

Date: 30 September 2019
Our ref: 295000
Your ref: M45 J6 ancient woodland TN8.64 / TR010027



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To the examination panel and the applicant,

**M42 Junction 6 Development Consent Order Scheme Number TR010027
Technical Note 8.64 Ancient Woodland Clarifications and Proposed Additional Measures
Natural England response**

Natural England welcomes the release of this Technical Note (TN) which outlines further consideration of ancient woodland impact and compensation by the applicant.

We understand this outlines a commitment by the applicant to apply further consideration in respect of the following proposed additional measures:

- To reconsider opportunities to move the Solihull Road overbridge within the limits of deviation (LOD), thereby, resulting in a potential reduction of ancient woodland loss,
- To enhance the submitted compensatory package by potentially increasing the area of compensatory woodland habitat, and
- To securing positive woodland management of extant ancient woodland in the vicinity.

Natural England confirms that this response has been prepared by the Area Team Lead Adviser for planning matters and that input has been directly provided by an NE Ancient Woodland Specialist placed in the National Team's Evidence Services.

Natural England understands from this TN that 'reasonable endeavours' will be undertaken to further reduce ancient woodland loss by exploring moving the Solihull Road overbridge north by 10m, which could lead to no ancient woodland loss along the northern boundary of Aspbury's Copse. Additionally, we understand that the potential steepening of the M42 western embankment, thereby reducing loss to the off slip road, will also be investigated.

Natural England welcomes measures that result in reduction of loss of irreplaceable ancient woodland habitat and urges that the loss be minimised as far as is practicable in accordance with the mitigation hierarchy.

Natural England welcomes a commitment, as a new Requirement in the Register of Environmental Actions and Commitments (REAC), to undertake 'reasonable endeavours' to ensure suitable management of extant ancient woodland. We would welcome further clarification as regards what

these reasonable endeavours will comprise in the REAC.

Natural England stresses the importance of securing suitable management of Aspbury's Copse and recommends that suitable management of Barber's Copse is also secured as part of the compensatory package. Natural England will be pleased to comment on draft management plans.

Finally, Natural England welcomes the pursuit of further compensatory woodland habitat and wishes to emphasise that adding land on the western side of the M42, preferably contiguous with Aspbury's Copse should be sought as the highest priority. Any opportunities for buffering of Aspbury's Copse, with potential to mitigate impacts, should also be prioritised. We would also reiterate the need for compensatory habitat to have functional connections with the habitat network. We note the commitment to providing a minimum of compensatory woodland habitat of 7:1, but urge that all avenues are explored vigorously and fully to maximise compensatory woodland habitat.

Natural England notes that the above additional measures will be reflected as commitments in the updated REAC.

Natural England wishes to respond with regard to TN paragraph's 2.2.3 - 2.2.4 in respect of compensation ratios. NE notes the context that previously quoted ancient woodland losses were based on a maximum area, within the scheme's limits of deviation (LOD), and understands that, in practice, this area of loss may be reduced. We accept that this equates to area loss figures of 0.46ha and 0.36ha for the worse and best-case scenarios, with respective compensation ratios of 4:1 and 5:1, and, therefore, NE accepts Clarifications 1 and 2 of the TN.

Please note, however, that Natural England does not have a general position on compensation ratios for ancient woodland given that such habitat is protected as 'irreplaceable' and, therefore, should not be removed and hence require compensation. Compensation ratios can only be addressed on a case-by-case basis. However, in referring to Defra's Biodiversity metric via our written representations, which is not applicable to irreplaceable habitats, Natural England sought to stimulate thought as to the intrinsic value of ancient woodland when considering compensation packages.

Natural England looks forward to continuing to work with Highways England and its principal contractor to explore the opportunities referred to above and to maximise the potential benefits to ancient woodland.

If you have any queries relating to the advice in this letter please contact me at the details below.

Yours sincerely

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