

**Rail Central** 

Preliminary Environmental Information Report (PEIR): Stage 1

PART 2



### 9 APPENDIX C - RELEVANT LEGISLATION

#### General

This section briefly describes the legal protection afforded to the protected species referred to in this report. It is for information only and is not intended to be comprehensive or to replace specialised legal advice. It is not intended to replace the text of the legislation, but summarises the salient points.

### **Badger**

Meles meles (Badger) is protected in Britain under the *Protection of Badgers Act 1992* and *Schedule 6* of the *Wildlife and Countryside Act 1981* (as amended).

The legislation affords protection to Badgers and Badger setts, and makes it a criminal offence to:

- wilfully kill, injure, take, possess or cruelly ill-treat a Badger, or to attempt to do so;
- interfere with a sett by damaging or destroying it;
- · to obstruct access to, or any entrance of, a Badger sett; or
- · to disturb a Badger when it is occupying a sett.

#### **Bats**

All species of British bat are protected by *The Wildlife and Countryside Act 1981* (as amended) extended by the *Countryside and Rights of Way Act 2000* (the CRoW Act). This legislation makes it an offence to:

- intentionally kill, injure or take a bat;
- possess or control a bat;
- intentionally or recklessly damage, destroy or obstruct access to a bat roost;
   and
- intentionally or recklessly disturb a bat whilst is occupies a bat roost.

Bats are also European Protected Species listed on *The Conservation (Natural Habitats, & c.) Regulations 1994* (as amended). This legislation makes it an offence to:

- deliberately capture, injure or kill a bat;
- deliberately disturb a bat, including in particular any disturbance which is likely
   (a) to impair their ability (i) to survive, to breed or reproduce, or to rear or nurture their young; or (ii) hibernate or migrate, where relevant; or (b) to affect



significantly the local distribution or abundance of the species to which they belong.

- damage or destroy a breeding site or resting place of a bat; and
- possess, control, transport, sell, exchange a bat, or offer a bat for sale or exchange.

All bat roosting sites receive legal protection even when bats are not present.

### **Birds**

#### **Birds General Protection**

All species of bird are protected under *Section 1* of the *Wildlife and Countryside Act 1981* (as amended). The protection was extended by the CRoW Act.

The legislation makes it an offence to intentionally:

- kill, injure or take any wild bird;
- take, damage or destroy the nest of any wild bird while that nest is in use or being built; or
- take or destroy an egg of any wild bird.

#### **Birds (Specially Protected Species)**

Certain species of bird are listed on *Schedule 1* of the Wildlife and Countryside Act 1981 (as amended) and receive protection under *Sections 1(4)* and 1(5) of the Act. The protection was extended by the CRoW Act. The legislation confers special penalties where the above mentioned offences are committed for any such bird and also make it an offence to intentionally or recklessly:

- disturb any such bird, whilst building its nest or it is in or near a nest containing dependant young; or
- disturb the dependant young of such a bird.

### **Common Reptiles**

Lacerta vivipara (Common Lizard), Natrix natrix (Grass Snake), Anguis fragilis (Slowworm), and Vipera berus (Adder) are listed under Schedule 5 of the Wildlife and Countryside Act 1981 (as amended), in respect of Section 9(5) and part of Section 9(1). This protection was extended by the Countryside and Rights of Way Act 2000 (the CRoW Act).

Under the above legislation it is an offence to:

intentionally or deliberately kill or injure any individual of such a species; or sell or attempt to sell any part of the species alive or dead.



### **Great Crested Newt**

Triturus cristatus (Great Crested Newt) is listed on Schedule 5 of the Wildlife and Countryside Act 1981 (as amended), and receives full protection under Section 9. Great Crested Newts are also European Protected Species listed on The Conservation of Species and Habitats Regulations 2010 (as amended). This legislation makes it an offence to:

- deliberately capture, injure or kill a Great Crested Newt;
- deliberately disturb a Great Crested Newt (in such a way as to be likely to significantly affect, (i) the ability of a significant group of Great Crested Newt to survive, breed or rear/nurture their young; and (ii) the local distribution or abundance of the species concerned);
- deliberately take or destroys the eggs of such an animal;
- damage or destroy a breeding site or resting place of a Great Crested Newt; and
- possess, control, transport, sell, exchange a Great Crested Newt, or offer a Great Crested Newt for sale or exchange.

All resting and breeding places of Great Crested Newts receive legal protection even when Great Crested Newts are not present.

#### Otter

Lutra lutra (Otter) is listed on Schedule 5 of the Wildlife and Countryside Act 1981 (as amended), and receives full protection under Section 9. This species is also listed as a European Protected Species on Schedule 2 of the Conservation (Natural Habitats, etc.) Regulations 1994 which gives it full protection under Regulation 39. Protection was extended by the Countryside and Rights of Way Act 2000 (the CRoW Act).

Under the above legislation it is an offence to:

- kill, injure or take an individual of such a species;
- possess any part of such species either alive or dead;
- intentionally or recklessly damage, destroy or obstruct access to any place or structure used by such species for shelter, rest, protection or breeding;
- intentionally or recklessly disturb such a species whilst using any place of shelter or protection; or
- sell or attempt to sell any such species.

The Otter is included as a Priority Species in the UK Biodiversity Action Plan (UKBAP) and also as a species of principal importance for the conservation of biological diversity in England under *Section 74* of the CRoW Act.



The Otter is also protected under *Schedule 6* of the *Wildlife and Countryside Act 1981* (as amended). This protection relates specifically to trapping and direct pursuit of the species.

The European sub-species is also listed as globally threatened on the IUCN/WCMC

#### **Water Vole**

Arvicola amphibius (Water Vole) is fully protected under Section 9 of Schedule 5 of the Wildlife and Countryside Act 1981 (as amended). Protection was extended by the Countryside and Rights of Way Act 2000.

Under this legislation, it is an offence to:

- intentionally kill, injure or take (capture) a Water Vole;
- possess or control a live or dead Water Vole, or any part of a Water Vole;
- intentionally or recklessly damage, destroy or obstruct access to any structure or place which Water Voles use for shelter or protection, or to intentionally or recklessly disturb Water Voles while they are using such a place; or
- sell, offer for sale or advertise for live or dead Water Voles.

The Water Vole is included as a Priority Species in the UK Biodiversity Action Plan (UKBAP).



# 10 APPENDIX D – NOTEWORTHY SPECIES RECORDS

Table 10.1 shows noteworthy species records from places within 2 km of the site boundary, extending to 5 km for bat records. These species records were obtained from Northamptonshire Biodiversity Records Centre. The Latin and common names for species are given as well as their level of designation. A glossary defining abbreviations used in the table is given in Appendix E. This table does not constitute a comprehensive list. If a species is not included in the table below it does not necessarily mean the species is absent from the search area, but rather that it has not been recorded in these locations.

