

A303 Amesbury to Berwick Down

TR010025

Deadline 2

8.6 Statement of Common Ground – Natural England

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Planning Act 2008

The Infrastructure Planning (Examination Procedure) Rules 2010

May 2019



Infrastructure Planning

Planning Act 2008

**The Infrastructure Planning
(Examination Procedure) Rules 2010**

**A303 Amesbury to Berwick Down
Development Consent Order 2019**

STATEMENT OF COMMON GROUND – Natural England

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STATEMENT OF COMMON GROUND

This Statement of Common Ground has been prepared and agreed by (1) Highways England Company Limited and (2) Natural England.

Signed.....

[NAME]

Project Manager

on behalf of Highways England

Date: **[DATE]**

Signed.....

[NAME]

[POSITION]

on behalf of **[STAKEHOLDER]**

Date: **[DATE]**

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1 Introduction

1.1 Purpose of the Statement of Common Ground

- 1.1.1 Statements of Common Ground record the engagement between Highways England and stakeholders and identify areas of agreement, disagreement and ongoing discussion.
- 1.1.2 Guidance about the purpose and possible content of SoCGs is given in paragraphs 58-65 of the Department for Communities and Local Government's "Planning Act 2008: Guidance for the examination of applications for development consent" (March 2015 version). Paragraph 58, copied below, confirms the basic function of SoCG's:
- 1.1.3 *"A statement of common ground is a written statement prepared jointly by the applicant and another party or parties, setting out any matters on which they agree. As well as identifying matters which are not in real dispute, it is also useful if a statement identifies those areas where agreement has not been reached. The statement should include references to show where those matters are dealt."*
- 1.1.4 The SoCG's are a useful tool to ensure evidence at DCO examination focusses on material differences between the main parties and aims to facilitate a more efficient examination process.
- 1.1.5 The SoCG's have been developed in collaboration with the respective stakeholders and the wording of positions, matters and discussion outcomes in the SoCG's have been agreed with stakeholders.
- 1.1.6 Highways England has been engaging with stakeholders since the options consultation in 2017, and has been working with stakeholders throughout the DCO pre-application to understand and resolve issues where possible.

1.2 Purpose of this document

- 1.2.1 This SOCG has been prepared in respect of the proposed A303 Amesbury to Berwick Down scheme ("the Application") made by Highways England Company Limited ("Highways England") to the Secretary of State for Transport ("Secretary of State") for a Development Consent Order ("the Order") under section 37 of the Planning Act 2008 ("PA 2008").
- 1.2.2 The order, if granted would authorise Highways England to carry out the following works:
- A northern bypass of Winterbourne Stoke with a viaduct over the River Till valley;

- A new junction between the A303 and A360 to the west of and outside the WHS, replacing the existing Longbarrow roundabout;
- A twin-bore tunnel approximately 2 miles (3.3km) long, past Stonehenge; and
- A new junction between the A303 and A345 at the existing Countess roundabout.

1.2.3 The Application was submitted to the Planning Inspectorate on 19 October 2018.

1.2.4 This SoCG does not seek to replicate information which is available elsewhere within the Application documents. All documents are available at the deposit locations and/or the Planning Inspectorate website.

1.2.5 The SoCG's has been developed to record the engagement between Highways England and consultees to identify areas of agreement, disagreement and ongoing discussion.

1.3 Parties to this Statement of Common Ground

1.3.1 This SoCG has been prepared by (1) Highways England as the Applicant and (2) Natural England.

1.3.2 Highways England became the Government-owned Strategic Highways Company on 1 April 2015. It is the highway authority in England for the strategic road network and has the necessary powers and duties to operate, manage, maintain and enhance the network. Regulatory powers remain with the Secretary of State. The legislation establishing Highways England made provision for all legal rights and obligations of the Highways Agency to be conferred upon or assumed by Highways England.

1.3.3 Natural England is a non-departmental public body established by the Natural Environment and Rural Communities Act 2006. Natural England's general 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.

