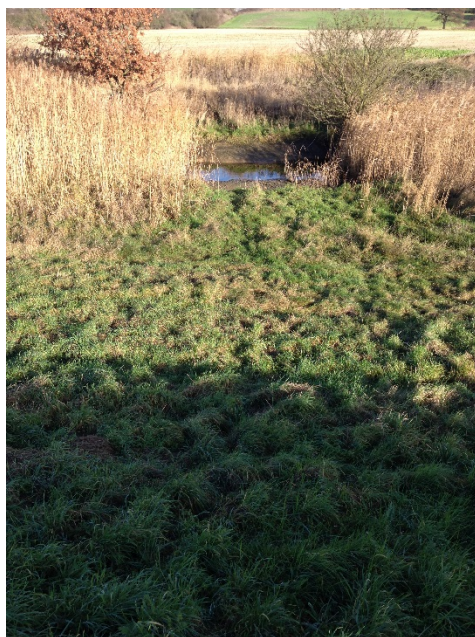

Project:	Anglia Level Crossings Closures – Suffolk Order		
Our reference:	367516	Your reference:	n/a
Prepared by:	Beth Ellis	Date:	09/04/2018
Approved by:	Sue Tilbrook	Checked by:	Amy Cox
Subject:	Further clarification for Suffolk PI Note		

1.1 S01 Footbridge location and new footpath alignment alteration:

The proposed footpath shown on the Round 2 public consultation plan was amended following an updated ecological constraints walkover survey which was conducted on the 10th January 2017. The footpath shown at Round 2 public consultation goes through swamp habitat, as shown on the plan at 3.1 (page 13) in the Suffolk Ecological Constraints Report, 2017. The footpath was then subsequently moved out of the swamp habitat and into arable field, which is of lower ecological sensitivity and less likely to be used as cover for over wintering birds. Furthermore, the survey identified a water channel between the flood embankments and arable field. The surveyors were unable to cross the water channel due to the depth of water and the absence of vegetation along the upper banks of the channel was suggestive that water levels may become higher, therefore indicating the requirement for a footbridge to cross this body of water.



Photograph 1. Photograph showing water channel and existing gap in reedbed margins along watercourse resulting from use as farm access

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The presence of reedbeds was also noted at this location – specifically to the west of the proposed new section of footpath heading south from the railway to join up with footpath 13. Reedbeds are a habitat of principal importance (HPI) and it was advised, by Mott MacDonald ecologists, that any loss should be minimised. In particular this habitat is favoured by the Cetti's Warbler which is a species listed in Schedule 1 to the Wildlife and Countryside Act 1981 which is subject of additional criminal offences under section 1(5) of that Act if it is intentionally or recklessly disturbed while building a nest, is on or near a nest containing eggs or young or its dependent young are disturbed. The footbridge location was confirmed using evidence on site from a visible gap in the reed beds and utilising existing farm access, as shown in Photograph 1 above.

1.2 S01 Extinguishment of existing footpath.

For S01, there were five proposed options at Round 1 Public Consultation. Suffolk County Council raised concerns at a meeting on the 27th July 2016 about three of the options that were within/within close proximity to the Stour and Orwell Estuary SPA/SSSI. Suffolk County Council also stated they were supportive of an amended blue route option which heads east away from the protected site and further modifications were made to avoid putting a new footpath through sensitive habitat such as the reedbeds. The minutes of the meeting are contained on page 162 (within Tab 5) of the Appendices to Susan Tilbrook's evidence (**NR 32/2**). Therefore, the proposal plan for S01 was amended to show a route that avoided such habitat and diverted users away from the protected site for Round 2 public consultation.

In October 2016, the Round 2 public consultation plans were shared with Natural England for their comment. Whilst Natural England were reviewing the Round 2 consultation plans, issued to them in October 2016, the proposals were being evaluated and amended following feedback from the second round of consultation. The proposal for S01 was provisionally amended following feedback that the section of footpath proposed to be extinguished south of the level crossing, was a highly used amenity route and the feedback suggested it should be retained.

On the 15th November 2016, a briefing note was received from Natural England as to their comments and the crossings they wished to discuss in a telecon, having reviewed the Round 2 Consultation Plans. This briefing note had a focus on the crossings in the Essex & Others Order with no comments from NE with regards the level crossings in the Cambridgeshire and Suffolk Order and therefore the focus of the telecon was on the Essex & Others Order.