Table 10.1. Noteworthy Species Records within 2 km, extending to 5 km for Bat Records

Latin Name	Common Name	Designation	
Amphibians			
Bufo bufo	Common Toad	WCA5.9.5, UKBAP	
Triturus cristatus	Great Crested Newt	EPS (Sch2), WCA5.9.1, UKBAP	
Birds			
Alcedo atthis	Kingfisher	WCA1.1, Amber	
Anas platyrhynchos	Mallard	Amber	
Falco columbarius	Merlin	WCA1.1, Amber	
Falco subbuteo	Hobby	WCA1.1	
Motacilla cinerea	Grey Wagtail	Amber	
Muscicapa striata	Spotted Flycatcher	Red, UKBAP	
Parus montanus	Willow Tit	Red, UKBAP	
Picus viridis	Green Woodpecker	Amber	
Pyrrhula pyrrhula	Bullfinch	Amber, UKBAP	
Sterna hirundo	Common Tern	Amber	
Sylvia communis	Whitethroat	Amber	
Tyto alba	Barn Owl	WCA1.1, Amber	
Crustacean			
Austropotamobius pallipes	Freshwater Crayfish	WCA5.9.1, RDB (VU), UKBAP	
Fish			
Anguilla anguilla	Eel	UKBAP	
Invertebrates			
Coenonympha pamphilus	Small Heath	UKBAP	
Lasiommata megera	Wall	UKBAP	
Leptidea sinapis	Wood White	WCA5.9.5, UKBAP	
Abraxas sylvata	Clouded Magpie	LR	

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Latin Name	Common Name	Designation	
Acronicta rumicis	Knot Grass	UKBAP	
Adscita statices	Forester	UKBAP	
Atolmis rubricollis	Red-necked Footman	LS, MP	
Entephria caesiata	Grey Mountain Carpet	UKBAP	
Eupithecia valerianata	Valerian Pug	LS	
Synanthedon myopaeformis	Red-belted Clearwing	MP	
Xanthia gilvago	Dusky-lemon Sallow	UKBAP	
Mammals			
Arvicola amphibius	European Water Vole	WCA5.9.4a, UKBAP	
Erinaceus europaeus	West European Hedgehog	UKBAP	
Lepus europaeus	Brown Hare	UKBAP	
Lutra lutra	European Otter	EPS (Sch2), WCA5.9.1, UKBAP	
Meles meles	Eurasian Badger	ВА	
Reptiles			
Natrix natrix	Grass Snake	WCA5.9.1, UKBAP	
Trees, Plants, Moss and Lichen			
Pinus sylvestris	Scots Pine	NS	
Bromus racemosus	Smooth Brome	LS	
Hyacinthoides non-scripta	Bluebell	WCA8	
Lactuca saligna	Least Lettuce	WCA8, RDB (EN), UKBAP, NR	
Petroselinum segetum	Corn Parsley	LS	
Potamogeton compressus	Grass-Wrack Pondweed	RDB (EN), UKBAP, NS	
Potamogeton praelongus	Long-Stalked Pondweed	LS, Red List	
Sagina nodosa	Knotted Pearlwort	LS	
Verbascum lychnitis	White Mullein	NS	
Syntrichia virescens	Lesser Screw-moss	NS	
Cladonia chlorophaea	Cladonia chlorophaea	NR	



### 11 APPENDIX E - ABBREVIATIONS

Table A4 displays abbreviations of protected species legislation.

Table A4: Glossary of Abbreviations Used in this Report:

Code	Full Title	Explanation
Amber	Amber list	Amber listed species have a population status in the UK of medium conservation concern.
BA	The Protection of Badgers Act 1992	Legislation making it an offence to kill, injure or take a Badger, or to damage or interfere with a sett unless a licence is obtained from a statutory authority.
BAP	Biodiversity Action Plan	A plan that identifies threats to significantly important species and habitats, and sets out targets and actions to enhance or maintain biodiversity.
DA	The Deer Act 1991	All wild deer with the exception of Muntjac ( <i>Muntiacus reevesi</i> ) and Chinese Water deer ( <i>Hydropotes inermis</i> ) are protected by a closed season.
EPS (Sch 2)	European Protected Species (Schedule 2)	Animals protected on Schedule 2 of the Conservation (Natural Habitats &c.) Regulations 1994
HAP	Habitat Action Plan	A plan that identifies threats to a priority habitat and sets out targets and actions to enhance or maintain that habitat.
IUCN	International Union for Conservation of Nature and Natural Resources	A worldwide partnership and conservation network to influence, encourage and assist societies throughout the world to conserve the integrity and diversity of nature and to ensure that any use of natural resources is equitable and ecologically sustainable.
LBAP	Local Biodiversity Action Plan	A plan that identifies threats to locally important species and habitats, and sets out targets and actions in Species Action Plans and Habitat Action Plans to enhance or maintain biodiversity at the county or regional level.
LHAP	Local Habitat Action Plan	A plan that identifies threats to a locally important priority habitat and sets out targets and actions to enhance or maintain that habitat.
LSAP	Local Species Action Plan	A plan that identifies threats to locally important species, and sets out targets and actions to prevent losing that species from the local area.
Notable	Scarce and threatened invertebrates	Invertebrate species which are estimated to occur within the range of 16 to 100 10km squares but subdivision into Notable A and Notable B categories is not possible as there is insufficient information available).
Notable:A	Scarce and	Taxa which do not fall within Red Data Book categories but



Code	Full Title	Explanation
	threatened	which are none-the-less uncommon in Great Britain and
	invertebrates	thought to occur in 30 or fewer 10km squares of the National Grid or, for less well-recorded groups, within seven or fewer vice-counties.
Notable: B	Scarce and threatened invertebrates	Taxa which do not fall within Red Data Book categories but which are none-the-less uncommon in Great Britain and thought to occur in between 31 and 100 10km squares of the National Grid or, for less-well recorded groups between eight and twenty vice-counties.
NN	Nationally Notable	Designation for invertebrate taxa that are thought to be notably important in the UK.
NR	Nationally Rare	Species in 15 or fewer hectads in Great Britain.
NS	National Scarce	Species in 16-100 hectads in Great Britain.
Red	Red List	Red listed species have a population status in the UK with high conservation concern.
RDB	Red Data Book Species	Species identified in one of the UK Red Data books.
RDB(CR)	Critically Endangered	An IUCN Red List designation for species at an extremely high risk of extinction.
RDB(EN)	Endangered	An IUCN Red List designation for species at a very high risk of extinction.
RDB(VU)	Vulnerable	An IUCN Red List designation for species at high risk of extinction.
SAP	Species Action Plan	A plan that identifies threats to significantly important species, and sets out targets and actions to prevent losing that species to extinction.
UKBAP	UK Biodiversity Action Plan	A plan that identifies threats to locally important species and habitats, and sets out targets and actions in Species Action Plans and Habitat Action Plans to enhance or maintain biodiversity in the UK.
UKSAP	UK Species Action Plan	A plan that identifies threats to nationally important species, and sets out targets and actions to prevent the decline or extinction of the species in the UK.
WCA	The Wildlife and Countryside Act 1981 (as amended)	Containing 4 Parts and 17 Schedules, the Act covers protection of wildlife (birds, and some animals and plants), the countryside, National Parks, and the designation of protected areas, and public rights of way. All wild plants in Britain are protected from intentional uprooting by an unauthorized person, but land owners, land occupiers, persons authorized by either of these or persons authorized in writing by the Local Authority for the area are exempt. Protection for some species may be limited to certain Sections of the Act (e.g. S13(2).
WCA1	Schedule 1 of <i>The</i> Wildlife and	This Schedule lists birds protected by special penalties at all times, but virtually all wild birds have some protection in law.

