



The Planning Inspectorate
Yr Arolygiaeth Gynllunio

REPORT on the IMPLICATIONS for EUROPEAN SITES

Proposed M5 Junction 10 Improvements Scheme

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

Planning Inspectorate Reference: TR010063

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1 INTRODUCTION

1.1 Background

- 1.1.1 Gloucestershire County Council (the Applicant) has applied for a Development Consent Order (DCO) under section 37 of the Planning Act 2008 (PA2008) for the proposed M5 Junction 10 Improvements Scheme ('the Proposed Development'). On behalf of the Secretary of State for Levelling Up, Housing and Communities, an Examining Authority (ExA) has been appointed to conduct an examination of the application. The ExA will report its findings and conclusions and make a recommendation to the relevant Secretary of State (SoS) as to the decision to be made on the application.
- 1.1.2 The relevant SoS is the competent authority for the purposes of the Conservation of Habitats and Species Regulations 2017 (the 'Habitats Regulations') for applications submitted under the PA2008 regime. The findings and conclusions on nature conservation issues reported by the ExA will assist the Secretary of State in performing their duties under the Habitats Regulations.
- 1.1.3 This Report on the Implications for European sites (RIES) documents and signposts the information in relation to potential effects on European Sites that was provided within the DCO application and submitted during the Examination by the Applicant and Interested Parties (IPs), up to Deadline (DL) 5 of the Examination (01 October 2024) and the submission of change request two (accepted into the examination 18th October 2024). It is not a standalone document and should be read in conjunction with the examination documents referred to. Where document references are presented in square brackets [] in the text of this report, that reference can be found in the Examination library published on the National Infrastructure Planning website at the following link:
<http://infrastructure.planninginspectorate.gov.uk/document/TR010063-000482>
- 1.1.4 For the purpose of this RIES, in line with the Habitats Regulations and relevant Government policy, the term 'European sites' includes Special Areas of Conservation (SAC), candidate SACs, proposed SACs, Special Protection Areas (SPA), potential SPAs, Sites of Community Importance, listed and proposed Ramsar sites and sites identified or required as compensatory measures for adverse effects on any of these sites. For ease of reading, this RIES also collectively uses the term 'European site' for 'European sites' defined in the Habitats Regulations 2017 and 'European Marine Sites' defined in the Conservation of Offshore Marine Habitats and Species Regulations 2017, unless otherwise stated. The 'UK National Site Network' refers to SACs and SPAs belonging to the United Kingdom already designated under the Directives and any further sites designated under the Habitats Regulations.
- 1.1.5 This RIES is issued to ensure that IPs including the Appropriate Nature Conservation Body (ANCB) - Natural England (NE) - is consulted formally

on Habitats Regulations matters. This process may be relied on by the Secretary of State for the purposes of Regulation 63(3) of the Habitats Regulations.

- 1.1.6 It also aims to identify and close any gaps in the ExA's understanding of IPs' positions on Habitats Regulations matters, in relation to all European sites and qualifying features as far as possible, in order to support a robust and thorough recommendation to the Secretary of State.
- 1.1.7 Following consultation, the responses will be considered by the ExA in making their recommendation to the Secretary of State and made available to the Secretary of State along with this report. The RIES will not be revised following consultation.
- 1.1.8 Comments on the RIES are timetabled for DL9 (19 November 2024).

1.2 Documents used to inform this RIES

- 1.2.1 The Applicant's Habitats Regulations Assessment (HRA) Report (the HRA Report) comprised the following document(s):
 - Environmental Statement (ES) Appendix 7.13 Habitats Regulations Assessment - Screening [APP-099], updated at DL3 [REP3-024] (the 'HRA Screening').
 - ES Appendix 7.14 Habitats Regulations Assessment Statement to Inform an Appropriate Assessment [APP-100], updated at DL3 [REP3-026] (the 'HRA SIAA').
- 1.2.2 The updated HRA Screening [REP3-024] and SIAA [REP3-026] were submitted to address matters raised in the Examination as detailed in Tables 2.2 and 3.1 below, and also in response to requests from the ExA's first written questions (FWQ) to provide clear figures [PD-010, FWQ3.1.1], cross-referencing to baseline data [PD-010, FWQ3.1.2] and consistency in the description of impact pathways for the Proposed Development alone [PD-010, FWQ3.1.3].
- 1.2.3 The HRA Report concluded that adverse effects on the integrity (AEoI) of all European sites could be excluded.
- 1.2.4 In addition to the HRA Report, the RIES refers to representations submitted to the Examination by IPs, Issue Specific Hearing (ISH) documents, Statements of Common Ground (SoCG) and other Examination documents as relevant. All documents can be found in the Examination Library.

1.3 Change Requests

- 1.3.1 To date, the Applicant has made the following change requests:
 - Change request one (referred to by the Applicant as change eight) as described in [AS-062] to [AS-073], which was accepted into the Examination on 17 September 2024 [PD-014]. The change is

described as being for the purposes of additional compulsory acquisition.