Whilst on the telecon with NE on the 17th November 2016, NE commented that they were happy to see the proposal to extinguish the section of footpath south of the level crossing at Sea Wall 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 south of the crossing were to be retained.

This concern about effects from future development was made in the context that in May 2016 Babergh's Planning Committee voted to grant Planning Permission for an industrial, commercial, retail and residential development in Brantham (reference B/15/00263/OUT) located north of S01 Sea Wall level crossing.

These comments from Natural England were fed back to the project team who decided to further amend the proposal plan to be submitted with the Suffolk Order by extinguishing the section of footpath to the south of the level crossing to avoid a potential objection Natural England who had already stated they were pleased to have seen the extinguishment of the section of footpath to the south of the level crossing being proposed.

If the footpath to the south of the level crossing were to be retained in combination with the creation of a new footpath to the east, it is considered that there would not be a different (ie significant), or in combination effect and therefore the outcome of the HRA/Ecological Constraints Assessment would not change. However, the benefit of the order proposals – i.e. with the existing footpath extinguished there would

clearly be a positive effect on the existing disturbance to birds, as stated in the Habitats Regulations Assessment (page 4, paragraph 7) – would not be achieved if this section of footpath were to be retained.

1.3 S02

The proposed 'minor ground works proposed' by Sue Tilbrook at Inquiry to regrade the proposed footpath, will not result in any permanent or temporary habitat fragmentation. Page 48 of the EIA Screening Report states there is suitable habitat for Great Crested Newts, a pond separated by residential housing within 250m of the proposed works. Works required within close proximity to the pond would be limited to minor above ground vegetation clearance along the existing private road, if required, and no improvements to be made. Minor ground works are required for the creation of the Type 1 footpath, which are of an approximate distance of 130m from the pond. Vegetation loss will be limited to the creation of a short section of asphalt footway (approximately 80m long) proposed within the highways verge of the A137. Due to the small scale of the works and minimal vegetation loss it is considered unlikely that the works will result in a significant effect on Great Crested Newts (GCN) as concluded on page 43 of the EIA Screening Report

Further ecological surveys at this site, following the submission of the EIA Screening Report, identified an additional pond along the rail embankment as described on Page 14 of the Suffolk Ecological Constraints report. Due to the limited nature and size of the works this would not cause a significant effect. This pond has been considered within the ecological constraints report and Precautionary Method of Works (PMW) document. Precautionary measures for GCN will be applied during the all works propose at S02 as detailed within the PMW.

1.4 S03

An ecological constraints survey was undertaken on 13/04/2016 to inform the EIA Screening Request by identifying suitable habitat for protected species and the potential for significant effect. The potential for protected species is outlined in Section 6.2 of the EIA Screening Request. The EIA Screening Request (Page 52) stated the proposed works would not result in likely significant effects associated with ecology and a ground level tree assessment for bats would be required to inform further stages of design. Following the submission of the EIA Screening Request, confirmation was provided by the design team that there would be no tree removal required and no lighting to be provided along the proposed footpath, therefore a ground level tree assessment for bat roosts was not required. The Suffolk Ecological Constraints Report (Page 15) concludes that adverse impacts to bats are unlikely because tree removal is not anticipated and vegetation clearance along the proposed route will be minimal. Habitat loss will be very small in the context of the wide areas within which bats can forage and commute and no additional lighting proposed.

In addition, the EIA Screening Request and Suffolk Ecological Constraints Report recommends further surveys for Otter are undertaken prior to works being undertaken, due to the proposed footpath being adjacent to habitat suitable for Otter. The Suffolk Precautionary Method of Works document (section 3.2.7) outlines that Otter surveys need to be undertaken for S03 prior to construction works being undertaken but also states that on the basis of the authors specialist knowledge and experience working with otters, it is considered on balance that the proposed works are reasonably unlikely to result in an offence under Regulation 41 of the Conservation of Habitats and Species Regulations 2017 (SI 2017/1012) and no protected species mitigation licence is required.

Similarly, it is considered reasonably unlikely that the proposed works will result in disturbing an otter in its place of shelter or obstructing access to such a place and therefore the works are reasonably unlikely to result in an offence under the Wildlife & Countryside Act 1981 (as amended).