

**A66 Northern Trans-Pennine Project
TR010062**

**3.4 Environmental Statement
Appendix 6.17 Water Vole**

APFP Regulations 5(2)(a)

Planning Act 2008

**Infrastructure Planning (Applications: Prescribed Forms and
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**The Infrastructure Planning
(Applications: Prescribed
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A66 Northern Trans-Pennine Project
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**3.4 ENVIRONMENTAL STATEMENT
APPENDIX 6.17 WATER VOLE**

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6.17 Water Vole

6.17.1 Introduction

Project background

- 6.17.1.1 The A66 Northern Trans-Pennine project is a programme of works to improve the A66 between the M6 at Penrith and A1 at Scotch Corner.
- 6.17.1.2 Between the M6 and the A1(M) the existing A66 is approximately 80km in length. Along this length it is intermittently dualled, with approximately 30km of single carriageway, in six separate sections, making the route accident prone and unreliable.
- 6.17.1.3 The route carries high levels of freight traffic and is an important route for tourism and connectivity to local communities. The variable road standards, together with the lack of available diversionary routes when incidents occur, affects road safety, reliability, resilience and attractiveness of the route. For a full project description, refer to Chapter 2: The Project (Application Document 3.2).

Scope of the document

- 6.17.1.4 This report presents desk study data and baseline survey results for water vole. Baseline surveys were conducted once in June and once in August and some additional surveys undertaken in October 2021 within the Temple Sowerby to Appleby section. It is intended that the information in this report will be used in conjunction with data from other surveys to identify and assess potential implications of the Project in relation to water vole and inform any mitigation and compensation required. This baseline report can be used to accompany any future planning application and associated Environmental Impact Assessment (EIA) for the Project.

6.17.2 Legislation and Policy Framework

Legislation

Wildlife and Countryside Act 1981

- 6.17.2.1 Water vole are listed on Schedule 5 of the Wildlife and Countryside Act 1981 (WCA). As such is an offence to intentionally:
- kill, injure or take them
 - possess or control them (alive or dead)
- 6.17.2.2 It is also an offence to intentionally or recklessly:
- damage or destroy any structure or place which a wild water vole uses for shelter or protection
 - disturb any wild water vole while it is occupying a structure or place which it uses for shelter or protection
 - obstructs access to any structure or place which any wild water vole uses for shelter or protection
- 6.17.2.3 It is also an offence to:

- sell, offer or expose for sale, or possess or transport for the purpose of sale, any live or dead wild water vole, or any part of, or anything derived from, a wild water vole
- publish or cause to be published any advertisement likely to be understood as conveying that they buy or sell, or intend to buy or sell, any of those things.

Natural Environment and Rural Communities Act 2006

- 6.17.2.4 The UK Biodiversity Action Plan (UKBAP) covering 2011-2020 has been superseded by the UK Post-2010 Biodiversity Framework. The framework identifies 65 Priority Habitats and 1150 Priority Species that are in need of protection. This list has been used to define habitats and species of 'Principal Importance' in England (the Section 41 list) as required by the Natural Environment and Rural Communities (NERC) Act 2006.
- 6.17.2.5 Water vole are listed as rare and threatened under Section 41 the NERC Act. All planning decisions must be made with regard for the conservation of S41 species and any priority actions¹ associated with them.

National level policy

National planning statement for national networks

- 6.17.2.6 The primary policy basis for deciding whether or not to grant a Development Consent Order (DCO) is the *National Policy Statement for National Networks (NPSNN)* (Department for Transport, 2014)², which sets out policies to guide how DCO applications will be decided and how the effects of national networks infrastructure should be considered by the relevant decision maker. The policies for biodiversity and ecological conservation include statements that:

“Biodiversity is the variety of life in all its forms and encompasses all species of plants and animals and the complex ecosystems of which they are a part. Government policy for the natural environment is set out in the Natural Environment White Paper (NEWP). The NEWP sets out a vision of moving progressively from net biodiversity loss to net gain, by supporting healthy, well-functioning ecosystems and establishing more coherent ecological networks that are more resilient to current and future pressures...” (NPSNN paragraph 5.20)

- 6.17.2.7 The NPSNN also advises:

“In taking decisions, the Secretary of State should ensure that appropriate weight is attached to designated sites of international, national and local importance, protected species, habitats and other species of principal importance for the conservation of biodiversity, and to biodiversity and geological interests within the wider environment.” (NPSNN paragraph 5.26)

¹ Natural England (2013) Priority Actions for S41 Species

² Department for Transport (2014) National Policy Statement for National Networks

