunes SAC, Berwickshire and North Northumberland Coast SAC, Newham Fen SAC and River Tweed SAC. The nationally designated Longhoughton SSSI is 1.9km south east of Part B. Hulne Park LWS is 1.5km to the west. There are no AW's within 1km of Part B but Swineclose Woodland, an ancient semi-natural woodland, is 1.6km to the north east. The surrounding area and the Order Limits of Part b contain habitats of principle importance. There are records of, or potential for, numerous protected or notable species including bats, barn owls and breeding birds.
- 3.20 The majority of the Order Limits of Part B is located in Flood Zone 1, where fluvial flooding is low risk at less than 1 in 1000 (0.1%) in any year. At the southern section of the Order Limits, to the north west of Denwick and to the east of Shipperton Bridge, small areas are in Flood Zones 2 and 3 where the risk of fluvial flooding is greater than 1 in 100 (1%) in any year. It should be noted that the Part B alignment is not within Flood Zones 2 and 3. Sections of the Order Limits of Part B are at high, medium and low risk of flooding from surface water sources.
- 3.21 Five watercourses and their tributaries are crossed by the Part B alignment. There are no main rivers within 500m of Part B.
- 3.22 Part B is underlain by Secondary A Aquifer in the bedrock. The majority of Part B is underlain by Secondary (undifferentiated) Aquifer in the superficial deposits. Small sections of superficial deposits classified as Secondary A Aquifers are located in the northern and southern sections of Part B. Part B is not located in a SPZ.

European sites potentially affected by the Development

- 3.23 The Proposed Development is not directly connected with or necessary to the management of a European site [ER 5.2.3].
- 3.24 The Applicant considered the potential for likely significant effects (“LSE”) on the following 8 European sites [ER 5.2.1].
- Northumbria Coast SPA;
 - Northumbria Coast Ramsar site;
 - Northumberland Marine SPA;
 - North Northumberland Dunes SAC;
 - Coquet Island SPA;
 - Berwickshire and North Northumberland Coast SAC;
 - Newham Fen SAC; and,
 - River Tweed SAC
- 3.25 Plans showing the European sites identified in the Applicant’s assessment are provided in Appendix A (Part A) and Appendix D (Part B) of the Applicant’s HRA Report (REP4-056) and are reproduced as Figures 1a, 1b and 1c below. The Applicant’s Screening Matrices for Part A (Tables 2-1 to 2-5) and Part B (Tables 3-1 to 3-7) presents the proximity of the sites to the Proposed Development and are summarised below in Table 1.

Table 1 European sites screened into the Applicant’s assessment

Name of European Site	Distance from the Proposed Development	
	Part A	Part B
Northumbria Coast SPA	9.8km east 20km downstream via River Lynne 22.5km downstream via River Coquet	4.7km east 9km downstream via Mill Burn and Brunton Burn
Northumbria Coast Ramsar site	9.8km east 20km downstream via River Lynne 22.5km downstream via River Coquet	4.7km east 9km downstream via Mill Burn and Brunton Burn
Northumberland Marine SPA	8.6km east 19km downstream via River Lynne 18km downstream via River Coquet	3.7km east 9.2km downstream via Mill Burn and Brunton Burn
North Northumberland Dunes SAC	9.5km east 21.5km downstream via River Coquet	3.8km east 8.4km downstream via Mill Burn and Brunton Burn
Coquet Island SPA	12.1km east	Not applicable

	24.5km downstream via River Coquet	
Berwickshire and North Northumberland Coast SAC	Not applicable	4.7km east 9km downstream via Mill Burn and Brunton Burn
Newham Fen SAC	Not applicable	6.1km north
River Tweed	Not applicable	8.9km west

- 3.26 The Applicant's approach to identifying relevant European sites is explained in Section 1.3 of its HRA Report (REP4-056). A search area of 2km radius around the DCO boundary was used to identify European sites. It is noted that there were no sites for which bats species are a qualifying feature. The Applicant notes that the 2km distance was extended if the Proposed Development was upstream or downstream of a watercourse designated as a European site, or if it has the potential to impact the flightpaths or feeding grounds of bird species outside a SPA or pSPA for which those species have been designated (paragraph 1.3.1 of REP4-056). Although located 2km offshore from the mouth of the River Coquet, the Secretary of State notes that the Applicant included Coquet Island SPA within its assessment due to its potential hydrological connection (paragraph 1.3.5 of REP4-056).
- 3.27 The 2km distance was increased to 10km to include consideration of coastal European sites that are hydrologically connected to the Proposed Development via watercourses crossed by Part A (the River Coquet and River Lynne and their tributaries) and Part B (Mill Burn and Brunton Burn) or are designated for supporting avian species (paragraph 1.3.2 of REP4-056). The Applicant notes that the assessment also considered the Affected Road Network ("ARN") in relation to changes in air quality. If the ARN extended beyond 10km the European sites which were within 200m of the ARN were also scoped into the assessment (paragraph 1.3.3 of REP4-056).
- 3.28 The ExA notes that the Applicant did not identify any LSE on non-UK European sites in either their HRA Report or within their Environmental Statement ("ES"). Only UK European sites are addressed in this report. The ExA was satisfied that no IPs challenged this during the Examination [ER 5.2.3].
- 3.29 The Secretary of State is therefore satisfied that no other European sites need to be addressed in this HRA Report.

