Application PL/2023/11125: Engineering works associated with the creation of a replacement of a breeding plot on Land North of A303, Winterbourne Stoke, Salisbury, SP3 4ET – Amended comments submitted 8 May 2024

The **Stonehenge Alliance** objects to this application.

The Stonehenge Alliance is a group of non-governmental organisations and individuals that seeks enhancements to the Stonehenge World Heritage Site (WHS) and its setting and opposes development that would cause it significant harm.

1. Introduction

1.1. From the limited information published, it appears that the proposal is, in summary, to destroy an existing valuable and long-established area of sward in a national nature reserve (NNR) in order to create a site where Stone Curlew might establish and nest, with no assurance of success. The Natural England citation sheet for Parsonage Down says:

> A remarkable variety of vascular plants occur within the sward; it is common to record over 30 species in a square metre.[1]

1.2. This would be to facilitate a road development project of which the ExA has said:

> 7.5.22 In applying the NPSNN, paragraph 4.3, the ExA concludes that the totality of the adverse impacts of the Proposed Development would strongly outweigh its overall benefits.[2]

1.3. While the A303 Stonehenge road project is not the issue here, this is the reason why this application is being made. We argue that it does not justify destroying an area of high ecological value.

1.4. Parsonage Down, which we have learned is the site for the scrape to form the nesting site, is an NNR and part of it also an SSSI and SAC. It thus has the highest level of legal protection. We consider that the engineering works in this application would cause very significant harm to the natural environment and habitats for protected species and compromise the archaeological setting and landscape of the Stonehenge World Heritage Site (WHS).

1.5. The information supplied to support this application is inadequate to allow informed public comment. We are very grateful to the planning officer for

[1] Natural England, Citation sheet for Parsonage Down NNR and SSSI. Accessed March 2024.
[2] DCO Examining Authorities' Recommendation Report, 20 January 2020. https://infrastructure.planninginspectorate.gov.uk/wp-content/ipc/uploads/projects/TR010025/TR010025-002181-STON%20%E2%80%93%20Final%20Recommendation%20Report.pdf

providing information in response to our queries but this is far from sufficient to provide a proper response.

1.6. Almost all the information required to make informed comments has been suppressed in order to protect the location of wildlife. Missing is a Transport Impact Assessment. Other documents omitted that we have been told were submitted include:

Design & Access Statement
Site Sections / levels
Ecological Assessment / Protected Species Survey
Archaeological Assessment

1.7. Good practice suggests that a redacted version, or summaries of the above, should have been supplied to public consultees. We requested copies to be sent in confidence either to ourselves or our expert advisors. This was refused.

2. The application and our assumptions

2.1. The site location map provided shows an area comprising Parsonage Down plus a further area of agricultural land to the north west. We are told that the project is to scrape topsoil off a 135Mx 74M oblong, a small area, within Parsonage Down. This would be to form a plot with the intention that Stone Curlew would be attracted to nest there, away from their established plot on the west of the Stonehenge WHS. Topsoil scraped off would then be placed on land east of Parsonage Down for utilisation within the landscaping scheme for the A303 Stonehenge engineering works.

2.2. Purpose is relevant to this planning application. The sole reason for this application is to fulfil the mitigation of the adverse effects upon the current breeding plot and breeding pair, otherwise the applicant would not be fulfilling the HRA or conditions of the DCO.

2.3. The proximity of the A303 Stonehenge construction zone to the plot location is concerning because should the road scheme eventually proceed the extensive works with the deposition of 400,000m^3 of construction arisings would be severely disruptive to any Stone Curlew that had established. We append National Highways' maps. Figure 1 in Appendix 1 below shows the proposed construction zone and its proximity to Parsonage Down NNR.[3] Figure 2 shows

[3] DCO App-057 Fig 2.1 Location of construction zone https://infrastructure.planninginspectorate.gov.uk/wp-content/ipc/uploads/projects/TR010025/TR010025-000156-2-1-LocationPlan.pdf

the works compound earmarked for construction works which it would abut.[4] Figure 3 shows the shows the location, abutting Parsonage Down, that is planned to receive 400,000m^3 arisings from the tunnel and cutting.[5]

2.4. Wiltshire Local Plan (WLP 2015) Core Policy 50 (CP50), Biodiversity and geodiversity, says:
Development proposals must demonstrate how they protect features of nature conservation … as part of the design rationale.[6]
We have not seen any measures that assure us that this would be achieved.

3. Ecological impact and risk of failure

3.1. The applicant's justification for this application is to provide a new habitat for Stone Curlew, an Annex 1/Schedule 1 protected species under the Wildlife and Countryside Act 1981and the EU Birds Directive, and bird of Conservation Concern. This would compensate for the loss and damage to a breeding site should the A303 Stonehenge project go ahead. The DCO regulations require National Highways to make special provision.[7]

3.2. Parsonage Down NNR has been identified by National Highways as the area to establish a replacement nesting site for the Stone Curlew should the nesting site in Winterbourne Stoke be destroyed. We do not know its precise location within the NNR.

3.3. National Highways has acknowledged the sensitivity of Stone Curlew to disturbance by human activity:
"… the sensitivity of Stone Curlews to human disturbance (they can be disturbed by human activities within 500m of a nest site..."[8]

3.4. Furthermore, there is the risk that the existing Stone Curlew colony that has established in the current site will leave the area completely should the deterrent measures set out in the DCO application be undertaken:

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[4] FDCO App-061 Fig 2.7A https://infrastructure.planninginspectorate.gov.uk/wp-content/ipc/uploads/projects/TR010025/TR010025-000214-6-2_ES-Figure_2.7_ConstructionLayout.pdf

[5] DCO App-285 Appendix 12.1 Figure 4-2: Proposed location of tunnel arisings deposition east of Parsonage Down https://infrastructure.planninginspectorate.gov.uk/wp-content/ipc/uploads/projects/TR010025/TR010025-000438-6-3_ES-Appendix_12.1_TunnelArisingsStrategy.pdf

[6] Wiltshire Council Core Strategy (Local Plan) adopted January 2015. Core Policy 50.