6.17.2.8 Table 1: *NPSNN* of relevance to water vole identifies the *NPSNN* policies relevant to water vole.

Table 1: *NPSNN* of relevance to water vole

Relevant <i>NPSNN</i> paragraph reference	Requirement of the <i>NPSNN</i> (paraphrase)
5.22	Outline any likely significant effects on internationally, nationally and locally designated sites of ecological or geological conservation importance on protected species and on habitats and other species identified as being of principal importance for the conservation of biodiversity and that the statement considers the full range of potential impacts on ecosystems.
5.23	Demonstrate how the project has taken advantage of opportunities to conserve and enhance biodiversity conservation interests.
5.29	Ensure proposals mitigate the harmful aspects of the development and, where possible, to ensure the conservation and enhancement of the site's biodiversity are acceptable.
5.33	Development proposals potentially provide many opportunities for building in beneficial biodiversity features. Opportunities to maximise beneficial biodiversity features should be considered. Planning obligations can be used where appropriate in order to ensure that such beneficial features are delivered.
5.34 and 5.35	Individual wildlife species receive statutory protection under a range of legislative provisions. Other species and habitats have been identified as being of principal importance for the conservation of biodiversity in England and Wales. Undertake measures to ensure these species and habitats are protected from adverse effects. Where appropriate, requirements or planning obligations may be used in order to deliver this protection.
5.36	Include appropriate mitigation measures as an integral part of their proposed development, including identifying where and how these will be secured
5.37	Consider what appropriate requirements should be attached to any consent and/or in any planning obligations entered into in order to ensure that mitigation measures are delivered.
5.38	Take account of what mitigation measures may have been agreed between the applicant and Natural England and/or the Marine Management Organisation (MMO), and whether Natural England and/or or the MMO has granted or refused, or intends to grant or refuse, any relevant licences, including protected species mitigation licences.

National planning policy framework

6.17.2.9 The *National planning policy framework (NPPF)* (Ministry of Housing, Communities & Local Government, 2021)³ originally published in March 2012 and most recently updated in July 2021, sets out the government's planning policies for England and provides a framework within which locally prepared plans can be produced. The *NPPF* is "*an important and relevant matter to be considered in decision making for NSIP*⁴".

³ Ministry of Housing, Communities & Local Government (2021) National Planning Policy Framework

⁴ Nationally Significant Infrastructure Projects (NSIP)

Regional and local level policy

- 6.17.2.10 Although the UK Biodiversity Action Plan (BAP) has been superseded, BAPs are still widely used at county level to support *Biodiversity 2020* (Department for Food, Environment and Rural Affairs, 2011)⁵.
- 6.17.2.11 Water vole are listed as a priority species on the *Cumbria BAP* (Cumbria Biodiversity Partnership, 2001)⁶, the Durham County Council BAP (2012/13) now listed on North East England Nature Partnership (North East England Nature Partnership, 2013)⁷ and the Richmondshire District Councils BAP (Richmond County Council, 2014)⁸.
- 6.17.2.12 The following local planning policies are relevant to this report:
- *Eden Local Plan (2014-2032)* (Eden District Council, 2014)⁹ Policy ENV1 and Policy ENV4
 - *County Durham Plan (Adopted 2020)* (Durham County Council, 2020)¹⁰ Policy 26, Policy 40, Policy 41, Policy 42 and Policy 43
 - *Richmondshire Local Plan (2012-2028)* adopted 2014 (Richmondshire District Council, 2014)¹¹ Core Policy CP12

Other relevant policy and guidance

- 6.17.2.13 In addition to compliance with the *NPSNN* and *NPPF*, this report has been written in accordance with professional standards and guidance. The standards and guidance which relate to this report are:
- *Guidance for Ecological Impact Assessment in the United Kingdom Third Edition* (Chartered Institute of Ecology and Environmental Management, 2018)¹²
 - *Design Manual for Roads and Bridges (DMRB) LA 108 Biodiversity (DMRB LA 108)*, Revision 1, March 2020
 - *DMRB LD 118 Biodiversity Design (DMRB LD 118)*, Revision 1, March 2020 (Highways England, 2020c)¹³

6.17.3 Methodology

Desk study

- 6.17.3.1 Water vole records within 2km of the Order Limits of the Project were requested from Cumbria Biodiversity Data Centre (CBDC), the Environmental Records Information Centre (ERIC) North East and North

⁵ Department for Food, Environment and Rural Affairs (2011) *Biodiversity 2020: A Strategy for England's Wildlife and Ecosystem Services*. Department for Environment, Food and Rural Affairs, London.