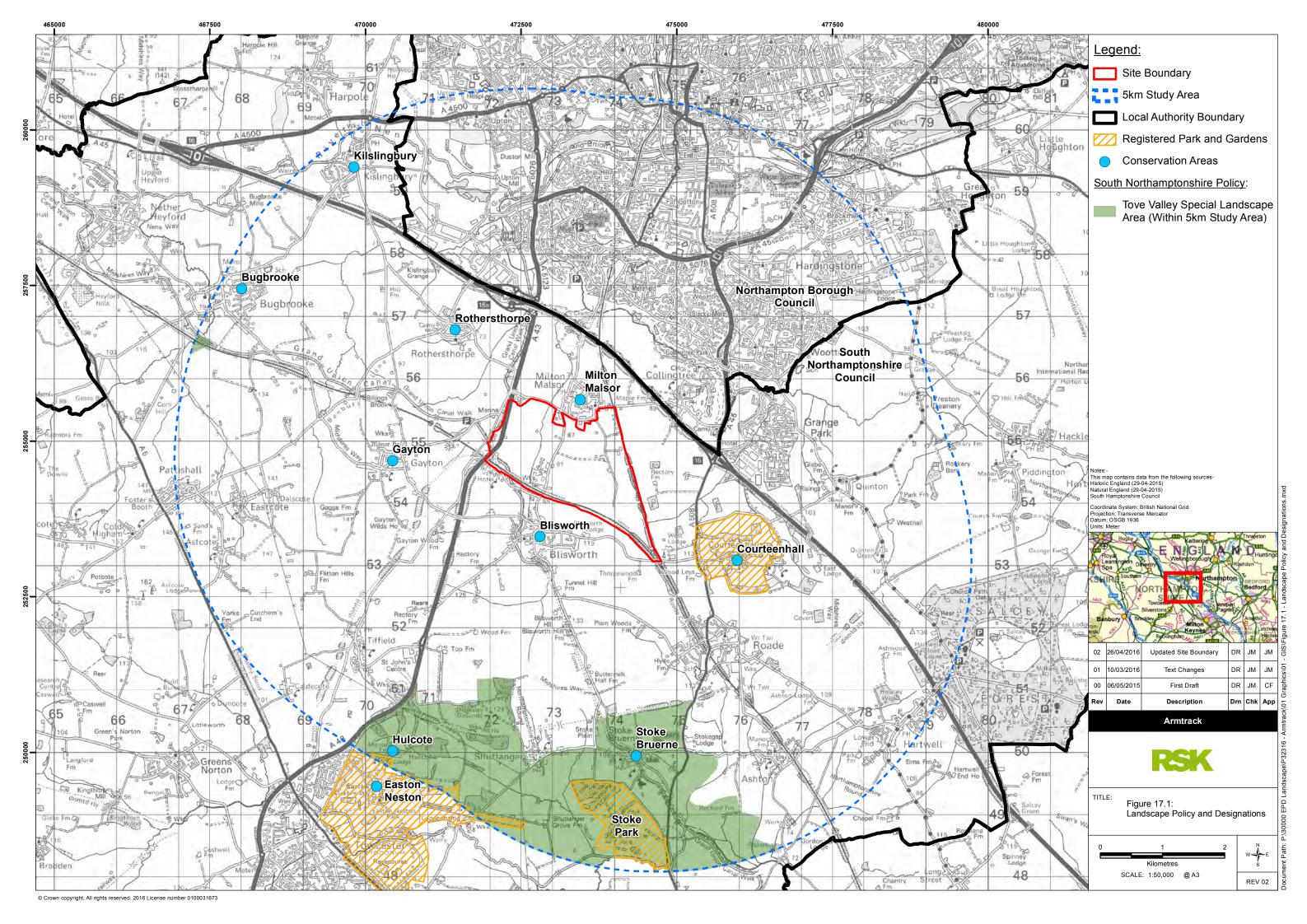
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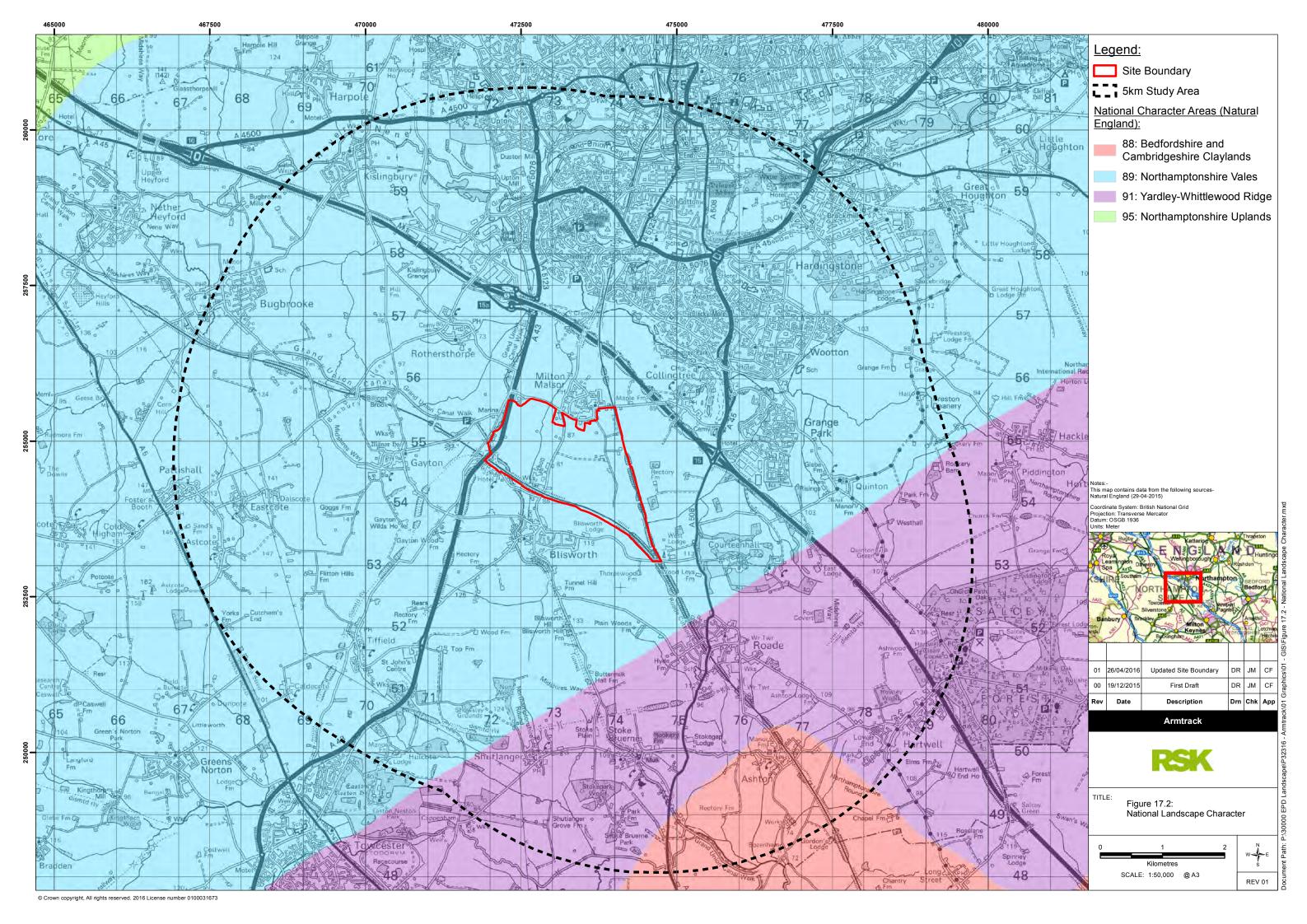
Code	Full Title	Explanation
	Countryside Act 1981 (as amended)	Acts which are prohibited for all wild birds (except derogated 'pest' species) include intentional killing, injuring or taking; taking, damaging or destroying nests in use or being built; taking or destroying eggs; possessing or having control of (with certain exceptions but including live for dead birds, parts or derivative); setting or permitting certain traps, weapons, decoys or poisons. Selling, offering or exposing for sale, possessing or transporting for sale any live wild bird, egg or part of an egg or advertising any of these for sale, or dead wild bird including parts or derivatives are also prohibited. Many birds must be formally registered and ringed if kept in captivity.  Schedule I WCA birds are additionally protected from intentional or reckless disturbance while building a nest, or when such a bird is in, on or near a nest containing eggs or young, or intentional or reckless disturbance of dependent young.
WCA5	Schedule 5 of The Wildlife and Countryside Act 1981 (as amended)	Schedule 5 animals are protected from intentional killing, injuring or taking; possessing (including parts or derivatives); intentional or reckless damage, destruction or obstruction of any structure or place used for shelter or protection; selling, offering or exposing for sale, possessing or transporting for the purpose of sale (alive or dead, including parts or derivatives). Protection of some species is limited to certain Sections of the Act (e.g. S9(1), S9(4a), S9(4b), S9(5)).
WCA5.9.1	Section 9 (1) under Schedule 5 of <i>The</i> Wildlife and Countryside Act 1981 (as amended)	Protection limited to intentional killing, injury or taking.
WCA5.9.4a	Section 9 (4a) under Schedule 5 of <i>The</i> Wildlife and Countryside Act 1981 (as amended)	Protection limited to damaging, destroying, or obstructing access to, any structure or place used by the animal for shelter or protection.
WCA5.9.5	Section 9 (5) under Schedule 5 of <i>The</i> Wildlife and Countryside Act 1981 (as amended)	Protection limited to selling, offering for sale, possessing or transporting for purpose of sale, or advertising for sale, any live or dead animal, or any part of, or anything derived from, such animal.  Note that all cetaceans (whales and dolphins) and the Basking Shark ( <i>Cetorhinus maximus</i> ) are now protected form intentional or reckless disturbance.
WCA8	Schedule 8 of The Wildlife and Countryside Act 1981 (as amended)	Plants and fungi protected from intentional picking, uprooting, destroying, trading (including parts or derivatives), <i>etc</i> .