- Change request 2 (referred to by the Applicant as changes 1 to 7 as described in [AS-084] to [AS-107], which was accepted into the Examination on 18 October 2024 [PD-018]. The changes are described as:
 - Change one: link road, replacement of swales with filter drain.
 - Change two: link road, replacement of box culverts with bridges.
 - Change three: link road, River Chelt bridge structural form.
 - Change four: link road, vertical alignment.
 - Change five: relocation of National Road Transmission Service (NRTS) Transmission Station.
 - Change six: flood storage area reconfiguration and
 - Change seven: infill of existing northbound on-slip.

1.3.2 In relation to change request one, no relevant HRA matters arose from this change request.

1.3.3 In relation to change request two, the Applicant provided a Habitats Regulation Assessment Addendum [AS-094]. The purpose of this HRA Addendum was to present an assessment of whether any new or different potential impacts are likely to result from the seven changes to the Proposed Development included in Change Application 2, and if there are any new or different likely significant effects (LSE) on European designated sites to those reported in the DCO application.

1.3.4 The HRA Addendum notes that Natural England were consulted on the seven changes on 12 July 2024 and no comments were raised.

1.3.5 In relation to the HRA Screening [REP3-024], the Applicant did not consider that there were any changes to the European Sites screened into the assessment, and no new or amended LSE on the relevant qualifying features.

1.3.6 In relation to the HRA SIAA [REP3-026], the HRA addendum focused on potential changes to impacts associated with the River Chelt, in particular from change number three. The HRA addendum identifies additional considerations relevant to the HRA SIAA, including:

- The River Chelt bridge abutment set back distances.
- The effects of realignment and reprofiling works to the River Chelt.
- Use of scour and erosion protection measures.
- A temporary reduction in the extent of functionally linked habitat during a temporary diversion of the river channel.
- The effects of an extended area of dewatering works.

- 1.3.7 The HRA Addendum concludes that with the mitigation measures (as included in the updates to the Register of Environmental Actions and Commitments (REAC) [AS-096] (as commitments WE1, WE3 and B23)), there would be no change to the outcomes of the assessment conclusions of no AEoI, as reported in the HRA SIAA [REP3-026].

[RIESQ1 – All relevant interested parties are invited to provide a response to the HRA addendum \[AS-094\] and an updated position in relation to the Applicants HRA screening and SIAA conclusions.](#)

1.4 HRA Matters Considered During the Examination

- 1.4.1 The Examination to date has focussed on the following matters:

- The potential effect pathways considered.
- The effects of improved accessibility to the Coombe Hill Site of Special Scientific Interest (SSSI) as Functionally Linked Land (FLL) to the Severn Estuary SPA.
- The effects of the permanent acquisition and works to land proposed as Suitable Alternative Natural Greenspace (SANG) for planning applications in the surrounding area.
- The potential effects on water quality in the Severn Estuary sites, including in-combination effects.
- Details of the assessment of in-combination effects to all sites.
- The recommendation to relocate Lamprey ammocoetes.
- The requirement for the River Chelt mitigation strategy.

2 LIKELY SIGNIFICANT EFFECTS

2.1 European sites considered

Introduction

2.1.1 The Proposed Development is not connected with or necessary to the management for nature conservation of any European site.

2.1.2 Section 2.2 of the HRA Screening Report [APP-099] details that the identification of European sites was undertaken on the following criteria, based on the Design Manual for Roads and Bridges LA115. The criteria consider whether the Proposed Development:

- Is within 2 km of a European Site or functionally linked land.
- Is within 30 km of a SAC where bats are a qualifying feature.
- Crosses or lies adjacent to, upstream of, or downstream of, a watercourse which is designated as a European Site.
- Has a potential hydrological or hydrogeological linkage to a European Site containing a groundwater dependent terrestrial ecosystem (GWDTE).
- Has an Affected Road Network (ARN) which triggers the need for assessment of air quality impacts. The ARN refers to the parts of the road network that would be affected by a change in traffic levels as the result of the Scheme. Sites within 200 m of the ARN should be included in the air quality assessment.
- Additional European sites should be subject to screening where other forms of ecological connectivity exist between them and the Scheme.

Sites within the UK National Site Network (NSN)

2.1.3 The Applicant's HRA Screening Report [APP-099] identified seven No. European site(s) within the UK National Site Network for inclusion within the assessment. These are listed in Section 3 of the HRA Screening Report [APP-099] and are as detailed in Table 2.1 below.

Table 2.1: European sites in the UK NSN identified in the Applicant's HRA Screening Report [APP-099]

Name of European site	Distance from Proposed Development (km)
Wye Valley and Forest of Dean Bat SAC	21km west
Walmore Common Special Protection Area (SPA)	17.5km southwest

Name of European site	Distance from Proposed Development (km)
Walmore Common Ramsar site	17.5km southwest
Severn Estuary SAC	21km southwest (40km via hydrological linkage)
Severn Estuary SPA	21km southwest (40km via hydrological linkage)
Severn Estuary Ramsar site	21km southwest (40km via hydrological linkage)
Cotswold Beechwoods SAC	7.4km south

- 2.1.4 The locations of these sites relative to the Proposed Development are depicted on Figure 7-13A of the HRA Screening Report [APP-099].
- 2.1.5 No additional UK European sites have been identified by IPs for inclusion within the assessment in the Examination to date.
- 2.1.6 NE agreed [RR-027] that all relevant European sites and or European site features that could be affected by the project had been identified by the Applicant.