1.3.4 Natural England's role in relation to the DCO process derives from the Planning Act 2008 (the 2008 Act) and secondary legislation made under the 2008 Act. The roles and responsibilities of Natural England under the 2008 Act fall into the following categories:

- as one of the prescribed consultees under section 42 of the 2008 Act that applicants are required to consult before submitting a Nationally Significant Infrastructure Projects (NSIP) application;

- as one of the consultation bodies that the Planning Inspectorate must consult before a scoping opinion is adopted in relation to any EIA and as a prescribed consultee for the environmental information submitted pursuant to the Infrastructure Planning (Environmental Impact Assessment) Regulations 2009.
- as a statutory party in the examination of DCO applications
- as a statutory nature conservation body under the Conservation of Habitats and Species Regulations 2010 (Habitats Regulations) in respect of the HRA.
- as a consenting and licensing body/authority in respect of protected species and operations likely to damage the protected features of SSSIs pursuant to the Wildlife and Countryside Act 1981 (as amended) (WCA 1981) and in relation to European protected species under the Habitats Regulations.

1.3.5 Highways England has aimed to address any issues or concerns raised by Natural England.

1.4 Terminology

1.4.1 In the tables in the Issues chapter of this SoCG “Not Agreed” indicates a final position and “Under discussion” indicates where these points will be the subject of on-going discussion between the parties with the aim, wherever possible, to resolve, or refine, the extent of disagreement between the parties. “Agreed” indicates where the issue has been resolved.

1.4.2 It can be taken that any matters not specifically referred to in the Issues chapter of this SoCG are not of material interest or relevance to Natural England, and therefore have not been the subject of any discussions between the parties. As such, all matters of material interest or relevance to Natural England can be read as agreed, except to the extent that they are either noted as ‘not agreed’ or ‘under discussion’ in this SoCG.

2 Record of Engagement

2.1.1 A summary of the meetings and correspondence that has taken place between Highways England and Natural England in relation to the Application is outlined in table 2-1.

Table 2-1 - Record of Engagement

Date	Form of correspondence	Key topics discussed and key outcomes
NA	Discretionary Screening	Survey methodology and scope.
26/05/2016	Email	Natural England Comments on survey methodology
02/06/2016	Email	Natural England's vision.
25/01/2017	Meeting Notes	Discussion regarding the National Nature Reserve (NNR).
01/03/2017	Formal Response	Natural England formal response to January 2017 consultation.
26/05/2017	Email / Memo	Bat survey protocol / method statement. Methodology based on previous Highways England Schemes.
05/06/2017	Email	Comments on bat survey protocol / method statement.
10/11/2017	Email	Comments on Environmental Impact Assessment Scoping report.
14/12/2017	Email	A303 design meeting.
06/03/2018	Meeting Notes	Scheme update for biodiversity stakeholders, to discuss habitat creation opportunities.
22/03/2018	Email	Email detailing the agreement of having the stone curlew plot on the Natural England National Nature Reserve (NNR).
27/04/2018	Email	Discussion on the grassland trial plots at Cherry Lodge.
27/11/2018	Meeting Notes	SoCG meeting, to discuss / raise issues associated with the DCO application. Issues covered included the following: <ul style="list-style-type: none"> • Pre-construction surveys to inform protected species licensing; • Baseline assessment; • Habitat Regulations Screening Assessment; • Appropriate Assessment; and, • Landscape scale mitigation.
10/12/2018	Meeting	Site visit with the RSPB and Natural England to confirm location of stone curlew <i>Burhinus oedicnemus</i> new plot.
30/01/2019	Phone call	Discussion on SoCG and stone curlew plot location within the Parsonage Down area, SoCG, grazing of the soft estate, and future aspirations for East of Parsonage Down management.
18/02/2019	Email	Natural England response to clarifications on results of Environmental Statement.
27/03/2019	Phone call	Update on the risk management of the mitigation associated with stone curlew plots.

- 2.1.2 In addition to table 2-1, Natural England has also attended the following stakeholder work groups:
- Environmental Group; and
 - Benefits Steering Group.
- 2.1.3 All the meetings associated with these groups in relation to the Scheme are not detailed here.
- 2.1.4 It is agreed that this is an accurate record of the key meetings and consultation undertaken between (1) Highways England and (2) Natural England in relation to the issues addressed in this SoCG.

