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Our ref: 165411
Your ref: TR010019



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Copy of Written Representation and the Examining Authority's first written questions

Dear The Planning Inspectorate,

Consultation: Infrastructure Planning (Examination Procedure) Rules 2010 – Rule 8, Application by Highways England for an Order Granting Development Consent for the proposed M4 Junctions 3 to 12 Smart Motorway

Natural England is a non-departmental public body. Our statutory purpose is to ensure that the natural environment is conserved, enhanced, and managed for the benefit of present and future generations, thereby contributing to sustainable development.

Further to the request issued by the Examining Authority for information from all Interested Parties under Rule 8 on 11th September 2015, Natural England hereby provides responses to the matters raised therein relating specifically to the development consent order (DCO). **Annex 1** contains our response to the Examiner's first written questions.

Copy of Natural England's Written Representation sent to PINs on 03/07/2015.

Natural England has been working on a Statement of Common ground (SoCG) with the applicant to confirm that we have no remaining issues resulting from this Project. Whilst we have not thus so far received a final copy of the SoCG from the applicant (*n.b. this has since been received by Natural England and signed by both parties*), I am able to summarise Natural England's advice below.

There are two European designated sites and four Sites of Special Scientific Interest (SSSI) within 200 metres of an affected road link. These are: the Thursley, Ash, Pirbright and Chobham Special Area of Conservation (SAC) and the Thames Basin Heaths Special Protection Area (SPA), and Chobham Common, Foxlease and Ancell's Meadows, Colony Bog and Bagshot Heath SSSI, and Sulham and Tidmarsh Woods and Meadows SSSIs.

Based on the information provided (notably in *Chapter 6 (Air Quality)* of the *Environmental Statement*), we are satisfied that the Project will not have a likely significant effect upon the European sites, or result in harm to the SSSIs listed above.

We also note it is proposed that construction dust will be controlled using best practice techniques, and we both note and support the recommendation made in the *Environmental statement* that this is secured via a planning condition if necessary. Furthermore, we envisage no issues relating to protected species for the Project, however we note that Natural England licenses will be required for some of the specific proposed works, e.g. for bats for construction widening above the known roost at Beansheaf Farm culvert.

In summary, we therefore have no outstanding issues or concerns with regard to this Project, and furthermore do not envisage attending any hearings or site visits that may be forthcoming. We would however of course be happy to assist with any further matters, including any changes to the proposed scheme, if required.

Yours sincerely,

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Annex 1 – Response to Examiner’s first written questions

- **4.4.1** - Para 9.4.19 Chapter 9 APP-149 states that all national and international designated sites (which include Thames Basin Heaths Special Protection Area and the South West London Waterbodies SPA/Ramsar) are outside the zone of influence as they are sufficient distance from the scheme and not hydrologically connected. Does NE or any other party have evidence to challenge this statement?

Natural England is satisfied that there is no likely significant effect to the above European protected sites from hydrology impacts or any other potential impact. Natural England is also satisfied that there is no likelihood of harm to nationally protected sites (Sites of Special Scientific Interest – SSSIs).

- **4.4.2** - The survey of dormice between junctions 8/9 and 3 has not been updated since 2010. Is NE satisfied with this position? Is NE satisfied that adequate surveys have been carried out for all species?

The ES report states that no dormice were found during the surveys in 2010 or in 2013 and the habitat is considered to be unsuitable for dormice. As the ecologist’s judgement is that the habitat offers little potential for dormice, Natural England therefore would consider it acceptable that further surveys have not been undertaken. A walkover survey of the habitat should be undertaken to check that the conditions have not changed and the report states that indeed the habitat will be checked again in 2015.

- **4.4.3** - Table 9.5 APP-149 sets out the significance of the residual effect of the scheme on ecology and nature conservation. Is there any evidence to challenge the conclusions set out in this Table?

Natural England advises that this appears to be satisfactory for both designated sites and protected species.

- **4.1.1** - Chapter 5 Section 5.5 APP-145 sets out the methodology for establishing the baseline for the Environmental Impact Assessment (EIA). Are consultees and interested parties satisfied with the approach as adopted?

Natural England advises that the methodology looks relevant and up to date.