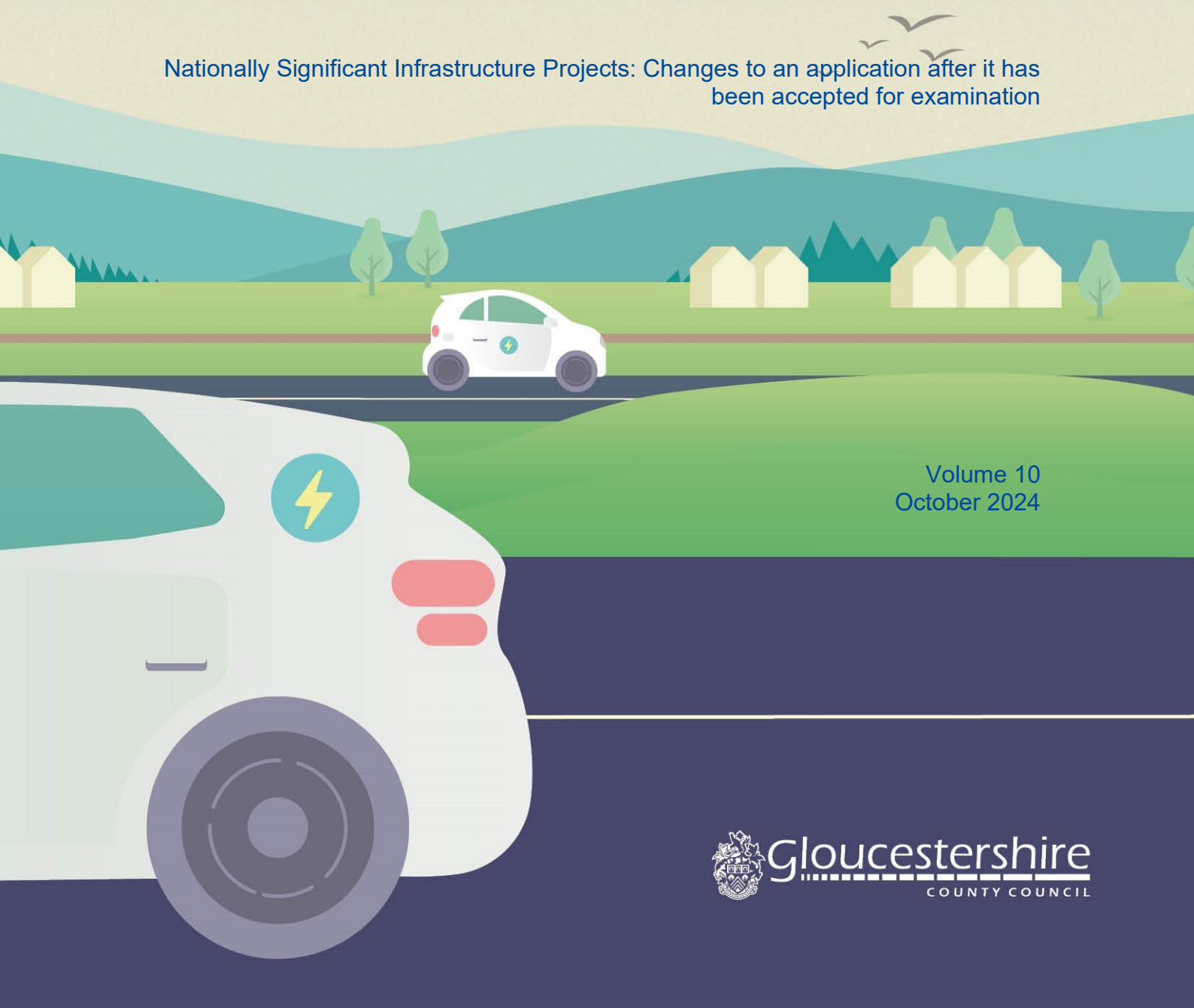
M5 Junction 10 Improvements Scheme

Change Application 2

Habitats Regulations Assessment Addendum

TR010063 – APP 10.24

Nationally Significant Infrastructure Projects: Changes to an application after it has been accepted for examination



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Nationally Significant Infrastructure Projects: Changes to an application after it has been accepted for examination

M5 Junction 10 Improvements Scheme

Development Consent Order 202[x]