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

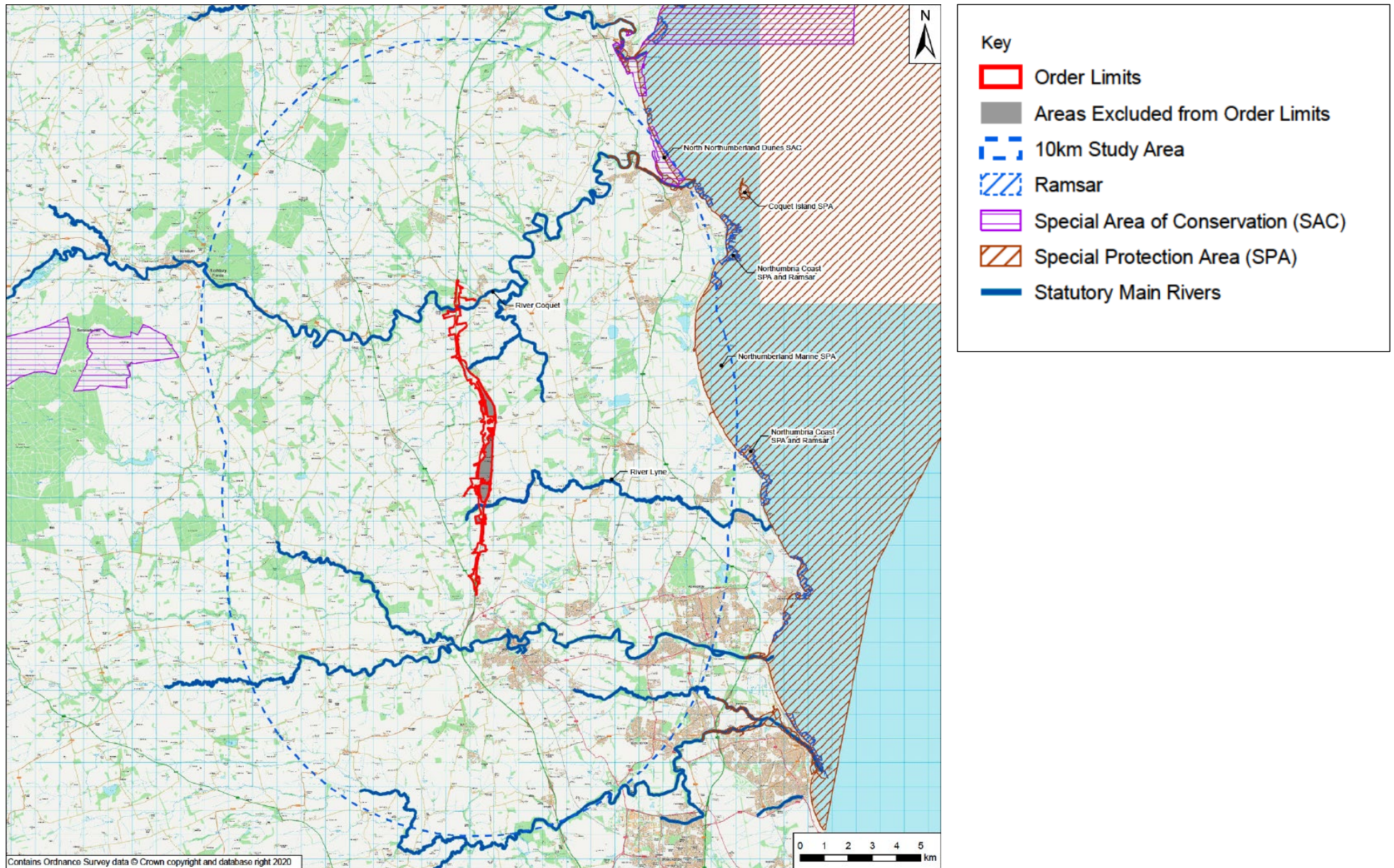


Figure 1b Location of Part B (northern section) of the Development in relation to the European sites potentially affected.

