

REPORT ON EUROPEAN SITES

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The Northampton Gateway Rail Freight Interchange Order 201X

Regulation No: 5 (2) (g)

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FPCR

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Roxhill (Junction 15) Limited

Northampton Gateway, Northamptonshire

REPORT ON EUROPEAN SITES: HABITAT REGULATIONS ASSESSMENT

Pursuant to Regulation 5(2)(g)

May 2018



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1 Site Location Plan



INTRODUCTION

Background

- 1.1 This report has been produced by FPCR Environment & Design Ltd on behalf of Roxhill (Junction 15) Limited. The report accompanies an application made by Roxhill for the Northampton Gateway Rail Freight Interchange Order (DCO) that will authorise the construction of the development described in the draft DCO ('the Proposed Development').
- 1.2 The application is being made to the Secretary of State for Transport pursuant to the Planning Act 2008 and in accordance with the Infrastructure Planning (Applications: Prescribed Forms and Procedures) Regulations 2009.
- 1.3 Regulation 5(2)(g) of the APFP Regulations requires that the application be accompanied by a report that identifies any site that may be affected by the development to which Regulation 61 of the Conservation of Habitats and Species Regulations 2017 (the Habitats Regulations) applies. These sites, known as Special Protection Areas (SPAs) pursuant to the EC Birds Directive and Special Areas of Conservation (SACs) pursuant to the EC Habitats Directive are commonly referred to as European Sites, and form part of the Natura 2000 network of designated sites.
- 1.4 The report duly provides the background information and an assessment of the potential for Likely Significant Effects (LSE) as a result of the Proposed Development. It assesses the potential impacts on the classified features of the only relevant European Site, being:
 - Upper Nene Valley Gravel Pits SPA/Ramsar/SSSI 5km west of the Main Site and 7.5km north-east of the Bypass Corridor. The relative location of the SPA and Development Site is indicated on Figure 1.

Site Context

- 1.5 The Proposed Development comprises a SRFI; bound to the north by Collingtree Road, to the east by the M1, to the south by the A508 / Northampton Road and to the west by arable fields (referred to as the 'Main Site'). The Proposed Development also includes new and improved highways infrastructure at Junction 15 and 15A of the M1, on the A45, and other local highways infrastructure works on the A508 corridor (referred to collectively as the 'Highway Mitigation Works'). The proposals also include a bypass to the west of Roade, Northamptonshire (within the 'Bypass Corridor') . The Main Site itself comprises arable fields bisected by hedgerows of varying ages and structures, with areas of woodland, tree belts, grassland, ponds, wet ditches and several abandoned buildings (central grid reference SP 748 547).
- 1.6 The Bypass Corridor is bound to the north by arable fields and woodland, to the east by Roade and to the south and west by a mix of arable and grazed field compartments. The site itself comprises areas of grassland, a mix of arable and grazed fields bound by hedgerows and standard trees, with scrub, grassland, running water, dry ditches. The surrounding landscape consists of arable farmland with woodland blocks, pasture and scattered urban areas.
- 1.7 This assessment provides information to allow the Competent Authority, in this case the Secretary of State for Transport, to complete a Habitat Regulations Assessment (HRA) if

necessary and, if a Likely Significant Effect (LSE) is found notwithstanding proposed mitigation, an Appropriate Assessment.

1.8 The report should be read in conjunction with the Environmental Statement for the Northamptonshire Gateway¹.

Development Proposals

- 1.9 Full details of the Proposed Development are provided separately in Chapter 2 of the Environmental Statement. In brief, the Proposed Development consists of the following:
 - An intermodal freight terminal including container storage and HGV parking, rail sidings to serve individual warehouses, an aggregates facility as part of the intermodal freight terminal, and with the capability to also provide a 'rapid rail freight' facility;
 - Up to 468,000 sq m (approximately 5 million sq ft) (gross internal area) of warehousing and ancillary buildings, with additional floorspace provided in the form of mezzanines (155,000 sq.m.);
 - A secure, dedicated, HGV parking area of approximately 120 spaces including driver welfare facilities to meet the needs of HGVs visiting the site or intermodal terminal;
 - New road infrastructure and works to the existing road network, including the provision of a
 new access and associated works to the A508, a new bypass to the village of Roade,
 improvements to Junction 15 and to J15A of the M1 motorway, the A45, other highway
 improvements at junctions on the local highway network and related traffic management
 measures;
 - Strategic landscaping and tree planting, including diverted public rights of way;
 - Earthworks and demolition of existing structures on the SRFI site.

