

A303 Amesbury to Berwick Down

TR010025

Deadline 4

**8.30.7 - Written summaries of oral submissions put at
biodiversity, biological environment and ecology
hearing on 14th June 2019**

APFP Regulation 5(2)(q)

Planning Act 2008

The Infrastructure Planning (Examination Procedure) Rules 2010

June 2019



Infrastructure Planning

Planning Act 2008

The Infrastructure Planning (Examination Procedure)

Rules 2010

A303 Amesbury to Berwick Down

Development Consent Order 20[**]

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1 Introduction

- 1.1.1 This document summarises the oral submissions made by the Applicant at the Issue Specific Hearing on Biodiversity held on Friday 14 June 2019.
- 1.1.2 Where the Examining Authority requested further information from the Applicant on particular matters, or the Applicant undertook to provide further information during the hearing, the Applicant's response is set out in this document.
- 1.1.3 This document does not purport to summarise the oral submissions of parties other than the Applicant, and summaries of submissions made by other parties are only included where necessary in order to give context to the Applicant's submissions in response, or where the Applicant agreed with the submissions of another party and so made no further submissions itself (this document notes where that is the case).
- 1.1.4 The structure of this document follows the order of items as set out in the agenda for the issue specific hearing on biodiversity ("Agenda"). Numbered agenda items referred to are references to the numbered items in the Agenda.

2 Written summary of oral submissions

3 EFFECTS ON STONE-CURLEW AND ADEQUACY OF PROPOSED MITIGATION MEASURES	
Agenda Item	Highways England response
<p>3.1 Whether the proposed new stone-curlew breeding plot within Parsonage Down Site of Special Scientific Interest (SSSI) and National Nature Reserve (NNR) described in paragraph 8.9.28 of the Environmental Statement (ES) [APP-046] would provide effective compensation for the loss of an existing permanent plot south of the Winterbourne Stoke bypass.</p>	<p>The Examining Authority asked the Applicant to outline the background to the approach to the issues in this section.</p> <p>Reuben Taylor QC, on behalf of the Applicant, confirmed that agreement had been reached with Natural England and RSPB that the Scheme provides appropriate measures to address the impact on Parsonage Down SSSI and the NNR.</p> <p>Stephanie Peay, on behalf of the Applicant explained that the Scheme runs to the south of the Parsonage Down SSSI and NNR and will not have any direct impact on that designated site. Dr Peay explained that there is a breeding plot for Stone Curlew which would be directly affected by the construction of the Scheme and would be functionally lost. Dr Peay explained that the Applicant had sought a replacement plot so there would be no reduction in opportunities for the Stone Curlews to breed. Dr Peay confirmed that the Stone Curlews breed outside of the Salisbury Plain Special Protection Area (SPA), but are part of the supporting population for the SPA.</p> <p>Dr Peay confirmed the intention that the replacement plot be as close as practicable to the lost plot, and further confirmed that a location for the plot within the Parsonage Down SSSI had been agreed in discussions with Natural England and RSPB. Dr Peay explained that the plot would be a scraped plot, created prior to the start of main construction of the Scheme so that it would be available for Stone Curlew to use in the first breeding season. The existing plot would be rendered unsuitable for use by Stone Curlew so they would not experience disturbance nesting on the existing plot.</p> <p>Kate Fielden of Stonehenge Alliance queried whether there was sufficient certainty as to the effectiveness of the replacement plot.</p> <p>Philip Sheldrake of RSPB confirmed RSPB's view, beyond reasonable doubt, that the mitigation proposed for the plot to be lost was acceptable in terms of mitigating the loss. Mr Sheldrake noted that the mitigation could potentially provide an enhanced scenario by virtue of being a scraped plot. Mr Sheldrake confirmed his view that breeding birds will use this plot if provided. Mr Sheldrake referred to experience of other successful projects and plots in support of his view.</p> <p>Charles Routh of Natural England confirmed that Natural England's position was as explained by Mr Taylor QC. Dr Routh also endorsed the submission made by RSPB. Dr Routh submitted that the replacement plot was likely to deliver additional productivity because it will have ██████ proof fencing, and ██████ are a significant predator of Stone Curlew. Dr Routh reported that Natural England expected that the plot would therefore be a further enhancement to the current situation which is unfenced. Dr Routh noted</p>