2.2 Potential impact pathways

- 2.2.1 Section 3.2 of the HRA Screening Report [APP-099] outlines the potential impacts from the Proposed Development, along with the potential geographical extent of effects, with the tables provided in Appendices B to M containing details of the potential impacts.
- 2.2.2 Tables A1.1 to A1.7 in Annex 1 of this RIES detail the potential impact pathways considered in the HRA Screening Report [APP-099] by European site and qualifying features.
- 2.2.3 The HRA Screening [APP-099] and SIAA [APP-100] assessed the potential impacts during construction, operation and maintenance. These documents did not assess impacts during the decommissioning phase as due to the nature of the Proposed Development, the Applicant considers that it is not considered likely to ever be decommissioned.
- 2.2.4 No additional impact pathways have been identified by IPs for inclusion within the assessment in the Examination to date.

2.3 In-combination effects

- 2.3.1 Section 2.2 of the HRA Screening Report [APP-099] detailed the Applicant's approach to assessing in-combination effects, with the main detail provided in Appendices B to M. A specific list of projects included in the in-combination assessment were not detailed within either the HRA Screening Report [APP-099] or SIAA [APP-100], however were confirmed in response to FWQ3.1.9 [PD-010]. Nearby plans or developments were

also provided in figures in the accompanying ES figures at Appendix 15.2 [APP-133].

- 2.3.2 No additional plans or projects have been highlighted by IPs in the Examination to date.
- 2.3.3 The ExA raised questions in relation to the specific pathways considered in the in-combination assessment [PD-010, FWQ3.1.6] which is detailed in Table 2-2 below.

2.4 The Applicant's assessment

- 2.4.1 The Applicant's conclusions in respect of screening are presented in Sections 3, 4 and Appendices B to M of the HRA Screening Report [APP-099], respectively.

Sites for which the Applicant concluded no LSE on all qualifying features

- 2.4.2 The Applicant concluded that the Proposed Development would not be likely to give rise to significant effects, either alone or in combination with other projects or plans, on all qualifying features of the following European site(s):
 - Wye Valley and Forest of Dean Bat SAC;
 - Walmore Common SPA;
 - Walmore Common Ramsar site;
 - Severn Estuary SPA; and
 - Cotswold Beechwoods SAC.
- 2.4.3 NE confirmed it agreed with the Applicant's conclusion of no LSEs in respect of the above European sites [RR-027].
- 2.4.4 The Applicant's conclusions in respect of the Severn Estuary SPA were disputed by IPs other than NE and questioned by the ExA during Examination. See Section 2.5 of this RIES for further details.

Sites for which the Applicant concluded LSE on some or all qualifying features

- 2.4.5 The Applicant concluded that the Proposed Development would be likely to give rise to significant effects, either alone or in combination with other projects or plans, on one or more of the qualifying features of the Severn Estuary SAC and Ramsar.
- 2.4.6 The qualifying features and LSE pathways screened in by the Applicant are detailed in Sections 3, 4 and Appendices B to M of the HRA Screening Report [APP-099].
- 2.4.7 The Applicant's decision to exclude certain LSE impact pathways were disputed by IPs and questioned by the ExA during Examination. See Section 2.5 of this RIES for further details.

2.5 Examination matters

- 2.5.1 Matters raised in the Examination to date, or for which the ExA seeks clarity, in relation to LSEs screened out or not considered by the Applicant are summarised in Table 2.2 below.

Table 2.2: Issues raised in the Examination to date by the ExA and IPs in relation to the Applicant's screening of LSEs (alone and in-combination)

ID	Potential impact pathway	Details of issue	ExA observation/question
Severn Estuary SPA, Ramsar and SAC			
2.2.1 / FWQ3.1.4	Stage 1 screening - Coombe Hill SSSI (Severn Estuary sites) – Recreational Disturbance	<p>Within its relevant representation [RR-014], Gloucestershire Wildlife Trust (GWT) raised a concern that the Proposed Development would increase accessibility for recreational users to the Coombe Hill SSSI, which is known to be functionally linked to the Severn Estuary SPA and Ramsar site. GWT considered that this increased accessibility had not been adequately considered in the HRA.</p> <p>In response, the Applicant [REP1-043] reiterated that the Proposed Development itself will not result in increased recreational pressure, as the increase in recreational pressure will come from the increase in housing, which the Scheme will facilitate, but will not permit. Therefore, measures considered within the relevant local planning policies were sufficient, and the HRA process for the Proposed Development did not require a consideration of this matter.</p> <p>The ExA sought further information and justification of this approach [PD-010, FWQ3.1.4], and invited GWT and NE to comment.</p> <p>The Applicant [REP3-043] and [REP4-035] provided further information in relation to the</p>	N/A