2.0 BACKGROUND AND LEGISLATIVE AND POLICY CONTEXT

Habitats Directive

2.1 Article 6(3) of the Habitats Directive requires an Appropriate Assessment of any plans or projects that could affect Special Areas of Conservation (SACs), Special Protection Areas (SPAs) and Ramsar sites (jointly referred to as 'European sites').

Any plan or project not directly connected with or necessary to the management of the site but likely to have a significant effect thereon, either individually or in combination with other plans or projects, shall be subject to appropriate assessment of its implications for the site in view of the site's conservation objectives. In the light of the conclusions of the assessment of the implications for the site and subject to the provisions of Paragraph 4, the competent national authorities shall agree to the plan or project only after having ascertained that it will not adversely affect the integrity of the site concerned and, if appropriate, after having obtained the opinion of the general public.'

¹ Document 5.2 Chapter 5

- 2.2 Article 6(4) of the Habitats Directive discusses alternative solutions, the test of "imperative reasons of overriding public interest" (IROPI) and compensatory measures:
 - If, in spite of a negative assessment of the implications for the site and in the absence of alternative solutions, a plan or project must nevertheless be carried out for imperative reasons of overriding public interest, including those of a social or economic nature, the Member State shall take all compensatory measures necessary to ensure that the overall coherence of Natura 2000 is protected. It shall inform the Commission of the compensatory measures adopted.
- 2.3 Plans and projects can only be permitted if it can be shown that they will have no significant adverse effect on the integrity of any European site, or if there are no alternatives to them and there are 'Imperative Reasons of Overriding Public Interest' (IROPI). In determining the likelihood of significant adverse effects, the Habitats Directive requires the application of the precautionary principle.
- 2.4 A "likely significant effect" is defined as:
 - "Any effect that may reasonably be predicted...that may affect the conservation objectives of the features for which the site was designated, but excluding trivial or inconsequential effects."
- 2.5 The integrity of a site is defined as:
 - "The coherence of its ecological structure and function, across its whole area, that enables it to sustain the habitat, complex of habitats and / or the level of populations of the species for which it was classified."
- 2.6 In addition to the Likely Significant Effects a Proposed Development may have on any European Site alone, it must be recognised that in some instances whilst these potential impacts could be assessed as insignificant, they would be considered significant if in-combination with one or other local schemes if these were to progress concordantly (i.e. potential impacts of the Proposed Development are insignificant alone yet significant cumulatively).
- 2.7 The protection given by the Habitats Directive is transposed into UK legislation through the Conservation of Habitats and Species Regulations 2017 (Habitats Regulations). Special Areas of Conservation (SACs), candidate Special Areas of Conservation (cSACs) and Special Protection Areas (SPAs) are protected under the Habitats Regulations. As a matter of policy the Government also applies the procedures described below to potential SPAs (pSPAs), Ramsar sites, and (in England) possible SACs, proposed Ramsar sites and sites identified, or required, as compensatory measures for adverse effects on any of the above sites.