[7] DCO references: APP-285_6.3 Environmental statement – Table 4-1; Appendices. Appendix 12.1 – Tunnel arisings management strategy para.1.1.3 and para.3.3.12- 3.3.14 – Highways England, 2018

[8] DCO OEMP Appendix 2.2, October 2019 https://infrastructure.planninginspectorate.gov.uk/wp-content/ipc/uploads/projects/TR010025/TR010025-001763-6.3%20Appendix%202.2(7)%20–%20Outline%20Environmental%20Management%20Plan%20(OEMP)_FINAL.pdf

"… it will be necessary (where practical) to deter Stone Curlew from nesting within, or in proximity of the Scheme, prior to the commencement of works. Deterrent measures include (but are not limited to) the following: a) maintaining areas of dense crops and grass until it is necessary to access the working area. This would deter Stone Curlew from attempting to nest; b) Installation of visual deterrents, to be confirmed on a site by site basis. c) planting areas of temporary bare ground with a quick growing crop or quick growing wild flower or game cover seed mix. Even with the use of these deterrent measures, there may still be a risk of Stone Curlews nesting within the Scheme boundary (or within 500m). In the event that nesting Stone Curlews are found located within the Scheme boundary or within 500m, then liaison with Natural England and the RSPB will be undertaken. This will aim to identify and agree the specific and appropriate measures to be undertaken in order to avoid disturbance of the nesting pair."

3.5. The consequence for these valuable protected birds could indeed be loss. A study of the impact of housing development and roads on the distribution of Stone Curlews in the Brecks suggested that:

- *New housing development may need to be at least 1,500m and potentially 2,000m from any arable land suitable for Stone Curlews for there to be no effect on Stone Curlew distribution.*
- *There is a negative impact of trunk roads on Stone Curlew nest density on arable land up to a distance of at least 1000m, and maybe up to 2000m.*
- *There is a negative impact of the presence of non-trunk A-roads on Stone Curlew nest density on arable land up to a distance of 500m.*
- *There is no reason to suggest that similar avoidance of roads and housing does not occur on semi-natural habitats, but we err from highlighting specific distances.*[9]

3.6. No methodology or timetable has been described for this project. However, the Parsonage Down Stone Curlew Plot – Botanical Survey Report (2021) describes a method of preparing the plots for a translocated Stone Curlew nesting site 500m away from its lost plot.[10]

[9] The effect of housing development and roads on the distribution of Stone Curlews in the Brecks. Evidence to support the Appropriate Assessment of development pland and prjects in Breckland, Sharp, J et al 2008 https://www.footprint-ecology.com/reports/Sharp%20et%20al.%20-%202008%20-%20The%20effect%20of%20housing%20development%20and%20roads%20on%20the.pdf

[10] National Highways, February 2022 https://infrastructure.planninginspectorate.gov.uk/wp-content/ipc/uploads/projects/TR010025/TR010025-002274-A303.EIR%20Reports.2.10.Parsonage%20Down%20Stone%20Curlew%20Plot%20-%20Botanical%20Survey%20Report%20(2021).Redetermination-2.10.pdf

3.7. In addition to the risks identified by National Highways above, other factors militating against success will be intense human activity from construction and persistent noise and lights. However ideal the habitat preparation, there are risks to the success of this compensatory project from human activity and construction.

3.8. Figures 1, 2 and 3, below, show the proximity of arisings deposition and various other movements that will be very disturbing, mainly east of the A360 and west of the B3083, with a haul road of heavy traffic immediately to the south.

3.9. We have not seen a ***Transport Assessment*** to reveal trip generation from the applicant's project itself, but should the road works go ahead the table of construction working hours shown in Figure 4 in Appendix 1 below, indicates the level of intense traffic movements in the summer from 07:00 to 22:99, almost 7 days a week.[11] Again this would be very disruptive to the nearby Parsonage Down.The period of road construction by Stonehenge is expected to take at least 5 years.

3.10. A report from FarmView consultancy, is in Appendix 2. This will follow on Monday 18th March.

3.11. Wiltshire Council CP50 requires development to protect, enhance and restore wildlife habitats of priority species. Contrary to Strategic Objective 5 and CP50 this application offers no guarantee of success. 'Rescue and translocation' are experimental. In CP50's hierarchy of mitigation this proposal is a last resort: 'compensate or offset'.

3.12. In 2018 two Stone Curlew chicks were lost – for whatever reason - in an area where archaeological evaluation work took place, south of the A303, although an exclusion zone was imposed (RSPB, pers. comm.). At the Stone Curlew LIFE Project evidence suggested that disturbance can occur up to 500m or more. This is recognized by the RSPB and National Highways.[12] Therefore there is evidence that the disturbance from landscaping and arisings deposit close to the proposed new nesting site may prevent Stone Curlew establishing there.