ID	Potential impact pathway	Details of issue	ExA observation/ question
		<p>methodology used for the screening out of this matter, and NE confirmed [REP3-076] that it was in agreement with the Applicant's approach and conclusions. GWT did not provide any further comments.</p> <p>The matter was also raised at ISH3, with post hearing submissions provided by the Applicant [REP4-037] to reiterate its previous comments and justification for the approach taken. Gloucestershire County Council, Tewkesbury Borough Council and Cheltenham Borough Council (the 'Joint Councils') [REP4-048] [REP4-048c] agreed with the Applicant's position.</p> <p>No other IPs raised queries on this matter.</p>	
2.2.2 / FWQ3.1.5	Stage 1 screening - Severn Estuary sites – Water Quality	<p>The Applicant [APP-099] screened out LSE to the Severn Estuary SPA but screened in LSE to migratory fish qualifying features of the Severn Estuary SAC and Ramsar site arising from water quality impacts to FLL (the River Chelt).</p> <p>The ExA noted that the Joint Councils [RR-039] and [REP1-069] raised a query in relation to the scope of the assessment of water quality issues to the Severn Estuary, however it was not clear if this related to the ES only, or also affected their agreement with the HRA conclusions.</p> <p>The Applicant responded to the relevant representation at DL1 [REP1-043] and Local Impact Report at DL2 [REP2-009] to provide</p>	N/A

ID	Potential impact pathway	Details of issue	ExA observation/ question
		<p>further details on the justification for the approach taken, in particular in relation to pollution prevention during construction.</p> <p>The ExA sought clarification on the Joint Councils' position [PD-010, FWQ3.1.5].</p> <p>The Joint Councils [REP3-064] [REP3-066] confirmed that water quality concerns around the Severn Estuary were now resolved and therefore have no implications for the conclusions of the HRA.</p> <p>NE [REP3-076] also stated it was of the opinion that the assessment of water quality impacts on the Severn Estuary had been conducted appropriately.</p> <p>No other IPs raised queries on this matter.</p>	
2.2.3 / FWQ3.1.6	Stage 1 screening - Severn Estuary sites in-combination – All pathways	<p>The ExA considered [PD-010, FWQ3.1.6] that the definition of the impact pathways considered relevant to the in-combination assessment within the HRA Screening [APP-099] was ambiguous, which meant that it was difficult to conclude that all relevant pathways had been considered.</p> <p>An explanation of the rationale behind the presentation of the impact pathways was provided in [REP3-043]. The Applicant also provided an updated HRA Screening [REP3-024] which provided further information (paragraphs 4.2.27 to 4.2.38) to clarify the methodology and specific impact pathways considered.</p>	N/A

ID	Potential impact pathway	Details of issue	ExA observation/question
		<p>NE also provided a response to Q3.1.5 [REP3-076], stating its understanding of and agreement with the methodology (where no LSE are noted from the project alone, there is no requirement to assess these in combination).</p> <p>No other IPs raised queries on this matter.</p>	
2.2.4	Cotswold Beechwood SAC – Recreational Disturbance	<p>In its written summary of oral submission to ISH1, St. Modwen and Midlands Land Portfolio (SMMLP) [REP1-064] raised the matter of the permanent land acquisition required for the Proposed Development would include an area that is currently proposed to be utilised as SANG for the West Cheltenham (Golden Valley) Development, which would result in that development being unable to avoid AEOI.</p> <p>No further information was submitted by either SMMLP or the Applicant until D5, where the SOCG [REP5-020] noted this matter was still outstanding. The Applicant provided an updated position within the SOCG to confirm its understanding of the area of potential SANG to be permanently acquired and utilised for other purposes by the Proposed Development (0.49ha).</p>	N/A

2.6 Summary of Examination outcomes in relation to screening

- 2.6.1 The ExA's understanding of the Applicant's and NE's current positions in relation to LSEs is set out in Annex 1, Tables A1.1 to A1.7 of this RIES.
- 2.6.2 As noted in Table 2.2 above, matters relating to the screening of potential impact pathways for the Severn Estuary SPA have been resolved during the examination.

3 ADVERSE EFFECTS ON INTEGRITY

3.1 Conservation Objectives

- 3.1.1 The conservation objectives for all of the European sites for which a LSE was identified by the Applicant at the point of the DCO application were included within section 4.3 of the HRA SIAA [APP-100].
- 3.1.2 The SIAA [APP-100] confirms that the sites are currently in a favourable condition.

3.2 The Applicant's assessment

- 3.2.1 The European sites and qualifying features for which LSE were identified were further assessed by the Applicant to determine if they could be subject to AEOI from the Proposed Development, either alone or in combination. The outcomes of the Applicant's assessment of effects on integrity are summarised in Sections 6 and 8 of the HRA SIAA [APP-100].

Mitigation measures

- 3.2.2 The Applicant's HRA SIAA [APP-100] identified mitigation measures in Section 7. These were taken into account in the Applicant's assessment of effects on integrity.

Sites for which the Applicant concluded no AEOI

- 3.2.3 The Applicant concluded that the Proposed Development would not adversely affect the integrity of any of the European sites and features assessed, either alone or in combination with other projects or plans.
- 3.2.4 NE confirmed it agreed with the Applicant's conclusion of no AEOI in respect of the Severn Estuary SAC and Ramsar site [RR-027].

