

Date: 26 February 2020
Our ref: 306722
Your ref: TR040011



Simone Wilding
Head of Major Casework Management
Planning Inspectorate
National Infrastructure Planning
Temple Quay House
2 The Square
Bristol, BS1 6PN

Customer Services
Hornbeam House
Crewe Business Park
Electra Way
Crewe
Cheshire
CW1 6GJ

T 0300 060 3900

BY EMAIL ONLY

Metrowest1@planninginspectorate.gov.uk

Dear Sir/Madam

NSIP Reference Name / Code: TR040011 The Portishead Branch Line (Metrowest Phase 1) Order – Relevant representations from Natural England
User Code: 20025317

Thank you for your consultation on the above dated 14 January 2020 which was received by Natural England on the same date.

Natural England is a non-departmental public body. Our statutory purpose is to ensure that the natural environment is conserved, enhanced, and managed for the benefit of present and future generations, thereby contributing to sustainable development.

Summary of Natural England's advice.

The Metrowest project lies partly within Avon Gorge Woodlands Special Area of Conservation (SAC) and is close to several other nationally and internationally protected nature conservation sites.

Natural England has had regular and constructive engagement with the applicant throughout the pre-application period. Our advice has focused on the national and European sites that could be affected and those protected species that may be subject to licensing requirements.

Overall we are satisfied that the assessment of potential environmental effects in relation to designated sites and protected species undertaken by the applicant has been thorough and the findings are robust.

Shadow Habitats Regulations Assessment (sHRA)

At the screening stage the sHRA concluded that the likely significant effects on the the Severn Estuary, and a number of more distant sites could be ruled out on the basis of objective information.

Effects on the Avon Gorge Woodlands SAC and the North Somerset & Mendip Bats SAC have been subject to an Appropriate Assessment. The assessment concludes that subject to mitigation identified being secured, an adverse effect on the integrity of the North Somerset & Mendip Bats SAC can be avoided. For the Avon Gorge Woodlands SAC it concludes that while some effects can be minimised, the direct loss of ancient woodland and rare grassland habitat cannot be fully mitigated and therefore the project will adversely affect the integrity of the SAC. Natural England supports these conclusions.

The applicant has therefore, through the derogation provided for under article 6(4) of the Habitats Directive, sought to demonstrate that there are no feasible alternatives to the project, that there are imperative reasons of overriding public importance (IROPI) for the project to proceed, and that compensatory measures can be secured that maintain the overall coherence of the Natura 2000 network.

Without prejudice, Natural England has considered the emerging package of compensatory measures, and while we are broadly content that the measures would be proportionate and effective in ecological terms, we do consider that further details and discussions are needed to ensure all locations and measures are appropriate and deliverable.

We have also made sure that the applicant is aware that because the compensation package includes positive management measures to tackle invasive species on Network Rail land within the SAC, they must clearly show that the measures are additional to the management for favourable SAC condition that is considered 'normal practice' for site owner/public body under Article 6(1) of the Habitats Directive. As well as seeking to demonstrate this, the applicant has identified other options for positive habitat management enhancements outside of the SAC.

Natural England's detailed advice

1. Introduction

- 1.1. Natural England's advice in these relevant representations is based on information submitted by North Somerset Council in support of its application for a Development Consent Order ('DCO') in relation to construction of a new railway and passenger service, utilising the trackbed of the disused railway and the existing freight line to Portbury Dock.
- 1.2. Natural England has been working closely with North Somerset Council to provide pre-application over a number of years. Natural England has also discussed the project with other relevant parties, including Network Rail.
- 1.3. Natural England has held initial discussions with the applicant about a Statement of Common Ground and anticipates completion of the document the coming weeks ahead of the Examination.
- 1.4. In recent pre-application discussions we have suggested to the applicant that key measures relating to European sites – mitigation measures and compensation - are drawn out into a single summary. The consideration of these issues rightly features in the Environmental Statement, the sHRA, the Avon Gorge Vegetation Management Plan and will be referred to in a mitigation schedule, Construction and Environment Management Plan and proposed DCO Requirements. It is therefore useful to have a clear and transparent summary of HRA measures in one place. The applicant has agreed that this would be helpful.