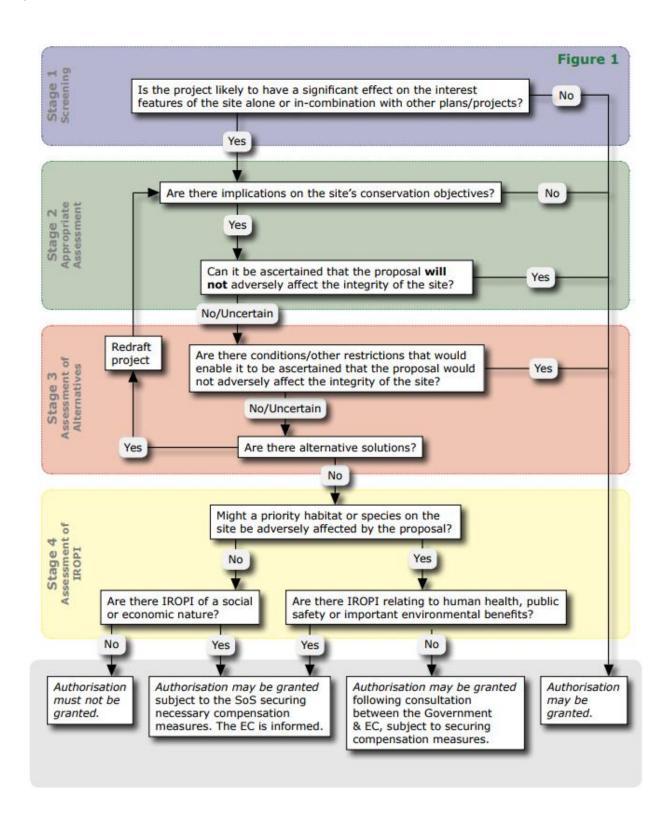
Appropriate Assessment

2.8 Where the potential likely impacts of a Proposed Development are considered together with an assessment of any potential likely in-combination impacts and likely potential significant impacts upon a European site cannot be 'screened out', (i.e.it cannot be ruled out that the Proposed Development would not undermine the conservation objectives of a European site) then further assessment is necessary. This takes the form of an Appropriate Assessment.



Planning Act process and HRA

2.9 European guidance describes a four-stage process to HRA. Figure 1 of *Advice note ten: Habitat Regulations Assessment relevant to nationally significant infrastructure projects* summarises this process:





Extract from: Advice note ten: Habitat Regulations Assessment relevant to nationally significant infrastructure projects²

- 2.10 The steps in carrying out this HRA Stage 1 (Screening) report are as follows:
 - Gather the evidence base about the European Sites, their vulnerabilities and the effects that could act upon International Sites;
 - Screen the development proposals for likelihood of significant effect on those European Sites;
 and
 - Introduce measures to avoid any identified Likely Significant Effect.
- 2.11 The findings of Stage 1 (Screening) are set out in Section 6.0, which consider the ways in which the application site development may affect the European Site.

3.0 RELEVANT STRATEGIES, GUIDELINES OR DOCUMENTS

The Upper Nene Valley Gravel Pits Special Protection Area Supplementary Planning Document (August 2015)

- 3.1 The Upper Nene Valley Gravel Pits Special Protection Area Supplementary Planning Document (SPD) has been jointly prepared by Natural England and the Royal Society for the Protection of Birds (RSPB), primarily for the benefit of Northamptonshire County Council and partner local Authorities and others to ensure that development has no significant effect on the SPA, in accordance with the legal requirements of the Habitats Regulations. The SPD outlines a consistent approach to consulting with Natural England, levels of survey effort and assessment to identify any potential significant effects on the qualifying features of the SPA / Ramsar.
- 3.2 Natural England in the SPD advises early consultation regarding proposals that could affect the Upper Nene Valley Gravel Pits SPA and has developed specific consultation zones for the SPA. These clarify for local planning authorities and other competent authorities when to consult Natural England about potential impacts on the SPA. Of relevance to the proposals, Natural England expects to be consulted for:

"0km-5km of the SPA/Ramsar

- Infrastructure including road, rail, pylons, pipelines (except routine maintenance)"
- 3.3 The SPD identifies a range of potentially significant adverse effects and while most of these include direct effects on habitats within the designated site itself, it also includes the
 - "Loss of supporting habitat adjacent to or outside the SPA".
- 3.4 Supporting habitat is defined as:

"an area of habitat outside the boundaries of a European site but which is of fundamental importance for the overall survival of the population(s) for which the European site was

² https://infrastructure.planninginspectorate.gov.uk/wp-content/uploads/2012/10/Advice-note-10-HRA.pdf (accessed 01.05.2018)



designated. Supporting habitat tends to be associated with sites designated for highly mobile species (e.g. bats, birds) that are not physically restricted to the European site boundaries."

Upper Nene Valley Gravel Pits SPA Citation³

The Upper Nene Valley Gravel Pits SPA lies approximately 5.5km from the west boundary of the Main Site and approximately 7.5km north-east of the Bypass Corridor, respectively.