3.3 Examination matters

- 3.3.1 Matters raised in the Examination to date, or for which the ExA seeks clarity, in relation to AEOIs are summarised in Table 3.1 below.

Table 3.1: Issues raised in the Examination to date by the ExA and IPs in relation to the Applicant's assessment of effects on integrity (alone and in-combination)

ID	Potential impact pathway	Details of issue	ExA observation/question
Severn Estuary SAC and Ramsar			
3.1.1 / FWQ3.1.7 / FWQ3.1.8 / second written questions (SWQ) 3.1.1	Conclusion of no AEOI - all impact pathways except climate change	<p>The ExA noted that with its relevant representation [RR-013] and SoCG [REP1-036], the Environment Agency (EA) raised a number of points in relation to the aquatic environment, including the River Chelt, however with the exception of relevant representation entry 5.8, it was not clear whether the EA considered that these points were relevant to the conclusion of the HRA SIAA [APP-100].</p> <p>The ExA asked a question on this matter [PD-010, FWQ3.1.7], and as no reply was given, followed this at SWQ [PD-012, Q3.1.1].</p> <p>The Applicant provided a response to FWQ3.1.7 [REP3-043], which gave a further justification of why waterbodies other than the River Chelt had not been considered in detail, noting that they comprise heavily modified small tributary systems and managed drainage ditches with limited habitat complexity.</p> <p>FWQ3.1.8 [PD-010] was also asked to confirm whether the omission of in-combination effects on the Severn Estuary sites (entry 5.7, RR-013] from the written representation [REP1-</p>	N/A

ID	Potential impact pathway	Details of issue	ExA observation/question
		<p>067] meant that the matter was agreed. The EA noted that it was omitted in error and would be reinstated.</p> <p>The EA [REP5-032] confirmed its position (in response to SWQ3.1.1), stating that following review of the HRA documents it considered the European sites of most relevance to the EA's remit to be the Severn Estuary SAC, SPA and Ramsar site. It agreed with the Applicant's conclusion of LSE to migratory fish of the SAC and Ramsar site and considered that the mitigation proposed (including silt control and SuDS) as secured through the REAC [REP4-018] was proportionate and would avoid AEoI. The EA confirmed it agreed with the Applicant's decision to screen out LSE to SAC and Ramsar site habitats and wintering migratory birds based on proposed pollution prevention measures and bird survey results indicating that the Proposed Development site and FLL was not important for some bird qualifying features.</p> <p>The Applicant [REP5-027] stated that the latest SoCG with the EA [REP4-024] showed that the matters raised in [REP1-036] were agreed. It stated that these matters had been considered in the HRA, as embedded measures for the Proposed Development.</p>	

ID	Potential impact pathway	Details of issue	ExA observation/question
3.1.2 / [RR-013, entry 5.8]	Waterbodies connected to the Severn Estuary – All impact pathways except climate change	<p>The EA [RR-013, entry 5.8] [REP1-067, entry 5.5) considered that the value of watercourses other than the River Chelt may have been underestimated in relation to impacts to eels, a qualifying feature of the Severn Estuary Ramsar site.</p> <p>The Applicant responded [REP1-043] [REP2-008] that whilst the HRA and other application assessments did not initially consider waterbodies such as the Leigh Brook (which is hydrologically linked to the Severn Estuary Sites) to be of suitable habitat, precautionary mitigation was added following consultation with the EA. This additional mitigation is secured within the REAC as commitment B28 [REP4-018].</p> <p>As noted above for ID 3.1.1. the EA [REP5-032] confirmed that it considered the mitigation proposed by the Applicant was sufficient to avoid AEOI to the Severn Estuary SAC and Ramsar site.</p> <p>No other IPs raised queries on this matter.</p>	N/A
3.1.3 / FWQ3.1.9	Assessment of in-combination effects	The EXA noted [PD-010, FWQ3.1.9] that the HRA SIAA [APP-100] did not include a specific list of projects and plans scoped into the assessment, as the Applicant did not consider a detailed assessment to be necessary as the	N/A

ID	Potential impact pathway	Details of issue	ExA observation/question
		<p>HRA SIAA [APP-100] concludes that mitigation will be successful for both the project alone and in combination effects.</p> <p>The Applicant provided a list of the plans and projects scoped in [REP3-043], and an updated HRA SIAA [REP3-026] (Appendix G) to demonstrate agreement with NE in relation to the approach taken to not include a detailed assessment in the SIAA [APP-100].</p> <p>NE also reconfirmed its agreement with this approach [REP3-076].</p> <p>No other IPs raised queries on this matter.</p>	
3.1.4 / FWQ3.1.11	Disturbance to key species; habitat or species fragmentation; reduction in species' density; and changes in key indicators of conservation value (construction)	<p>The ExA [PD-010, FWQ3.1.11] considered that it was unclear within the HRA SIAA [APP-100] if the Applicant was intending to implement the mitigation measure of relocation of lamprey ammocoetes, which NE considered would be required (as detailed in Appendix G of [APP-100]).</p> <p>Both the Applicant [REP3-043] and NE [REP3-076] responded to state that the Applicant would be undertaking this where required. The requirement for this during dewatering would be avoided predominately by design of the works to ensure that only part of the width of the channel will be dewatered. Therefore, continuity of flow and fish passage would be</p>	N/A