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[11] Table 2.4 Core working hours https://infrastructure.planninginspectorate.gov.uk/wp-content/ipc/uploads/projects/TR010025/TR010025-000193-6-1_ES_Chapters_02_TheScheme.pdf

[12] Achieving sustainable species recovery. Conference report: A recipe for success. Lessons from the Stone-curlew LIFE project, RSPB EU LIFE+ end of project international conference 28 February - 1 March 2017", RSPB, 2017, pp.4, 5 and 14. Accessed at https://www.rspb.org.uk/globalassets/downloads/documents/conservation-projects/stonecurlew-project-conference-report.pdf

4. Archaeological evidence

4.1. Core policy 58 aims to ensure that Wiltshire's important monuments and sites, including archaeological ones, are protected and enhanced. Alterations will only be acceptable where they are consistent with the conservation of a heritage asset's significance.[13]

4.2. Landscape Archaeologist, Dr David Field, provided evidence to the NSIP Inquiry[14] which stated:

Landscape archaeology uses all possible non-intrusive methods to ascertain past land-use - aerial photography, geophysics, but mainly our eyes, to record, survey and analyse undulations on the ground surface, earthworks, that tell us of past changes. …

4.3. The evidence of habitation and cultivation from prehistoric to Roman times is very rare and valuable but also fragile and easily obliterated[15]. A test excavation to remove turf and topsoil from, we suppose, the vicinity of this proposed project showed little effect on archaeological remains but it will leave any fragile traces more vulnerable to erosion over time.[16]

4.4. The scheduling entry for Parsonage Down Camp, earthwork enclosure and associated field system, at the west end of Parsonage Down, describes its significance:

Well preserved field systems particularly when in association with boundary earthworks and potentially contemporary enclosures offer valuable opportunities for understanding the nature and evolution of downland settlement during the Prehistoric and Romano-British periods. The Parsonage Down monument is of particular significance because of its excellent preservation and its proximity to

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[13] Wiltshire Council Local Plan adopted 2015, Core policy , para 6.
[14] https://national-infrastructure-consenting.planninginspectorate.gov.uk /projects/TR010025/representations/34151
https://infrastructure.planninginspectorate.gov.uk/wp-content/ipc/uploads /projects/TR010025/TR010025-001115- David%20Field%20- %20Written%20Summaries%20of%20Oral%20Representation %20at%20ISH%203.pdf
https://infrastructure.planninginspectorate.gov.uk/wp-content/ipc/uploads /projects/TR010025/TR010025-000715-David%20Field%20- Written%20Representation.pdf
[15] National Heritage List for England, Parsonage Down Camp earthwork enclosure and associated field system. List Entry number 1009646.
[16] Marshall, M. (2021). *Parsonage Down SM, Parsonage Down National Nature Reserve, Wiltshire: An Archaeological Watching Brief*. Archaeology Data Service. https://doi.org/10.5284/1094070

the Yarnbury Castle hillfort. … The field system, which comprises the best surviving elements of a wider complex, covers an area of nearly 40 ha. It includes a "flight" of low lynchets or banks on the east-facing slope below the enclosure and limited to the south-west by a ditch. The field system may relate to the use of the enclosure or to the occupation of Yarnbury Castle[17].

5. Conclusion

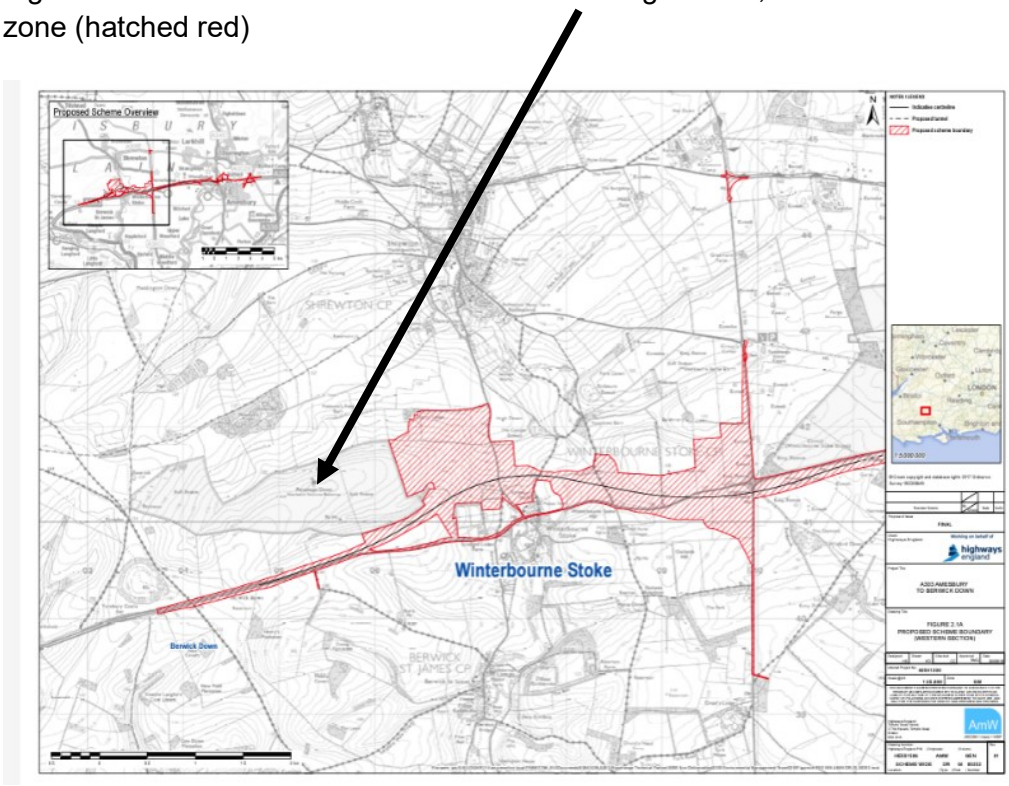
5.1. This project, far from assuring a future for the Stone Curlew that have established close to the line of the A303 Stonehenge proposal, would put the existing carefully established nest site seriously at risk.

