



# The Planning Inspectorate

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Natural England  
c/o Charles Routh

Your Ref:

Highways England  
c/o David Cox

Our Ref: TR010025

Date: 3 September 2019

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Dear Sirs

## **Planning Act 2008 and The Infrastructure Planning (Examination Procedure) Rules 2010 – Rule 17**

### **Application by Highways England for an Order Granting Development Consent for the A303 Amesbury to Berwick Down**

#### **Request for further information**

We write to request further information from Natural England and Highways England (the Applicant) in order to assist the examination of the above application.

#### **To Natural England**

Rulings by the European Court of Justice (cases C-521/12 and C-164/17) suggest that provision of replacement habitat within a European site should be viewed as a compensatory measure rather than mitigation.

In the light of these rulings, and notwithstanding the information presented in [[REP2-120](#)] and [[REP7-011](#)], could Natural England confirm that they view the stone curlew replacement plot within Parsonage Down as mitigation rather than compensatory measures, and explain why this is the case in the context of the above case law?

The Applicant is also invited to respond on these points.

#### **To Highways England**

In the absence of binding legal agreements and certainty regarding the provision of four stone curlew plots [[REP6-024](#) and [REP7-011](#)], the Examining Authority (ExA) is unclear as to how it can be satisfied, beyond reasonable scientific doubt, that there would be no adverse effect on the integrity of the Salisbury Plain Special Protection Area (SPA).

Can the Applicant explain to what extent it considers that the necessary certainty regarding the delivery of such measures has been secured? The explanation should address the legal requirements in respect to Habitats Regulations Assessment and a conclusion of no adverse effects on integrity (AEoI).



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This explanation will support the ExA's considerations as to whether the current efforts made by the Applicant and other relevant parties in this regard are sufficiently robust.

Natural England are also invited to comment on these points.

The deadline for submission of this information is **Deadline 9** (25 September 2019) in the Examination Timetable.

If you have any questions about the content of this letter, please contact the Case Team using the details in the above header.

Yours sincerely

*Wendy McKay*

**Wendy McKay**  
**Lead Member of the Examining Authority**

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