Qualifying Species

3.6 The SPA is classified under article 4(1) of the Directive (2009/147/EC) as it is used regularly by 1% or more of the Great Britain populations of the following species listed in Annex I in any season:

Annex 1 Species	Count and Season	Period	% of GB Population
Bittern Botaurus stellaris	2 individuals - wintering	5-year peak mean 1999/2000 – 2003/04	2%
Golden plover Pluvialis apricaria	5,790 individuals - wintering	5-year peak mean 1999/2000 – 2003/04	2.3%

3.7 The site is classified under article 4(2) of the Directive (2009/147/EC) as it is used regularly by 1% or more of the biogeographical populations of the following regularly occurring migratory species (other than those listed in Annex 1) in any season:

Migratory Species	Count and Season	Period	% of subspecies/ population
Gadwall Anas strepera	773 individuals - wintering	5 year peak mean 1999/2000 – 2003/04	2.0% strepera, NW Europe (breeding)

Qualifying Assemblages

- The site qualifies under article 4.2 of the Directive (2009/147/EC) as it is used regularly by over 20,000 waterbirds (as defined by the Ramsar Convention) in any season:
- 3.9 In the non-breeding season, the area regularly supports 23,821 individual waterbirds (5-year peak mean 1999/2000 2003/04), including wigeon *Anas penelope*, gadwall *Anas strepera*, mallard *Anas platyrhynchos*, shoveler *Anas clypeata*, pochard *Aythya ferina*, tufted duck *Aythya fuligula*, great crested grebe *Podiceps cristatus*, cormorant *Phalacrocorax carbo*, bittern *Botaurus stellaris*, golden plover *Pluvialis apricaria*, lapwing *Vanellus vanellus* and coot *Fulica atra*.
- 3.10 The site further qualifies under Criterion 6 for the identification of Wetlands of International Importance because it regularly supports 1% of the individuals in the populations of the following species or subspecies of waterbird in any season:

8

³ Upper Nene Valley Gravel Pits SPA UK9020296 Compilation date: April 2011 Version: 1.0

Species	Count and Season	Period	% of subspecies/population
Mute swan Botaurus stellaris	629 individuals - wintering	5 year peak mean 1999/2000 – 2003/2004	1.7% Britain

European Site Conservation Objectives⁴

3.11 With regard to the qualifying populations of individual breeding, passage and wintering bird species and assemblage species, the conservation objectives of the Upper Nene Valley Gravel Pits SPA/Ramsar, and subject to natural change, are to:

"Ensure that the integrity of the site is maintained or restored as appropriate, and ensure that the site contributes to achieving the aims of the Wild Birds Directive, by maintaining or restoring;

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

European Site Conservation Objectives: Supplementary Advice on Conserving and Restoring Site Features (Appendix A)⁵

- 3.12 This document provides Natural England's supplementary advice for the European Site Conservation Objectives relating to the Upper Nene Valley Gravel Pits SPA. Site-specific information about the SPA's qualifying features are provided.
- 3.13 Details that are particularly relevant to the site include the reference to supporting habitat, which can be, according to this advice, both within and outside of the SPA ('functionally-linked land'). With reference to golden plover the advice states:

"The site supports internationally numbers of golden plover during the winter months and when the SPA was classified this represented 2.3% of the NW European population.

Numbers fluctuate from year to year depending on weather conditions in the UK and Europe; during periods of cold weather in continental Europe, larger numbers of golden plover visit the SPA. However, during periods of extreme cold within central England the birds move further south and west.

Whilst there is natural fluctuation within the population year to year, the population trend on the site has been downwards since the classification of the SPA; this is thought to be due to

⁴ European Site Conservation Objectives for Upper Nene Valley Gravel Pits Special Protection Area Site Code: UK9020296 Publication date: 30 June 2014 (Version 2)

⁵ European Site Conservation Objectives: Supplementary Advice on Conserving and Restoring Site Features. Upper Nene Valley Gravel Pits Special Protection Area (SPA) Site Code: UK9020296. Date of Publication: 24 March 2017



increased levels of recreational disturbance at the key roosting site of Northamptonshire Washlands.

Golden Plover use the SPA for roosting and loafing, favouring three main roost locations at Stanwick, Earls Barton (Summer Leys) and Northamptonshire Washlands. Birds feed on the surrounding agricultural land often flying many kilometres to feed. It is not currently known where their preferred feeding grounds are and whether they remain faithful to specific fields or select fields based on crop type / food availability."

