



Habitats Regulations Assessment (HRA)

Regulation 21 of the Habitats Regulations 2010

Casework Recording System Ref.	<input type="text"/>	Site Ref.	<input type="text" value="Oxford Meadows SAC"/>
Case name	<input type="text" value="Infilling of redundant ditch and extra loading from trains"/>		
Assessment made by	<input type="text" value="Rebecca Tibbetts"/>	Date:	<input type="text" value="03.07.2013"/>

THIS ASSESSMENT MUST BE COMPLETED IN CONJUNCTION WITH THE FURTHER GUIDANCE IN [HRGN 3](#) & [HRGN 6](#)

Application: **Infilling of redundant ditch**
European Site: *Oxford meadows SAC*
Component SSSI: *Port Meadow and Wolvercote Meadows SSSI*

1. Introduction

This is a record of the Habitats Regulations Assessment undertaken by Natural England of this application submitted on [28/6/2013] by [REDACTED] Morgan Sindall] and which affects the [Oxford Meadows] European Site(s).

The application constitutes a notice given to Natural England under Regulation 20(1)(a) of the Conservation of Habitats and Species Regulations 2010 (the "Habitats Regulations"). This assessment is required by Regulation 21 of the Habitats Regulations in accordance with the EC Habitats Directive (Council Directive 92/43/EEC).

Natural England may only give consent to the proposal where it is able to ascertain that the proposal will have no adverse effect on the integrity of the [Oxford Meadows] European Site(s).

2. Information about the project

Type of application, plan or project:	<i>Application for SSSI consent (a S28E notice)</i>	
Location of project:	<i>Infilling of redundant ditch within Network Rail boundary and extra loading from trains</i>	
Applicant:	<input type="text" value="REDACTED"/> <i>Morgan Sindall</i>	
National Grid Reference:	Latitude	<input type="text" value="51 46 37 N"/>
	Longitude	<input type="text" value="01 17 12 W"/>
Summary of the project and its elements:	<i>To fill in a redundant ditch to provide a storage area for the Freight lengthening works and to demonstrate no extra loading from trains.</i>	



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Include any other relevant explanatory information around the case e.g. planning history.

3. Information about the European Site(s) (SAC, SPA and/or RAMSAR sites)

3.1 Qualifying Features

Annex I habitats that are a primary reason for selection of this site

6510 Lowland hay meadows (*Alopecurus pratensis*, *Sanguisorba officinalis*)

Together with North Meadow and Clattinger Farm, also in southern England, Oxford Meadows represents **lowland hay meadows** in the Thames Valley centre of distribution. The site includes vegetation communities that are perhaps unique in the world in reflecting the influence of long-term grazing and hay-cutting on **lowland hay meadows**. The site has benefited from the survival of traditional management, which has been undertaken for several centuries, and so exhibits good conservation of structure and function.

Annex II species that are a primary reason for selection of this site

1614 Creeping marshwort *Apium repens*

Oxford Meadows is selected because Port Meadow is the larger of only two known sites in the UK for **creeping marshwort *Apium repens***.

3.2 European Site Conservation Objectives

http://www.naturalengland.org.uk/Images/UK0012845-Oxford-Meadows-SAC_tcm6-31850.pdf

4. Screening Stage

There are two screening stage tests required under Regulation 21 (transposing Article 6(3) of the Habitats Directive):

4.1. Test: Necessary to management (of the European site)

*Record whether **the whole project** is directly connected with or necessary to the conservation management of the site for its European site features. If **any** part or element of the project does not meet this test, then those elements should be tested for Likely Significant Effects (LSE). For example all management options and capital works within an application for a proposed management agreement or a Management Plan should be individually assessed.*

- Natural England has considered the infilling of the redundant ditch within Network Rail's land to provide a storage area and extra loading from trains for the Freight Lengthening works under Regulation 21 (1)(b) of the Conservation of Habitats and Species Regulations 2010 and has decided that it **is not** necessary to the management of the Oxford Meadows SAC European site, for the following reasons;
 - o The infilling of the ditch etc is not relevant to the management of *Apium repens* on site.*

If the whole project is directly connected with or necessary to the management of the site for its conservation, no further sections of this form need to be retained or completed, other than Sections 4.3 and 6.2.

4.2. Test : Likely Significant Effect

Describe the individual elements of the project (either alone or in combination with other plans or projects) likely to give rise to impacts on the Natura 2000 site. Refer to [HRGN 6](#) for more guidance on screening for likely significant effects. Refer to and append any advice received from Natural England specialists or evidence/ reports/ surveys used etc.

Natural England had some concerns over ground water flows in to the site as ground water is considered to enter from the north east of the site.