Change Application 2

Habitats Regulations Assessment Addendum

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1. Introduction

1.1. Background

1.1.1. This Habitats Regulations Assessment (HRA) Addendum relates to an application submitted by Gloucestershire County Council (GCC) (the Applicant) to the Secretary of State for Transport (through the Planning Inspectorate) for a development consent order (DCO) under the Planning Act 2008. The M5 Junction 10 Improvements Scheme (the Scheme) involves improvements to the M5 Junction 10, consisting of a new all-movements junction; the widening of the A4019 east of the M5 J10 to the Gallagher Retail Park Junction; and a new West Cheltenham Link Road (Link Road) (the Link Road from the A4019 to the B4634). A small section of the A4019 will also be widened to the west of the M5 J10.

1.1.2. DCO application for the Scheme was accepted for examination by the Planning Inspectorate on 16 January 2024 (DCO Application). The Scheme is currently in examination which started on 4 June 2024 and is due to close on 4 December 2024.

1.1.3. Since the DCO application was made, the Applicant has continued to engage and refine designs to identify opportunities to further improve the Scheme. As a result of this, the Applicant is proposing seven changes to the Scheme during the Examination stage to implement improvements to the Scheme.

1.1.4. Notification of the intention to submit 8 non-material changes was made to the Examining Authority (ExA) on 12 August 2024 [AS-061]. The ExA issued a Rule 9 letter in respect of the proposed changes on 21 August 2024 [PD-014]. Since then, the Applicant has decided to split the proposed change application into two separate applications. This is to differentiate between those aspects of the proposed changes that relate exclusively to upgrades in the rights the Applicant is seeking and engage the Infrastructure Planning (Compulsory Acquisition) Regulations 2010 ("CA Regulations") (“Change Application 1”) [which includes Change 8 as set out in the Notification Letter]; and those that relate to changes in the design of the Scheme (“Change Application 2”) [which includes Changes 1 to 7 as set out in the Notification Letter]. This is to ensure the necessary Statutory Consultation and examination of change can be accommodated in the time left in the examination.

1.1.5. Change Application 1 was accepted, and acceptance recorded in the Rule 9 letter issued by the ExA on the 17 September 2024.

1.1.6. The proposed changes included in Change Application 1 (Change 8 of the Notification Letter) do not translate in any works and do not constitute development. The change in access to land plots has no connectivity to the ecologically designated European sites considered in the HRA Addendum and therefore Change 8 does not require consideration in this HRA Addendum.

1.1.7. The seven changes to the Scheme are all within the Order limits and are:

- Change 1 - Link Road replacement of swales with filter drains
- Change 2 - Link Road replacement of box culverts with bridges
- Change 3 - Link Road River Chelt bridge structural form
- Change 4 - Link Road alignment
- Change 5 - Relocation of existing National Roads Telecommunication Services (NRTS) Transmission Station (TS)
- Change 6 - Flood storage area (FSA) reconfiguration
- Change 7 - Infill of existing northbound on-slip loop

1.1.8. A description of the changes is provided within the Environmental Statement Addendum (ESA) which accompanies this report.

1.2. Purpose of this Habitats Regulations Assessment Addendum

1.2.1. The purpose of this HRA Addendum is to present an assessment of whether any new or different potential impacts are likely to result from the seven changes to the Scheme included in Change Application 2, and if there are any new or different likely significant effects on European designated sites to those reported in the DCO application. The HRA Addendum will support the ExA in developing an informed view of the likely significant effects of the Scheme, with the changes incorporated into it.

1.2.2. This HRA Addendum only considers whether there are changes to the HRA outcomes as provided in the Environmental Statement (ES) Appendix 7.13 Habitats Regulations Assessment – Screening [REP3-024] and Appendix 7.14 Habitats Regulations Assessment – Statement to Inform an Appropriate Assessment [REP3-026] (and the subsequent updates submitted into DCO Examination through to Deadline 4). As such this HRA Addendum is intended to be read alongside the latest HRA documents submitted during Examination for the DCO application. If no change is listed in this HRA Addendum, then the conclusions are the same as those presented in the HRA.

