

Date: 22 August 2019
Our ref: 292691, Case 8293
Your ref: TR010024



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BY EMAIL ONLY

Dear Sir/ Madam

NSIP Reference Name / Code: A19 Downhill Lane Junction Improvement / TR010024

User Code: A19D-SP005

Thank you for your consultation on the above dated 21 August 2019 which was received by Natural England on the same day.

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.

Written Representation

PART I: Summary of Natural England's advice – Natural England is satisfied that the project will not impact upon European or Nationally designated sites or species, and that there will be no impact upon designated landscapes.

PART II: Annexes including Natural England's answers to the ExA's first written questions.

Content

Part 1 – Introduction

Part 2 – Conservation Interests

Annex A – Response to Examiner's Questions

PART 1 INTRODUCTION

1.1. Purpose and structure of these representations

- 1.1.1. These Written Representations are submitted in pursuance of rule 10(1) of the Infrastructure Planning (Examination Procedure) Rules 2010 ('ExPR') in relation to an application under the Planning Act 2008 for a Development Consent Order ('DCO') for the A19 Downhill Lane Junction Improvement ('the Project') submitted by Highways England ('the Applicant') to the Secretary of State.
- 1.1.2. Natural England has already provided a summary of its principal concerns in its Relevant Representations, submitted to the Planning Inspectorate on 16 April 2019. This document comprises an updated detailed statement of Natural England's views, as they have developed in view of the common ground discussions that have taken place with the Applicant to date. These are structured as follows:
 - a. Section 2 comprises Natural England's submissions in respect of the issues that concern it.
 - b. Annex A provides Natural England's answers to the Examining Authority's written questions which were asked on 21 August 2019.

2. CONSERVATION DESIGNATIONS, FEATURES AND INTERESTS THAT COULD BE AFFECTED BY THE PROPOSED PROJECT

The following is a brief summary of the interest features of the relevant designated areas of concern in this matter.

2.1. International conservation designations

2.1.1. Natural England is satisfied that there is no pathway for impacts from the project upon any internationally designated sites of conservation importance, and has no concerns in this regard.

2.2. National conservation designations

2.2.1. Natural England is satisfied that there is no pathway for impacts from the project upon any nationally designated conservation sites, and has no concerns in this regard.

2.3. European Protected Species

2.3.1. Natural England is satisfied that any impacts on European Protected Species have been identified through appropriate surveys, and suitable protection is in place through the draft DCO conditions should any European protected species be encountered during the project lifetime.

2.4. Nationally Protected Species

2.4.1. Natural England is satisfied that any impacts upon Nationally Protected Species have been identified through appropriate surveys, and suitable protection is in place through the draft DCO conditions should any nationally protected species be encountered during the project lifetime.

2.5. Landscape designations

2.5.1. Natural England is satisfied that there will be no impacts upon designated landscapes as a result of the project.

2.6. Conclusions

2.6.1. Natural England is satisfied that the proposal will not impact upon any designated sites or protected species, and has no concerns in relation to the project.

2.7. The questions received

2.7.1. In its Rule 8 letter dated 21 August 2019, the Examining Authority asked Natural England a number of questions. These are set out, along with the answers, in the table provided at Annex A.

Part II: Annexes

ANNEX A: Schedule of Natural England's responses to Examining Authority's initial questions.

Reference	Examiner's Question	Natural England response
Q1.3.2	<p>At paragraph 9.5.5 of the ES [APP-020] it is stated that no screening for potential effects on Natura 2000 sites was necessary as there was no potential for the Scheme to have significant effects on any Natura 2000 site.</p> <p>Please provide details that Natural England confirmed this position.</p>	<p>Natural England can confirm that there is no potential for the Scheme to impact upon any Natura 2000 sites, and that screening for effects is not necessary.</p>
Q1.3.3	<p>Paragraphs 9.5.25, 9.5.26, 9.5.36, 9.5.38, 9.5.49, 9.5.59, 9.5.70 and 9.5.79 of the ES [APP-020] make reference to various species surveys some of which date to 2014 and a number dating from 2016/2017, some of which have been validated.</p> <p>The Applicant and Natural England are asked to comment on the reliability of such dated desk and field surveys and to explain at which stage, for each species, it would be necessary to commission new surveys.</p>	<p>Natural England generally considers surveys less than 3 years old to be a valid representation of the current situation. The surveys from 2014 provide useful context, but are not representative of the status of species in the area at this moment.</p> <p>Further surveys are expected to take place prior to works in areas where species have been identified in previous surveys to ensure there are no impacts from the works</p>