	<p>that visitor pressure was not an issue at this location, explaining that visitor numbers are very low and any future increase would be managed.</p> <p>The Examining Authority noted a positive response to the Agenda Item.</p>
<p>3.2 The acceptability of the Applicant's proposed approach to habitat modification within Salisbury Plain Special Area of Conservation (SAC).</p>	<p>The Examining Authority asked for confirmation of Highways England's position that the habitat modification related to a small plot in a very large Special Area of Conservation (SAC) and that the proposal will contribute to habitat diversity.</p> <p>Reuben Taylor QC on behalf of the Applicant confirmed that this was Highways England's position. Mr Taylor QC confirmed that the proposed approach had been agreed with RSPB and Natural England.</p> <p>Stephanie Peay on behalf of the Applicant confirmed that the plot will remove vegetation from the surface, but explained that there would be recovery of the vegetation to create an open sward, beneficial for the SAC. Dr Peay explained that the proposal would essentially reset the natural succession back a stage, and would contribute to the diversity of the designated site. Dr Peay confirmed that the proposals would not result in harm to the features for which the site had been designated.</p> <p>In response to an invitation from the Examining Authority, neither Natural England nor RSPB made any additional submissions.</p>
<p>3.3 Progress report on legal agreements between the Applicant and Natural England and the RSPB concerning the provision of replacement and additional plots and ongoing habitat management and monitoring.</p>	<p>Reuben Taylor QC provided an update on behalf of the Applicant, noting that detailed discussions were continuing to ensure that agreement is reached on a package of measures that will address the remaining concerns of Natural England and the RSPB. Mr Taylor QC confirmed that the intention was that an agreement would be reached which the Examining Authority would be made aware of. Mr Taylor QC also noted that the parties were working well together to ensure that outcome occurs.</p> <p>Philip Sheldrake of RSPB agreed with Mr Taylor QC's comments and added that RSPB agreed with Highways England that measures were needed to mitigate impacts. Mr Sheldrake noted discussions on mitigation were ongoing, and assured the Examining Authority that a solution was certain.</p> <p>Charles Routh of Natural England noted that the package of mitigation measures would inform the appropriate assessment under the Habitats Regulations. Dr Routh confirmed that there was a fairly straightforward solution.</p>
<p>3.4 Effectiveness of provisions within the Outline Environmental Management Plan (OEMP) [APP-187, PW-BI05] to prevent disturbance to nesting birds by construction activity. Response to the Environment Agency's concern that PW-</p>	<p>Katherine Burt of the Environment Agency noted that the Environment Agency was not aware of raising any concerns on this Agenda item.</p> <p>Charles Routh of Natural England also confirmed that Natural England had no concerns in this respect.</p> <p>Reuben Taylor QC confirmed that the Applicant also could not identify any concerns raised by the Environment Agency on this point. Mr Taylor QC noted that the latest version of the Outline Environmental Management Plan ("OEMP") [REP3-006] included amendments to the provisions in PW-BIO5 and MW-BIO8 in relation to breeding birds as follows:</p>