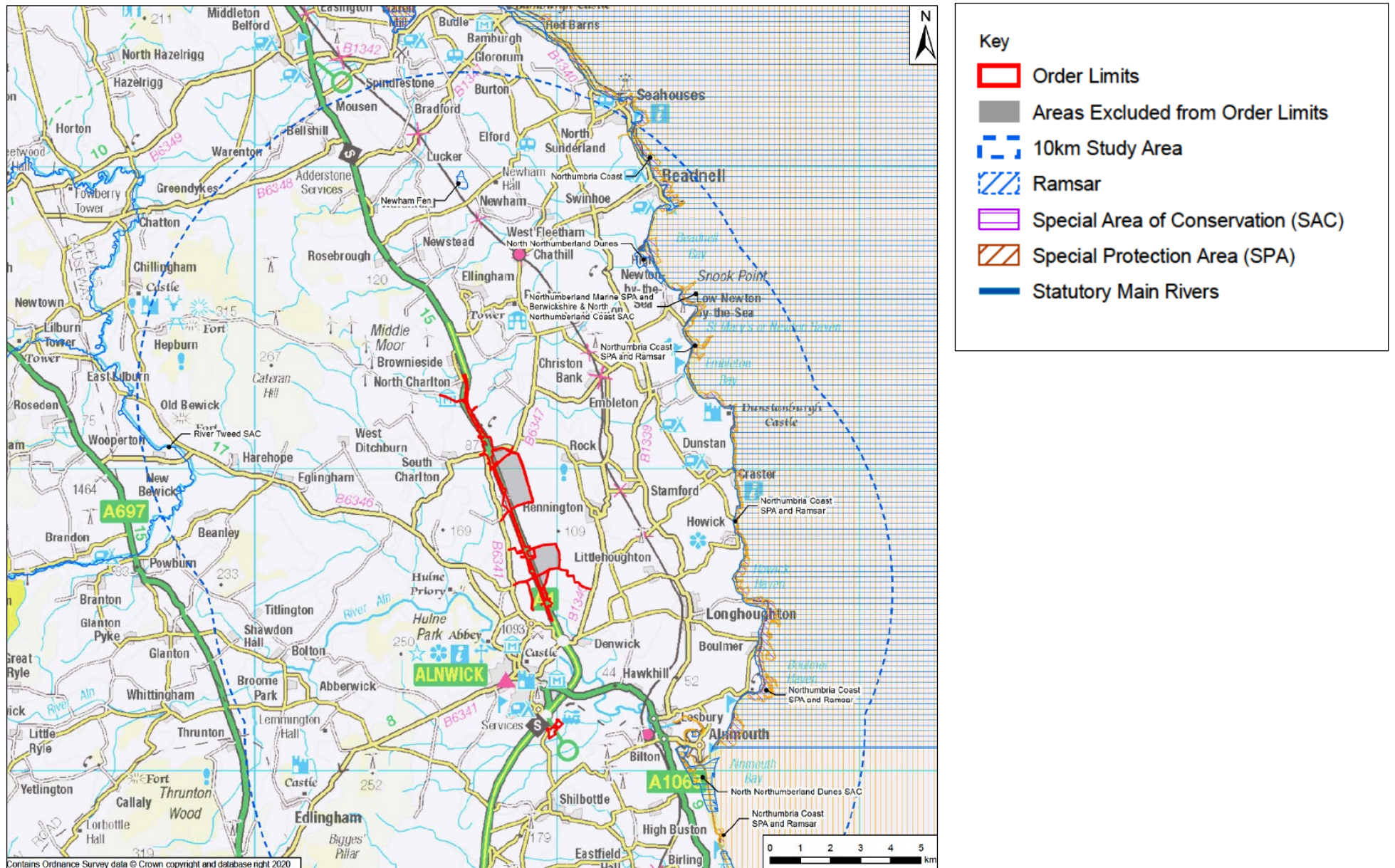
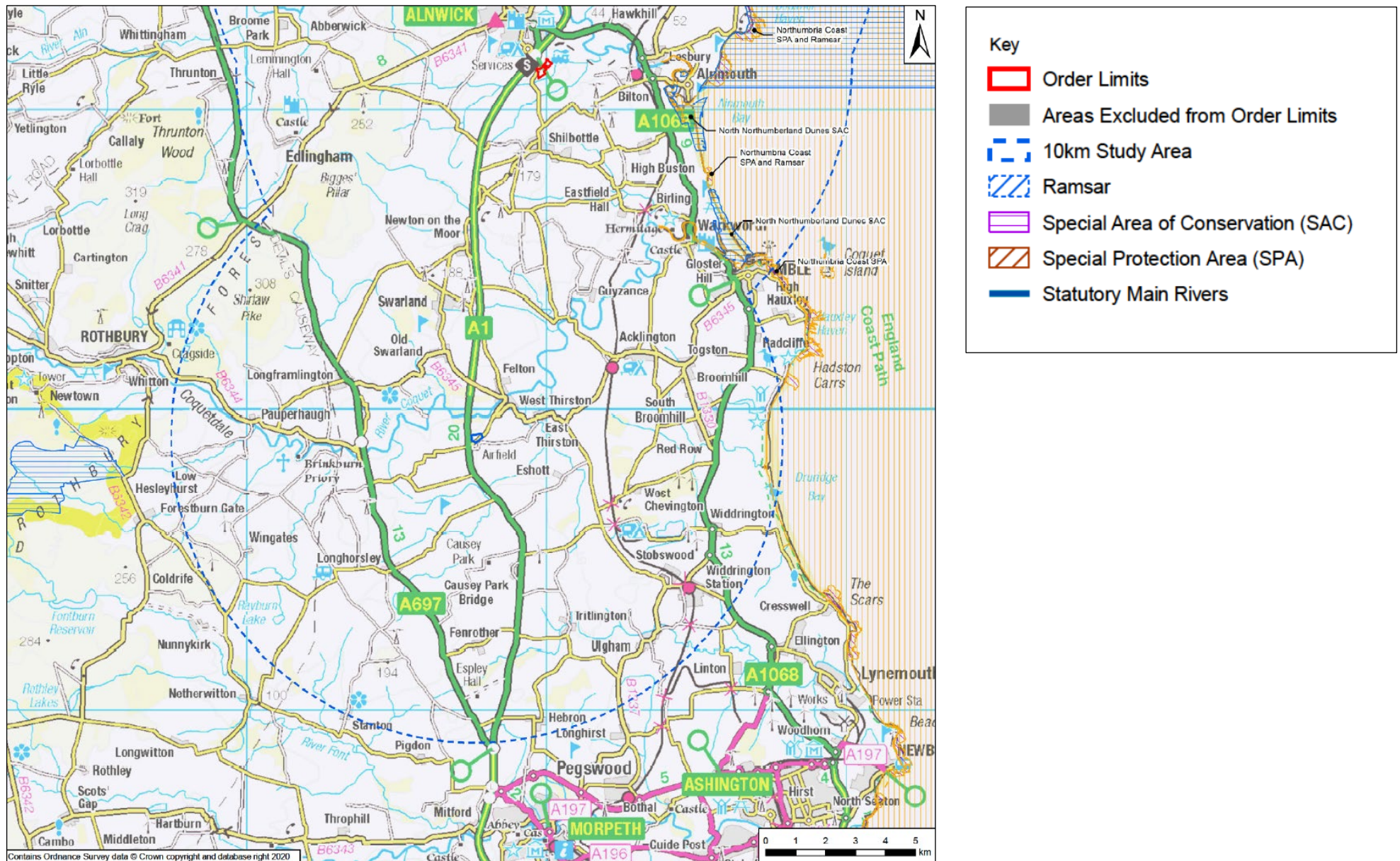


Figure 1c Location of Part B (southern section) of the Development in relation to the European sites potentially affected.