3 Matters Agreed

Issue Ref	Document	Doc Ref	Section / Issue	Natural England Comment	Highways England Response	Status
3.1	Environmental Statement Chapter 8 Biodiversity [APP-046]	Table 8.7	Survey methodology (general)	Natural England confirmed within email with the general survey scope and methods.	Agreed between Natural England and Highways England 25 May 2016	Agreed
3.2	Environmental Statement Appendix 2.1 [APP-186] and Outline Environmental Management Plan [APP-187]	Table 3.2a	Further survey requirements to inform Natural England licensing	Natural England has no objections regarding the requirement of the further pre-construction surveys that will be undertaken to inform licensing. These will include: <ul style="list-style-type: none"> • Bat roosting surveys of all trees / structures to be impacted by the Scheme; • Otter and water vole update surveys; and, • Badger update survey. 	Agreed with Natural England 27 November 2018	Agreed
3.3	Environmental Statement Chapter 8 Biodiversity [APP-046]	Table 8.11 and Table 8.12	Baseline conditions (general)	Natural England has no objections regarding the baseline surveys. It has been acknowledged that the further surveys undertaken within 2018 have updated the baseline.	Agreed with Natural England 27 November 2018	Agreed

3.4	Environmental Statement Chapter 8 Biodiversity [APP-046] and Outline Environmental management Plan [APP-187]	Section 8.8 [APP-046] and Table 3.2a [APP-187]	Construction mitigation	Natural England has no objections regarding the construction mitigation. It is understood that update Construction Environmental Management Plan (CEMP) will be provided.	Construction mitigation will be secured through the Outline Environmental Management Plan (OEMP) [APP-187]. It is understood that the Highways England's appointed contractor will be required to develop and implement a detailed CEMP based on, and incorporating the relevant requirements of, the OEMP. Agreed with Natural England 27 November 2018.	Agreed
3.5	Environmental Statement Chapter 8 Biodiversity [APP-046]	Table 8.14	Habitat losses and gains (general)	Natural England is broadly supportive of the application with regards to its impacts on biodiversity. It seems reasonable to conclude that the scheme will deliver net gain for biodiversity, but the documentation does not present this information as per Highways England Chief Highways Engineer Memo.	Full details of the biodiversity gains can be found in the ES Chapter 8 [APP-046], Section 8, 8.8.14 – 8.8.21, 8.9.65 – 8.9.66, and Table 8.14, <i>Habitat losses and gains associated with the Scheme</i> . In addition, Highways England has confirmed that a biodiversity net gain report will be compiled and issued to Natural England. This will be based on the proposals shown indicatively on the 2018 Environmental Masterplan [APP-059] and subject to detailed design. The biodiversity net gain report is not considered to be a required DCO document, as such, it will not form a further part of the SoCG.	Agreed

3.6	Environmental Statement Chapter 8 Biodiversity [APP-046]	Paragraph 8.9.69-8.9.73 [APP-046]	Embedded mitigation Chalk habitat creation	<p>Natural England states that the area for chalk spoil deposition to the East of Parsonage Down, if appropriately established and managed, has the potential to become a high value site for wildlife.</p> <p>Natural England details that chalk grassland included within the Scheme and along the embankments and cuttings has potential to become a mosaic of priority habitats that would realise the ambition of linking Salisbury Plain and Porton Down as part of a coherent ecological network (as detailed within Porton to Plain project, Appendix B), and is in line with National Planning Policy Framework (Paragraph 170).</p>	Agreed	Agreed
3.7	Environmental Statement Chapter 8 Biodiversity [APP-046] and Figure 2.5 Environmental Masterplan [APP-059]	Table 8.14	Embedded mitigation Shrub planting	<p>The Environmental Masterplan includes numerous areas of shrub planting. These are liable to become management liabilities requiring expenditure on scrub control much greater than if left unplanted and likely to be detrimental in the long term to biodiversity. We are not clear what the purpose of planting these areas and advise each is only retained if there is a good reason to do so.</p>	<p>Discrete areas of shrubs have been included in the scheme as shown indicatively in the Environmental Masterplan [APP-059] to provide a landscape link, for screening purposes and to provide a mosaic of habitats.</p> <p>The shrubbed areas will be designed taking into account the need to avoid future management issues associated with rapidly expanding scrub. The principles of creation and management of these shrubbed areas are set out in the</p>	Agreed