5.2. It may also damage fragile archaeological traces of field systems and other monuments that form part of the setting of the Stonehenge WHS.

5.3. For these reasons the Stonehenge Alliance objects to this application and trusts that it will be refused.

Appendix 1: Figures and tables

Figure 1: ref #2.3 and 3.8 above: Shows Parsonage Down, which abuts the road construction zone (hatched red)



[17] National Heritage List for England, Parsonage Down Camp earthwork enclosure and associated field system. List Entry number 1009646

Figure 2: ref #2.3 and 3.8 above Works compound area adjacent to Parsonage Down

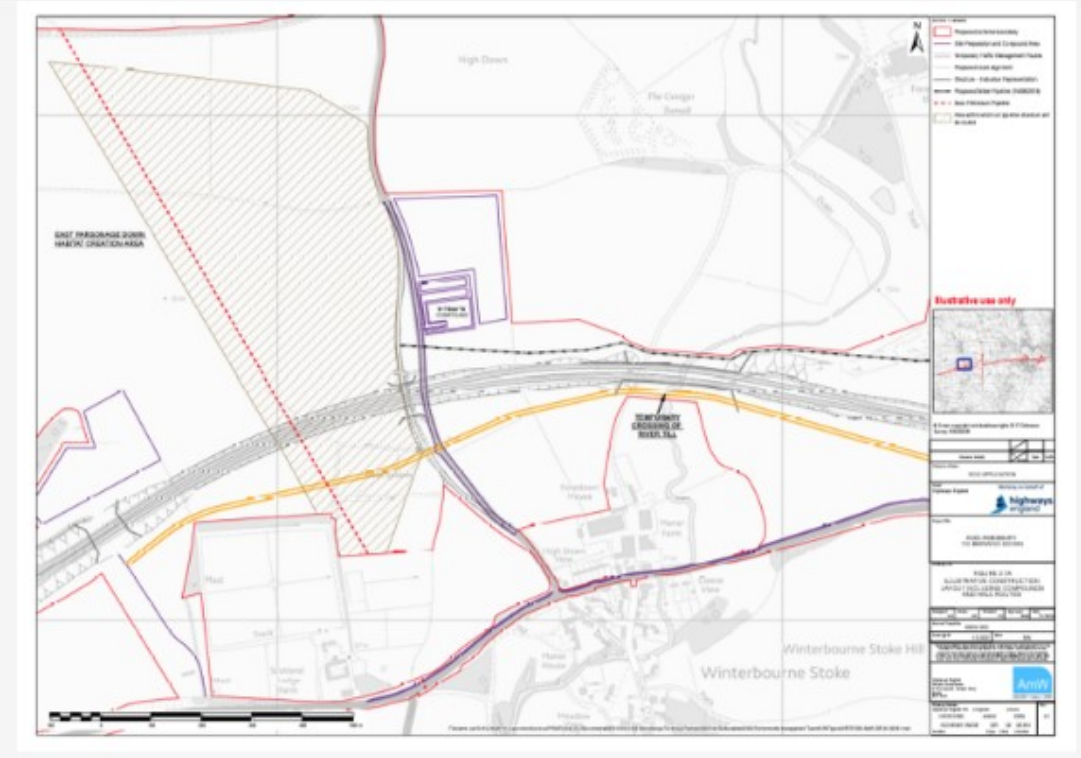


Figure 3: ref #2.3 and 3.8 above Area to receive 400,000m^3 of spoil arising

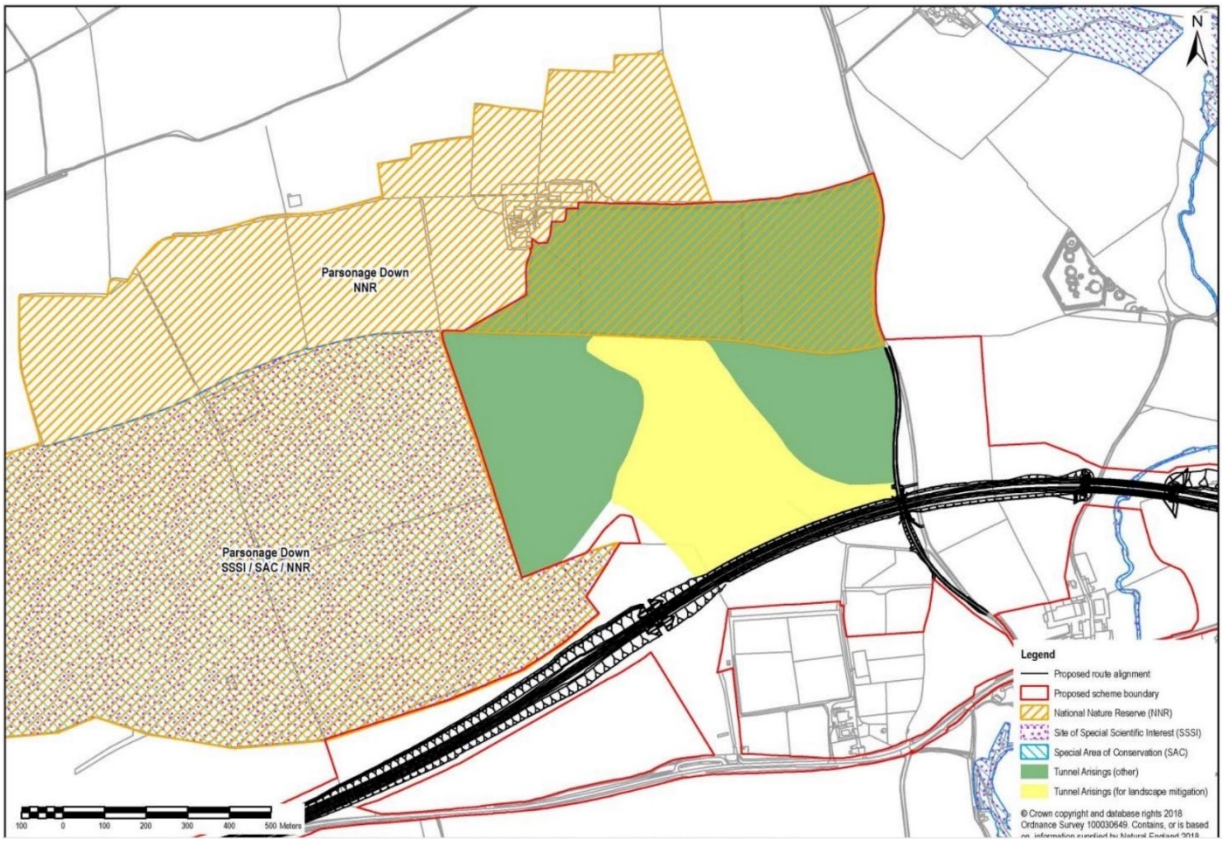


Figure 4: Core working hours

Table 2.4: Core working hours

Works	Working hours
All works excluding earthworks and tunnelling	07:00 – 19:00 Monday to Friday 07:00 – 13:00 Saturday
Earthworks	Summer: 07:00 – 22:00 Monday to Saturday with occasional working on Sundays and Bank Holidays Winter: 07:00 – 19:00 Monday to Friday 07:00 – 13:00 Saturday
Tunnelling operations and associated works	24 hours 7 days/week

Appendix 2: Comment by FarmView - Independent Land Advice consultancy, 15 March 2024

Introduction by the Stonehenge Alliance

The Stonehenge Alliance commissioned this report from FarmView, a consultancy with specialist Stone Curlew knowledge. The absence of the applicant's Design and Access Statement, has led our consultant to make various assumptions including:

a) The purpose of this application: It is assumed that this plot is to mitigate impact and loss of Stone Curlew plot and plots as a result of the DCO Requirement 12 to construction the A303 Stonehenge road scheme, referred to in paragraph 1.1 below. We reiterate our consultant's view:

> *Importantly, the purpose of the application should be considered, because if actions proposed do not fulfil the mitigation of the adverse effects upon the current breeding plot and breeding pair, then the application is also not fulfilling the HRA or conditions of the DCO*

b) The location of the new Stone Curlew breeding plot has not been identified but has been inferred as per paragraph 1.3 below.

c) It has been impossible for our consultant to assess impact without sufficient information. She has requested that redacted documents should be made available, specifically any method statement and breeding plot specification.

Engineering works associated with the creation of a replacement of a breeding plot (land north of A303, Winterbourne Stoke, Salisbury, SP3 4ET)

T.Williams BSc., MSc., FarmView – Independent Land Advice consultants.