[July 2013 - Freight Train Lengthening at Oxford - Ditch Infilling Works.msg](#)

The section in question has previously been segregated from the remainder of the ditch and no longer forms part of the drainage system, being previously sealed off with an earth bund. It is currently dry and the project wishes to infill the area to form level ground on which material may be stored, on a temporary basis, for the during the work.

During our discussions Natural England requested that the project team provide further information relating to the potential impact of the increased load on groundwater.

From the modelling undertaken, the ground water flow through the area is east to west and as such flows under the existing main line railway.

Additionally, compaction of the ground beneath the railway will have consolidated over a long period of time from the dead load of the permanent material placed over the existing ground to form the track bed and the live loads imparted by the trains, therefore compacting the in situ material beneath.

The area we wish to infill is approximately 30m in length and 6m wide. We propose to line the existing ditch with an appropriate geo-fabric to restrict the migration of the in situ material into the imported fill material. The imported material will be free draining to allow the migration of any groundwater through the in-filled area.

Some compaction of the existing material will occur, however this will be similar to the condition to the north where there is currently no ditch.

It is also considered that the infilling would have a negligible effect on ground water given the relatively small area and the compaction and loading of the existing ground to either side of the proposed area.

4.2.1 Likelihood of significant effects alone

This section details the checking of the submitted project proposals for likely significant effects alone, having considered the stated nature and details of the project against each of the European site features, their conservation objectives and their vulnerability to potential effects using best available information.

Potential effect	Interest feature likely to be affected	The mechanism/ pathway of effect	Have measures which would mitigate the potential effects been included? (Y/N) If Yes provide	Likely Significant Effect (LSE)? (Yes/No/Uncertain)
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			details	
Impacts on ground water flows	Creeping marshwort <i>Apium repens</i>	Impacts on ground water levels	Yes (see above detail)	No

4.2.2 Likelihood of significant effects in-combination with other plans and projects:

Complete this section *only* if there are likely to be some effects from the project which are not likely to be significant alone. Give *brief* details of other live plans or projects which have been considered in combination with the project under scrutiny. Refer to [HRGN 6](#) for more guidance on screening for in-combination effects.

Not thought to be an issue

- Natural England has considered the Infilling of a redundant ditch under Regulation 21 (1)(a) of The Conservation of Habitats and Species Regulations 2010 and has decided that it **is not** likely to have a significant effect, either alone or in combination with other plans or projects, for the following reasons:

4.3. Conclusion of the screening stage

- Consent may be given

*If the project is directly connected to and necessary for the management of the site or **is not** likely to have a significant effect either alone or in combination, then the Habitats Regulations Assessment need go no further and consent may be given after having taken the SSSI features into account in the usual way. Go to section 6.2.*

*Note: if the project is necessary to the management of the site for one feature but **is** likely to have a significant effect on a different feature - then the Habitats Regulations Assessment should go to the next stage.*

- The project must proceed to the next stage

*If the project **is not** necessary to the management of the site and **is** likely to have a significant effect either alone or in-combination, then the Habitats Regulations Assessment should go to the next stage. Go to section 5.*

5. Appropriate Assessment

Having considered that the *[name]* project is not directly connected with or necessary to the management of the *[name]* European site and is likely to have a significant effect on that site (either alone or in combination with other plans or projects), this section contains the appropriate assessment of the implications of the *[name]* project in view of the conservation objectives for the European Site (as required by Regulation 21 of the Habitats Regulations).

Where necessary, the full Appropriate Assessment can be outlined here or appended to this Form and a summary of its key findings recorded in this section.

You should specifically refer to the guidance outlined in Section 11.3 of [HRGN 6](#) which highlights some of the key factors to consider as part of the assessment.

The scope and content of an appropriate assessment is not specified in the legislation but in general it should identify the significance of the identified effects of each part of the project on each of the interest features of all the European Sites which could be affected in relation to their stated conservation objectives and in particular how the likely significant effects might directly or indirectly impact upon;

- The extent and distribution of the qualifying features*
- The structure and function of the qualifying features*
- The supporting processes on which qualifying features rely*
- The populations of individual qualifying species and/or assemblages*
- The distribution of qualifying species within the site*

The assessment should consider the above taking full account of the current environmental and ecological condition of the site and any existing influences being exerted upon it.

The assessment should take into account any wider background status and trends which may be currently affecting the features, e.g. recorded declines in a population of birds.

The assessment should clearly show how each element of the project is likely to affect each interest feature of the site (s). Reference should be made to relevant background documents and other information (section 5.1 below). The assessment should then indicate whether it is considered that any potentially damaging effects could be reduced by suitable mitigation measures (section 5.2 below).