<p>BI05 measures are 'unreliable'.</p>	<ul style="list-style-type: none"> ○ PW-BIO5 extended to include Annex 1 breeding birds; ○ amendments to make clear that measures detailed within PW-BIO5 are in addition to measures described in PW-BIO4; ○ the possible disturbance area has been increased from 450m to 500m on a precautionary basis to ensure that no disturbance is likely during construction; ○ the preliminary works contractor (ecology) shall create a replacement nesting plot for stone curlew prior to the commencement of the works removing the stone curlew plot near Parsonage Down. <p>Kate Fielden of Stonehenge Alliance noted that she was pleased the OEMP had increased the protection zone from 450m to 500m for Stone Curlew during construction. Dr Fielden made submissions in relation to the impact of construction activities on birds and the measures in place to mitigate this.</p> <p>Rachel Hosier raised queries in relation to the screening proposed and quick growing crops.</p> <p>Stephanie Peay on behalf of the Applicant explained that topsoil removal would be to topsoil storage areas. Dr Peay explained that the topsoil could be vegetated with a sown mix or naturally.</p> <p>Dr Peay explained that the 500 metre protection zone would operate so that if works are going on within 500 metres of nesting Stone Curlew, an assessment of the potential for those works to disturb the birds would be undertaken. This process has been followed in investigations carried out in 2018 with RSPB. Dr Peay gave the example of archaeological works being stopped following this assessment process, when Stone Curlew chicks were discovered. Dr Peay confirmed that an Ecological Clerk of Works would supervise all aspects of this process.</p> <p>Dr Peay explained that details of physical screening could not be provided at this point, and that this was a matter to be finalised in the Construction Environmental Management Plan prepared by the contractors (pursuant to the OEMP).</p> <p>Mr Taylor QC referred the Examining Authority to MW-BIO5 of the OEMP [REP3-006] which illustrates the nature of the commitment regarding the works within 500m of Stone Curlew nesting sites. Mr Taylor QC explained that MW-BIO5 identifies a number of potential approaches which include the use of visual screening. Mr Taylor QC explained that as screening is part of a suite of measures, as are planting of quick growing crops or quick growing wild flowers, it would be incorrect to give the impression that screens are committed to in every case. Mr Taylor QC confirmed that what is committed to is an appropriate response that is tailor-made for each particular circumstance.</p> <p>Further submissions were made in relation to the acceptability of the proposed mitigation by Mrs Hosier and Dr Fielden.</p>
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	<p>In response to a question from the Examining Authority as to the provisions for timing of works around Stone Curlew nesting, Mr Taylor QC explained that PW-BIO5 of the OEMP works in combination with PW-BIO4, and those provisions set out the approach to be taken. This includes that vegetation clearance, where practicable, should take place between October and February, outside the bird nesting season. Alternatively, suitable habitat would be removed, as provided for in PW-BIO4. Mr Taylor QC explained that that habitat would be checked for nesting birds prior to removal and if nests are present, no works would be undertaken in the vicinity. Mr Taylor QC also explained that works would be undertaken pursuant to a method statement, and confirmed that the whole process of control was covered by these detailed OEMP provisions.</p> <p>Mr Taylor QC further confirmed that the OEMP provides for the monitoring and reporting arrangements to be made in consultation with Natural England, and for the arrangements proposed by the Contractor to be approved by Highways England. In response to a question from the Examining Authority, Mr Taylor QC confirmed there was scope for other parties to be consulted, giving the example of liaison with Natural England and RSPB being required, if Stone Curlew nests are found within the areas where work is to be undertaken.</p> <p>In response to further submissions from Mrs Hosier, Ms Williams on behalf of Mrs Hosier, and Dr Fielden of Stonehenge Alliance, in relation to the adequacy of mitigation, Mr Taylor QC reiterated that the provisions in PW-BIO4, PW-BIO5 and MW-BIO8 of the OEMP provide appropriate mitigation. Mr Taylor QC explained that those provisions of the OEMP provide for a mechanism to discourage birds nesting within the vicinity of the works for an appropriate radius around the works. The provisions provide for steps to be taken, in consultation with Natural England and RSPB if nests are found. Mr Taylor QC confirmed Highways England's position that there are good and strong provisions to address these matters within the OEMP. Mr Taylor QC further confirmed that the OEMP provides for an Ecological Clerk of Works, who is to be a suitably qualified person, to undertake the overseeing role provided by the OEMP. Mr Taylor QC did, however, note that the OEMP is still under discussion and that Highways England would consider whether any further changes were required as a result of the comments made.</p>
4 EFFECTS ON GREAT BUSTARD	
Agenda Item	Highways England response
<p>4.1 Current status of great bustard in the UK and Salisbury Plain area.</p>	<p>Ruth Manvell of the Great Bustard Group made submissions in relation to the Great Bustard, noting that many of the issues discussed with respect to Stone Curlew applied equally to the Great Bustard. Mrs Manvell noted concerns in relation not the impact of construction and the difficulty in finding and monitoring Great Bustard. Mrs Manvell explained the sensitivities of the Great Bustard.</p> <p>Dr Fielden of Stonehenge Alliance, Mrs Hosier and Ms Williams on behalf of Mrs Hosier concurred with or made similar submissions to Mrs Manvell.</p> <p>Reuben Taylor QC on behalf of the Applicant, referred the Examining Authority to the Applicant's assessment of the impact from disturbance to Great Bustard at paragraphs 8.9.141 and following of Chapter 8 of the Environmental Statement [APP-046]. Mr</p>