1.2.3. This HRA Addendum will support the ESA which has also been prepared.

1.3. Assumptions

1.3.1. Natural England were consulted on the seven changes on 12 July 2024 and no comments were raised. No consultation has been undertaken with Natural England with regards the conclusions in this HRA Addendum. However, consultees have been made aware of the changes through engagement with the Contractor.

2. Stage 1 HRA Screening

2.1.1. The seven changes are within the Order limits with the same connectivity to European sites as considered in Environmental Statement (ES) Appendix 7.13 Habitats Regulations Assessment – Screening [REP3-024].

2.1.2. During the Screening assessment, seven European Sites were identified for consideration which met the criteria in LA 115: Wye Valley and Forest of Dean Bat Sites Special Area of Conservation (SAC); Walmore Common Special Protection Area (SPA)/ Ramsar Site; Severn Estuary SAC/SPA/Ramsar Site; Cotswold Beechwoods SAC. The changes do not alter the European sites considered. No new or different Likely Significant Effects (LSE), either alone or in-combination, were identified in respect of the Wye Valley and Forest of Dean Bat Sites SAC, Walmore Common Special Protection Area (SPA)/ Ramsar Site, Cotswold Beechwoods SAC and the Severn Estuary SPA (and the qualifying bird species associated with the Severn Estuary Ramsar).

2.1.3. Survey results and desk study records indicate that European eel, Atlantic salmon, sea trout and river lamprey are present, or potentially present, in the River Chelt in the vicinity of the Scheme. European eel, Atlantic salmon and sea trout are qualifying features of the Severn Estuary Ramsar Site, and river lamprey is a qualifying feature of the Severn Estuary SAC and Ramsar Site.

2.1.4. The Screening assessment concluded that, in the absence of mitigation, pollution, injury/mortality, disturbance, fragmentation and temporary reduction in extent of functionally linked habitat during construction and operation could have effects on European eel, Atlantic salmon, sea trout and river lamprey using the River Chelt, resulting in LSE on these qualifying species of the Severn Estuary SAC (in relation to river lamprey only) and Ramsar site. These elements were taken through to the Appropriate Assessment. The changes do not alter this conclusion.

2.1.5. No other LSE, either alone or in-combination, were anticipated in relation to the other potential impacts identified on the Severn Estuary SAC/Ramsar (water quality and air quality impacts to qualifying habitats/supporting habitats within the Severn Estuary SAC/Ramsar site). Again, the changes do not alter this conclusion.

2.1.6. This Addendum considers changes to the potential for impacts to European eel, Atlantic salmon, sea trout and river lamprey associated with the River Severn SAC and Ramsar Site as a result of Change 3 only. Of the watercourses that would be directly affected by the proposed changes, only the River Chelt was considered to provide suitable spawning and recruitment habitat for fish.

3. Stage 2 Statement to Inform an Appropriate Assessment

3.1.1. The Environmental Statement Appendix 7.14 Habitats Regulations Assessment – Statement to Inform an Appropriate Assessment [REP3-026] report concluded that there is a risk that the potential LSEs could have adverse effects on the integrity of the Severn Estuary SAC/Ramsar Site alone. Mitigation measures secured in the DCO are included in the HRA which are designed to avoid the potential adverse effects identified.

3.1.2. The extent of works within the River Chelt will remain within the Order limits as per the Scheme. The realignment of the River Chelt to run perpendicular with the Link Road, permitting a square structure and shorter span bridge. The structure will remain a clear span bridge such that the top of the bank is exposed and accessible. The minimum abutment set back from the riverbank proposed in the Scheme design will be maintained.

3.1.3. It is anticipated that the fish species using the River Chelt would be exposed to similar construction impacts as those reported in ES Chapter 7: Biodiversity [REP1-012]. However, the River Chelt re-alignment and reprofiling works will be more intensive during construction. The change will reduce the extent of permanent habitat loss along the watercourse beneath the span but in channel works and scour/ erosion prevention measures would still be required, therefore it is anticipated that the fish species using the River Chelt would be exposed to similar LSEs as those reported.

3.1.4. A constructability review by the Applicant identified the need for a temporary diversion channel to allow for the construction of the River Chelt reprofiling and mitigation associated with the Link Road River Chelt Crossing. The requirement for the temporary diversion was not assessed as a construction activity within the HRA. A temporary diversion would also be required for the change but would be no different from the diversion identified from the constructability review for the Scheme.

