

19th August 2015
Our ref:
Your ref: TR010018



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Dear Sir/Madam

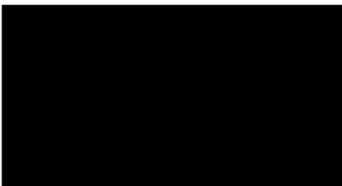
TR010018 A14 Cambridge to Huntingdon Improvement Scheme

Examining Authority's Second Written Questions – 29 July 2015

Please find attached at Annex 1 of this letter Natural England's response to the Examining Authority's second written questions.

If you have further questions regarding our response to this consultation, please do not hesitate to contact me at Kathleen.covill@naturalengland.org.uk phone number 07900 608194.

Yours sincerely



Kathleen Covill
Senior Adviser

Annex 1 Natural England's response to the Examining Authority's Second Written Questions – 29 July 2015
TR010018 A14 Cambridge to Huntingdon Improvement Scheme

Q No.	Question	NE response
Q2.2.3	<p>What is the status of discussions between HE and NE regarding an additional Requirement for securing the detailed design of ecological mitigation, such as the badger and water vole receptor sites to be included in the DCO? (Ref Q1.2.4 REP2-003)</p>	<p>Discussions between Highways England and Natural England regarding a new requirement covering ecological mitigation have concluded successfully. Natural England responded to the revised DCO in a letter (dated 13/7/2015 and copied to PINS) which approves the proposed revision to requirement 5(2) providing it is amended as follows:</p> <p><i>“5(2) Where a protected species is shown to be, or where there is a reasonable likelihood of it being present, the relevant parts of the relevant works must not begin until a scheme of protection and mitigation measures including their design and management has been submitted to and approved in writing by the Secretary of State after consultation with Natural England. Except to the extent otherwise approved, the scheme of protection and mitigation measures including their design and management must be in accordance with the guidance in the Design Manual for Roads and Bridges (Volume 10, section 4).”</i></p> <p>This requirement provides sufficient assurance that Natural England will be consulted on the detailed design and management of mitigation relating to protected species, which includes the wildlife under-road crossings, receptor areas and lighting.</p> <p>The letter also advised that an additional requirement is required to satisfy the commitment in the SoCG regarding the ecological mitigation area proposed for Brampton Meadows SSSI. Highways England and Natural England have subsequently agreed the wording of this new requirement as follows:</p> <p><i>“Work Nos. 1, 2, 3, 40, and 44 must not commence until the details of the establishment and management of the mitigation areas to be provided under Works Nos. 2 and 3 to the north and west of Brampton Meadows Site of Special Scientific Interest (as shown in plot 5/38a and part of plots 5/11 and 5/10 of the Land Plans), including details of all proposed planting, landscaping and access works, has been submitted to and approved in writing by the Secretary of State, after consultation with Natural England.”</i></p>

Q2.2.4	<p>An ecological mitigation area adjacent to the Brampton Meadows SSSI is proposed to be secured through a new Requirement, for which NE approval would be sought. An update to the CoCP sets out a responsibility for the contractor to prepare a Handover Environmental Management Plan to secure management responsibilities for the habitat into the operational lifetime of the scheme. What engagement with NE beyond the design stage is required and what progress has been made in discussions? (Ref Q1.2.7 REP2-003).</p>	<p>Engagement with Natural England beyond the design phase has yet to be agreed but we anticipate some level of ongoing liaison during the establishment and management phases, to be agreed with Highways England's appointed contractor.</p>
Q2.2.6	<p>The need for an agreement (in the form of a draft method statement) between NE and HE regarding the protection of breeding birds has been identified in HE's answer to Q1.2.9 (REP2-003) and in the SoCG. What progress has been made towards preparing, agreeing and securing this draft method statement?</p>	<p>Highways England submitted the draft breeding bird method statement and reptile method statement to Natural England in July 2015. Natural England has reviewed these documents and provided comments to Highways England as follows:</p> <p><u>Draft Breeding Bird Mitigation Method Statement</u></p> <p>Natural England is satisfied that the measures proposed to minimise impacts on breeding birds are in accordance with recognised best practice and are in line with Natural England's standing advice for protected species. The mitigation methods provide for a standard site vegetation clearance with additional pre-construction survey and supervision to manage risk and identify any active breeding sites. Advanced exclusion measures will be carried out on potential barn owl nest sites as this is a Schedule 1 species and is known to breed outside the normal breeding season of March to August inclusive. We welcome that any pre-approval barn owl exclusion from the construction footprint would be undertaken in such a way that it is reversible, so that it could be reinstated if the DCO is not granted. We support the intention to seek the advice of Barn Owl Trust on the proposed provision of additional barn owl nesting opportunities</p> <p><u>Draft Reptile Mitigation Method Statement</u></p> <p>Natural England supports the measures proposed to minimise impacts on populations of reptiles including grass snake and common lizard. These include pre-construction surveys, habitat manipulation and the trapping and translocation of a population of grass snake in accordance with recognised best practice and in line with Natural England's standing advice for protected species.</p>