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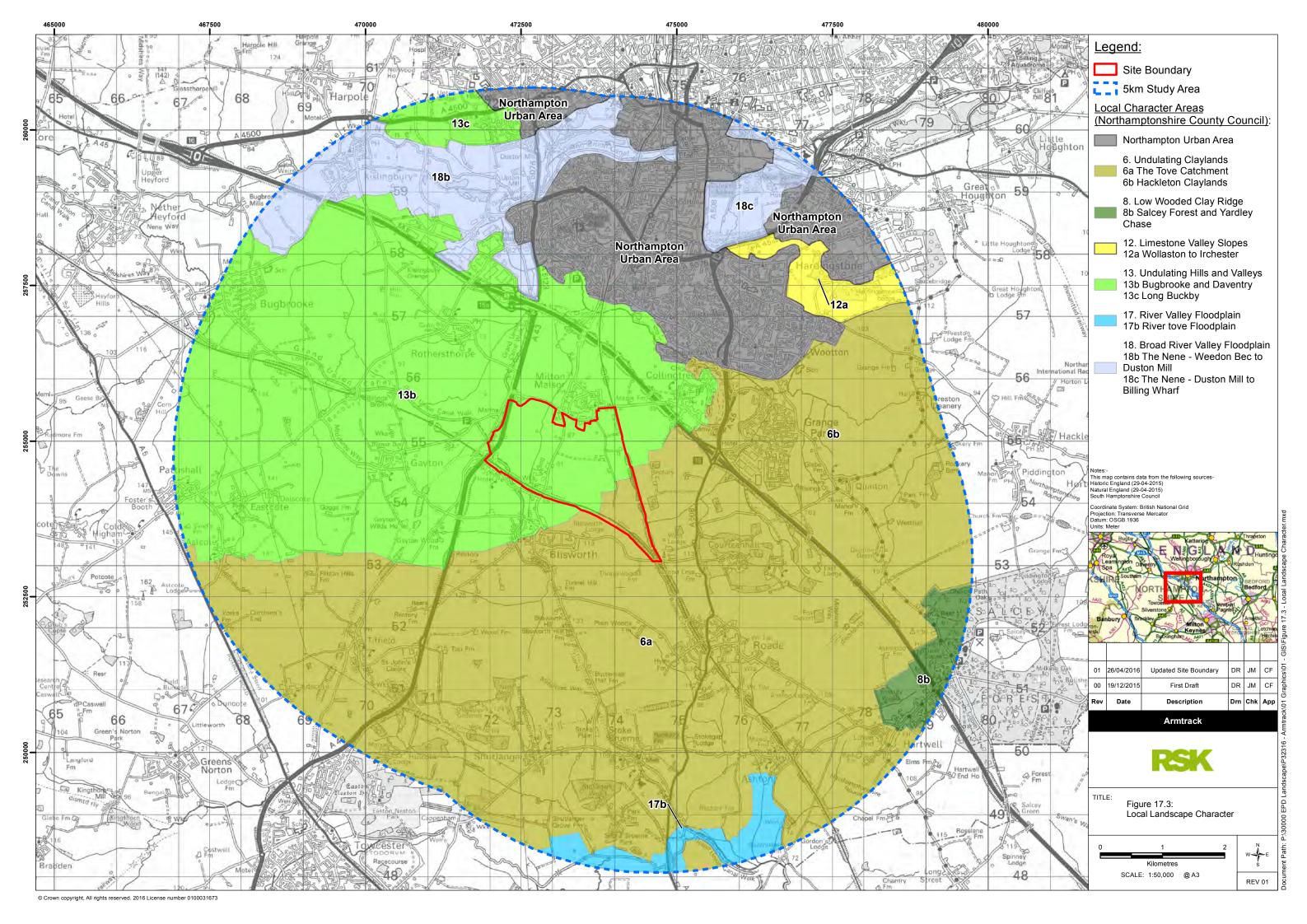