3.14 Table 3, gives further specific targets for the extent and distribution of supporting habitat:

"Maintain the extent and distribution of suitable habitat (either within or outside the site boundary) which supports European Golden Plover for all necessary stages of the nonbreeding/ wintering period (moulting, roosting, loafing, feeding);

- Grassland roosting / loafing areas: 143ha at 3 specific locations (see supporting information)
- Feeding areas: Unknown extent"
- 3.15 It is noted that golden plover are known to fly out to the surrounding agricultural land to feed but that little is known about their preferred locations, distances travelled and faithfulness to specific sites. Emphasis is given to their main roosting and loafing sites at Northamptonshire Washlands; Summer Leys and Stanwick Lakes, although it is generally accepted that feeding areas are more widely distributed and perhaps transitory, potentially changing with crop type and weather, although little is understood about these areas.
- 3.16 Factors not considered to be an influence on how Golden Plover use the SPA or influence the numbers using the SPA each year include water quality, air quality and hydrology/flow.

4.0 ASSESSMENT OF ORNITHOLOGICAL SIGNIFICANCE OF THE PROPOSED DEVELOPMENT SITE

Consultation

- 4.1 In order to identify the features with the potential to be affected by the Proposed Development, the following were consulted during 2016 and/or September 2017:
 - The Multi-Agency Geographic Information for the Countryside (MAGIC) website;
 - Northamptonshire Bird Recorder (September).

Data Collection Methods

- In order to assess the current value of the site to winter birds, and in particular SPA-classified species a range of winter bird surveys have been undertaken
- 4.3 These included full winter bird surveys (WBS), whereby all species seen or heard using the site were recorded over four winter visits; one in each of the months from November to December, and more focused surveys for species that contribute to the interest features of the Upper Nene



Valley Gravel Pits SPA (SPA surveys). These were conducted bimonthly from October to March and, following agreement by Natural England, included visits during the period at least an hour after dusk and an hour after dawn during the same night to assess the likely nocturnal use of the site by golden plover and lapwing.

4.4 Surveys have been completed over three winter seasons 2013/2014 (WBS and SPA survey), 2014/2015 (WBS bypass route only), 2016/2017 (WBS and SPA survey) and during the 2017/2018 season (SPA survey).

Field Survey Results

2013/14 Surveys

- 4.5 Full survey results are included in the Wintering Bird Survey Report (ES Chapter 5, Appendix 5.6). Baseline data is, however, summarised below.
- 4.6 During surveys of the site carried out in 2013/14 The only species of interest to be recorded were golden plover and lapwing. Whilst the former, golden plover, is noted as a qualifying species, the latter, lapwing, is a species which is not an SPA features in its own right but forms a named part of the 20,000 wintering waterbird assemblage.
- 4.7 Golden plover were recorded on a total of 10 survey occasions of a total of 17 in 2013/14, with a mean of 72 individuals (taking the peak count over a 24hr period (where relevant i.e. dusk/dawn visits) to avoid double-counting) or 1.25% of the SPA population as detailed in Table 8.
- 4.8 A single lapwing was observed within the same large arable field compartment and separate from the golden plover flock on a single survey occasion (28.02.14) and represents 0.03% of the five year peak mean Upper Nene Gravel Pits SPA.

2016/17 Surveys

- 4.9 No golden plover were recorded on site during twelve 2016/17 SPA surveys.
- 4.10 The only other species recorded that contributes to Upper Nene Valley Gravel Pits SPA/Ramsar was lapwing. Lapwing were recorded in low numbers during five survey occasions with a peak count of 35 birds incidentally recorded during other surveys of the site on the 8th December 2016.

2017/2018 Surveys

4.11 The only qualifying species to be recorded in the eight 2017/18 SPA surveys was golden plover. This species was only recorded on a single occasion in late November where a total of 10 individuals were recorded. This represents 0.17% of the 5-year peak mean Upper Nene Gravel Pits SPA population.

5.0 SCREENING FOR LIKELY SIGNIFICANT EFFECTS

5.1 The Proposed Development 'main site' is situated approximately 5.5km to the east of the Upper Nene Valley Gravel Pits SPA/Ramsar at its closest point. This falls <u>outside</u> of the NE 'consultation zone' whereby consultation is expected to occur for industrial development close to



the SPA. There will be no 'land take' from the SPA, however, it is necessary to assess whether it is possible that the proposed development has the potential to have other direct or indirect effects upon the interest features of this European Site. The causes of potential significant indirect effects upon the classified features of the site, albeit outside of the consultation zone for which NE expects to be consulted, are as follows:

- · Loss of SPA Supporting Habitat on the Application Site (indirect impact);
- 5.2 The assessment has been based on the Parameter Plan (Document 2.10) for the Main Site and survey work to identify how golden plover and other species of interest use the Main Site.
- 5.3 It contains a summary of the evidence base used to undertake this test of Likely Significant Effect. It illustrates the findings and provides discussion as to how conclusions were reached with regards to potential Likely Significant Effect.