⁶ Cumbria Biodiversity Partnership (2001) *The Cumbria Biodiversity Action Plan*

⁷ North East England Nature Partnership (2013) *Biodiversity Priorities*

⁸ Richmond County Council (2014) *Richmondshire Biodiversity Action Plan*

⁹ Eden District Council (2014) *Eden Local Plan 2014 to 2032*

¹⁰ Durham Council (2020) *County Durham Plan – Adopted 2020*

¹¹ Richmond County Council (2014) *Richmondshire Local Plan 2012 - 2028 Core Strategy (Adopted 9 December 2014)*

¹² Chartered Institute of Ecology and Environmental Management (2018) *Guidance for Ecological Impact Assessment in the United Kingdom Third Edition*

¹³ Highways England (2020c) *Design Manual for Roads and Bridges LD 118 Biodiversity Design*, Revision 1, March 2020

and North East Yorkshire Ecological Data Centre (NEYDC) in October 2021. This was supplemented by road traffic accident (RTA) data supplied by National Highways (formerly Highways England).

6.17.3.2 Aerial imagery from Google Earth (Google Earth, 2022)¹⁴ was used in conjunction with Ordnance Survey (OS) 1:25,000 scale mapping and the OS *Open Rivers* (Ordnance Survey, 2022)¹⁵ data set to identify to habitats with potential to support to water vole.

Field survey

6.17.3.3 Surveys followed the best practice methodology set out in Dean et al (2016)¹⁶. All watercourses within 100m of the Order Limits of the Projects were surveyed for signs of water vole including:

- faeces
- latrines
- feeding stations
- burrows
- lawns
- nests
- footprints
- runways

6.17.3.4 Water vole surveys were mostly conducted in between June and August 2021, with some additional surveys in extended sections undertaken in October 2021 in the Temple Sowerby to Appleby section only. In general, surveys were limited to within 1m of a water body and all areas were successfully accessed for survey.

6.17.3.5 Each watercourse was surveyed twice. Table 2: Water vole survey details provides further details of surveys completed and Figure 6.16: Otter and Water Vole Field Survey (Application Document 3.3) identifies the survey extent for each watercourse.

Table 2: Water vole survey details

Scheme	Watercourse	Survey month/s
M6 Junction 40 to Kemplay Bank	River Eamont	June and August 2021
	Thacka Beck	June and August 2021
Penrith to Temple Sowerby	River Eamont	June and August 2021
	Unnamed tributary of Light Water	June and August 2021
	Three unnamed tributaries of the River Eamont	June and August 2021
	Swine Gill	June and August 2021

¹⁴ Google Earth (2022) Cumbria, County Durham and North Yorkshire

¹⁵ Ordnance Survey (2022) Ordnance Survey Open Rivers

¹⁶ Dean, M., Strachan, R., Gow, D. and Andrews, R. (2016) *The Water Vole Mitigation Handbook* (Mammal Society Mitigation Guidance Series). Eds Fiona Mathews and Paul Chanin. Mammal Society, London

Scheme	Watercourse	Survey month/s
Temple Sowerby to Appleby	River Eden	August and September/October 2021
	Trout Beck	August and September/October 2021
	Six unnamed tributaries of Trout Beck	June and August 2021
	Keld Sike	June and August 2021
Appleby to Brough	Two unnamed tributaries of Mire Sike	June and August 2021
	Mire Sike	June and August 2021
	Cringle Beck	June and August 2021
	Three unnamed tributaries of Cringle Beck	June and August 2021
	Moor Beck	June and August 2021
	Hayber Beck	June and August 2021
	Crooks Beck	June and August 2021
	Eastfield Sike	June and August 2021
	Lowgill Beck	June and August 2021
	Three unnamed tributaries of Lowgill Beck	June and August 2021
	Woodend Sike	June and August 2021
	Yosgill Sike	June and August 2021
Bowes bypass	Two unnamed tributaries of River Greta	June and August 2021
	River Greta	June and August 2021
Cross Lanes to Rokeby	Punder Gill	June and August 2021
	Unnamed tributary of Punder Gill	June and August 2021
	Unnamed tributary of Manyfold Beck	June and August 2021
	Tutta Beck	June and August 2021
	Three unnamed tributaries of Tutta Beck	June and August 2021
	Manyfold Beck	June and August 2021
	Wellfield Strand	June and August 2021
	River Greta	June and August 2021
Stephen Bank to Carkin Moor	Unnamed tributary of Cottonmill Beck	June and August 2021
	Two unnamed tributaries of Holme Beck	June and August 2021
	Unnamed tributary of Mains Gill	June and August 2021
	Mains Gill	June and August 2021

6.17.4 Assumptions and Limitations

6.17.4.1 Some surveys were undertaken at Temple Sowerby to Appleby and Cross Lanes to Rokeby in October, which is outside the optimal survey season for water vole. Due to the combination of absence in biological records and negative results in all the water vole surveys undertaken during the optimal survey season in these areas, this limitation is not considered to be significant.

6.17.4.2 Surveys undertaken in June and August could potentially be limited by dense riparian vegetation, however surveyors confirmed that this was not a significant limitation to the surveys.

