

Technical Note

Project:	Anglia Level Crossings Reduction Strategy Suffolk Order		
Our reference:	367516/TN15 Revision B	Your reference:	
Prepared by:	Reena Bhavsar	Date:	13/03/2018
Approved by:	Jason Smith	Checked by:	Beth Ellis
Subject:	Environmental Assessment at S01 and S02		

Introduction

1. This note has been prepared by Mott MacDonald for the Network Rail (Suffolk Level Crossing Reduction) Order to support the Public Inquiry. It is intended to help inform the Inspector as to the environmental assessment work that has been undertaken and subsequent discussions with the Local Planning Authorities with regards planning conditions.

EIA Screening Request

2. Mott MacDonald prepared an Environmental Impact Assessment (EIA) Screening Request (367516/RPT026) on behalf of Network Rail, submitted in January 2017, in relation to the closure of, and/or changes to, rights at level crossings within the County of Suffolk.
3. Network Rail requested an EIA Screening Decision from the Secretary of State for Transport in accordance with rule 7 of the Transport and Works Act (Applications and Objections Procedure) (England and Wales) Rules 2006 ("The Rules"). In accordance with rule 7(5) of the Rules, this request included:
 - 3.1. at Appendix A and B, plans sufficient to identify the land affected by the works in question;
 - 3.2. a brief description of the nature and purpose of the proposed works in Section 1.3; and
 - 3.3. a brief description of the possible effects of the works on the environment (in Chapter 3) and other information.
4. The proposed works resulting from the closures of level crossings in the Suffolk Order have been considered under Annex II of the EIA Directive, Part 13(a) any change or extension of projects listed in Annex I or II, already authorised, executed or in the process of being executed, which may have significant adverse effects on the environment (change or extension not included in Annex I). The project to which the change relates is an Annex II project listed in Part 10(c) the construction of railways and intermodal transshipment facilities, and of intermodal terminals (projects not included in Annex I). For the purpose of this EIA Screening Request, the test was applied as to whether the project would be likely to result in significant effects upon the environment, having regard to the selection criteria in Annex III of

the EIA Directive.

5. In order to determine the likelihood of the Suffolk Order resulting in significant environmental effects, a high level assessment was conducted against the EIA screening criteria outlined in Section 2.1 of the EIA Screening Request report. The proposals used to inform the EIA Screening Request were based on design information available on 28 November 2016. These design proposals are presented in Appendix A and B of the EIA Screening Request report and should be viewed in conjunction with the Environmental Constraints Plans presented in Appendix C of the same report. Environmental constraints used to inform the screening assessment include those identified that are within 1km of the proposals for each level crossing. This is due to the relatively minimal and localised nature of the works, which are not considered to be of a scale sufficient to affect receptors beyond this distance. This assumption is based on previous experience from similar projects and professional judgement.
6. The EIA Screening Request was based upon findings from both field surveys and desk studies. Initial general environmental walkover surveys were undertaken at each level crossing by an environmental consultant during GRIP stage 1 in 2015. Ecological constraints surveys were subsequently undertaken by a suitably qualified ecologist at the appropriate time of year in 2016 to further inform the EIA Screening Request. Throughout the EIA screening process, consultation was undertaken with relevant statutory consultees including the Environment Agency, Natural England and Historic England.