Potential Effects on the European Site from the Proposed Works

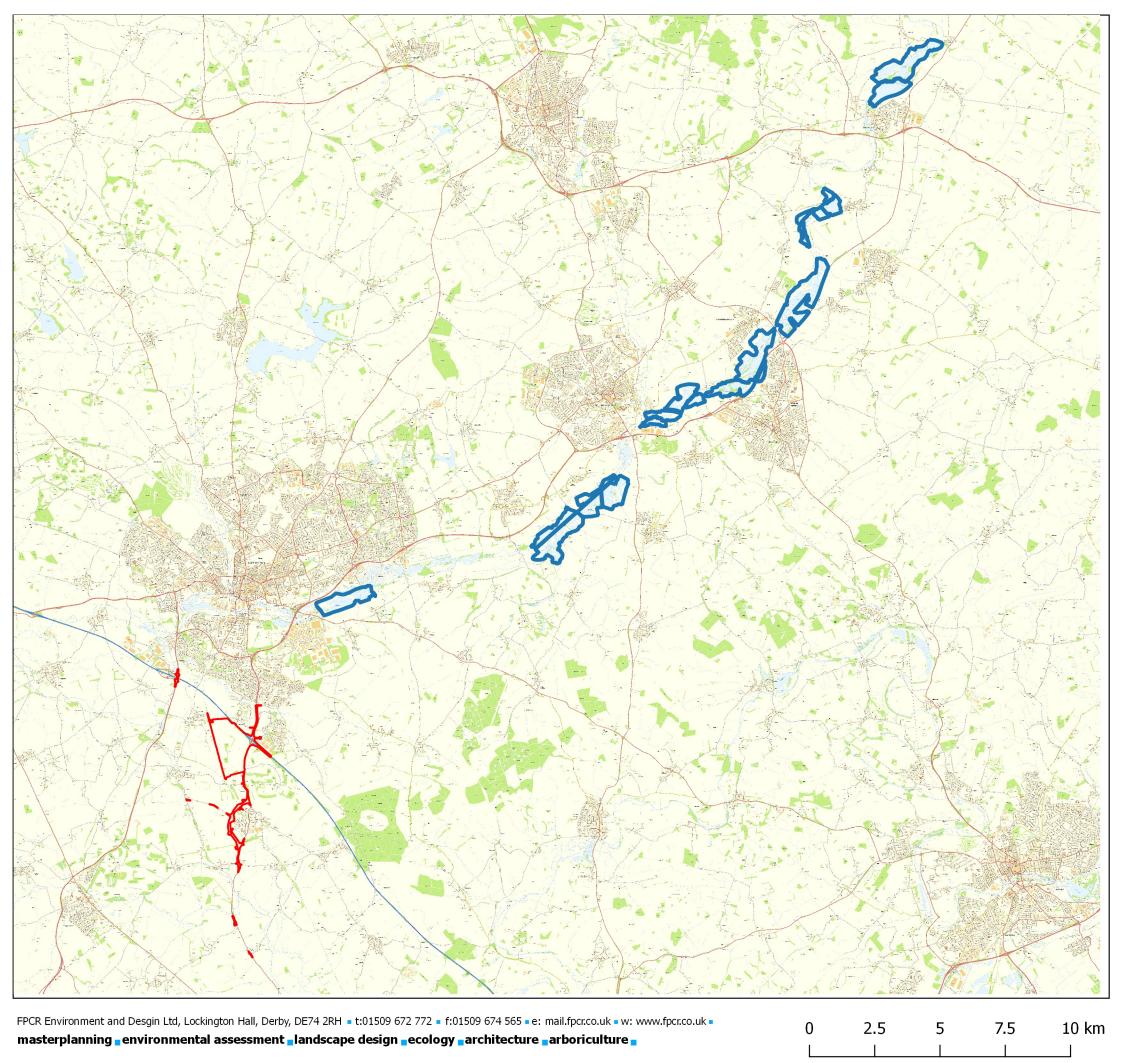
- 5.4 In addressing the potential effects, consideration has been given to the conservation objectives and existing ecological baseline.
- 5.5 Only two wintering species of relevance to this assessment have been recorded using the Main Site over the three seasons of study: golden plover and lapwing, the former as a qualifying species and the latter as a named species making up the assemblage of >20,000 waterbirds.
- Despite the Selection Guidelines for Special Protected Areas (JNCC 1999), which should result in boundary selection that delimits areas providing for the conservation requirements of a species against which the test for integrity should be made, it is generally recognised that the capacity of habitats within the SPA to support the internationally important populations of overwintering waterbirds for which they are designated is often also dependent upon their regularly used supporting habitats or 'functionally-linked land' outwith the SPA. The individual qualifying species of the Upper Nene Valley Gravel Pits SPA/Ramsar most likely to use surrounding 'functionally-linked land' and of particular relevance is golden plover, although other named species such as lapwing is also relevant.
- 5.7 Survey has demonstrated that the site is used very sporadically by golden plover, with a mean over the three survey periods of 33.64 individuals (0.58% of the 5 year peak mean 1999/2000 2003/2004 wintering individuals). This is below the 1% critical threshold of the Upper Nene Gravel Pits SPA/Ramsar population of golden plover, above which may be deemed significant if regularly occurring.
- Use of the site was variable over the three survey periods. With very few and no individuals recorded during 2017/18 and 2016/17 survey periods respectively. The highest number of golden plover were recorded over the 2013/214 survey period, when a mean of 72.65 individuals (1.25% of the SPA population) was recorded. There is no particular site fidelity or reliance on the site between seasons and it is clear that suitable habitat is widespread elsewhere in the more sensitive 1-5k distance for which Natural England expects to be consulted on. Furthermore, the field where golden plover has been recorded has been left as winter stubbles in all years of survey, with only a light autumn cultivation to stimulate weed seed germination. It is considered unlikely that their use of the on-site field was as a result of crop/ley rotation.