	<p>Taylor QC noted that in addition, a detailed explanation of the Applicant's position was set out in response to written question EC.1.22 [REP2-027] and Comments on Written representations [REP3-013] at paragraph 40.3.22. Mr Taylor QC confirmed that the measures in the OEMP to protect Stone Curlew were intended to extend to Great Bustard.</p> <p>Stephanie Peay on behalf of the Applicant noted that the assessment had been informed by information about nest sites provided by the Great Bustard Group, and that Highways England had liaised with the Great Bustard Group prior to carrying out works on site. Dr Peay noted that it was Highways England's intention that consultation with the Great Bustard Group would continue throughout construction. Dr Peay confirmed that at Longbarrow Junction, the main construction sites would be surrounded by bunds to avoid visual intrusion which would help to screen activity from Great Bustards that may be using the area.</p>
<p>4.2 Whether the Proposed Development would prejudice the project to re-establish the great bustard as a resident breeding species in the area.</p> <p>4.3 Whether any additional specific measures are required to mitigate effects on great bustard.</p>	<p>Stephanie Peay on behalf of the Applicant explained that the Scheme did not pose a specific threat to the long-term establishment and development of Great Bustard within the Wessex area. In terms of current distribution of the Great Bustard, Dr Peay noted that she had been taken to the breeding area on Salisbury Plain by Mrs Manvell and also seen the Great Bustard from Mrs Hosier's farm.</p> <p>Ruth Manvell of the Great Bustard Group made submissions in relation to the impact of increased public access resulting from the Scheme.</p> <p>Rachel Hosier made submissions in relation to PW-BIO5 not expressly referring to Great Bustard. Mrs Hosier also suggested that the Great Bustard Group should be consulted under the OEMP with respect to Great Bustard.</p> <p>Reuben Taylor QC on behalf of the Applicant clarified, in response to a comment made by Mrs Manvell, that paragraph 40.3.25 of the Applicant's comments on written representations [REP3-013] states that there are no Great Bustard nesting and no records identified within the <i>western</i> area of the Scheme; the Applicant was not saying there are no Great Bustard in the scheme area generally. Mr Taylor QC explained that Table 8.12 of Chapter 8 of the Environmental Statement [APP-046] made clear that the nesting sites were limited to the south of the existing A303. Mr Taylor QC noted that Highways England had taken care to identify and appraise where the nesting sites were located and how they interface with the Scheme.</p> <p>With respect to public access, Mr Taylor QC noted that the Examining Authority was aware of what was proposed in this respect, and clarified that public access will only be on public rights of way and that no generalised right to roam across the landscape was proposed.</p> <p>With respect to the applicability of provisions PW-BIO5, PW-BIO4 and MW-BIO8 of the OEMP, Mr Taylor QC noted that the intention that those provisions apply to the Great Bustard was not yet reflected in the drafting of the OEMP, and confirmed that the next version of the OEMP would explicitly include reference to Great Bustard.</p> <p>With respect to consultation with the Great Bustard Group, Mr Taylor QC noted that Highways England would consider this for inclusion in the next draft of the OEMP.</p>