2. Natural environment interests potentially affected by this application

- 2.1. Part of the development footprint for the Metrowest project lies within Avon Gorge Woodlands Special Area of Conservation (SAC) and Site of special Scientific Interest (SSSI), and it is also in close proximity to the Severn Estuary Special Area of Conservation (SAC), Special Protection Area (SPA) and Ramsar site, and North Somerset and Mendip Bats SAC, all of which are internationally and nationally protected nature conservation sites
- 2.2. A number of protected species are likely to be affected, some of which will be subject to licensing requirements (see 2.24 below).

Avon Gorge Woodlands SAC

- 2.3. As well as being a nationally and internationally protected wildlife asset, containing many rare plants, the Avon Gorge is recognised as being highly valued and important in landscape, geological and cultural terms.
- 2.4. Natural England agrees with the assessment of effects on qualifying features of the SAC and considers that a precautionary approach has been taken.
- 2.5. The Metrowest project involves the direct loss of 0.78ha of the Avon Gorge Woodlands SAC. This is due to the increased area need for maintenance of a passenger line over a freight line, and breaks down as 0.71ha of the ancient woodland qualifying feature and 0.07 ha of limestone grassland qualifying feature. The works will also result in the loss of 27 individual rare Whitebeam trees.
- 2.6. The range of mitigation and compensation measures that relate to the SAC are covered in the Avon Gorge Vegetation Management Plan (AGVMP). Natural England will continue to advise the applicant on this document and will need to agree the final version.

Avoidance and mitigation

- 2.7. Some changes to the project, while not introduced with the purpose of addressing ecological impacts, have reduced the scale of likely effects. Primarily this relates to the lowering of speed and frequency of the rail service from that which was envisaged earlier in the pre-application phase, which means that less of an area is needed for construction and maintenance activity than was originally envisaged.
- 2.8. The Appropriate Assessment has also identified avoidance and mitigation measures that have been introduced to reduce and limit effects and which chiefly relate to the construction phase of the project. Natural England supports these measures.
- 2.9. Fencing needed to maintain safety on the line will have the incidental positive effect of limiting illegal and sometimes damaging public access to the site, as noted in Natural England's site Improvement Plan. That said the potential landscape and visual impacts of the fencing on the Gorge – an important environmental asset to local communities – should also be given weight in determining the design and operation of the project.

Compensation

- 2.10. As mentioned in the summary above, after consideration of avoidance and mitigation measures the Appropriate Assessment (AA) has concluded that the project will result in an adverse effect on integrity of the SAC. Natural England supports this conclusion. Whilst, as identified in the AA, there is some scope for effects on the ancient woodland and limestone grassland habitat to be minimised, the direct loss of qualifying features for these habitats cannot be mitigated.
- 2.11. The applicant has developed a package of compensation measures aimed at maintaining the coherence of the Natura 200 network. While there are some details yet to be finalised and different options or choices that could be taken, Natural England has, without prejudice, given pre-

application advice and considers that the applicant is taking a thorough approach to considering a suitable package of measures.