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

Potential effects from the Development

- 4.1 Section 1.3 of the Applicant's HRA Report outlines its approach to screening for LSE. Appendix C of the Applicant's HRA Report records its consultation with NE and the Secretary of State notes that an email (2 May 2019) from the Applicant confirms 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 HRA.
- 4.2 Paragraph 1.3.3 of the Applicant's HRA Report (REP4-056) identified the European sites which met the DMRB screening criteria and require assessment of likely significant effects. 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 European sites [ER 5.3.1]:
- habitat loss (reduction in habitat, invasive plant species);
 - displacement (from noise, lighting or odour, visual disturbance);
 - emissions (vehicles, waterborne pollution); and,
 - in combination effects.
- 4.3 As previously noted at paragraph 2.4 in this HRA Report, the effects of decommissioning were not considered in the Applicant's HRA Report, and the Secretary of State accepts this.
- 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 5.2.3]. 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. The assessment of likely significant effects is addressed below.
- 4.5 Screening matrices for each of the European sites and their qualifying features were provided by the Applicant addressing the potential impacts from Parts A and B of the Proposed Development. On request from the ExA the Applicant provided a single revised screening matrix for Northumbria Coast SPA, Northumbria Coast Ramsar and Northumberland Marine SPA in its Addendum (AS-003). A single revised screening matrix for North Northumberland Dunes SAC (REP1-043) was also supplied on request at Deadline 1 (12 January 2021)[ER 5.2.4].
- 4.6 The Applicant was requested to provide a definitive list of qualifying features for the River Tweed SAC as there was inconsistency of the qualifying features in the screening matrix and those in the main text for this SAC. An amended HRA Report was provided by the Applicant to reflect this (REP1-012)[ER 5.2.5].

- 4.7 As set out above the Applicant's HRA submitted at Deadline 4 takes account of the change request. The changes to the Proposed Development are associated with Part A during construction for stabilisation works to the north bank of the River Coquet and a proposed alternative access via a temporary bridge to the south bank. The ExA notes that these works did not alter the HRA and were not discussed further [ER 5.2.7]
- 4.8 The Secretary of State notes that the ExA was satisfied that the Applicant had correctly identified all the relevant European sites and relevant qualifying features for consideration within the HRA (ER 5.2.6).
- 4.9 During Examination the Applicant acknowledged that there were errors in the forecast traffic values provided in the Case for the Scheme and Construction Traffic Assessment. These errors arose when Parts A and B were combined into one scheme and the Applicant provided an updated HRA Report (REP1-013). Despite higher forecast traffic values, the Applicant confirmed the conclusions of the assessment were correct and that the screening for air quality impacts was based on the right values in its responses to the ExA's First Written Questions and Further Questions [ER 5.3.4].
- 4.10 The northbound diversion for Part A includes the A1068, which crosses and runs alongside the River Coquet and the boundary of the Northumberland Marine SPA. The ExA questioned what impact that might have on that SPA. The Applicant explained in its revised HRA (REP1-012) that as the A1068 is an existing road the birds using the low tide would be habituated to road traffic noise and movements and are not likely to be impacted by diverted traffic movements. It is noted that the Outline Construction Traffic Management Plan ("CTMP")(REP1-025) was however revised in consultation with NE to include proposals to minimise the number of days of diversions needed in any given time period (week/month/season/year) [ER 5.3.5].
- 4.11 The ExA also queried the Outline CTMP regarding the construction traffic delivery routes. The outline CTMP was subsequently revised to state that drivers / suppliers should avoid the use of roads located within 200m of European sites designated for nature conservation [ER 5.3.6].
- 4.12 The age of the breeding bird survey data undertaken in 2016 for Part A was queried at Examination. A verification bird survey was submitted at Deadline 1 (REP1-014) (12 January 2021) which did not identify any significant changes to the original surveys and the Applicant considered those to be valid [ER 5.3.7].
- 4.13 The Secretary of State has summarised at Table 2 the impact pathways where LSE was assessed by the Applicant.