5 EFFECTS ON THE WATER ENVIRONMENT – RIVER TILL AND RIVER AVON SACS	
Agenda Item	Highways England response
<p>5.1 Whether there is any potential for the Proposed Development to achieve a net gain to wetland habitat.</p>	<p>Katherine Burt of the Environment Agency submitted that the Environment Agency would like to see more enhancement of wetland habitat. Ms Burt acknowledged the work that has been done by Highways England, but considered further work could be done, such as further enhancement to the SAC designated Rivers Till and Avon that the Scheme is crossing.</p> <p>Anna Bright of the Environment Agency noted that the Environment Agency had been consulted by the Applicant thoroughly throughout the process, and acknowledged that the Applicant’s assessment under the Habitats Regulations concluded that there would be no adverse effects on the SAC. Ms Bright noted that there was therefore no concern in this respect. Ms Bright submitted that the Scheme did not benefit the water environment or users, and considered there were opportunities to enhance the water environment. Ms Bright made reference to the unfavourable condition of the existing River Avon crossing.</p> <p>The Examining Authority summarised the Environment Agency’s position as being that it was satisfied with the mitigation proposed but considered more could be achieved.</p> <p>Ms Bright submitted that the water environment was not benefitting equally compared with chalk grassland.</p> <p>Reuben Taylor QC explained that the policy objective is to achieve a net gain in biodiversity, and the Scheme achieves this. Mr Taylor QC explained that biodiversity is not compartmentalised and is looked at holistically. Mr Taylor QC drew the Examining Authority’s attention to the Statement of Common Ground between Highways England and Natural England [REP2-016] which records the agreement that the Scheme will deliver biodiversity net gain. Mr Taylor QC confirmed that the outcome of the Scheme would be to deliver net gain. Mr Taylor QC noted that in any event, the Applicant was continuing discussions with the Environment Agency.</p> <p>Mr Taylor QC noted that there were already benefits being delivered by the Scheme with respect to water quality in the River Avon, which would improve as a result of the Scheme, as agreed in the Statement of Common Ground with the Environment Agency [REP2-012]. Further benefits to the Rivers Till and Avon SACs are set out in response to written question EC.1.21 [REP2-027].</p> <p>The Examining Authority asked the Environment Agency if there were specific opportunities within the Order limits.</p> <p>Ms Bright noted that the area of the River Till within the Order limits was only the river crossing, so there were limited opportunities. Ms Bright made submissions in relation to enhancements that could be made at the River Avon crossing, in relation to the existing bridge struts, although Ms Bright conceded in response to questions from the Examining Authority that the River Avon crossing would not be altered by the Scheme. Ms Bright conceded that the scope for projects within the Order limits was quite limited.</p> <p>Mr Taylor QC again confirmed Highways England’s position that there would be a net benefit for water quality as a result of the improved drainage arrangements associated with Scheme.</p>

	<p>Stephanie Peay explained that the scope to create wetland habitat within the limits of the Order was limited, however, Highways England has incorporated some wetland habitat into the Scheme design. Dr Peay explained that the drainage strategy includes infiltration areas, particularly for the Winterbourne Stoke Bypass. Dr Peay explained that whilst the vegetation present on the infiltration area themselves will be largely dry grassland, at the upstream end of the infiltration basins (of which there would be five) there would be an area lined with an impermeable material, creating ponds. Historically there would have been such ponds, associated with the downlands (classic dewponds), many of which have been lost due to agricultural change in the 20th Century. Dr Peay explained that these small scale enhancements will provide diversity and some of the species of plants present in the floodplain of the River Till would be expected to be present around these ponds, forming part of the infiltration area. Dr Peay noted that the invertebrate life associated with those species of plants may also be present. Dr Peay noted that whilst not on a large scale, this represented a contribution to wetland in the area.</p> <p>In response to questions from the Examining Authority, Dr Peay confirmed that these areas would not be a permanent large body of water, but would drain and so be seasonally wet or marshy areas that would be within the wider grassland area. This would create some habitat diversity.</p> <p>The Examining Authority asked where the design of the infiltration areas was secured.</p> <p>Mr Taylor QC confirmed that the Road Drainage Strategy, at Appendix 11.3 of the Environmental Statement [APP-281], Figure 3.1 Drainage Conceptual Details, illustrates the pond solution. This would be secured as part of requirement 10 of Schedule 2 of the DCO, which requires written details of the drainage system. Provision MW-WAT14 of the OEMP also requires the main works contractor to ensure that the surface water drainage system reflects the mitigation measures identified within the ES and conforms with requirement 10 of the DCO.</p> <p>The Examining Authority noted that the Environment Agency seemed to be seeking funding from Highways England for an off-site project. The Examining Authority noted that such a contribution would need to be proportionate and the need for it would have to be directly occasioned by the Scheme.</p> <p>Ms Burt of the Environment Agency made reference to opportunities to help partners of the Environment Agency, working in the area, to achieve their objectives. Ms Bright submitted that the clever design of enhancements could contribute to the enjoyment of users and to the river environment.</p> <p>It is noted by Highways England that no need directly occasioned by the Scheme was identified.</p>
<p>5.2 Effectiveness of measures to avoid adverse impacts during construction phase.</p>	<p>Anna Bright of the Environment Agency noted amendments to wording in the OEMP with respect to piling over the River Till and consideration given to fisheries timings and flow dynamics.</p> <p>Reuben Taylor QC noted that the Applicant would consider this further and discuss with the Environment Agency outside of the hearing.</p>