Background

Having been a conservation biologist for 25 years, having delivered land advice on Stone Curlew plot management and monitoring for RSPB for 10 years, having negotiated the land management agreement between the landowner and RSPB in 2001 and directly managed Normanton Down reserve for 10 years, having given land advice and managed chalk grassland creation and restoration for 10 years, and been part of the RSPB Stone Curlew project in Wiltshire; ringing, monitoring and undertaking nest protection for Stone Curlew for 10 years, I consider myself to understand what this highly protected bird requires. I am therefore disappointed to see that not only the A303 Stonehenge tunnel scheme was approved but also that the RSPB appear to have agreed plans which are, to my view, far from satisfactory for a Schedule1 species that is part of the wider Salisbury Plain SPA population.

Stone Curlew, listed Annex 1 in the Directive on the Conservation of Wild Birds 79/409/EEC (the `Birds Directive'), are protected under Schedule 1 of the Wildlife and Countryside Act 1981 (as amended). The bird is also a Section 41 Priority species under the Natural Environment and Rural Communities (NERC) Act 2006.

Regulation 61 of the Conservation of Habitats and Species Regulations 2010 requires a competent authority to determine if any plan or project proposal is likely to have a significant effect on an SPA, and if necessary, carry out an appropriate assessment of the implications. To meet the Habitats Regulations Assessment (HRA) requirements, assessment of likely significant effect on Stone Curlew must be carried out with regard to the current Stone Curlew population and distribution, and in combination with other plans and/or projects.[18]

Stone Curlew is established in the area of the World Heritage Site (WHS) and outside it and is a designated feature of the Salisbury Plain SPA. It is a qualifying species for the Salisbury Plain SAC. According to the Royal Society for the Protection of Birds (RSPB), the Stone Curlew population in the vicinity of the A303 Stonehenge scheme is associated with the Stone Curlew meta-population of the Salisbury Plain SPA.[19]

The RSPB and Wiltshire Council have adopted a 'precautionary' zone of 5km surrounding the SPA known as the Community Infrastructure Levy (CIL) area. Stone Curlew nesting generally within this area are considered to be functionally linked to the SPA and are essential to preservation of its integrity. Stone Curlew using the farmland within this zone include the Normanton Down RSPB nature reserve and a Stone Curlew nesting plot that would be lost to the road scheme at Winterbourne Stoke. (RSPB, pers. comm.)