ID	Potential impact pathway	Details of issue	ExA observation/question
		<p>maintained at all times during construction. In the event of relocation being required, a fish rescue plan would be available, the requirement for which is secured in B23 of the REAC [REP4-018].</p> <p>No other IPs raised queries on this matter.</p>	
3.1.5 / FWQ3.1.12	River Chelt Mitigation Strategy	<p>The ExA [PD-010, FWQ3.1.12], noted that NE [RR-027] referred to the 'River Chelt Mitigation Strategy' as being required to be secured, however this term did not appear in any document that related to management plan requirements. Both the Applicant [REP3-043] and NE [REP3-076] responded to state that the strategy was not a specific document, but referred to the general mitigation approach, including the fish rescue plan secured in B23 of the REAC [REP4-018].</p> <p>The Applicant also confirmed how the general approach to mitigation of impacts to the River Chelt have been considered and secured [REP4-035], with reference to the Environmental Masterplans [REP3-009] [REP3-010] and REAC [REP3-031].</p> <p>No other IPs raised queries on this matter.</p>	N/A

4 CONCLUDING REMARKS

- 4.0.1 This RIES is based on information submitted throughout the Examination by the Applicant and IPs, up to DL5 (01 October 2024) and change request two (Accepted 18 October 2024), in relation to potential effects on European sites. It should be read in conjunction with the Examination documents referred to throughout.
- 4.0.2 Comments on the RIES will be of great value to the ExA in order to support a robust and thorough recommendation to the Secretary of State. In particular, The ExA seeks confirmation as to whether the ExA's understanding of screening and adverse effects conclusions at point of RIES publication (Tables A.1 to A1.7 in Annex 1) is correct.
- 4.0.3 Comments on the RIES must be submitted for DL9 (19 November 2024).

ANNEX 1 EXA'S UNDERSTANDING OF POSITION AT POINT OF RIES PUBLICATION

4.0.4 The tables in this Annex summarise the ExA's understanding of the Applicant's screening exercise and assessment of effects on integrity, and agreement with the relevant ANCB(s)/IPs at time of publication of this RIES.

Key to tables:

C = Construction

O = Operation

✓ = LSE or AEoI cannot be excluded

X = LSE or AEoI can be excluded

Y = Yes

N = No

? = Unclear

n/a = not applicable

Table A1.1: Wye Valley and Forest of Dean Bat SAC (HRA Screening Appendices B and I)

Feature	Potential impact (C and O)	LSE?		AEoI?	
		Applicant's conclusion	Agreement with ANCB? ¹	Applicant's conclusion	Agreement with ANCB? ¹
Lesser Horseshoe Bat	Reduction of habitat area	X	Y [RR-027]	n/a	n/a
	Disturbance to key species	X	Y [RR-027]	n/a	n/a
Greater Horseshoe Bat	Habitat or species fragmentation	X	Y [RR-027]	n/a	n/a
	Reduction in species density	X	Y [RR-027]	n/a	n/a
	Changes in key indicators of conservation value (Water quality, air quality, surface hydrology and groundwater hydrogeology, introduction of invasive non-native species, recreation)	X	Y [RR-027]	n/a	n/a
	Climate change	X	Y [RR-027]	n/a	n/a

¹ Applies to impacts from the Proposed Development alone and in combination, unless otherwise stated.

Table A1.2: Walmore Common SPA (HRA Screening Appendices C and J)

Feature	Potential impact (C and O)	LSE?		AEoI?	
		Applicant's conclusion	Agreement with ANCB? ²	Applicant's conclusion	Agreement with ANCB? ²
Bewick's Swan	Reduction of habitat area	X	Y [RR-027]	n/a	n/a
	Disturbance to key species	X	Y [RR-027]	n/a	n/a
	Habitat or species fragmentation	X	Y [RR-027]	n/a	n/a
	Reduction in species density	X	Y [RR-027]	n/a	n/a
	Changes in key indicators of conservation value (Water quality, air quality, surface hydrology and groundwater hydrogeology, introduction of invasive non-native species, recreation)	X	Y [RR-027]	n/a	n/a
	Climate change	X	Y [RR-027]	n/a	n/a

² Applies to impacts from the Proposed Development alone and in combination, unless otherwise stated.

Table A1.3: Walmore Common Ramsar site (HRA Screening Appendices D and K)

Feature	Potential impact (C and O)	LSE?		AEoI?	
		Applicant's conclusion	Agreement with ANCB? ³	Applicant's conclusion	Agreement with ANCB? ³
Criterion 6 – Tundra Swan	Reduction of habitat area	X	Y [RR-027]	n/a	n/a
	Disturbance to key species	X	Y [RR-027]	n/a	n/a
	Habitat or species fragmentation	X	Y [RR-027]	n/a	n/a
	Reduction in species density	X	Y [RR-027]	n/a	n/a
	Changes in key indicators of conservation value (Water quality, air quality, surface hydrology and groundwater hydrogeology, introduction of invasive non-native species, recreation)	X	Y [RR-027]	n/a	n/a
	Climate change	X	Y [RR-027]	n/a	n/a

³ Applies to impacts from the Proposed Development alone and in combination, unless otherwise stated.