					Outline Landscape and Ecology Management Plan ('OLEMP') [APP-267], details of which, are secured as part of the landscaping scheme pursuant to Requirement 8 (Implementation and maintenance of landscaping) under Schedule 2 of the DCO [APP-020].	
3.8	Environmental Statement Chapter 8 Biodiversity [APP-046] and Figure 2.5 Environmental Masterplan [APP-059]	Table 8.14	Embedded mitigation - Woodland creation	Whilst early successional chalk habitats are the primary ecological aspiration for the scheme, the modest levels of woodland creation provide useful landscaping and are not without their ecological benefits in terms of habitat diversity in general and key bat species.	Agreed between Natural England and Highways England 11 January 2019	Agreed
3.9	Environmental Statement Chapter 8 Biodiversity [APP-046]	Paragraph 8.8.4-8.8.8	Embedded mitigation Green bridges	Natural England welcomes the use of green bridges within the Scheme. As with the embankments and cuttings, they will help achieve defragmentation of the landscape for wildlife, allowing species that are functionally impeded by the existing road to move through the landscape more readily. They will also make the landscape more permeable for people. In particular, we are keen to make Parsonage Down National Nature Reserve more accessible to the wider public, and the provision of a circular walking route	Agreed	Agreed

				from Winterbourne Stoke via Green Bridge 1 is especially welcome in this context.		
3.10	Environmental Statement Chapter 8 Biodiversity [APP-046] and Figure 2.5 Environmental Masterplan [APP-059]	Table 8.14	Embedded mitigation Hedgerow creation	Hedges should be used to separate arable land from species rich chalk grassland, as this will help reduce spray drift onto the grassland and provide a valuable habitat in its own right. These benefits will outweigh the negative effect of encouraging the spread of scrub onto the species rich chalk grassland, provided the species mix for the hedge does not include rapidly spreading species such as dogwood or blackthorn. These should be excluded from the planting mix. On this basis, it would appear that there are additional locations where hedgerow planting may be beneficial.	All hedgerows within the DCO boundary to be retained will be managed during the construction phase. This is secured by the OEMP (MW-G28) [APP-187], which is required to be implemented pursuant to paragraph 4 of schedule 2 to the draft DCO. Hedgerows have been included in the scheme as shown indicatively in the Environmental Masterplan [APP-059] to provide a landscape link, for screening purposes and as suitable boundaries.	Agreed
3.11	Habitat Regulations Assessment Clarification Technical Note [Still in draft]	Paragraph 1.49	Construction phase disturbance (stone curlew south-west of Winterbourne Stoke)	The justification as to why no adverse effects are envisaged on the stone curlew breeding plot to the south-west of Winterbourne Stoke appears reasonable.	Agreed with Natural England 18 February 2019	Agreed
3.12	Environmental Statement Chapter 8 Biodiversity [APP-046] and	Paragraph 8.8.25 g) and	Embedded mitigation (stone curlew breeding plot mitigation measures at	Natural England is satisfied with the mitigation measures that have been incorporated into the embedded design for the likely loss of a historically active stone curlew breeding plot.	Agreed Natural England and Highways England 18 February 2019. A S253 legal agreement is currently being progressed to secure the delivery of this plot.	Agreed

	Appendix 8.25 Habitat Regulations Assessment [APP-266]	Paragraph 5.1.1-5.1.7	Parsonage Down)	Natural England is satisfied with the siting of the stone curlew mitigation breeding plot (with the agreement of RSPB) within Parsonage Downs. The specifications of the stone curlew plot and fencing have been agreed.		
3.13	Appendix 8.25 Habitat Regulations Assessment [APP-266] and Habitat Regulations Assessment Clarification Technical Note [Still in draft]	Paragraph 5.1.1-5.1.7 and Paragraph s 1.56 – 1.60	Embedded mitigation (stone curlew breeding plot mitigation management measures at Parsonage Down)	The stone curlew mitigation breeding plot at Parsonage Down will be managed by Natural England for 10 years post construction, 15 years total. This will be documented in the S253 legal agreement. Formal landowner agreement is being sought outside of this document.	Agreed between Natural England and Highways England 18 February 2019. A S253 legal agreement is currently being progressed to secure the delivery of this plot.	Agreed
3.14	Habitat Regulations Assessment Clarification Technical Note [Still in draft]	Paragraph 1.14	Nitrogen deposition	Natural England agrees that namely for Salisbury Plain SAC ' <i>significant effects are not anticipated</i> ' from NOx emissions, or nitrogen deposition from the Scheme.	Agreed 18 February 2019.	Agreed