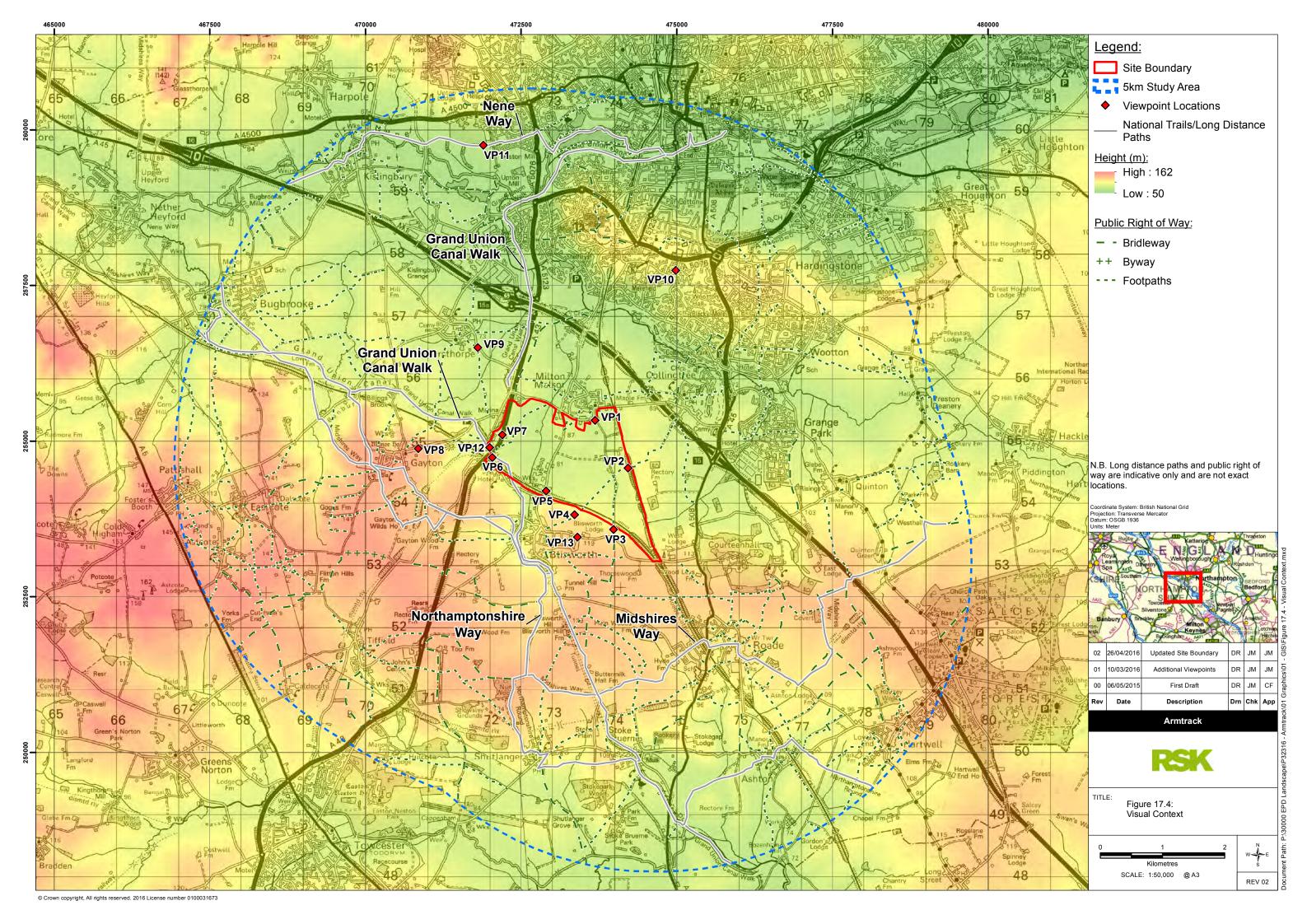




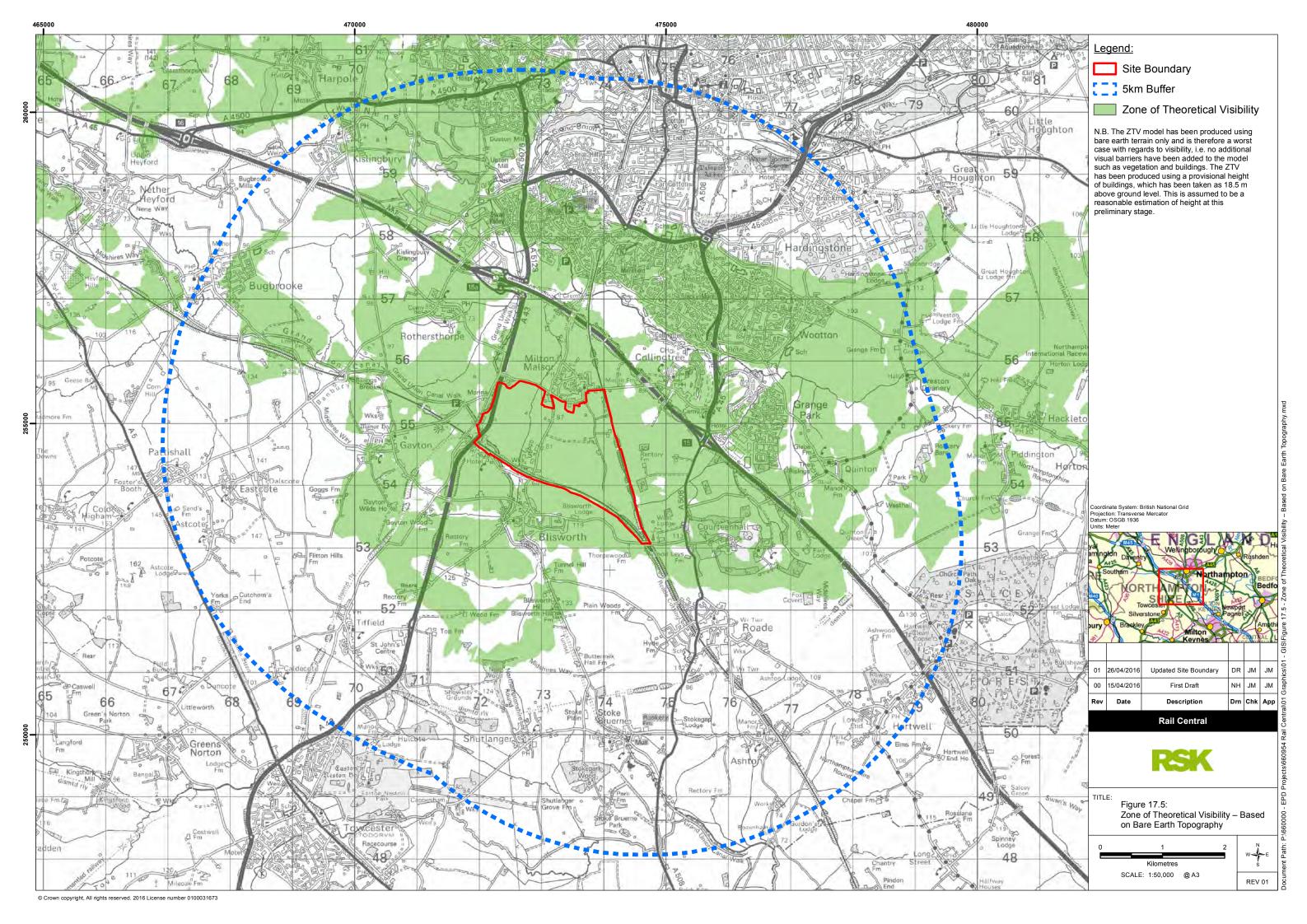














### Proposed Development Area



Viewpoint 