<p>5.3 Need for greater certainty that construction de-watering will not be necessary, to inform Habitats Regulations Assessment (HRA) conclusion of no likely significant effects on the River Avon SAC and Appropriate Assessment if required.</p>	<p>The Examining Authority referred to Highways England’s response to written question EC.1.14, and asked whether it provided sufficient certainty that there would be no adverse effects on the integrity of designated sites for the purposes of assessment under the Habitats Regulations.</p> <p>Reuben Taylor QC noted that the nature of use of a closed faced tunnel boring machine (TBM) had been committed to earlier in the hearings. Mr Taylor QC explained that the use of the closed face TBM would mean that dewatering would not be required other than in very limited circumstances, in relation to very limited operations. Mr Taylor QC explained that those circumstances would be if the construction of the slab for the launch of the TBM needs to be done in conditions where there has been rising groundwater, and potentially in construction of the cross passages between the two bores where they were below ground water levels. Those construction stages would need to coincide with rising groundwater levels for dewatering to potentially be required.</p> <p>Mr Taylor QC explained that if dewatering was required, in line with the OEMP, consents would be required from the Environment Agency in order to carry out the dewatering. That consent process would have to ensure that there would be no adverse effects on the River Avon SAC. The Environment Agency therefore has control over this process, and there is a process in place to ensure compliance with the appropriate Habitats Regulations.</p> <p>In response to a question from the Examining Authority, Mr Taylor QC confirmed that any dewatering would not take groundwater levels below average levels.</p>
<h2>6 OVERALL EFFECTS OF THE SCHEME ON BIODIVERSITY</h2>	
<h3>Agenda Item</h3>	<h3>Highways England response</h3>
<p>6.1 Effectiveness of measures to secure long term management of calcareous grassland etc to maximise gains in biodiversity.</p>	<p>Reuben Taylor QC explained that pursuant to MW-BIO2 of the OEMP, the main works contractor would be required to establish the new habitats indicated in the Environmental Masterplan, and manage them to ensure their establishment and development to achieve their targeted purpose through to handover. In addition, Mr Taylor QC explained that requirement 8 of Schedule 2 of the DCO requires a detailed landscaping scheme to be submitted for approval, such scheme to be prepared in line with the mitigation principles in the Environmental Statement, including the OLEMP. Mr Taylor QC further referred to MW-BIO3 of the OEMP, which includes a commitment to botanical monitoring to inform management of the chalk grassland (grazing, mowing, control of scrub etc) and to maintain features of designated habitats. Mr Taylor QC directed the Examining Authority to the Applicant’s response to EC.1.16. These measures would be carried over into operation of the scheme via the Handover Environmental Management Plan (MW-G11 of the OEMP).</p> <p>The Examining Authority asked if all land would be managed by Highways England.</p> <p>Stephanie Peay explained that the land shown indicatively on the Environmental Masterplan to be permanently acquired would be retained by Highways England. Dr Peay noted that the details of which entities would manage which part of that land were still to be determined. Dr Peay noted that there are a range of measures available which are not determined at this stage.</p>