4 Matters Under Discussion

Issue Ref	Document	Doc Ref	Section / Issue	Natural England Comment	Highways England Response	Status
4.1	Environmental Statement Chapter 8 Biodiversity [APP-046] and Figure 2.5 Environmental Masterplan [APP-059]	Paragraph 8.9.71	Embedded mitigation Chalk habitat maintenance	<p>Natural England highlights that including a grazing regime within the Environmental Masterplan [APP-059] would deliver ecologically (and most likely financially) better outcomes compared to mechanical management options, without compromising road safety.</p> <p>Natural England is concerned that the Environmental Masterplan does not include stock fencing or watering infrastructure within the Masterplan. This would be expensive to retro-fit, and should be included within the design, if possible.</p>	<p>It is proposed that stock grazing will be included in discrete areas where feasible. The principles of creation and management of this land are set out in the Outline Landscape and Ecology Management Plan ('OLEMP') [APP-267]. Under requirement 8 of the DCO, Highways England will be required to submit a detailed landscaping scheme, which is required to be on the basis of the mitigation measures set out in the ES, which includes the OLEMP.</p> <p>In the areas where chalk grassland is to be managed by grazing, appropriate access for stock, fencing and stock watering facilities would be provided, as described in ES Chapter 8, Biodiversity [APP-046], 8.9.71.</p>	Under Discussion
4.2	Environmental Statement Chapter 8 Biodiversity [APP-046]	Paragraph 8.9.71	Embedded mitigation Fencing	<p>We advise that the public right of way and Private Means of Access (PMA) route west of Green Bridge One is separated from the species rich chalk grassland to the north. Lack of fencing is likely to cause significant difficulties</p>	<p>Specific stock-proof fencing has been included within discrete areas and in locations associated with mitigation fencing.</p> <p>In the areas where chalk grassland is to be managed by grazing,</p>	Under Discussion

				<p>due to conflict between dogs (and their owners) and stock management. Having the right establishment and management regimes for both these areas will be critical. Natural England is continuing to advise Highways England on the OLEMP.</p>	<p>appropriate access for stock, fencing and stock watering facilities would be provided, as described in ES Chapter 8, Biodiversity [APP-046], 8.9.71.</p>	
4.3	<p>Environmental Statement Chapter 8 Biodiversity [APP-046]</p>	<p>Paragraph 8.9.149 – 8.9.156</p>	<p>Embedded mitigation Provision for bats</p>	<p>Natural England has no objections to the mitigation principles. All efforts are made to discourage bats from using the original crossing point at a level likely to result in mortality but rather to cross at a safe height or use green bridge 1. More detail should be provided as to what has been considered, what has been discounted and why, and how effective the proposed measures are likely to be. The area between and including the underpass at Vespasian's Camp should be designed to encourage bats to cross over the cut and cover area. The current planting regime appears insufficient for this purpose.</p>	<p>Highways England will provide a brief Technical Note detailing the provisions that have been made within the embedded mitigation. It was not possible for a green bridge to be located at the original crossing point (Crossing Point 8) indicatively illustrated within Figure 8.11 [APP-160]. The following measures have been incorporated into the design of the proposed Scheme where the proposed Scheme bisects Crossing Point 8 as shown indicatively in the Environmental Masterplan [APP-059]:</p> <ul style="list-style-type: none"> • The incorporation of embankments and false cuttings means the road embankments are raised between 3-5m above the road surface. • The woodland planting both north and south of the proposed Scheme would include very dense planting in order to push bats up 	<p>Under Discussion</p>