Table A1.4: Severn Estuary SAC (HRA Screening Appendix E, HRA SIAA section 6 and 8).

Feature	Potential impact (C and O) unless otherwise stated)	LSE?		AEoI?	
		Applicant's conclusion	Agreement with ANCB? ⁴	Applicant's conclusion	Agreement with ANCB? ⁴
Annex 1 habitats (primary reason for selection) <ul style="list-style-type: none"> • Estuaries • Mudflats and sandflats not covered by seawater at low tide • Atlantic salt meadows (<i>Glauco-Puccinellietalia maritima</i>) Annex 1 habitats <ul style="list-style-type: none"> • Sandbanks which are slightly covered by 	Reduction of habitat area	X	Y [RR-027]	n/a	n/a
	Habitat fragmentation	X	Y [RR-027]	n/a	n/a
	Changes in key indicators of conservation value (Water quality, air quality, surface hydrology and groundwater hydrogeology, introduction of invasive non-native species, recreation)	X	Y [RR-027]	n/a	n/a
	Climate change	X	Y [RR-027]	n/a	n/a

⁴ Applies to impacts from the Proposed Development alone and in combination, unless otherwise stated.

Feature	Potential impact (C and O) unless otherwise stated)	LSE?		AEoI?	
		Applicant's conclusion	Agreement with ANCB?⁴	Applicant's conclusion	Agreement with ANCB?⁴
seawater all the time • Reefs					
River lamprey	Reduction of habitat area (C)	✓	Y [RR-027]	x	Y [RR-027]
	Reduction of habitat area (O)	X	Y [RR-027]	n/a	n/a
	Disturbance to key species (C)	✓	Y [RR-027]	x	Y [RR-027]
	Disturbance to key species (O)	X	Y [RR-027]	n/a	n/a
	Habitat or species fragmentation (C)	✓	Y [RR-027]	x	Y [RR-027]
	Habitat or species fragmentation (O)	X	Y [RR-027]	n/a	n/a
	Reduction in species density (C)	✓	Y [RR-027]	x	Y [RR-027]
	Reduction in species density (O)	X	Y [RR-027]	n/a	n/a
	Changes in key indicators of conservation value (Water quality, air quality, surface hydrology and groundwater hydrogeology, introduction of invasive non-native species, recreation)	✓	Y [RR-027]	x	Y [RR-027]

Feature	Potential impact (C and O) unless otherwise stated)	LSE?		AEoI?	
		Applicant's conclusion	Agreement with ANCB?⁴	Applicant's conclusion	Agreement with ANCB?⁴
	Changes in key indicators of conservation value e.g. water quality (O)	✓	Y [RR-027]	x	Y [RR-027]
	Climate change	X	Y [RR-027]	n/a	n/a
Sea lamprey	Reduction of habitat area	X	Y [RR-027]	n/a	n/a
	Disturbance to key species	X	Y [RR-027]	n/a	n/a
	Habitat or species fragmentation	X	Y [RR-027]	n/a	n/a
	Reduction in species density	X	Y [RR-027]	n/a	n/a
Twaite shad	Changes in key indicators of conservation value (Water quality, air quality, surface hydrology and groundwater hydrogeology, introduction of invasive non-native species, recreation)	X	Y [RR-027]	n/a	n/a

Table A1.5: Severn Estuary SPA (HAR Screening Appendices F and L)

Feature	Potential impact (C, O and D unless otherwise stated)	LSE?		AEoI?	
		Applicant's conclusion	Agreement with ANCB? ⁵	Applicant's conclusion	Agreement with ANCB? ⁵
Bewick's swan	Reduction of habitat area	X	Y [RR-027]	n/a	n/a
Gadwall	Disturbance to key species	X	Y [RR-027]	n/a	n/a
European white-fronted goose	Habitat or species fragmentation	X	Y [RR-027]	n/a	n/a
Dunlin	Reduction in species density	X	Y [RR-027]	n/a	n/a
Shelduck Redshank Ringed plover Waterbird assemblage	Changes in key indicators of conservation value (Water quality, air quality, surface hydrology and groundwater hydrogeology, introduction of invasive non-native species, recreation)	X	Y [RR-027]	n/a	n/a
	Climate change	X	Y [RR-027]	n/a	n/a

⁵ Applies to impacts from the Proposed Development alone and in combination, unless otherwise stated.