[18] Tomalin, N. Stone-curlew CIL Monitoring Area Report 2017. RSPB

[19] RSPB, response to pre-statutory consultation, 24 February 2017. http://stonehengealliance.org.uk/wp-content/uploads/2018/01/A303-Stonehenge-Pub-Cons_RSPB_24Feb17-1.pdf

1. Concerns regarding planning application

1.1 Inadequate information. As the Stone Curlew is a Schedule1 species, breeding sites are protected. However, the planning application contains inadequate information regarding any approximate location and methodology for creation of a new nesting plot, and destruction of the current breeding plot, which would also need to incorporate known ecological requirements of the species, in order for us to fully review the application.

Redacted documents should be made available, specifically, any method statement and breeding plot specification:[20]

> *Requirement 12 of the DCO: Stone curlew breeding plots*
> Pg.63. 12. (5) *In this paragraph— "stone curlew breeding plot specification" means the stone curlew breeding plot specification listed in **Schedule 12** (documents to be certified) certified by the Secretary of State as the stone curlew breeding plot specification for the purposes of this Order, and "replacement stone curlew breeding plot", "existing stone curlew breeding plot" and "additional stone curlew breeding plots" have the same meaning as in the stone curlew breeding plot specification.*
>
> ***SCHEDULE 12 Articles 2 and 55 DOCUMENTS TO BE CERTIFIED***
> *[stone curlew breeding plot specification - The stone curlew breeding plot specification contained in document reference 8.58 – Stone curlew breeding plot.]*

Importantly, the *purpose* of the application should be considered, because if actions proposed do not fulfil the mitigation of the adverse effects upon the current breeding plot and breeding pair, then the application is also not fulfilling the HRA or conditions of the DCO.

1.2. Site faithfulness. Once a breeding site has been successful, the Stone Curlew pair will return to the same site to breed annually. RSPB have been monitoring and ringing Stone Curlew chicks since 1985, enabling data to prove that pairs will return year after year to the same plot.

There is no certainty that provision of a newly created plot will attract a pair of Stone Curlew. It is not a given prediction that Stone Curlew will 'naturally find the plot as they would with any other plot in time (A. Madge, Pers.com). Seemingly suitable plots can and do stay empty for many years. Young birds return to within 2km of their natal site, however, seeking new nesting territories. The instinct of Stone Curlew is to locate bare ground for nesting upon, with all round visibility to see predators, often on a south-facing slope. However, other factors such as noise, lights and disturbance by people on foot will affect their selection.

If a nesting attempt fails due to predation, or if breeding birds are displaced, such as through frequent disturbance, the birds will abandon a site, selecting bare areas in nearby arable crops, where nests quickly become overgrown or destroyed through farming operations (lack of available

[20] [2] The A303 (Amesbury to Berwick Down) Development Consent Order 2023 (planninginspectorate.gov.uk)

habitat and farming operations led to the population crash in the 1980s, hence the subsequent initiation of the RSPB Stone Curlew project in 1985).

1.3. Location of replacement plot. The applicant proposes a newly created plot on Parsonage Down NNR – however, without sufficient information supplied, it is impossible to assess:

(a) suitability of plot against known guidance

(b) distance from current plot (to be destroyed)

Assessing aerial imagery of Winterbourne Stoke area on DEFRAs Magic mapping site (magic.defra.gov.uk) we can clearly identify a current stone breeding site at Grid Ref: SU06744054 south of Parsonage Down NNR (Map 1). In addition, the planning application (Planning Portal Reference: PP-12656145) under '*Description of site location must be completed if postcode is not known'* gives an Easting and Northing refence. We attach a web screen map (Map 2) showing this location on Parsonage Down (https://gridreferencefinder.com). Maps 1 and 2 are attached separately.

If indeed this is the location of the proposed Stone Curlew plot to be created as replacement for one to be destroyed, we have grave concerns regarding its proximity to the location of the site where construction arisings are to be dumped, possibly as close as 100m. Continuous vehicular movement during construction phase and tipping of arisings in such close proximity will render a large area unattractive to Stone Curlew. In my experienced opinion – any new nesting plot created here will only become attractive to Stone Curlew some years *after* construction, and only then IF recreational pressure is low and public access to that part of the NNR is avoided. See Map 3 attached separately.

This in effect means that this application to create a Stone Curlew plot in this location should be rejected, on the grounds that it will not mitigate for the loss of a successful breeding plot.

This new plot is unlikely to attract Stone Curlew for the five years of scheme construction, hence the displaced breeding pair (due to their plot being destroyed) will not be mitigated and the planning application does not fulfil the DCO.

The planning application also states the '*Existing use of the site'* as '*Agricultural'.* This is misleading to the reader since Parsonage Down is a National Nature Reserve, protected by SSSI status as Lowland Calcareous grassland, a UK Priority Habitat.

1.4. Size of replacement Stone Curlew breeding plot.

No details of Stone Curlew plot specification have been provided on the planning application. However, we understand that the newly created plot is to be 135m by 74m (A. Madge. Pers.com). Stone Curlew plot creation guidance states that plots should be at least 100m wide and should

be 2 hectares in total area. [21], [22] Any newly created Stone Curlew plot should be the correct size per landowner guidance provided by RSPB. In addition, the new plot should be at least the same size as the plot being destroyed i.e. if this is the plot we have identified south of parsonage Down, the area is 2 hectares, which the applicant should replicate.