					<p>and over the road at safe heights. This planting extends to the B3083 underbridge (another safe area of crossing).</p> <ul style="list-style-type: none"> • The large blocks woodland planting to the north and south have been designed to provide optimal foraging habitat to lead towards the safe crossing feature at green bridge one, this landscaping links woodland habitat at Parsonage Down and Scotland Lodge. • Additional landscaping and habitat creation both north and south of the proposed Scheme in the form of species rich grassland, shrubbed areas, and areas of inundation have been included to provide optimal foraging habitat. As indicatively illustrated within Figure 8.11 [APP-160] the vegetation will be retained and managed along the south of the proposed Scheme at the Vespasians Camp underpass location. This will provide suitable habitat connectivity leading towards the safe crossing point (where the A303 is diverted into tunnel). Furthermore, the proposed Scheme will have false cuttings (which will contain the bat hibernation feature). 	
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					As such, mitigation is considered to be proportionate to the likely impact.	
4.4	Habitat Regulations Assessment Clarification Technical Note [Still in draft]	Paragraph 1.48-1.56	Embedded mitigation (stone curlew disturbance mitigation)	<p>In terms of the likely scale of effect associated with indirect disturbance impacts at Normanton Down RSPB Reserve and recommended fencing mitigation measures, we have the following comments.</p> <p>1) The conclusion is contingent on landowner agreement to implementing the mitigation measures. This will need to be suitably secured prior to concluding no adverse effect on integrity of the Scheme.</p> <p>2) The note says “The fencing measures for the RSPB Normanton Down Reserve are considered sufficient to mitigate for the associated effects of increased visitor levels on breeding stone curlew.” While the measures are likely to eliminate the impact, there is a low but distinct risk that they will not eliminate the impact, particularly given the assertions a) that stone curlew can be disturbed by activity within 500m and b) that the plots are within 170m (closest point) of a public right of way. It is for this reason that a monitoring programme is being developed. The question then arises “what additional measures are there that could be put in place should monitoring reveal an impact, and are</p>	<p>The specification of the fencing measures are still under discussion between interested parties as these will require landowner agreement. Further discussions are being undertaken with regard to the mechanism commitment of funding for the creation additional stone curlew plots, in the unlikely event that the need for an additional plot is triggered by unsuccessful mitigation (i.e. risk management).</p>	Under Discussion

				they sufficiently certain to mitigate the impact?”.		
4.5	Habitat Regulations Assessment Clarification Technical Note [Still in draft]	Paragraph 1.53	Monitoring strategy	A visitor monitoring strategy would be required in order to correlate any disturbance to breeding stone curlew within the Normanton Downs RSPB Reserve to visitor levels, however, the methods are still being discussed.	Highways England is investigating an effective monitoring strategy. Visitor monitoring would not be required if the risk management provision is triggered by outcome rather than visitor numbers. Discussions are still ongoing.	Under Discussion
4.6	Appendix 11.4 Groundwater Risk Assessment [APP-284] and Appendix 8.25 Habitat Regulations Assessment [APP-266] and Habitat Regulations Assessment Clarification Technical Note [Still in draft]	Annex E [APP-284] and Paragraph 55-57 [APP-266]	Hydrology	The report states that the tunnel, to be located below the groundwater level, will lead to interference to the groundwater flow in the Chalk aquifer, also identifying the top 50m of the chalk aquifer as the most active. However, the chalk is represented as one single layer in the model when we know that there is a lot of variety and it does not behave uniformly with some layers acting as preferential flow horizons, especially where the chalk is jointed. We accept that variation in hydraulic conductivity in the model does address this to some degree but there remains uncertainty as to how accurate the model reflects ground water levels. This is particularly relevant when an area of floodplain with spring fed ditches that support Desmoulin’s whorl snail lies just outside of the zone of influence predicted by the model (as shown in	Highways England will provide clarification in the Habitat Regulations Assessment Clarification Technical Note to confirm that the scheme would not have any adverse effect on the populations of Desmoulin’s Whorl snail adjacent to the River Avon. The Technical Note is currently still in production.	Under Discussion