3.1.5. There would be temporary reduction in the extent of functionally linked habitat available to migratory European eel, Atlantic salmon and sea trout associated with the Severn Estuary Ramsar Site, and river lamprey, associated with the Severn Estuary SAC and Ramsar Site, while the temporary bypass on the River Chelt is in place during construction. Whilst the length of watercourse that will require dewatering will extend beyond the 20 m assessed within the original HRA, the original conclusions that only low numbers of individual fish, and only a small area of functionally linked habitat would be impacted, remain unchanged taking into account the extensive catchment area and availability of alternative watercourses within this catchment area. With the mitigation measures (as included in the updates to the REAC [APP 10.26] (WE1, WE3 and B23)) there would be no change to the outcomes of the assessment as reported in the HRA regarding temporary reduction in the extent of functionally linked habitat available.

3.1.6. To mitigate for the section of straightened channel, the River Chelt will be reprofiled to exaggerate the natural meandering upstream and downstream of the River Chelt bridge. The pools and riffles between meanders described in the ES will be retained. The resulting increase in channel length will provide a long-term increase in the area of functionally linked habitat.

3.1.7. With the mitigation measures (as included in the updates to the REAC [APP 10.26] (WE1, WE3 and B23)) there would be no change to the outcomes of the assessment as reported in the HRA regarding water quality impacts to functionally linked habitat within the River Chelt as a result of a pollution event during construction and operation, and consequent detrimental effects to migratory European eel, Atlantic salmon and sea trout associated with the Severn Estuary Ramsar Site, and river lamprey associated with the Severn Estuary SAC and Ramsar Site.. The mitigation that is included in the HRA remains appropriate and will be implemented to facilitate the construction phase. The mitigation measures that have been designed remain effective and reliable and will avoid the potential adverse effects identified.

3.1.8. With the mitigation measures (as included in the updates to the REAC [APP 10.26] (WE1, WE3 and B23)) there would be no change to the outcomes of the assessment as reported in the HRA regarding disturbance impacts to migratory European eel, Atlantic salmon and sea trout associated with the Severn Estuary Ramsar Site, and river lamprey associated with the Severn Estuary SAC and Ramsar Site, using functionally linked habitat within the River Chelt during construction as a result of noise and vibration. The mitigation that is included in the HRA remains appropriate and will be implemented to facilitate the construction phase. The mitigation measures that have been designed remain effective and reliable and will avoid the potential adverse effects identified. With the mitigation measures (as included in the updates to the REAC [APP 10.26] (WE1, WE3 and B23)) there would be no change to the outcomes of the assessment as reported in the HRA regarding injury or mortality to river lamprey ammocoetes associated with the Severn Estuary SAC and Ramsar Site using functionally linked habitat within the River Chelt if they are present within burrows in the sediment while the temporary bypass on the River Chelt is in place during construction.

3.1.9. With the mitigation measures (as included in the updates to the REAC [APP 10.26] (WE1, WE3 and B23)) there would be no change to the outcomes of the assessment as reported in the HRA regarding fragmentation as a result of disturbance and pollution, which could result in barrier effects, with European eel, Atlantic salmon and sea trout associated with the Severn Estuary Ramsar Site, and river lamprey associated with the Severn Estuary SAC and Ramsar Site, unable to disperse or move along the River Chelt. The mitigation measures that have been designed remain effective and reliable and will avoid the potential adverse effects identified.

3.1.10. No changes to operation effects are anticipated from those reported in Environmental Statement Appendix 7.14 Habitats Regulations Assessment – Statement to Inform an Appropriate Assessment [REP3-026]. The mitigation measures that have been designed remain effective and reliable and will avoid the potential adverse effects identified.

3.1.11. No changes to in-combination effects are anticipated from those reported in Environmental Statement Appendix 7.14 Habitats Regulations Assessment – Statement to Inform an Appropriate Assessment [REP3-026].

3.1.12. The seven potential changes would not change the outcome as reported in Environmental Statement Appendix 7.14 Habitats Regulations Assessment – Statement to Inform an Appropriate Assessment [REP3-026] that there are no adverse effects on the integrity of the Severn Estuary SAC/Ramsar site alone or in combination.

4. References

Highways England (now National Highways) (2020) Design Manual for Roads and Bridges LA 115 – Habitats Regulations Assessment Revision 1

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