<p>6.2 Opportunities for management by grazing</p> <p>6.3 Means of preventing scrub encroachment</p>	<p>Stephanie Peay explained that Highways England has consulted with a range of consultees through the Wiltshire Chalk Grassland Partnership. Dr Peay noted that the Applicant was very aware that grazing can be a very beneficial means of managing chalk grassland. Dr Peay explained that the Applicant has identified where grazing units could be accommodated based on the indicative Environmental Masterplan. The detail of where those grazing units would be located would be a matter for detailed design. Dr Peay explained that grazing would not be possible in all areas, but noted that it added to diversity to have a range of approaches with some areas mown, grazed or bare ground.</p> <p>Reuben Taylor QC noted that this was one of the matters that would be addressed within the LEMP as required by MW-LAN1 of the OEMP.</p> <p>Charles Routh of Natural England noted that Natural England had not yet calculated the biodiversity net gain using the metric, while also noting that it was a blunt tool and didn't allow taking into account the increased habitats connectivity resulting from the scheme.</p> <p>Barry Garwood raised a query in relation to the timescales for grasslands to establish.</p> <p>Rachel Hosier made submissions in relation to landowners being given the opportunity to manage the grassland.</p> <p>Reuben Taylor QC noted that discussions between Highways England and Mrs Hosier were continuing with respect to the impact of the Scheme on her (and her husband's) property, and that management of grassland could be covered in that discussion, if it had not already. With respect to details of grazing and fencing sought by Mrs Hosier, Mr Taylor QC noted that such detail was not available at this stage of Scheme design, but that a careful process was set up via the OEMP for the development of those details. Mr Taylor QC also referred to the LEMP in this respect.</p> <p>Mr Taylor QC noted with respect to the submissions from Natural England, that its position with respect to support for the Scheme with regards to impacts on biodiversity and delivery of net gain is as set out at entry 3.5 of the Statement of Common Ground.</p> <p>With respect to the establishment of grassland, Dr Peay explained that chalk grassland habitats can be started quite quickly, and would be established within the first five years; for areas sown with wildflower mixes, species could be expected to be flowering in the second year from seeding. Dr Peay referred to exemplar schemes such as the Weymouth Relief Road, which the Applicant would hope to emulate.</p> <p>Mr Taylor QC confirmed in relation to control of scrub, that this would also be dealt with through the same processes to identify the areas to be grazed, via the OEMP (see MW-BIO13).</p>
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7 MITIGATION	
Agenda Item	Highways England response
<p>7.1 The Environment Agency's recommendation that OEMP measures PW-BI01, MW-BI05 and MW-BI06 should be expanded in respect of biosecurity and invasive species. Should the draft Development Consent Order include provision for a full survey and control plan prior to preliminary works commencement</p>	<p>Anna Bright of the Environment Agency reported that the Environment Agency had been working with Highways England, however, Ms Bright considered that there was a gap in relation to survey effort relating to invasive species and biosecurity. Ms Bright submitted that there should be less reliance on the preliminary works contractor to undertake surveys and put appropriate measures in place.</p> <p>Reuben Taylor QC noted that Highways England will continue to discuss these issues with the Environment Agency. Mr Taylor QC further noted that appropriate provisions with respect to these issues are already included in the OEMP at PW-BI01, MW-BI05 and MW-BI06.</p>
<p>7.2 Natural England's recommendation that opportunity to manage hedgerows to improve their condition during temporary possession for construction should be taken.</p>	<p>Charles Routh of Natural England noted that Natural England would like to see the opportunity taken to improve the hedgerows, through measures such as planting and gapping up.</p> <p>Anna Bright of the Environment Agency confirmed support for Natural England's position, as part of achieving net gain for the chalk grassland and river corridors, through hedgerow connectivity.</p> <p>Reuben Taylor QC referred the Examining Authority to Sections 10.1 and 10.2 of the Outline Landscape and Ecology Management Plan (OLEMP) [APP-267] which sets out the principle that during construction hedgerows should be protected, retained and inspected by the contractor's arboricultural mitigation strategy. Mr Taylor QC noted that hedgerows are already a matter for consideration and Highways England will continue to discuss whether amendment to the OLEMP is required or whether appropriate safeguards are already in place. In any event, the appropriate mechanisms are already in place to enable any further measures that are agreed.</p>
8 ANY OTHER MATTERS	
	<p>Tracey Williams on behalf of Mrs Hosier made submissions in relation to discussions to date in relation to mitigation of disturbance to Stone Curlew and that such discussions should involve Mrs Hosier, referring also to any impact of recreational activity in the south of the WHS where the Normanton Down nature reserve lies.</p>

	<p>Reuben Taylor QC noted that discussions in relation to this issue are ongoing with a number of stakeholders including the RSPB and Natural England, and that there have been discussions with Mrs Hosier on this issue. Mr Taylor QC confirmed that Highways England is working through this issue with RSPB and with NE and would discuss matters with Mrs Hosier.</p>
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