Table A1.6: Severn Estuary Ramsar site (HRA Screening Appendix G, HRA SIAA section 6 and 8)

Feature	Potential impact (C, O and D unless otherwise stated)	LSE?		AEoI?	
		Applicant's conclusion	Agreement with ANCB ⁶	Applicant's conclusion	Agreement with ANCB? ⁶
Criterion 1: <ul style="list-style-type: none"> • Sandbanks which are slightly covered by seawater all the time • Estuaries • Mudflats and sandflats not covered by seawater at low tide • Atlantic salt meadows (Glauco-Puccinellietalia maritimae) 	Reduction of habitat area	X	Y [RR-027]	n/a	n/a
	Habitat fragmentation	X	Y [RR-027]	n/a	n/a
	Changes in key indicators of conservation value (Water quality, air quality, surface hydrology and groundwater hydrogeology, introduction of invasive non-native species, recreation)	X	Y [RR-027]	n/a	n/a
Criterion 3: <ul style="list-style-type: none"> • Estuarine communities 	Climate change	X	Y [RR-027]	n/a	n/a
Criterion 4: <ul style="list-style-type: none"> • Salmon • Sea trout 	Reduction of habitat area (C)	✓	Y [RR-027]	x	Y [RR-027]
	Reduction of habitat area (O)	X	Y [RR-027]	n/a	n/a

⁶ Applies to impacts from the Proposed Development alone and in combination, unless otherwise stated.

Feature	Potential impact (C, O and D unless otherwise stated)	LSE?		AEoI?	
		Applicant's conclusion	Agreement with ANCB ⁶	Applicant's conclusion	Agreement with ANCB ⁶
<ul style="list-style-type: none"> • River lamprey • European eel Criterion 8: <ul style="list-style-type: none"> • Fish assemblage (Salmon, Sea trout, River lamprey, European eel) 	Disturbance to key species (C)	✓	Y [RR-027]	x	Y [RR-027]
	Disturbance to key species (O)	X	Y [RR-027]	n/a	n/a
	Habitat or species fragmentation (C)	✓	Y [RR-027]	x	Y [RR-027]
	Habitat or species fragmentation (O)	X	Y [RR-027]	n/a	n/a
	Reduction in species density (C)	✓ (Lamprey only)	Y [RR-027]	x	Y [RR-027]
	Reduction in species density (O)	X	Y [RR-027]	n/a	n/a
	Changes in key indicators of conservation value (Water quality, air quality, surface hydrology and groundwater hydrogeology, introduction of invasive non-native species, recreation) (C)	✓	Y [RR-027]	x	Y [RR-027]

Feature	Potential impact (C, O and D unless otherwise stated)	LSE?		AEoI?	
		Applicant's conclusion	Agreement with ANCB ⁶	Applicant's conclusion	Agreement with ANCB ⁶
	Changes in key indicators of conservation value (Water quality, air quality, surface hydrology and groundwater hydrogeology, introduction of invasive non-native species, recreation) (O)	✓	Y [RR-027]	x	Y [RR-027]
	Climate change	X	Y [RR-027]	n/a	n/a
Criterion 4: <ul style="list-style-type: none"> • Sea lamprey • Allis shad • Twaité shad • Migratory birds 	Reduction of habitat area	X	Y [RR-027]	n/a	n/a
	Disturbance to key species	X	Y [RR-027]	n/a	n/a
	Habitat or species fragmentation	X	Y [RR-027]	n/a	n/a
Criterion 5:	Reduction in species density	X	Y [RR-027]	n/a	n/a

Feature	Potential impact (C, O and D unless otherwise stated)	LSE?		AEoI?	
		Applicant's conclusion	Agreement with ANCB ⁶	Applicant's conclusion	Agreement with ANCB ⁶
<ul style="list-style-type: none"> Bird assemblage (wintering) Criterion 6: <ul style="list-style-type: none"> Tundra swan Greater white-fronted goose Common shelduck Gadwall Dunlin Common redshank 	Changes in key indicators of conservation value (Water quality, air quality, surface hydrology and groundwater hydrogeology, introduction of invasive non-native species, recreation)	X	Y [RR-027]	n/a	Y [RR-027]
Criterion 8: <ul style="list-style-type: none"> Fish assemblage (Sea lamprey, Allis shad, Twaité shad, Fallax) 	Climate change	X	Y [RR-027]	n/a	Y [RR-027]

Table A1.7: Cotswold Beechwoods SAC (HRA Screening Appendix H and M)

Feature	Potential impact (C, O and D unless otherwise stated)	LSE?		AEoI?	
		Applicant's conclusion	Agreement with ANCB? ⁷	Applicant's conclusion	Agreement with ANCB? ⁷
Asperulo-Fagetum beech forests (Beech forests on neutral to rich soils). Semi-natural dry grasslands and scrubland facies on calcareous substrates (Festuco-Brometalia) (Dry grasslands and scrublands on chalk or limestone).	Reduction of habitat area	X	Y [RR-027]	n/a	n/a
	Habitat fragmentation	X	Y [RR-027]	n/a	n/a
	Changes in key indicators of conservation value (Water quality, air quality, surface hydrology and groundwater hydrogeology, introduction of invasive non-native species, recreation)	X	Y [RR-027]	n/a	n/a
	Climate change	X	Y [RR-027]	n/a	n/a

⁷ Applies to impacts from the Proposed Development alone and in combination, unless otherwise stated.