Table 2 Summary of LSE assessment alone and in combination by the Applicant

European Site	Impact Pathway	Reason for no LSE (construction / operation)	
		Part A	Part B
Northumbria Coast SPA	Habitat loss	No LSE No land take (c/o)	No LSE No land take (c/o)
	Displacement	No LSE Site 9.8km from Part A (c/o)	No LSE Site 4.7km from Part B (c/o)
	Emissions vehicles	No LSE No significant changes in traffic emissions within 200m (c/o)	No LSE No significant changes in traffic emissions within 200m (c/o)
	Emissions waterborne	LSE Hydrological connection with River Coquet (c)	No LSE Site further than 1km from Part B (c/o)
Northumbria Coast Ramsar	Habitat loss	No LSE No land take (c/o)	No LSE No land take (c/o)
	Displacement	No LSE Site 9.8km from Part A (c/o)	No LSE Site 4.7km from Part B (c/o)
	Emissions vehicles	No LSE No significant changes in traffic emissions within 200m (c/o)	No LSE No significant changes in traffic emissions within 200m (c/o)
	Emissions waterborne	LSE Hydrological connection with River Coquet (c)	No LSE Site further than 1km from Part B (c/o)
Northumberland Marine SPA	Habitat loss	No LSE No land take (c/o)	No LSE No land take (c/o)
	Displacement	No LSE Site 8.6km from Part A (c/o)	No LSE Site 3.7km from Part B (c/o)
	Emissions vehicles	No LSE No significant changes in traffic emissions within 200m (c/o)	No LSE No significant changes in traffic emissions within 200m (c/o)
	Emissions waterborne	LSE Hydrological connection with River Coquet (c)	No LSE Site further than 1km from Part B (c/o)
North Northumberland Dunes SAC	Habitat loss	No LSE No land take (c/o)	No LSE No land take (c/o)
	Displacement	No LSE	No LSE

European Site	Impact Pathway	Reason for no LSE (construction / operation)	
		Part A	Part B
		Site 9.5km from Part A (c/o)	Site 3.8km from Part B (c/o)
	Emissions vehicles	No LSE No significant changes in traffic emissions within 200m (c/o)	No LSE No significant changes in traffic emissions within 200m (c/o)
	Emissions waterborne	LSE Hydrological connection with River Coquet (c)	No LSE Site further than 1km from Part B (c/o)
Coquet Island SPA	Habitat loss	No LSE No land take (c/o)	Not applicable
	Displacement	No LSE Site 12.1km from Part A (c/o)	Not applicable
	Emissions vehicles	No LSE No significant changes in traffic emissions within 200m (c/o)	Not applicable
	Emissions waterborne	LSE Hydrological connection with River Coquet (c)	Not applicable
Berwickshire and North Northumberland Coast SAC	Habitat loss	Not applicable	No LSE No land take (c/o)
	Displacement	Not applicable	No LSE Site 4.7km from Part B (c/o)
	Emissions vehicles	Not applicable	No LSE No significant changes in traffic emissions within 200m (c/o)
	Emissions waterborne	Not applicable	No LSE Site further than 1km from Part B (c/o)
Newham Fen SAC	Habitat loss	Not applicable	No LSE No land take (c/o)
	Displacement	Not applicable	No LSE Site 6.1km from Part B (c/o)
	Emissions vehicles	Not applicable	No LSE No significant changes in traffic emissions within 200m (c/o)

European Site	Impact Pathway	Reason for no LSE (construction / operation)	
		Part A	Part B
	Emissions waterborne		No LSE Site further than 1km from Part B (c/o)
River Tweed SAC	Habitat loss	Not applicable	No LSE No land take (c/o)
	Displacement	Not applicable	No LSE Site 8.9km from Part B (c/o)
	Emissions vehicles	Not applicable	No LSE No significant changes in traffic emissions within 200m (c/o)
	Emissions waterborne	Not applicable	No LSE Site further than 1km from Part B (c/o)

- 4.14 The Applicant ruled out LSE alone from all impact pathways from Part A and Part B of the Proposed Development. The exception being waterborne emissions from Part A and the five European sites that have a hydrological connection to the River Coquet. These sites are Northumbria Coast SPA, Northumbria Coast Ramsar, Northumberland Marine SPA, North Northumberland Dunes SAC and Coquet Island SPA.
- 4.15 The Secretary of State is satisfied that the Applicant has concluded no LSE from Part B of the Proposed Development, and a Stage 2 Appropriate Assessment is not required for Berwickshire and North Northumberland Coast SAC, Newham Fen SAC and River Tweed SAC.
- 4.16 The Secretary of State is satisfied that the Applicant's HRA Report has correctly identified LSE on the five European sites due to their hydrological connection to the River Coquet. This aspect of the Proposed Development is progressed to Stage 2 Appropriate Assessment.

Potential in-combination effects

- 4.17 The ExA wanted to understand the Applicant's method for identifying other plans and schemes for its in combination assessment with the Proposed Development on the black-headed gull population of Northumberland Marine SPA and Coquet Island SPA. The Applicant provided an update in response to the ExA's First Written Questions and further qualified the conclusion of no LSE in combination on the black-headed gull populations [ER 5.3.8].
- 4.18 The ExA noted a discrepancy in the screening of the black-headed gull population in the study area for Part A. The Applicant's HRA Report was updated to clarify that there were no LSE on Coquet Island SPA owing to low numbers of black-headed

gulls rather than their absence. The Applicant also confirmed that there were no known projects or schemes that would incur LSE impacts in combination with the Proposed Development to the black-headed gull population of Coquet Island SPA or with loss of functional habitat [ER 5.3.9].