5.1. Assessment of effects without mitigation measures

Describe the likely direct, indirect or secondary impacts of the project either alone or in combination with other plans or projects, on the European site. For more guidance consult HRGNs 3 and 6.

Describe where the above impacts are likely to be significant or where the scale or magnitude of impacts is not known. Setting out the significance of these factors in tabular form is often helpful, e.g.

Project element	Likely impact	Extent	Likelihood of an adverse effect	Degree of uncertainty



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5.2. Assessment of effects taking account of mitigation measures

List any measures that can be introduced to avoid or reduce the effects. Explain how the measures will either avoid the adverse effects on the integrity of the site or reduce the adverse effects on the integrity of the site. Evidence of how they will be implemented, and by whom, should be provided.

Refer to any advice received from Natural England specialists/ evidence/ reports/ surveys etc. Setting out this assessment in tabular form is often helpful, e.g.

Project element	Likely effect	Avoidance and/or reduction measures (Mitigation)	Justification	Who will implement	Compliance checks/ Controls	Residual effects?

5.3. Assessment of effects taking into account Restrictions and Conditions

The assessment under section 5.2 is based on possible adverse effects *before* any conditions are imposed. This section should further consider how restrictions and/or modifications to the proposed operations that can be imposed by Natural England could be used to ascertain that there would be no adverse effect on integrity. Setting out this assessment in tabular form is often helpful, e.g.

Project element	Conditions and modifications to be applied	Reasons for conditions	Will the conditions allow Natural England to conclude no impact on site integrity? (Yes/No/Uncertain)

Note: for SSSI consents proposed conditions should ideally be discussed with the applicant in advance of submission of a notice. See the SSSI Consents and Appeals Guidance.

5.4 Assessment of residual effects

If, after the appropriate assessment of a plan or project alone, there remains some residual effects from the project being assessed (i.e. there are minor and non-significant effects that remain after mitigation measures have been applied or imposed), then there is a need to further consider the likely significance of these effects in-combination with those of other plans or projects and potentially undertake a separate appropriate assessment of these combined effects on site integrity.

If there are residual effects - go back to section 4.2.2 and make a new assessment of the residual effects in combination with those of other projects from that point.

If there are no residual effects - proceed to section 6.

6. The Integrity Test

This is the conclusion of the Appropriate Assessment and should set out Natural England's determination of whether it can be ascertained that there would not be an adverse effect on integrity as a result of the project.

6.1. Conclusion

Because the *[name]* project is not directly connected with or necessary to the management of the *[name]* European site and is likely to have a significant effect on that site either alone or in combination with other plans or projects, Natural England carried out an Appropriate Assessment under Regulation 21 of the Conservation of Habitats and Species Regulations 2010 and came to the conclusion that:

- It can be ascertained that the **** (*project name*) **will not** have an adverse effect on the integrity of the **** SAC/SPA/Ramsar site(s); *consent can be given with or without conditions*
- It can be ascertained that the **** (*project name*) **will** have an adverse effect on the integrity of the **** SAC/SPA/Ramsar site(s); *consent cannot be given*
- It cannot be ascertained that the **** (*project name*) will not have an adverse effect on the integrity of the **** SAC/SPA/Ramsar site(s). *consent cannot be given*

6.2 Consent decision

This section should record whether or not the project was approved for consent based on the conclusion reached above in 6.1.

Natural England has carried out a Habitats Regulations Assessment of the Infilling of the redundant ditch under Regulation 21 of the Conservation of Habitats and Species Regulations 2010 and has decided that:

- Consent may be given
- Consent may be given subject to conditions *[List]*
- Consent may not be given

The reasons for this decision are as follows:

- *Record the reasons why we have come to this conclusion.*

NOTE: If consent is proposed with conditions, or it is to be refused, refer the case with a copy of this HRA to the appropriate Regulatory Delivery Team before issuing.

Following a Habitats Regulations Assessment of the plan/project regarding the European Site features, further separate consideration is required of the compatibility of the project with the notified features of special interest of the SSSI before any final consent can be given.



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Document history

Prepared by	<i>Rebecca Tibbetts, Lead Adviser, Land Management</i>	<i>Natural England function & role</i>
Date	3/7/2013	
Checked by		<i>Natural England function & role</i>
Date		
Referred to Regulation by		<i>Natural England function & role</i>
Date		
Approved by		<i>Natural England function & role</i>
Date		

Attach a hard/electronic copy of this Form to the case file/notes as appropriate.

Append the full appropriate assessment to this Form if applicable.