- 5.9 'Regular use' underpins the criteria for selection of the SPA's, for consistency these criteria have been used to identify regularly used 'functionally-linked land'. The definition of 'Regular: as per Selection guidelines for Special Protection Area' is:
 - "The Conference of the Contracting Parties to the Ramsar Convention has defined the term "regularly" as used in the Ramsar site selection criteria and this definition applies also to these Guidelines. A wetland regularly supports a population of a given size if:
 - the requisite number of birds is known to have occurred in two thirds of the seasons for which adequate data are available, the total number of seasons being not less than three; or
 - the mean of the maxima of those seasons in which the site is internationally important, taken
 over at least five years, amounts to the required level (means based on three or four years
 may be quoted in provisional assessments only)."

[FPCR emphasis underlined]

- 5.10 On the basis that the site is only used in less than two thirds of years for which data exists and as it lies outside of the consultation zone for which NE expects to be consulted, suggesting that effects are unlikely to be significant, it is considered that the loss of the site would not lead to a Likely Significant Effect on golden plover.
- 5.11 The presence of >20,000 waterfowl is also a qualifying feature of the SPA, therefore all 'SPA birds' i.e. waterbirds (waders and wildfowl) recorded on the application site constitute part of the assemblage criteria (but are not necessarily qualifying features in their own right) this includes lapwing, golden plover, lesser black-backed gull, herring gull and mallard. No significant populations of birds that contribute to the designation of the SPA/Ramsar were recorded within the site boundary. The only other species recorded that contributes to Upper Nene Valley Gravel Pits SPA/Ramsar was lapwing. Lapwing were recorded in small numbers (i.e. below >1% threshold for significance) during five survey occasions with a peak count of 35 birds incidentally recorded during survey of the site on the 8th December 2016. Observations included foraging and loafing birds with a single observation of a flock of 54 birds overflying a field in the north of the site.
- 5.12 On this basis it is considered that the loss of the site would not lead to a Likely Significant Effect on the over-wintering waterbird assemblage of the SPA.



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Key

--- Site Boundary

Special Protection Area (SPA)

fpcr

Roxhill (Junction 15) Ltd

project
Junction 15,
Northampton
danwing title
SITE LOCATION PLAN



scale 1:60,000 drawing / figure number issue 9/5/2018

figure number
Figure 1