1: Barn Lane, Milton Malsor

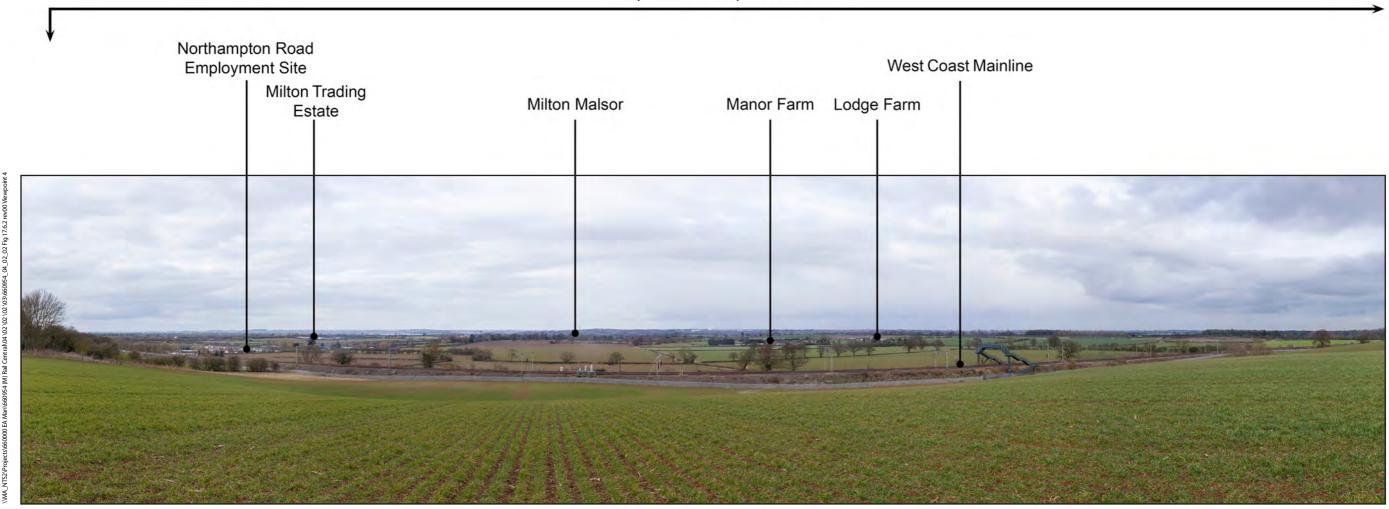
Distance and direction from the nearest part of the site: 0.0 km N