Surveys

7. Field surveys were undertaken by experienced Mott MacDonald ecologists in April, May, September, December 2016 and January 2017 and followed BS 42020:2013 'Biodiversity. Code of practice for planning and development' (BSI, 2013) and 'Guidelines for Preliminary Ecological Appraisal' (CIEEM, 2013). The surveys were conducted primarily from public rights of way and where access was obtained along the proposed route alignments.
8. Where access was not possible, surveys were either undertaken from suitable vantage points or else further surveys were recommended. Broad habitat types were noted and any priority habitats (i.e. habitats of principal importance listed under Section 41 of the Natural Environment and Rural Communities Act, 2006) were noted, as were any protected, uncommon or invasive species listed on under Schedule 9 of the Wildlife and Countryside Act 1981 (as amended).
9. An assessment was also undertaken of the likely presence or absence of protected and notable animal species within the Zone of Influence of the proposed development. This was based on the known distribution of species, habitat suitability and/or direct evidence such as field signs or observations.
10. To inform proposals at S20, S25 and S31, ground level assessments of trees within the land boundary of the proposed route were undertaken in 2016.
11. The surveys were undertaken in accordance with the Bat Conservation Trust (BCT) Good Practice Guidelines (Collins, 2016) and British Standard 8596:2015 'Surveying for bats in trees and woodland guidelines' (BSI, 2014). A detailed inspection of the exterior of each tree from ground level, using binoculars and torches was undertaken to search for potential (bat) roost features (PRF). The results were used to determine further survey effort (including number of surveyors and survey locations), if required.
12. The results of the EIA screening assessment, presented in Chapters 4 to 29 of the EIA Screening Request, indicate that there are no likely significant effects arising from the

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proposals, given the limited size nature and location of the works.

13. On 3rd March 2017, confirmation was received from the Secretary of State for Transport stating:

"We consider that the proposals described in your request should be regarded as a project of a type mentioned in Annex II to Directive 2011/92/EU of the European Parliament and of the Council.

*Having regard to the characteristics and locations of the project and the type and characteristics of potential impacts, on the basis of the available information we consider that this project is unlikely to have a significant effect on the environment. Therefore, in accordance with rule 7(13) of the above Rules, **the Secretary of State's screening decision is that an environmental impact assessment is not required** in relation to the project which is to be subject of the above proposed Order."*

14. Since the submission of the EIA Screening Request in January 2017, some of the design proposals have been amended following further landowner and stakeholder engagement. These changes are minor in nature and having considered the nature, size and location of these minor design changes, they would not change the overall outcome of the screening assessment that there are no likely significant environmental effects arising from the proposed works.
15. Since the EIA Screening Request, further targeted environmental work has also been undertaken as a result of minor design evolution, as outlined above, to reinforce this conclusion. The Ecological Precautionary Method of Works, which supports the ecological planning condition, is based upon the types of construction activities required for the proposed works, described in Section 2.3.1 of the report, and therefore covers such minor amendments to the design proposals under the same programme of works.
16. The EIA Screening Report identified the requirement for further protected species surveys to be undertaken, both to support the Order application and the agreement of planning conditions with the Local Planning Authority, and at pre-construction stage. Further ecology surveys were undertaken between July and September 2017, where third party access allowed, to inform a Precautionary Method of Works document to be applied to all crossings within the Suffolk Order.

Ecological Precautionary Method of Works

17. Mott MacDonald was commissioned by Network Rail to produce a Precautionary Method of Works in relation to legally protected species with potential to be affected by the proposed closure of, and/or rights to, level crossings within the County of Suffolk. This document was submitted to the Local Planning Authorities listed in Order document NR10, in February 2017, to inform discussions relating to the agreement of planning conditions for legally protected species and designated sites. These conversations are still ongoing and principal contact is with Andrew Murray-Wood at Suffolk County Council.
18. The ecological features covered within the Precautionary Method of Works are:
 - Designated sites and habitats of principal importance;
 - European badger;

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- Breeding birds;
 - Great crested newt;
 - Hazel dormouse;
 - European otter;
 - European water vole;
 - Common species of reptile; and
 - Non-native invasive plant species.
19. The precautionary methods detailed within this report have considered the scope and localised, small scale works associated with the proposed closure of, and/or changes to rights at the crossings within the Suffolk Order and assesses how those works could potentially affect the ecological features listed above.
 20. Section 3 of Precautionary Method of Works report includes the rationale as to why the proposed works are considered unlikely to lead to an offence being committed in relation to protected species associated with the Scheme and why a protected species mitigation licence may or may not be required, where the baseline currently allows.
 21. Section 4 of the Precautionary Method of Works report includes both general and species-specific measures to be employed by the Network Rail for minimising impacts to wildlife during the proposed works. This section highlights the habitats and identification of signs typical of the legally protected species that have potential to be present within the Scheme; precautionary methods of working and the procedures to be followed should they be recorded within the Scheme during the works.
 22. Section 5 includes recommendations for further surveys prior to construction, to inform mitigation and licensing requirements for badger, breeding birds, hazel dormouse, otter and water vole. These sections of the precautionary methods are to be updated once surveys are complete.
 23. Maps are provided in Appendix B of the Precautionary Method of Works document that detail the locations of the crossings that have potential for each legally protected species to be present.
 24. It is anticipated that the draft planning condition, currently being discussed with Suffolk County Council in relation to protected species, will make reference to the Precautionary Method of Works and the latest proposed wording from Network Rail is as follows:

“No development shall take place until:

- (i) surveys for protected species have been carried out in accordance with the Precautionary Method of Works; and
- (ii) for those locations where the survey in paragraph (i) identifies a protected species licence is required, the relevant licence is granted, and in those locations, development shall be undertaken in accordance with the terms of any protected species licence granted.

Precautionary Method of Works will be defined as: ““the Precautionary Method of Works” means the document entitled “Precautionary Method of Works: Legally Protected Species, December 2017” a copy of which is attached to these conditions at Appendix 1, as it may be amended from time to time by agreement with Suffolk County Council”.

S01 Sea Wall

25. Background

- 25.1. Mott MacDonald was commissioned by Network Rail in Spring 2016 to undertake an ecological appraisal (367516/ECS1) to inform proposals for the closure of, and/or changes to rights at level crossings in the County of Suffolk.
- 25.2. Field surveys were undertaken by experienced Mott MacDonald ecologists at S01 on 5 April 2016 and 10 January 2017 for a Habitat Regulation Screening Assessment. At Appendix A a plan sets the context of the Stour Estuary SSSI, Stour and Orwell Estuaries SPA, and the Stour and Orwell Estuaries Ramsar site.
- 25.3. Where the proposals are situated within the SSSI, SPA, and the Ramsar site, they fall into the following categories:
- 25.3.1. Use of existing path
 - 25.3.2. Closure of existing path – approximately 450 metre length
 - 25.3.3. Creation of a new footpath - approximately 30 metre length including the creation of a footbridge of 6 metre span (and 3 metre width) to traverse a ditch. In addition, it is noted that the proposed footpath follows the boundary of the SSSI/ SPA/ Ramsar site for approximately 90 metres.
- 25.4. During construction of the proposed new footbridge, approximately 4m of reed would be temporarily removed along the margins of a watercourse. Long term, the reeds would grow back to the footbridge with no significant loss of connectivity. At 3m wide, the footbridge would not cause a significant amount of shading along the watercourse. The construction of the footbridge would be bank to bank with no disruption of water flow. By locating the crossing away from the main reed area this will minimise disturbance of protected/notable species that may be present. Natural England have raised no objections following submission of the draft Order application.
- 25.5. As the Assessment advised that works should commence outside of the breeding bird season a draft planning condition to provide for this was included in the Rule 10(6) request for deemed planning permission. .
- 25.6. During operation of the new footpath, the impacts of human disturbance on habitats and birds for which Stour estuary is designated, will be reduced as users are diverted away from the SPA/ Ramsar site from the existing footpath. The majority of the new route will be going along arable field margins which are of lower conservation importance than the habitats present within the SSSI. It is considered that significant effects are unlikely during the construction and operational phase of the new footpath.
- 25.7. Authorised access to the existing pathway (where public rights are to be extinguished up to the level crossing) could be provided for should they be required for interest groups.