- 4.19 The Applicant's HRA Report concluded no LSE in combination from Part A and Part B of the Proposed Development with other plans and projects for any of the European sites. The exception being waterborne emissions from Part A and the five European sites that have a hydrological connection to the River Coquet. These sites are Northumbria Coast SPA, Northumbria Coast Ramsar, Northumberland Marine SPA, North Northumberland Dunes SAC and Coquet Island SPA.
- 4.20 The Secretary of State is satisfied that the Applicant has concluded no LSE in combination from Part B of the Proposed Development, and a Stage 2 Appropriate Assessment is not required for Berwickshire and North Northumberland Coast SAC, Newham Fen SAC and River Tweed SAC.
- 4.21 The Secretary of State is satisfied that the Applicant's HRA Report has correctly identified LSE in combination on the five European sites due to their hydrological connection to the River Coquet. This aspect of the Proposed Development is progressed to Stage 2 Appropriate Assessment

LSE Screening Conclusions

- 4.22 At the completion of the screening process the Applicant concluded that, for all but one pathway, the impact pathways Proposed Development (Part A and part B), listed in Table 2 (above), were not likely to have significant effects either alone or in combination with other plans and projects on the European sites identified above. The only potential impacts arose from pollution events during construction associated with the proposed changes to the Proposed Development via the hydrological connection of the River Coquet between the European Sites and Part A [ER 5.3.2].
- 4.23 NE confirmed their satisfaction with the scope and method used by the Applicant to gather baseline data for traffic modelling and air quality for the HRA Report, its approach to the in combination assessment and confirmed their agreement with the conclusions of the HRA overall for Part A of the Proposed Development (REP4-056, Appendix C, email dated 9 May 2019)[ER 5.3.10].
- 4.24 In relation to water emissions into the River Coquet NE confirmed that it was content that given the distance to the to the European sites from the proposed works area that natural dilution and settlement rates would be sufficient on their own, without mitigation to conclude no LSE [ER 5.3.10]. NE also noted that the water quality standards for the River Coquet SSSI would need to be complied with and that some of those parameters may be stricter than the corresponding Water Framework Directive targets (REP4-056, Appendix C, email dated 9 May 2019).
- 4.25 The Applicant could not rule out LSE from the proposed changes to the Proposed Development at Part A along the River Coquet (i.e. revised design of the bridge crossing the River) which have the potential to cause hydrological impacts on the

European sites (Tables 2-1 to 2-5, REP4-056). This impact pathway was progressed to Stage 2 Appropriate Assessment due to the hydrological connection between River Coquet and the European sites [ER 5.3.10].

- 4.26 In relation to Part B of the Proposed Development, NE confirmed that it agreed with the Applicant's conclusions. NE did not consider it necessary to undertake an Appropriate Assessment as there was no likelihood of significant effects on any European sites as a result of the Proposed Development (see REP4-056, Appendix F email dated 27 November 2019).
- 4.27 The Secretary of State has considered the Applicant's conclusions, the ExA's Report 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.
- 4.28 The Secretary of State has considered the information provided in the ExA's Report, the Applicant's HRA Report and concludes that LSE cannot be ruled out from the Proposed Development at Northumbria Coast SPA, Northumbria Coast Ramsar, Northumberland Marine SPA, North Northumberland Dunes SAC and Coquet Island SPA due to the hydrological connection between the revised bridge design for Part A crossing the River Coquet and is progressed to Stage 2 Appropriate Assessment.
- 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.

5. STAGE 2: APPROPRIATE ASSESSMENT (AA)

5.1 As LSE cannot be excluded, the Secretary of State as the competent authority is required to undertake an Appropriate Assessment (“AA”) 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. 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 (REP10-029). 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 AA 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 AA 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 2 of this HRA Report for the following European sites:

- Northumbria Coast SPA;
- Northumbria Coast Ramsar;
- Northumberland Marine SPA;

- North Northumberland Dunes SAC; and,
- Coquet Island SPA.

- 5.6 As the Northumbria Coast Ramsar site and the Northumbria Coast SPA share the same geographical area the Applicant applied the conservation objectives of the latter site to the former site. NE confirmed their agreement with that approach [ER 5.4.2].
- 5.7 The Secretary of State has undertaken an objective scientific assessment of the implications of the Proposed Development on the qualifying features of the European sites identified above, using the best available scientific knowledge. The assessment has been made in light of the conservation objectives for them. A summary of the Secretary of State's AA is presented below.
- 5.8 The Applicant's Updated HRA Report (section 4 of REP4-056) contains Information to Inform an Appropriate Assessment.
- 5.9 The screening assessment identified one element of the Proposed Development that may give rise to LSE, either alone or in combination for each of the European sites listed above: that element being the potential impacts arising from pollution events during construction associated with the proposed changes to the Proposed Development through hydrological connection of the River Coquet between the European sites and Part A. Some pollutants, such as fuel or oil, have the potential to be carried long distances by the River Coquet and possibly reach the European sites. The changes involve additional works within the River Coquet associated with bank stabilisation works to the north bank and a proposed alternative access to the south bank during construction via a temporary bridge crossing. The details of these works were provided in the Change Request at Deadline 4 (REP4-063 and REP4-064).
- 5.10 To avoid repetition the Secretary of State has assessed the hydrological impact pathway once because each of the European sites are connected hydrologically through the River Coquet and any potential impact to each of the sites is through this river.
- 5.11 The Applicant's Updated HRA Report (REP4-056) acknowledges that mitigation measures are required to avoid AEoI on the European sites. The mitigation measures are detailed in the Outline CEMP (REP11-006) and summarised in the Updated HRA Report. The Secretary of State notes the range of measures in the outline CEMP include:
- Appointment of a suitably qualified and experienced (or team of suitably qualified and experienced) Ecological Clerk of Works to provide ecological advice during the entire construction programme and oversee and monitor ecological conditions and implement mitigation measures during construction (measure S-B5)
 - Obtaining all permits and assents prior to the commencement of works, including (but not limited to), Environment Agency Permit for works in and around watercourses (measure S-B4).