OS grid location: 473686, 255336

Extent of horizontal field of view: 160°



# Proposed Development Area



Viewpoint 4: Footpath RD1, Blisworth

Distance and direction from the nearest part of the site: 0.2 km S

OS grid location: 473337, 253799

Extent of horizontal field of view: 160°



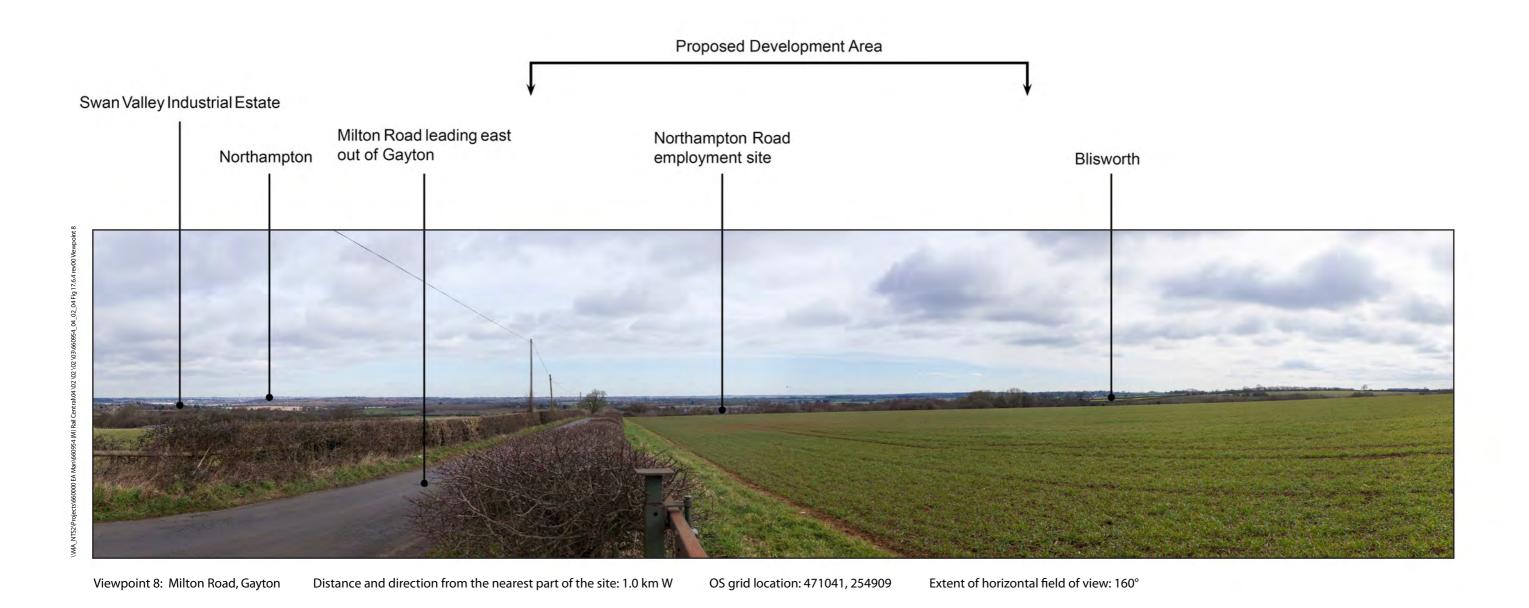
Viewpoint 6: Footpath KX16

Distance and direction from the nearest part of the site: 0.0 km SW

OS grid location: 472078, 254768

Extent of horizontal field of view: 160°









Viewpoint 12: Grand Union Canal Towpath

Distance and direction from the nearest part of the site: 0.0 km SW  $\,$ 

OS grid location: 471985, 254923

Extent of horizontal field of view: 160°



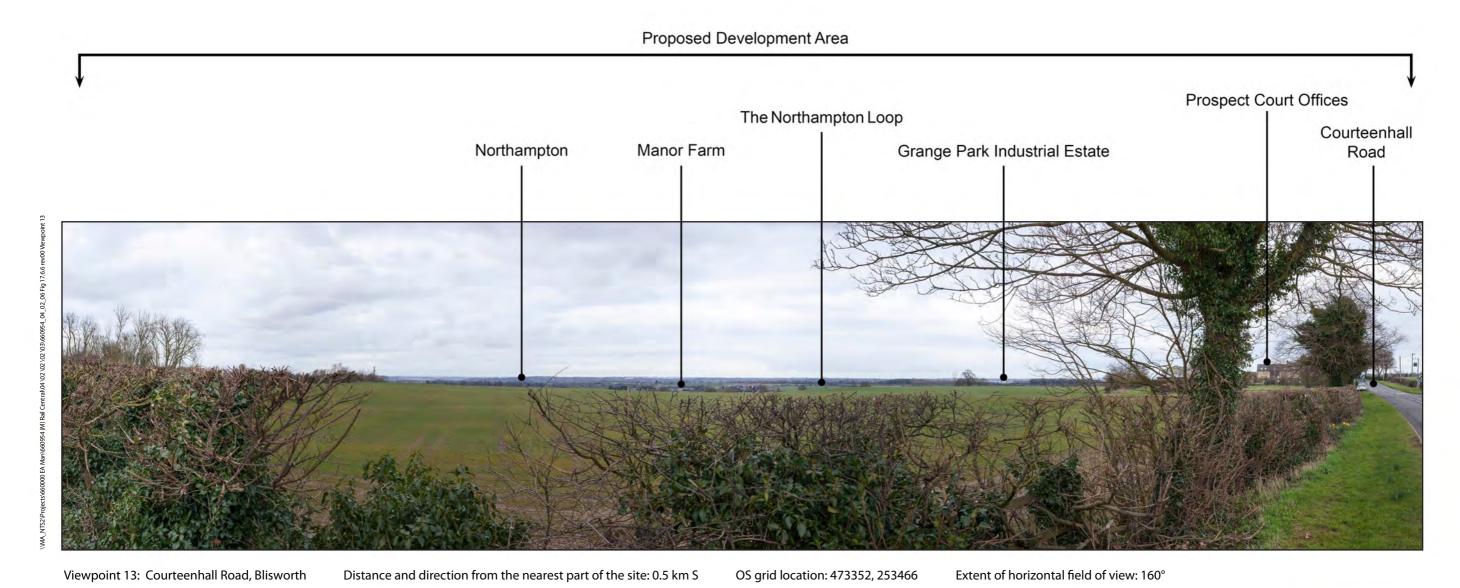
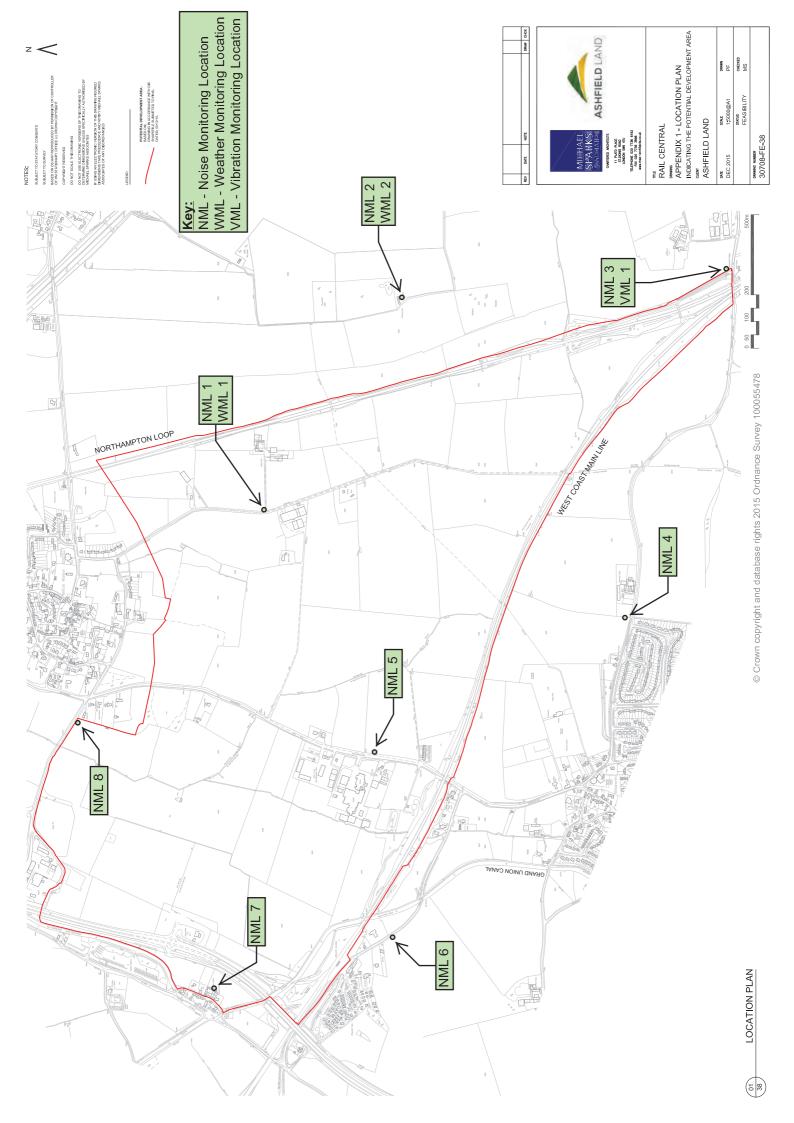






Figure 18.1







NML 1 and WML 1: Barn Lane, on Lodge Farm



NML 2 and WML 2: Rectory Farm (Courteenhall Shooting School)