1.5 Boundary of proposed new plot. The planning application states provision of 'fence and gate' – this needs further detail. Stone Curlew plots are never fenced as this provides lookout posts for predators (e.g. crows, raven, magpie). In addition, when plots are fenced this makes future management of plots difficult, as machinery cannot gain access right to the plot periphery, such that it encourages scrub and other vegetation to grow around the periphery. This in turn provides habitat for predators and obscures the view for ground nesting Stone Curlew. Plots should be created on flat or south sloping ground, with a full 360-degree open vista. [23]

1.6. Calendar schedule for plot destruction and new plot creation.

We have only been able to assess the timetable for construction works via the planning officer who shared *Table 1-2 of Ecological Works* from the applicants CEMP submitted with the application (A. Madge email 11/03/24). Assuming Q3 means the calendar quarter, not financial quarter i.e. Q1 means Jan-March, we must object to the timetable for destruction and creation of plots.

The RSPB guidelines provided to landowners, state that plots should be cultivated by the end of February. It should be noted that migrating Stone Curlew start to arrive back on their breeding sites as early as February but usually March.[24] [25]

Stone Curlew can have eggs from late March and can have unfledged young in mid-summer. Stone Curlew can, if nesting is successful early in the season, have a second clutch of eggs. Equally, if unsuccessful due to predation, Stone Curlew can have a second nesting attempt later in the season, and could therefore still be rearing young in July-Aug (plenty of data could be provided by RSPB on ringing dates of juvenile Stone Curlew).

The applicant is proposing to destroy the current plot between July and March. Similarly, to create the new replacement plot as mitigation between July and March. These timetables do not conform to known ecological requirements or behaviour of Stone Curlew. Stone Curlew plots need to be in place by the end of February, especially as a consequence of climate change impacts, birds like Stone Curlews and lapwings are starting to breed earlier. The destruction of the current breeding plot is planned at a time when Stone Curlew chicks may not have fledged yet. The plot may also be used by gatherings of Stone Curlew pre-migration, which can still be present in November. Thus, there are only three months when any of this work could occur safely.

[21] DEFRA defrafarming.blog.gov.uk/create-nesting-plots-for-lapwing-and-stone-curlew/
[22] RSPB Farming for Wildlife – Stone Curlew. RSPB guidance leaflet for landowners
[23] DEFRA op. cit.
[24] DEFRA op. cit.
[25] RSPB op. cit.

Therefore, the timetable of ecological works is not appropriate for this Schedule1 protected species and would risk possible destruction of nests, eggs and young, and possible disturbance of pre-migration gatherings.

1.7. Construction impacts. This scheme proposes that development will last five years, with significant noise, dust and machinery from 7am until 10pm at night, with lights during dark hours. This will cause significant impact and make the area unattractive to Stone Curlew. Liley, D. & Hoskin, R. (2017)[26] state;

> *while there has been considerable research undertaken in the UK, we do not understand why avoidance occurs (i.e. it may relate to the presence of people, structures in the landscape, noise, light etc. or some other factor). Given this lack of understanding, it is not possible to have confidence that mitigation measures (e.g. relating to noise screening or screening of lighting) would be effective*,

Also Clarke RT, Liley D, Sharp JM, Green RE (2013)[27] who state:

> *significantly lower densities of stone curlew nests have been found at distances up to 1500m from settlements, and distances up to 1000m or more from major (trunk) roads*.

2. <u>Consequential impacts of the wider scheme</u>

2.1 Visitor monitoring strategy. In 2019, the RSPB outlined its concerns that increased recreational activity following the new road scheme could have significant adverse effect upon Stone Curlew breeding at RSPB Normanton Down. The RSPB stated:

> *A visitor monitoring strategy would be required in order to correlate any disturbance to breeding stone curlew within the Normanton Downs RSPB Reserve to visitor levels, however, the details of this strategy are still being discussed between the parties.*

As yet no such strategy has been identified.

In addition, the LIFE conference report[28] stated:

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[26] Liley, D. & Hoskin, R. (2017). Overview of the impacts of roads and Stone Curlews and consideration of the implications in terms of the S8 Marchfield Expressway and the Sandboden und Praterterasse SPA in Austria. Unpublished report by Footprint Ecology.

[27] Clarke RT, Liley D, Sharp JM, Green RE (2013) Building Development and Roads: Implications for the Distribution of Stone Curlews across the Brecks. PLoS ONE 8(8): e72984. https://doi.org/10.1371/journal.pone.0072984

[28] Achieving sustainable species recovery. Conference report: A recipe for success. Lessons from the Stone-curlew LIFE project, RSPB EU LIFE+ end of project international conference 28 February - 1 March 2017", pp.4 and 7. RSPB, 2017. Accessed at https://www.rspb.org.uk/globalassets/downloads/documents/conservation-projects/stone-curlew-project-conference-report.pdf

- *The operation of the A303 may facilitate recreational disturbance of stone curlew at Normanton Down. The placement of the A303 in tunnel at this location will open up the area to recreational activity, potentially resulting in recreational users on the footpath* [Byway 12] *through Normanton Down crossing the fence-line and disturbing the stone curlew plots.*
- *stone-curlews can be disturbed by dog walkers up to 500m away and repeated disturbance leads to abandonment of nests.*
- *the birds nest at lower densities within 1.5km of housing and major roads, therefore new infrastructure and housing developments in or near to Natura 2000 stone-curlew areas have had to consider and mitigate for their impact on the remaining UK stone-curlew population, ensuring that the stone-curlew population does not further decline as a direct result of increased development pressure and recreation.*

2.2. Increased recreational pressure. National Highways commissioned a study of the visitor potential to *the wider Salisbury Plains* saying of the results:

> *While these figures may represent an underestimate of actual numbers visiting the plains during the breeding season, for the purpose of this research they do however provide sound evidence of the distances that people will travel to the plain and the relative proportion of visitors coming from varying distances. The uncertainty of the results must also be recognised as unavoidable to a degree, given the difficulty in accurately predicting human behaviour, particularly in relation to recreational preferences, while the number and location of active Stone Curlew nests on Salisbury Plain also varies from year to year; the data does however represent the best available scientific information, and therefore must be used for the purposes of this assessment.*

This study, while not providing any representative results, also appears not to have studied Byways 11 and 12, the east and west boundaries of Normanton Down reserve that would receive increased foot visitors following scheme development.