- Monitoring of water quality throughout construction works where working with concrete in or close proximity (within 10m) to waterbodies or watercourses is required. Dry working areas would be created when using concrete, allowing concrete to dry before it is exposed to water. Quick drying cement would be used where appropriate. Where use of pre-cast concrete is not feasible, wet concrete would be allowed to dry before it is exposed to water. The use of quick drying cement would be used where practicable. Monitoring of watercourses would be undertaken by suitably trained personnel, with the use of multiparameter probe that can accurately detect changes in pH. Should a rise in pH be detected then work would stop until the cause has been identified and resolved. Concrete mixing and washing areas shall be contained and located more than 10m from any watercourse (e.g. measures S-B14, S-W11 and S-W12).
- Chemicals and fuels must be stored in secure containers located away from watercourses and waterbodies (at least 10m away if possible). All fuel, oil and chemicals would be stored in a designated secure area, with secondary containment provided (e.g. measures S-B14, S-W12 and S-G9).
- Standing machinery would have drip trays placed underneath to prevent oil or fuel leaks causing pollution. Should leaks or spills occur during construction, a detailed incident response plan would be formulated. There would be a requirement for regular toolbox talks outlining the incident response plan and measures required to minimise the potential for pollution of surface watercourses (e.g. measure S-GS8).
- CEMP to set out how construction activities would be undertaken in accordance with appropriate good practice guidance, such as CIRIA's control of water pollution from construction sites (C532). Although withdrawn, the Pollution Prevention Guidelines (PPG) published by the Environment Agency still provide good practice guidance, particularly 'PPG1 – General guide to the prevention of water pollution'; 'PPG5 – Works in, near or liable to affect watercourses'; and 'PPG6 – Working at construction and demolition sites' (e.g. measure S-W8).
- Management of surface water runoff to intercept and, where necessary, treat runoff. Surface water runoff and excavation dewatering would be captured and settled out prior to being tested and disposed of either to foul sewer under licence or to surface water courses, subject to the test results and environmental permit (measures S-W11 and S-G9).
- Avoidance of works during high flow events and intense rainfall to reduce risk of fine sediment release into watercourse. Any plant or machinery would be moved away from the banks of the river following heavy rainfall events (measures S-W12 and S-W13).
- Provision of sediment barriers and/or traps to prevent sediment from washing into the river and treat sediment that does reach the watercourse. Silt management would be implemented not only adjacent to the watercourse, but also up valley sides and at the valley top to minimise fine sediment input into watercourse. An exclusion zone around construction works of 8m from the watercourse and top of valley sides would be maintained as far as practicable (measure A-W15).

5.12 Additional measures have been included in the Register of Environmental Actions and Commitments (REAC) for the stabilisation works (REP4-063) and the southern access works (REP4-064). The REACs add to or elaborate the measures already in the Outline CEMP and will be secured by an update to the Outline CEMP, if accepted (paragraph 4.2.2 of REP4-056). The Secretary of State notes the range of measures in the REAC include:

- All plant and vehicles using the temporary bridge (Southern Access Works) are to be well maintained and serviced. Use of biodegradable oils for all plant and equipment working in the vicinity of the River Coquet.
- An assessment of biological water quality and chemistry would be undertaken prior to and during construction to monitor river during works. The main contractor would monitor and take appropriate action if water quality deteriorates, following agreement with Natural England and the Environment Agency where required (for example where permit or licence is in place with conditions/restrictions). The monitoring would assess pH, suspended solids, Biological Oxygen Demand and Chemical Oxygen Demand.
- A surface water drainage system would be developed by the main contractor for the temporary bridge structure. This would ensure runoff or spillages on the bridge do not enter the River Coquet and transfer any collected runoff to appropriate treatment measures. The system may include the implementation of containment screen on the underside of the temporary bridge to prevent any falling debris or sediment entering the River Coquet.
- Deploy in-channel silt barriers (i.e. silt curtains or similar) as far as reasonably practicable or a similar form of silt barrier if silt runoff is discharging into the River Coquet to control downstream dispersion of suspended solids.

Consideration of the Proposed Development Alone

5.13 The Applicant's HRA Report (REP4-056) concluded that the measures described in the Outline CEMP (REP11-006) are suitable to prevent pollutants, sediment or contaminants from reaching the European sites. Following the implementation of mitigation the Applicant concludes that there are no AEoI of the European sites identified during construction of the Proposed Development alone.

Consideration of the Proposed Development in combination

5.14 Following the implementation of mitigation set out above, the Applicant concludes that there are no AEoI of the European sites identified during construction of the Proposed Development in combination with other plans and projects.

Further considerations by the ExA

5.15 The ExA sought to identify any factors that could affect certainty of the implementation measures identified in the Outline CEMP and summarised in the Updated HRA (REP4-056). The Applicant explained (REP8a-006) how the constraints and NE comments were taken into account through meetings and discussions regarding the outline CEMP to increase the certainty of the implementation of the mitigation measures [ER 5.5.2].

- 5.16 NE confirmed that they agreed with the conclusions of the Applicant's Updated HRA Report (REP4-056). Confirming that the mitigation strategy proposed was sufficient to ensure that the proposals set out will not have AEoI of the relevant European sites either alone or in combination with other plans and projects [ER 5.5.3].