NML 3 and VML 1:
Courteenhall Road, on Courteenhall West Lodge Farm



NML 4: Courteenhall Road, Blisworth



Northampton Road



NML 6: Station Road, Blisworth



NML 7: Arm Farm, Blisworth



NML 8: Gayton Road, Milton Malsor

Figure 18.2



### Central tendencies for location NML 1: Lodge Farm

Measure of central tendency	L <sub>Aeq</sub> (dB)	L <sub>A90</sub> (dB)	L <sub>AFMax</sub> (dB)	L <sub>A10</sub> (dB)
Modes	52	43	71	51
Mean	53	46	71	53
Mean - 1 s.d.	48	42	-	-
Log Average	55	-	-	-

Table 1: Daytime period (07:00 to 19:00)

Measure of central tendency	L <sub>Aeq</sub> (dB)	L <sub>A90</sub> (dB)	L <sub>AFMax</sub> (dB)	L <sub>A10</sub> (dB)
Modes	49	45	58	52
Mean	51	47	64	52
Mean - 1 s.d.	47	43	-	-
Log Average	53	-	-	-

Table 2: Evening period (19:00 to 23:00)

Measure of central tendency	L <sub>Aeq</sub> (dB)	L <sub>A90</sub> (dB)	L <sub>AFMax</sub> (dB)	L <sub>A10</sub> (dB)
Modes	50	48	53	51
Mean	48	44	59	49
Mean - 1 s.d.	43	40	-	-
Log Average	51	-	-	-

Table 3: Night-time period (23:00 to 07:00)

Measure of central tendency	L <sub>Aeq</sub> (dB)	L <sub>A90</sub> (dB)	L <sub>AFMax</sub> (dB)	L <sub>A10</sub> (dB)
Modes	50	45	61	51
Mean	48	44	60	49
Mean - 1 s.d.	44	40	-	-
Log Average	49	-	-	-

Table 4: Sensitive (going to sleep) night-time period (23:00 to 01:00)

### Central tendencies for location NML 5: Northampton Road

Measure of central tendency	L <sub>Aeq</sub> (dB)	L <sub>A90</sub> (dB)	L <sub>AFMax</sub> (dB)	L <sub>A10</sub> (dB)
Modes	70	50	83	75
Mean	70	51	84	75
Mean - 1 s.d.	68	47	-	-
Log Average	71	-	-	-

Table 1: Daytime period (07:00 to 19:00)

Measure of central tendency	L <sub>Aeq</sub> (dB)	L <sub>A90</sub> (dB)	L <sub>AFMax</sub> (dB)	L <sub>A10</sub> (dB)
Modes	66	50/47	82	74
Mean	66	46	84	69
Mean - 1 s.d.	64	43	-	-
Log Average	67	-	-	-

Table 2: Evening period (19:00 to 23:00)

Measure of central tendency	L <sub>Aeq</sub> (dB)	L <sub>A90</sub> (dB)	L <sub>AFMax</sub> (dB)	L <sub>A10</sub> (dB)
Modes	60	41	81	49
Mean	58	43	79	55
Mean - 1 s.d.	52	37	-	-
Log Average	62	-	-	-

Table 3: Night-time period (23:00 to 07:00)

Measure of central tendency	L <sub>Aeq</sub> (dB)	L <sub>A90</sub> (dB)	L <sub>AFMax</sub> (dB)	L <sub>A10</sub> (dB)
Modes	62/63	41	81	63/62
Mean	60	42	81	57
Mean - 1 s.d.	56	38	-	-
Log Average	61	-	-	-

Table 4: Sensitive (going to sleep) night-time period (23:00 to 01:00)

### Central tendencies for location NML 7: Arm Farm

Measure of central tendency	L <sub>Aeq</sub> (dB)	L <sub>A90</sub> (dB)	L <sub>AFMax</sub> (dB)	L <sub>A10</sub> (dB)
Modes	67	63	73	69
Mean	66	62	73	68
Mean - 1 s.d.	63	59	-	-
Log Average	67	-	-	-

Table 1: Daytime period (07:00 to 19:00)

Measure of central tendency	L <sub>Aeq</sub> (dB)	L <sub>A90</sub> (dB)	L <sub>AFMax</sub> (dB)	L <sub>A10</sub> (dB)
Modes	64	59	71	67
Mean	63	57	71	66
Mean - 1 s.d.	61	53	-	-
Log Average	64	-	-	-

Table 2: Evening period (19:00 to 23:00)

Measure of central tendency	L <sub>Aeq</sub> (dB)	L <sub>A90</sub> (dB)	L <sub>AFMax</sub> (dB)	L <sub>A10</sub> (dB)
Modes	57	45	70	63
Mean	59	47	69	63
Mean - 1 s.d.	55	41	-	-
Log Average	60	-	-	-

Table 3: Night-time period (23:00 to 07:00)

Measure of central tendency	L <sub>Aeq</sub> (dB)	L <sub>A90</sub> (dB)	L <sub>AFMax</sub> (dB)	L <sub>A10</sub> (dB)
Modes	60	49	70	64
Mean	59	48	69	63
Mean - 1 s.d.	57	44	-	-
Log Average	59	-	-	-

Table 4: Sensitive (going to sleep) night-time period (23:00 to 01:00)

### Central tendencies for location NML 8: Gayton Road

Measure of central tendency	L <sub>Aeq</sub> (dB)	L <sub>A90</sub> (dB)	L <sub>AFMax</sub> (dB)
Modes	62	53	80
Mean	63	53	81
Mean - 1 s.d.	61	49	-
Log Average	64	-	-

Table 1: Daytime period (07:00 to 19:00)

Measure of central tendency	L <sub>Aeq</sub> (dB)	L <sub>A90</sub> (dB)	L <sub>AFMax</sub> (dB)
Modes	59	50	78
Mean	58	51	78
Mean - 1 s.d.	56	48	-
Log Average	59	-	-

Table 2: Evening period (19:00 to 23:00)

Measure of central tendency	L <sub>Aeq</sub> (dB)	L <sub>A90</sub> (dB)	L <sub>AFMax</sub> (dB)
Modes	52	47	79
Mean	53	47	73
Mean - 1 s.d.	49	42	-
Log Average	55	-	-

Table 3: Night-time period (23:00 to 07:00)

Measure of central tendency	L <sub>Aeq</sub> (dB)	L <sub>A90</sub> (dB)	L <sub>AFMax</sub> (dB)
Modes	55	47	78
Mean	54	46	75
Mean - 1 s.d.	51	43	-
Log Average	54	-	-

Table 4: Sensitive (going to sleep) night-time period (23:00 to 01:00)



### More information

For further information please visit: www.railcentral.com

You can also e-mail us via **railcentral@camargue.uk** or telephone our information line (Monday to Friday, 9am to 5.30pm) on 0845 543 8967 (please note calls are charged at local rates).

There is further information on the planning process on the National Infrastructure Planning website at: www.infrastructure.planninginspectorate.gov.uk

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