26. Consultation

- 26.1. As the proposals were being developed a three-stage consultation process took place with

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Natural England:

26.2. Initially, pursuant to early discussions, Mott MacDonald issued Natural England with a set of proposal drawings on 17/10/16 for review. A briefing note (see Appendix B) was provided by Natural England on 15/11/16 including commentary and which crossings they wished to discuss further. Whilst this briefing note focused on issues that they wished to raise for the Network Rail (Essex and Others Level Crossing Reduction) Order, for the Suffolk Order, Natural England simply noted:

26.2.1. No impact on any Sites of Special Scientific Interest (SSSIs)

26.2.2. No impact on any National Nature Reserves (NNRs)

26.2.3. No impact on Suffolk Coast & Heaths Area of Outstanding Natural Beauty (AONB)

26.2.4. No impact on the English Coastal Path (ECP) route

26.3. Mott MacDonald met with Louise Oliver of Natural England (on 17/11/17) to discuss the sites where they had raised concern, therefore the focus of the meeting was on the Essex Order and did not specifically include S01 Sea Wall. However, to help ensure a comprehensive view was obtained, Mott MacDonald showed Natural England the S01 Sea Wall proposals. They welcomed the suggestion to extinguish the footpath south of the level crossing as they had concerns that future development, north of the crossing could lead to increased footfall adjacent to the SSSI if the public right of way were to be retained.

26.4. On the 3rd March 2017, the Secretary of State for Transport confirmed that an EIA was not required for the Suffolk Order and Natural England's screening opinion was provided – see Appendix C. In it they acknowledged the proximity to the Stour Estuary SSSI and Stour and Orwell Estuaries SPA & Ramsar site but concluded that the proposed closures are not likely to significantly affect the interest features for which these sites are notified. Therefore, there was no further consultation undertaken with NE as they did not raise any residual concerns.

26.5. A consultation meeting took place on 17 November 2016 between Mott MacDonald and Natural England (Louise Oliver). The briefing note received from Natural England did not raise any concerns related to the closure of footpaths within Suffolk.

27. Habitat Regulation Assessment Screening Report (S01)

27.1. At location S01, the proposed footprint is located adjacent to the boundary of the Stour and Orwell Estuary Special Protection Area (SPA) European sites, and the Stour and Orwell Estuary Ramsar wetland of international importance. A Habitats Regulations Assessment (HRA) Task 1 Screening for the proposal was prepared and provides information to enable screening of the proposed route option at S01 Sea Wall with respect to the determination of a likely significant effect (LSE) on European sites of nature conservation importance. This Task 1 Screening report identified that no likely significant effect alone or in combination can be concluded during the construction and operational phase of the new footpath and as such, no further assessment of site integrity is required.

S02 Brantham High Bridge

28. Great Crested Newts

28.1. To inform the ecological constraints report for the closure of, and changes to rights of way

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at S02 Brantham High Bridge level crossing, a desk study and ecological field surveys were completed. The results of the field survey on 13 April 2016 and 26 September 2016 identified habitat suitable for great crested newts within 250m of the pond, along the rail embankment, and these results informed the EIA Screening report.

- 28.2. Subsequent to this a desk study was conducted. The desk study results obtained from Suffolk Biodiversity Information Service (BIS) in January 2017 revealed that great crested newts had not been recorded within 500m of the proposed route within the last 10 years.
- 28.3. The template for the Natural England Method Statement used for development licensing purposes (Natural England, 2015) includes a Risk Assessment Calculator, which provides an initial estimate of the potential risk of the proposed works resulting in an offence being a committed under the Conservation of Habitats and Species Regulations 2010 (as amended) and therefore requiring mitigation and/ or a licence from Natural England. The calculation is based on the area of suitable habitat affected and the distance from breeding ponds. This calculator tool was applied to the proposed scope of works.
- 28.4. Based on the scale and nature of the works, it is considered unlikely that GCN would be affected during the works. Vegetation clearance along the rail embankment will be minimal and will not result in any long-term loss of large areas of suitable habitat or result in permanent or temporary habitat fragmentation. No suitable water bodies will be removed. However, a precautionary approach will be adopted during vegetation clearance as detailed within the Precautionary Method Statement (367516/RPT207). This document sets out the reasonable precautions that will be undertaken in relation to avoiding affecting European Protected Species during the works and to reduce the risk of causing offences to these species under the Wildlife and Countryside Act 1981 (as amended). The document also provides an audit trail for the justification for why an offence is considered reasonably unlikely.