

Date: 17 April 2020



Planning Inspectorate

BY EMAIL ONLY

Customer Services
Hornbeam House
Crewe Business Park
Electra Way
Crewe
Cheshire
CW1 6GJ

T 0300 060 3900

Dear Planning Inspectorate

M25 Junction 10 / A3 Wisley Interchange Project – TR010030

The Examining Authority's third written questions and requests for information (ExQ3) - Issued on 3 April 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:

3.1.3 All Interested Parties (IPs) With respect to the Applicant's Proposed Changes 2 to 6, the documentation for which was variously submitted at Deadlines 4 and 4a, which were accepted for Examination by the ExA on 27 February 2020 [PD-012], please provide any comments that you may have that specifically relate to Proposed Changes 2 to 6, which comprise the following:

- **Change 2 - incorporation of two toad underpasses at Old Lane**
- **Change 3 - removal of part of the proposed improvements to the A245 eastbound between the Seven Hills Road and Painshill junctions**
- **Change 4 - amendments to Saturday construction working hours**
- **Change 5 - diversion of a new gas main crossing of the M25**
- **Change 6 - amendments to the proposed speed limit at Elm Lane**

Re change 2 - Natural England is satisfied that the inclusion of the proposed amphibian mitigation measures will not have direct impacts on any of the designated interest features of Ockham and Wisley Commons SSSI nor are likely to result in significant adverse effects on the integrity of the Thames Basin Heaths SPA. So Natural England is satisfied that this measure would have no material negative effect on the statutory designated sites of nature conservation interest.

Re change 3 - Natural England is satisfied that this proposed change has no material effect on the statutory sites of nature conservation interest affected by the scheme.

Re change 4 - The proposed change to allow for longer working hours on Saturdays has the potential to increase the ability of the contractor to phase construction works. This may be an important consideration in working up the detail of construction so that works in more sensitive locations, such as close to open heathland with the potential to support ground-nesting birds, or in the vicinity of bat roosts, can be undertaken when there is less risk of disturbance. Such a change which has the potential to provide for more flexibility in how the

works are phased which could then be used to reduce the risk of adverse environmental impacts is welcomed by Natural England.

Re change 5 - Natural England is satisfied that the temporary land take for the two pits and installation of a new gas main under the M25 does not affect existing heathland habitat or areas identified for heathland restoration, nor any other features for which the Ockham and Wisley Commons SSSI is designated. Therefore we are satisfied that this change is unlikely to result in adverse effects on SSSI designated interest features. We are also satisfied that the small scale of the activity in terms of its extent is unlikely to pose a risk of significant impacts on Annex 1 birds. We have been in discussion with the applicant to ensure that appropriate working methods and environmental safeguards are considered and will be in place to reduce the risk of unforeseen damaging effects. We are assured that the detail of working methods and habitat restoration after the work is completed will be discussed with us to explore opportunities to create valuable features which might benefit the designated interest features of the Ockham and Wisley Commons SSSI, such as bare or sparsely vegetated patches with the potential to support specialised invertebrates, reptiles and scarce plants.

Re change 6 - Natural England is satisfied that this proposed change has no material effect on the statutory sites of nature conservation interest affected by the scheme.

3.1.4 All IPs Included within the Applicant's request at Deadlines 4 and 4a to make Proposed Changes to the originally submitted application is Change 1 (extension of the proposed green element on Cockcrow Bridge). Proposed Change 1 to date has not been accepted for Examination by the ExA. There remains the potential for Change 1 to be accepted by the ExA for Examination prior to the close of the Examination and accordingly the ExA considers it appropriate that all IPs be provided with the opportunity to comment on Proposed Change 1 if they wish on a without prejudice basis.

Natural England is supportive of this proposal. When consulted by the applicant over this proposed change our advice was 'Whilst it is acknowledged that the provision of the green bridge element remains subject to availability of funding Natural England is supportive of the proposal to provide this feature. The proposal to widen the green bridge to 25 metres is welcomed by Natural England as it has the effect of improving the ability to manage the feature so that it provides greatest potential to function effectively. This is because it is desirable to maintain a diversity of habitat structures on the bridge, such as short, bare patches, as well as areas of longer grass, to promote use by organisms such as invertebrates and reptiles. This is far easier to achieve on a larger bridge and the effect of increasing the width of the bridge should therefore be to increase the ecological effectiveness of the feature.'

3.2.2 Applicant, Guildford Borough Council (GBC), Elmbridge Borough Council (EBC), Royal Horticultural Society (RHS) and any other Interested Parties (IPs) For the purposes of the determination of the submitted application for the Proposed Development does the amended duty under The Climate Change Act 2008, namely achieving net zero greenhouse gas emissions by 2050 pursuant to The Climate Change Act 2008 (2050 Target Amendment) Order 2019, which took effect on 27 June 2019, have any implications for the assessment of the effect on climate change that has been undertaken (ie the conclusions contained within chapter 15 of the ES [APP-060]), particularly with regard to: the provisions of the National

Policy Statement for National Networks (NPSNN); any other national policy relating to climate change (including any commitments as part of the Paris Climate Agreement of December 2015; and any in-principle type considerations raised in the recent Court of Appeal judgement concerning the Airports NPS?

It falls outside of Natural England's remit to comment on Government policy and so we are unable to advise on this aspect.

3.4.3 Applicant and Natural England (NE) Do you have any further comments to make in regard to the issue of ammonia and nitrogen deposition having regard to the recent RHS submission 'Ammonia Emissions from roads for Assessing Impacts on Nitrogen-sensitive Habitats' [REP5-059]?

We would draw your attention to the response submitted by the applicant in REP6-010. We are content that this addresses the issues raised by RHS Wisley over this matter.

I trust that this information is helpful.

Yours sincerely,



Marc Turner
Senior Planning Adviser
Thames Solent Team