

Date: 26 February 2020



Planning Inspectorate

BY EMAIL ONLY

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Dear Planning Inspectorate

M25 Junction 10 / A3 Wisley Interchange Project – TR010030

The Examining Authority's second written questions and requests for information (ExQ2) - Issued on 18 February 2020

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.

Please find below the Examiner's questions to Natural England with our responses:

2.3.2 Royal Horticultural Society (RHS) and Natural England (NE)

Please provide the relevant guidance or scientific rationale for the need to include, or not include, an assessment of Ammonia concentrations in the assessment of air quality effects on the SPA.

Natural England does not have specific guidance or rationale regarding the assessment of Ammonia for effects from motor vehicles. What we do have is a guidance note outlining to competent authorities how to assess the effects of motor vehicle emissions as a whole. Which helps to determine whether a plan or project is likely to have significant effect upon the integrity of a designated European Site.

Our guidance can be found at

<http://publications.naturalengland.org.uk/publication/4720542048845824>

We suggest that this is read in conjunction with the applicant's air pollution documentation. Natural England is of the opinion that the applicant has followed this guidance when assessing the proposal. The guidance says,

"Air pollution that typically affects habitat will include dust and particulate matter (PM), nitrogen oxides (NOx), ammonia (NH3) and sulphur dioxide (SO2). Each proposal type will have emissions typically associated with its specific activity. For example, ammonia is typically associated with farming or waste management. Combustion sources such as industry or traffic are more likely to be associated with nitrogen oxides and particulate matter."

"When considering the potential for in-combination effects, a competent authority should also recognise that different proposal types ('sectors') and different pollutants (e.g. ammonia (NH3), nitrogen oxides (NOx and NO2)) can combine together to have the same or similar effect on a given area of habitat. By way of example, nitrogen deposition on a site can result from both the emissions

of ammonia from a farm source and also from emissions of nitrogen oxides from a traffic source, with both having an eutrophication effect.”

2.4.2 Applicant and NE

Table 7.2.1 of the SPA Management and Monitoring Plan [AS-015, page 9] lists ‘heathland (restored)’. Please clarify if this is referring to the enhancement areas E1, E2, E3, E5 and E6 that are to be converted from mixed woodland to heathland?

This question is best addressed by the applicant.

2.4.3 LAs, NE and Royal Society for the Protection of Birds (RSPB)

Are you content with the Species Monitoring Programme that is set out in Table 7.11.1 of the SPA Management and Monitoring Plan [AS-015]?

Natural England is satisfied that the proposed monitoring programme specifically assessing the success or otherwise of heathland creation in terms of numbers of Annex 1 birds utilising the enhancement areas is appropriate.

2.4.6 NE

Please provide into the Examination full copies (not hyperlinks) of the citation, the conservation objectives and the conservation objectives supplementary advice for the Thames Basin Heaths SPA.

These are attached as documents with the covering email.

2.4.7 NE and Surrey County Council (SCC)/Surrey Wildlife Trust (SWT)

Please comment on the matters raised by the RHS in its and the Baker Consultants submissions [REP1-043 and REP3-044] in regard to the potential air quality impacts of the Proposed Development on the Thames Basin Heaths SPA. In particular please comment on whether in your view:

- a) the consideration of alternatives has been fully and properly addressed by the Applicant as required by the Habitats Regulations;**

As stated previously Natural England is satisfied that consideration of alternative options and means of avoiding or minimising impacts on Thames Basin Heaths SPA was properly considered by the applicant. Natural England was consulted over option choices from the early stage of scheme design and was able to advise over the relative merits of scheme design options in relation to potential impacts on the SPA.

- b) the Applicant has adequately modelled the nitrogen deposition levels for both the scheme alone and in-combination with other plans and projects (having regard to the Applicant’s comments on responses to the ExA’s FWQ 1.4.3 in [REP3-008]);**

Natural England is satisfied that the applicant has adopted a precautionary approach to this aspect and has followed appropriate guidance.

- c) ammonia should be included in the assessment of nitrogen deposition;**

Natural England is satisfied that this aspect has been addressed by the applicant and has demonstrated adequately that even with the inclusion of predicted ammonia deposition there is no likely significant effect on the habitat features supporting the special interest features of the SPA.

- d) **in contending that the nitrogen deposition would only affect the woodland buffer element of the SPA and not areas of heathland the Applicant has correctly applied the tests required in the Habitats Regulations and Birds Directive. Is restoring the woodland buffer to heathland necessary to achieve or maintain the SPA in favourable conservation status? If so, how have you accounted for the future impacts of nitrogen deposition on areas within the SPA that would become heathland rather than woodland, or would become any other habitat that would be of importance for any of the bird species for which the SPA has been designated?**

Natural England has consistently advised against the removal of the woodland 'buffer' in areas of the site alongside the M25 and A3. There is strong evidence that the retention of belts of mature trees provides an effective mechanism to disperse vehicle emissions away from sensitive habitats alongside busy roads. As stated previously, the achievement of favourable condition for this component part of Thames Basin Heaths SPA is dependent upon improvement of condition of the existing heathland resource, not expansion of heathland through large-scale felling of woodland.

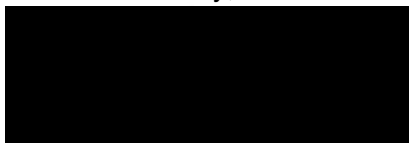
2.15.5 LAs, NE, RSPB, SWT, EA

Further to the Applicant's response to the ExA's first written question 1.15.1 [REP2-013], the revised dDCO [REP2-002] has removed some activities from those not encompassed within the definition of commence. Nevertheless, a number of activities such as site clearance and the receipt and erection of construction plant and equipment remain outside the definition of commence. As such, these activities could take place outside the controls of the approved CEMP and the various management plans and method statements required by the CEMP. Please comment on this and indicate which, if any, activities that are currently excluded from the definition of 'commence' you consider should be included.

Natural England is satisfied that sufficient protective measures are in place, through the provisions of SSSI designation and SPA classification, to ensure that the risk of adverse impacts arising from activities such as site clearance and erection of construction plant are unlikely to result in unforeseen environmental impacts. Where these activities are to take place within the boundary of Ockham and Wisley Commons SSSI there is a legal requirement for the applicant to obtain formal assent from Natural England. This process provides Natural England an opportunity to discuss the proposal with the applicant on means of avoiding or minimising adverse environmental effects. In practice, there is regular communication between the applicant and Natural England so that we are kept informed of planned activities and able to provide advice. Where planned activities may affect specially protected species there is a legal obligation on the applicant to take this into consideration.

I trust that this information is helpful.

Yours sincerely,



Marc Turner
Senior Planning Adviser
Thames Solent Team