				<p>Appendix 11.4) and ground water levels (or rather the depth that the water level is below the ground) is critical for the snail.</p> <p>An appropriate assessment should therefore consider the confidence that can be applied to the outputs from the model with respect to ground-water levels and whether further conceptualisation of the chalk geology would help to increase the confidence. If uncertainty remains, then a credible plan is needed for a 'what if scenario' where the monitoring shows an adverse impact on the Desmoulin's whorl snail habitat, e.g. where and how much compensatory habitat will be restored or created; how any population on the impacted site be rescued etc. Such a plan should include a) monitoring sufficient to assess wither potential impacts are materialising, b) demonstration that there is certainty that there are viable measures sufficient to mitigate worst case impacts, and c) a commitment to deliver such measures.</p> <p>An appropriate assessment should also consider temporary construction dewatering impacts. Whilst it is recognised that temporary construction dewatering will be minimised as far as reasonably practicable, and that where</p>		
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				<p>it occurs it will comply with the general water protection provisions of the Water Abstraction and Impounding (Exemptions) Regulations 2017, it could, none-the-less, have a significant effect on ground water levels in the area and therefore on Desmoulin's whorl snail. We therefore advise that a plan for mitigating any impacts needs to be in place to conclude adverse effect on integrity should this eventuality arise.</p> <p>We are pleased to see SuDs integral to the project design with respect to the road drainage scheme but we would like to understand what 20% betterment on the existing discharges to the River Avon actually looks like. It also does not appear that the assessment has considered any impacts on the River Avon if the proposed (and desired) new alignment of the river (as attached) alongside reconnection of the floodplain/wetland habitat creation is implemented at Countess Roundabout. This project is required to restore the physical condition of the river SAC at this site and is in the River Avon Restoration Plan. We would therefore advise that the design of the surface water ditch attenuation scheme needs to consider if measures are needed to prevent it</p>		
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				<p>becoming a potential source of pollution under out of bank flow conditions. This should be considered as part of the Appropriate Assessment, in so far as the road scheme may, conceivably, preclude the necessary restoration of the physical condition of the SAC at this location.</p> <p>The Appropriate Assessment should also outline the site specific monitoring plan which will need to be responsive to ground water levels.</p> <p>An Appropriate Assessment will also enable any in combination issues to be considered and assessed.</p>		
4.7	Appendix 11.4 Groundwater Risk Assessment [APP-284] and Habitat Regulations Assessment Clarification Technical Note [Still in draft]	Paragraph 3.10.14 [APP-284] and Paragraph 1.15 -1.22	Phosphatic chalk	<p>The justification as to why phosphatic chalk has not been included within the HRA Likely Significant Effects report appears reasonable.</p> <p>Natural England concurs that it is unlikely that the Phosphatic Chalk yields concentrations of dissolved phosphorus that would change the phosphorus levels of the groundwater. We do, however, feel that it is misleading to state (in 1.18 and 1.21) that ‘the natural phosphorus in the surface water is considered to have originated from the Upper Greensand rather than the Chalk’. Ongoing research by Bristol University is suggesting that the</p>	Agreed to amend wording within Habitat Regulations Assessment Clarification Technical Note [Still in draft] 18 February 2019. The Technical Note is currently still in production.	Under Discussion

				amount of phosphate occurring from the greensand geology as a whole is likely to be very small, although there may be localised strata that is more phosphate-rich, and it is more likely that the elevated levels originate from historic land-use practise and/or other anthropogenic sources. We would therefore recommend that this is reworded.		
4.8	Outline Landscape and Ecology Management Plan [APP-267]	-	OLEMP	<p>There are a number of detailed points around the OLEMP which Natural England believes, if addressed, would improve the biodiversity outcomes from the scheme:</p> <p>a) A high-level aspiration for the chalk grassland habitat is to achieve high levels of habitat heterogeneity. The specifications in the OLEMP seem likely to achieve low heterogeneity, due to uniform prescriptions for seed bed preparation, sowing regimes and post sowing management including plug planting.</p> <p>b) Care needs to be taken in managing the transition from arable to chalk grassland to minimise weed burden. Arable land usually carries a low weed burden and in that respect is very good for establishing chalk grassland. There is a danger that arable land, if left abandoned for a season, will develop a high weed</p>	Highways England consider these points as matters of detail. Further discussion will take place between parties regarding their inclusion into a Landscape and Ecological Management Plan (LEMP).	Under Discussion

				<p>burden which may contaminate areas going to chalk grassland (either through wind blow, or via soil transfer).</p> <p>c) The land to the south of Parsonage Down is not treated differently in the OLEMP, though as we understand it, will not be receiving any chalk deposition. As such the specification in the OLEMP needs reflect this, and the transition from arable to grassland managed carefully to avoid weed burden.</p> <p>d) The opportunity for temporary “pop up” habitats during construction e.g. arable annuals strewn on spoil heaps does not seem to feature in the OLEMP.</p> <p>In addition to the points above relating to the OLEMP, we are also discussing with Highways England how opportunities to involve volunteers in the natural environment aspects of the scheme can be realised, potentially within the Community Liaison section of the future CEMP.</p>		
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5 Matters Not Agreed

5.1.1 There are no matters Not Agreed at the present time.



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