		It is our understanding that the method statements for breeding birds and reptiles will be secured by way of the LEMPs and this will be referenced in the CoCP.
Q2.2.7	The detailed specification for the provision of bird nesting boxes and towers is proposed to be subject to consultation with NE, the Wildlife Trust and the Barn Owl Trust (Ref Q1.2.9 REP2-003) and approval should be sought from these bodies. How would this be secured in the DCO? What discussions have taken place with NE, the Wildlife Trust and the Barn Owl Trust?	Mitigation for impacts on protected species including birds is secured by requirement 5 in the revised DCO and in the CoCP. Highways England will advise on when detailed discussions will take place regarding the specification for the provision of bird nesting boxes and towers.
Q2.2.8	How would pre-construction surveys for barn owl, bats, water vole, otters, GCN, badger, breeding birds and WCC be secured through the DCO? (Ref Q1.2.6 and Q1.2.9 REP2-003)?	Pre-construction surveys for European and nationally protected species are secured by way of requirement 5(1) of the revised DCO.
Q2.2.10	<p>HE confirm in their SoCG with NE that they are proposing a new DCO requirement to secure 'the detailed design of ecological mitigation'.</p> <p>a) What progress has been made towards drafting a suitably worded DCO Requirement, in consultation with NE?</p> <p>b) Can the applicant confirm that this Requirement will specifically secure (among other matters) the detailed design of the badger, water vole and GCN receptor sites, lighting, the Brampton Meadow SSSI mitigation area and the wildlife tunnels / culverts?</p> <p>c) Would the Requirement include a mechanism for the relevant planning authority to approve the design details, in consultation with NE?</p> <p>d) When would detailed design information be available? (SoCG NE/HE)?</p>	<p>a) Please see our response to question 2.2.3 above.</p> <p>b) Highways England will respond in detail to this part of the question. However, Natural England is satisfied that requirement 5 provides sufficient assurance that Natural England will be consulted on the detailed design and management of mitigation relating to protected species, which includes the wildlife under-road crossings, receptor areas and lighting.</p> <p>c) The requirement does not currently include a mechanism for the relevant planning authority to approve the design details, in consultation with Natural England. Highways England will consult with Natural England on the design details and final designs can be appended to the LEMPs.</p> <p>d) HE will specify the timetable for detailed design discussions. The requirement specifies that detail be in place before construction starts.</p>

Q2.2.11	HE has indicated that it will continue to consult with NE throughout the pre-construction, construction and post-construction period to ensure that all EPS issues are fully resolved (Q1.2.10 REP2-003). Approval from NE would be sought on these issues. How would this be secured in the DCO?	Pre-construction and construction consultation with Natural England regarding EPS is secured by way of requirement 5. Post construction consultation is secured by the licensing requirements.
Q2.2.14	How would the detailed design of the restoration and enhancement of the Buckden Gravel Pits CWS be developed in consultation with the owner and NE and how would this be secured in the DCO?	Natural England would look to the Wildlife Trust to advise on the detailed design of restoration and enhancement of the county wildlife site.
Q2.2.16	Please provide an update regarding progress towards issuing Letters of No Impediment (LONI) with regard to bats, great crested newts, badgers and water voles. What assurance can be given to the ExA that these matters will be in place before the close of the examination.	Revised licence applications were submitted to Natural England on 26th June 2015 (bats, water voles, badger) and 10th July 2015 (great crested newts). Letters of No Impediment (LONIs) have recently been issued for bats and water voles, whilst the badger and great crested newt applications are still being assessed. Natural England will respond to these outstanding applications by the end of August 2015. There remains sufficient time within the examination programme for a further iteration of the applications if further information is required.
Q2.2.17	Please confirm whether information requested with regard to outstanding issues relating to great crested newts and water voles has been received and if so whether there are still outstanding issues.	Please see our response to question 2.2.16 above.
Q2.2.22	Please confirm the outcome of discussions with Dr. James Patrick Doody, Ecologist – Brampton Biodiversity Project re Brampton Meadows SSSI.	Highways England will respond to this question in detail. It is Natural England's understanding that Dr Doody has submitted additional data on the Brampton Meadow SSSI to Highways England and that Highways England are currently assessing this data and will pass it to Natural England.
2.24	The applicant has provided two documents relating to the Ouse Washes SPA which are based on two different data sets for the qualifying features (the AIES is based on the qualifying features included on the Natura 2000 standard data form and Table 2.7 is based on the 2001 UK SPA review qualifying features). Please confirm, in consultation with NE, the correct qualifying features for the Ouse Washes SPA and provide a screening matrix for this European site. The applicant should refer to the advice and	<p>Only those species listed in the 2001 UK SPA review (as attached in Annex A of Natural England's written representation) should be included in the list of qualifying features. Natural England confirms that the five species in the standard data form that are not in the list of qualifying features in the AIES should not be considered as qualifying species of the SPA.</p> <p>The correct list of designated features is:</p> <p><u>During the breeding season:</u></p>

templates in the PINS Advice Note 10 when preparing this matrix; and ensure that the matrix includes a row for each qualifying feature, together with appropriate footnotes to specify where the evidence supporting the conclusions of the screening assessment on these features can be found. Five species identified on the Natura 2000 data form were not included in the AIES. Please explain this discrepancy and confirm in consultation with NE whether these species should be considered as qualifying features of the Ouse Washes SPA.

- Ruff *Philomachus pugnax*;
- Spotted Crake *Porzana porzana*;
- Black-tailed Godwit *Limosa limosa limosa*;
- Gadwall *Anas strepera*;
- Shoveler *Anas clypeata*;

Over winter:

- Bewick's Swan *Cygnus columbianus bewickii*;
- Hen Harrier *Circus cyaneus*;
- Ruff *Philomachus pugnax*;
- Whooper Swan *Cygnus cygnus*;
- Black-tailed Godwit *Limosa limosa islandica*;
- Gadwall *Anas strepera*;
- Pintail *Anas acuta*;
- Pochard *Aythya ferina*;
- Shoveler *Anas clypeata*;
- Wigeon *Anas penelope*; and

Assemblage of international importance:

- Supporting at least 20,000 waterfowl.

ENDS