6.17.5 Results

Routewide

6.17.5.1 No water vole records were returned within the last 10 years within 2km of the Order Limits of the Project.

6.17.5.2 No evidence of water vole activity was found during any of the surveys undertaken between June and August 2021 for all schemes. For the A1(M) Junction 53 Scotch Corner scheme water vole were scoped out due to no suitable habitat being present.

6.17.5.3 Additional water vole surveys were undertaken in October 2021 for the Temple Sowerby to Appleby and Cross Lanes to Rokeby schemes.

6.17.5.4 Water voles are considered to be absent from the survey area of the Project.

M6 Junction 40 to Kemplay Bank

6.17.5.5 All watercourses within 100m of this scheme were surveyed. No evidence of water vole activity was recorded during the surveys. Water vole are considered to be absent.

Penrith to Temple Sowerby

6.17.5.6 All watercourses within 100m of this scheme were surveyed and no sign of water vole activity was detected during the surveys. Water vole are considered to be absent.

Temple Sowerby to Appleby

6.17.5.7 All watercourses within 100m of this scheme were surveyed and no sign of water vole activity was detected during the surveys. Water vole are considered to be absent.

Appleby to Brough

6.17.5.8 All watercourses within 100m of this scheme were surveyed and no sign of water vole activity was detected during the surveys. Water vole are considered to be absent.

6.17.5.9 The absence of water voles is despite a water vole reintroduction being undertaken in the vicinity of Warcop in 2007. Informal discussions with the Environment Agency suggest that mink returned to the area and caused the reintroduction effort to fail.

Bowes Bypass

6.17.5.10 All watercourses within 100m of this scheme were surveyed and no sign of water vole activity was detected during the surveys. Water vole are considered to be absent.

Cross Lanes to Rokeby

- 6.17.5.11 All watercourses within 100m of this scheme were surveyed and no sign of water vole activity was detected during the surveys. Water vole are considered to be absent.

Stephen Bank to Carkin Moor

- 6.17.5.12 All watercourses within 100m of this scheme were surveyed and no sign of water vole activity was detected during the surveys. Water vole are considered to be absent.

A1(M) Junction 53 Scotch Corner

- 6.17.5.13 No suitable habitat or watercourses were present within 100m of the Order Limits of this scheme. Therefore no surveys were undertaken and water vole are considered to be absent.

Future baseline

- 6.17.5.14 The ecological baseline conditions described above represent those which currently exist in the absence of the scheme and at the time of writing. As stated in section 3 of CIEEM's Guidelines for Ecological Impact Assessment in the UK and Ireland (Chartered Institute of Ecology and Environmental Management, 2019)¹⁷, potential changes in baseline conditions also need to be identified in order to assess impacts.
- 6.17.5.15 Based on the above information and current land use, the future baseline in the absence of the scheme is unlikely to change significantly.
- 6.17.5.16 Water voles are considered absent from the Project area. Water voles, despite once being common throughout Cumbria, have declined significantly due to habitat degradation and loss, habitat fragmentation and predation, especially by mink. There is still presence of water vole in Cumbria primarily around Alston, to the northwest of Penrith. Water vole could potentially occur throughout Cumbria however the presence of mink throughout the county, and slow re-colonisation rates, make it unlikely that this will occur in the near future. This is demonstrated by the failed reintroduction attempt in 2007 of water vole near Warcop.
- 6.17.5.17 On the assumption that another reintroduction attempt is not made and that extensive successful control of the mink population is undertaken, the water vole population is likely to remain absent across the Project area and not likely to change significantly by 2040.

6.17.6 Discussion

- 6.17.6.1 Water voles are considered to be absent from the survey area and will therefore not be considered further in the ecological assessment of this Project.

¹⁷ Chartered Institute of Ecology and Environmental Management (2019) Guidelines for Ecological Impact Assessment in the UK and Ireland.

6.17.7 References

Wildlife and Countryside Act 1981

Natural Environment and Rural Communities Act 2006

Priority Actions for S41 Species available here

Department for Transport (2014) National Policy Statement for National Networks

Ministry of Housing, Communities & Local Government (2021) National Planning Policy Framework

Nationally Significant Infrastructure Projects (NSIP)

DEFRA (2011). Biodiversity 2020: A Strategy for England's Wildlife and Ecosystem Services.

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Richmond County Council (2014) Richmondshire Biodiversity Action Plan

Eden District Council (2014) Eden Local Plan 2014 to 2032

Durham Council (2020) County Durham Plan – Adopted 2020,

Richmond County Council (2014) Richmondshire Local Plan 2012 - 2028 Core Strategy (Adopted 9 December 2014)

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Highways England (2020c) Design Manual for Roads and Bridges LD 118 Biodiversity Design, Revision 1, March 2020,

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Dean, M., Strachan, R., Gow, D. and Andrews, R. (2016) The Water Vole Mitigation Handbook (Mammal Society Mitigation Guidance Series). Eds Fiona Mathews and Paul Chanin. Mammal Society, London