Conclusion of the appropriate assessment

- 5.17 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.
- 5.18 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 Northumbria Coast SPA, Northumbria Coast Ramsar site, Northumberland Marine SPA, North Northumberland Dunes SAC and Coquet Island SPA. The Secretary of State therefore carried out an appropriate assessment to determine whether there would be any adverse effects on the integrity of these European sites.
- 5.19 The Secretary of State concludes that when mitigation measures are taken into account, adverse effects on the integrity of the Northumbria Coast SPA, Northumbria Coast Ramsar site, Northumberland Marine SPA, North Northumberland Dunes SAC and Coquet Island SPA can be excluded.
- 5.20 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 Northumbria Coast SPA, Northumbria Coast Ramsar site, Northumberland Marine SPA, North Northumberland Dunes SAC and Coquet Island SPA. Likely significant effects were ruled out for Berwickshire and North Northumberland Coast SAC, Newnham Fen SAC and River Tween SAC.
- 6.2 Based on the submissions to the Examination as summarised in the ExA's 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.
- 6.3 Having carried out the appropriate assessment, the Secretary of State concludes that the Proposed Development would not adversely affect the integrity of the Northumbria Coast SPA, Northumbria Coast Ramsar site, Northumberland Marine SPA, North Northumberland Dunes SAC and Coquet Island SPA. 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

Annex 2 Conservation objectives for sites considered in the appropriate assessment

The conservation objectives reproduced below are available from:

<http://publications.naturalengland.org.uk/category/6490068894089216³>

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.

Northumbria Coast SPA (Site Code UK9006131)

With regard to the SPA and the individual species and/or assemblage of 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 aims of the Wild Bird Directive, by maintaining and restoring;

- The extent and distribution of the habitats and qualifying features
- The structure and function of the habitats of the qualifying features
- The supporting processes on which the habitats of the qualifying features rely
- The population of each of the qualifying features, and,
- The distribution of the qualifying features within the site.

This document should be read in conjunction with the accompanying *Supplementary Advice* document, which provides more detailed advice and information to enable the application and achievement of the Objectives set out above.

Qualifying features

- A148 *Calidris maritima*; Purple sandpiper (Non-breeding)
- A169 *Arenaria interpres*; Ruddy turnstone (Non-breeding)
- A195 *Sterna albifrons*; Little tern (Breeding)

Northumbria Coast Ramsar (Site Code UK11049)

Ramsar Criterion:

6 Species / populations occurring at levels of international importance.

Qualifying species/populations (as identified at designation):	
Species regularly supported during breeding season:	
Little tern, <i>Sterna albifrons albifrons</i> , W Europe	43 apparently occupied nests, representing an average of 2.2% of the GB population (Seabird 2000 Census)
Species with peak counts in winter:	

³ Accessed 13/03/2024

Purple sandpiper, <i>Calidris maritima maritima</i> , E Atlantic – wintering	291 individuals, representing an average of 1.6% of the GB population (5 year peak mean 1998/99 – 2002/03)
Ruddy turnstone, <i>Arenaria interpres interpres</i> , NE Canada, Greenland/W Europe & NW Africa	978 individuals, representing an average of 1% of the population (5 year peak mean 1998/99 – 2002/03)

Northumberland Marine SPA (Site Code UK9020325)

With regard to the SPA and the individual species and/or assemblage of 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 aims of the Wild Bird Directive, by maintaining and restoring;

- The extent and distribution of the habitats and qualifying features
- The structure and function of the habitats of the qualifying features
- The supporting processes on which the habitats of the qualifying features rely
- The population of each of the qualifying features, and,
- The distribution of the qualifying features within the site.

This document should be read in conjunction with the accompanying *Supplementary Advice* document, which provides more detailed advice and information to enable the application and achievement of the Objectives set out above.

Qualifying features

- A191 *Sterna sandvicensis*; Sandwich tern (Breeding)
- A192 *Sterna dougallii*; Roseate Tern (Breeding)
- A193 *Sterna hirundo*; Common tern (Breeding)
- A194 *Sterna paradisaea*; Arctic tern (Breeding)
- A195 *Sterna albifrons*; Little tern (Breeding)
- A199 *Uria aalge*; Common guillemot (Breeding)
- A204 *Fratercula arctica*; Atlantic puffin (Breeding)
- Seabird assemblage

North Northumberland Dunes SAC (Site Code UK0017097)

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 and restoring;

- The extent and distribution of 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 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.

This document should be read in conjunction with the accompanying *Supplementary Advice* document, which provides more detailed advice and information to enable the application and achievement of the Objectives set out above.

Qualifying features

H2110 Embryonic shifting dunes

H2120 Shifting dunes along the shoreline with *Ammophila arenaria* (“white dunes”); Shifting dunes with marram

H2130 Fixed dunes with herbaceous vegetation (“grey dunes”); Dune grassland*

H2170 Dunes with *Salix repens* spp. *argentea* (*Salicion arenariae*); Dunes with creeping willow

H2190 Humid dune slacks

S1395 *Petalophylum ralfsii*; Petalwort

Coquet Island SPA (Site Code UK9006031)

With regard to the SPA and the individual species and/or assemblage of 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 aims of the Wild Bird Directive, by maintaining and restoring;

- The extent and distribution of the habitats and qualifying features
- The structure and function of the habitats of the qualifying features
- The supporting processes on which the habitats of the qualifying features rely
- The population of each of the qualifying features, and,
- The distribution of the qualifying features within the site.

This document should be read in conjunction with the accompanying *Supplementary Advice* document, which provides more detailed advice and information to enable the application and achievement of the Objectives set out above.

Qualifying features

- A191 *Sterna sandvicensis*; Sandwich tern (Breeding)
- A192 *Sterna dougallii*; Roseate Tern (Breeding)
- A193 *Sterna hirundo*; Common tern (Breeding)
- A194 *Sterna paradisaea*; Arctic tern (Breeding)