- 2.12. The main features of the compensation measures involve areas of positive woodland and limestone grassland management and whitebeam planting.
- 2.13. Natural England supports the focus on planting whitebeams, a primary feature of the SAC woodland, many species of which are endemic to the Avon Gorge. We also support the principle of replacing lost whitebeam on at least a 2 for 1 basis.
- 2.14. We have held pre-application discussions and recently visited the three proposed whitebeam planting sites. While we are reasonably confident that one of the sites is likely to be suitable, there are some questions to be resolved with the methodology and the other two sites in order to be sure that they are the appropriate locations for this type of compensation. We believe that there may be other more appropriate locations for planting within the SAC and outside of Network Rail ownership, however, we recognise that the applicant may find it more challenging to arrange.
- 2.15. The positive management proposed within the SAC to benefit woodland and grassland features will target invasive species removal – one of the major ecological issue affecting condition of the SAC – and involve removal of some large trees such as the non-native holm oak. This will undoubtedly have a positive ecological outcome and, like the whitebeam planting, will be done on at least a 2 for 1 basis by area, which Natural England supports.
- 2.16. As stated in our summary we have advised that positive habitat management must be over and above that which Network Rail is legally required to carry out as the site owner. The applicant has sought to demonstrate that this is the case in its submission, and held initial conversations with the Forestry Commission about alternative positive habitat management in undesignated ancient woodland adjacent to the SAC.
- 2.17. While there are details that to be added and changes that may be made to the compensation package, we recognise that the Inspectorate, Defra and other parties will need to be consider the derogation and compensatory measures in the lead up to the Examination.

North Somerset and Mendip Bats SAC

- 2.18. Bat surveys involving radio tracking of greater horseshoe bats revealed that bats are moving between Avon Gorge and Brockley Hall Stables SSSI, a maternity roost protected as part of the North Somerset and Mendips Bats SAC. The disused line between Pill and Portishead provides an important corridor for bats, particularly in where it runs close to the M5 and development at Portbury Dock, and a day/night roost was found at the disused Pill station. Evidence presented in the Environmental Statement also confirms the importance of the existing line (including tunnels, bridges and surrounding woodland) through Avon Gorge for bat species, including socialising of horseshoe bat species.
- 2.19. In terms of effects on the SAC the main risks identified arise from vegetation clearance and increased lighting along the new section of line, including Pill station. Without mitigation this could cause habitat fragmentation and severance affecting foraging and commuting habitats, and by direct disturbance to lesser horseshoe bat roosts.
- 2.20. Mitigation measures will involve sensitive vegetation planting management and lighting control to ensure a dark corridor is maintained and strengthened for commuting bats.
- 2.21. Natural England considers that mitigation proposed has focused on the key risks and provided the the dark, vegetated corridor along the course of the disused line can be maintained and enhanced, will be effective and deliverable.
- 2.22. While it may not be able to reduce lighting levels needed for safe use of the platform at Pill station, the applicant has stated that it is possible to create a screen or shield that protects the day/night roost at the station from light and maintains the dark corridor that bats use to access it. In principle this appears to be a an effective and deliverable mitigation measure.

Severn Estuary European site

2.23. We are satisfied that significant effects on the Severn Estuary European site (s) have been ruled out through the sHRA screening on the basis of objective information, including bird surveys that suggested qualifying species of the SPA/Ramsar do not occur in significant numbers within the survey area, and an assessment of noise that appears to show that noise levels within the Severn Estuary designated site and functionally linked will be largely unaffected by the construction or operation of the new passenger service. Existing recreational use of the bird survey area was also noted.

Protected species licensing

- 2.24. The applicant has sought Letters of No Impediment (LONIs) to provide reassurance on the likely needs for protected species licenses for Great Crested Newts, Bats and Badgers.
- 2.25. We have issued LONIs for bats and badgers, which include some comments minor additions that would likely be included in an application.
- 2.26. We have advised the applicant that further information is needed to support on LONI (and a licence application) for Great Crested Newts. We do not believe that there is a significant barrier to reaching a favourable outcome for GCN but understand that the applicant is looking at options before submitting its proposals for this species.

Other biodiversity and landscape interests

2.27. Natural England is satisfied that wider biodiversity and landscape interests have been assessed thoroughly and suitable measures included to avoid or reduce impacts have been identified in the environmental statement. We have no significant concerns.

Should you have any questions regarding the advice above please contact me using the details below.

Kind regards

Simon Stonehouse

Senior Planning Adviser

Wessex Team

Natural England

██████████

Simon.stonehouse@naturalengland.org.uk