2.3. Winterbourne Downs as mitigation.

RSPB Winterbourne Downs is 9km to the east from RSPB Normanton Down so would not mitigate for the actual pair of birds that would be displaced.

> *"Recreational disturbance of Normanton Down RSPB reserve and its nesting stone curlew could increase once the old A303 is removed in combination with population and tourism growth in the local area. To address this it has been agreed with RSPB that the most appropriate measure will be to create a new stone curlew plot on the RSPB reserve at Winterbourne Down, thus ensuring no net loss of stone curlew nesting opportunities in the Salisbury Plain area even if disturbance incidents at Normanton Down do increase."* [29]

Even if Winterbourne Downs helps to sustain the SPA population in the longer term, there is no assurance that Stone Curlew displaced from Normanton Down during the breeding season would

[29] Highways England, *op.cit*., HRA Integrity Matrix 2: Salisbury Plain SPA, 'e', p. 52.

relocate to Winterbourne Downs; although males may return to within 9 miles of their hatch site, monogamous pairs will usually return annually to the same place to breed. It is more likely, therefore, that a disturbed or displaced breeding pair would attempt to breed in a less than suitable spring crop in the vicinity of its usual breeding site, putting the nest in danger from farming operations. Nesting plots, such as those on Normanton Down, are prepared annually by farmers and maintained specifically to avoid such dangers and to allow breeding pairs to complete the breeding cycle fully. In comparison, nests in arable crops, selected by the birds due to the bare ground available, will often result in failure either due to accidental destruction or abandonment once crops have quickly grown too tall. The success of the RSPBs Stone Curlew project has been due to farmers providing safe nesting plots.

Therefore, a newly created Stone Curlew plot at RSPB Winterbourne Downs nature reserve cannot be classed as mitigation or net gain for potential unknown impacts of increased recreational activity and unknown effects of noise and lights from road development over five years in close proximity to a breeding Stone Curlew plot on RSPB Normanton Down reserve.

2.4 Construction impacts

It cannot be considered certain that Stone Curlew would not be disturbed or displaced from nesting at the Normanton Down reserve not only by increased public access in future but also as a result of the noise, lights and activity of five years of road and tunnel construction work, c.0.5km away at nearest. Nor can it be certain that five years' construction activity over a wide stretch between Normanton Down and the associated SPA would not lead to considerable disturbance of the Stone Curlew population in this general area, as is admitted by Highways England (as was) in 2019:

> *"Stone curlews breed outside the SPA in proximity to the scheme at Normanton Down RSPB reserve and at other locations known to historically support breeding stone curlew. These populations of stone curlew would have the potential to be disturbed by increased vehicular movements and human disturbance during construction. Disturbance impacts would have the potential to cause stress, which may result in a reduction in their resilience and breeding success. In extreme cases disturbance impacts may result in the abandonment of breeding plots"*[30]

The significance of the two breeding pairs of Stone Curlew at Normanton Down reserve should not be overlooked; breeding for at least 10 years and significantly contributing to the Salisbury Plain population. They successfully surpass the annual target of 0.7 chicks per pair set by the RSPB producing 1.5 chicks per pair on average. In addition, this site attracts upward of 150 Stone Curlew pre-migration in September, consisting of a mix of adults and young of that year. This sociable gathering is an important aspect of Stone Curlew ecology and should not be overlooked, although is hardly ever mentioned within this scheme.

[30] Highways England, *ibid*., para. 5.2.1, p.23

No convincing mitigation has been proposed to address such potential adverse impacts within or close to the area of construction works. In 2019 Highways England (now National Highways) stated that they would deploy various measures to screen Stone Curlew nests from construction within 450m of nests, even though RSPB research has shown, and all RSPB guidance will concur, that people on foot within 500m of a Stone Curlew nest will ensure the adults leave the nest (Taylor et al. 2007). The success of any such measures suggested to dissuade Stone Curlew from nesting within the construction zone are dubious and it is much more likely that Stone Curlew will be disturbed away from the whole area during five years of construction, including the highly successful plots at Normanton Down.

It is concerning that Natural England feel that fencing options[10] would mitigate adequately for an unknown quantity of increased walkers with/without dogs. This fencing would need to be (a) high enough for a human to not climb over, and (b) solid such that Stone Curlew view of the public was obscured. The integrity of the open chalk grassland landscape within the WHS is such that closed-board fencing, or similar, would never be appropriate in this setting, so it is impossible to imagine what type of fencing would be adequate and suitable.

Natural England stated:

> *In terms of the likely scale of effect associated with indirect disturbance impacts at Normanton Down RSPB Reserve and recommended fencing mitigation measures, we have the following comments. 1) The conclusion is contingent on landowner agreement to implementing the mitigation measures. This will need to be suitably secured prior to concluding no adverse effect on integrity of the Scheme. 2) The note says "The fencing measures for the RSPB Normanton Down Reserve are considered sufficient to mitigate for the associated effects of increased visitor levels on breeding stone curlew."* [31]

[31] TR010025-001658-AS-Highways England-8.6(2) - Statement of Common Ground - Natural England