

From: [Whitehead, Andrew](#)
To: [A1 Birtley to Coal House](#)
Subject: TR010031 - Written Representations of Natural England (A1BC-SP004)
Date: 31 January 2020 17:26:25
Attachments: [303068 TR010031 - A1 Birtley to Coal House Written Representations.pdf](#)

Dear Sir/ Madam

Please find attached Natural England's Written Representations in relation to the above scheme. This also includes Natural England's responses to the Examiners Questions issued on 28 January 2020.

If I also need to submit these via the Scheme page on the Major Infrastructure Planning website please can you provide the appropriate link?

Thank you

Regards

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Please note I work a 9 day fortnight, with alternate Fridays off.

www.gov.uk/naturalengland; Follow us on [Twitter](#).

We are here to secure a healthy natural environment for people to enjoy, where wildlife is protected and England's traditional landscapes are safeguarded for future generations.

In an effort to reduce Natural England's carbon footprint, I will, wherever possible, avoid travelling to meetings and attend via audio, video or web conferencing.

We now offer free and chargeable advice to land owners and managers planning works on Sites of Special Scientific Interest through [SSSI Advice Service](#).

To help Developers consider the environment Natural England offers two chargeable services:

- the [Discretionary Advice Service \(DAS\)](#) which can provide advice on planning/licensing proposals;
- the [Pre-submission Screening Service \(PSS\)](#) for European Protected Species mitigation licence applications.

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Date: 31 January 2020
Our ref: 303068, Case 12827
Your ref: TR010031



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BY EMAIL ONLY

Dear Sir/ Madam

NSIP Reference Name / Code: TR010031: A1 Birtley to Coal House Improvement Scheme

User Code: A1BC-SP004

Thank you for your consultation on the above dated 10 December 2019 which was received by Natural England on the same day.

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.

Written Representation

PART I: Summary of Natural England's advice. Natural England has no concerns with regards to impacts on statutorily designated sites, and is working with the applicant to ensure there are no residual impact on European Protected Species.

PART II: Annex including Natural England's answers to the ExA's first written questions

Content

Part 1 – Introduction

Part 2 – Conservation Interests

Part 3 – Natural England's Concerns and Advice

Annex

ANNEX A: Schedule of Natural England's responses to Examining Authority's initial questions.

PART 1 INTRODUCTION

1.1. Purpose and structure of these representations

- 1.1.1. These Written Representations are submitted in pursuance of rule 10(1) of the Infrastructure Planning (Examination Procedure) Rules 2010 ('ExPR') in relation to an application under the Planning Act 2008 for a Development Consent Order ('DCO') for A1 Birtley to Coal House Improvement Scheme ('the Project') submitted by Highways England ('the Applicant') to the Secretary of State.
- 1.1.2. Natural England has already provided a summary of its principal concerns in its Relevant Representations, submitted to the Planning Inspectorate on 12 November 2019. This document comprises an updated detailed statement of Natural England's views, as they have developed in view of the common ground discussions that have taken place with the Applicant to date. These are structured as follows:
 - a. Section 2 describes the conservation designations, features and interests that may be affected by the Project and need to be considered.
 - b. Section 3 comprises Natural England's submissions in respect of the issues that concern it. This submission cross-refers to, and is supported by, the evidence contained in the Annexes.
 - c. Annex A provides Natural England's answers to the Examining Authority's written questions which were asked on 28 January 2020.

2. CONSERVATION DESIGNATIONS, FEATURES AND INTERESTS THAT COULD BE AFFECTED BY THE PROPOSED PROJECT

2.1. International conservation designations

- a. There are no international conservation designations that could be affected by this proposal.

2.2. National conservation designations

- a. There are no national conservation designations that could be affected by this proposal.

2.3. European Protected Species

- a. The proposal has the potential to impact upon a European Protected Species – Common Pipistrelle Bat – and Natural England are working with the applicants, and their consultants, to ensure that all necessary information is provided to enable a Letter of No Impediment to be issued.

2.4. Nationally Protected Species

- a. There are no nationally protected species likely to be affected by the development.

2.5. Non-designated interests and features of concern

- a. While there are woodlands adjacent to the scheme that are listed in the Ancient Woodlands Inventory, these are not expected to be affected by the development.
- b. There is the potential for locally designated sites, including Local Wildlife Sites, to be affected by the proposal. Natural England considers the measures proposed within the Construction Environment Management Plan to address any impacts to be appropriate.

3. NATURAL ENGLAND'S CONCERNS AND ADVICE

3.1. The principal issue

3.1.1. Natural England identified the following main issues in its Relevant Representations:

- a. Potential impacts on European Protected Species (roosting Common Pipistrelle bats)

These issues will be discussed in corresponding sections below along with any updates on the progress or resolution of issues.

3.2. Impacts on European Protected Species

3.2.1. Protected species surveys identified the presence of roosting common pipistrelle bats on the Eighton Lodge South Underbridge. Since Natural England provided our Relevant Representations to this proposal WSP (Ecological consultants for Highways England) have submitted further information to support the draft Protected Species Licence submission. Natural England is assessing this information, and anticipates that a Letter of No Impediment will be issued prior to completion of the Examination.

3.3. Conclusions

3.3.1. Based on the information provided to date, Natural England is satisfied that all environmental impacts resulting from the proposal can be adequately addressed to ensure no residual impacts arise from the development.

3.4. The questions received

3.4.1. In its Rule 8 letter dated 28 January 2020, the Examining Authority asked Natural England a number of questions. These are set out, along with the answers, in the table provided at Annex A.

Part II: Annex

ANNEX A: Schedule of Natural England's responses to Examining Authority's initial questions.

Annex A – Examining Authority’s Questions

Question	Natural England’s Response
<p>1.0.2 – The outline CEMP [APP-174] including the Record of environmental actions and commitments (Table 3-1) and outline CTMP (Appendix B) includes measures to avoid, prevent, reduce or, where possible and appropriate, offset the potential environmental impacts associated with the construction of the Proposed Development.</p> <p>Please comment on the acceptability of the outline CEMP including any possible amendments or additions that may, in your view, be required. Provide appropriate justification for any amendments or additions sought.</p>	<p>Natural England has considered the detail within the CEMP and CTMP, and considers it to be appropriate.</p> <p>Natural England does not wish to propose any amendments or additions to the document.</p>
<p>1.2.1 – The Consents and Agreements Position Statement [APP-015] states that a licence under Section 16 of the Wildlife and Countryside Act 1981 will be necessary in relation to roosting bats with associated mitigation and compensation requirements at Eighton Lodge South Underbridge. A draft licence application has been submitted [APP-136] and a Letter of No Impediment is anticipated to be provided during the Examination.</p> <p>Can the Applicant and Natural England provide an update on the progress made towards obtaining a Letter of No Impediment?</p>	<p>WSP, on behalf of Highways England, has submitted further information to supplement that previously provided, and Natural England is assessing all information provided.</p> <p>Natural England anticipates being able to issue a Letter of No Impediment prior to the completion of the Examination.</p>
<p>1.2.9 – The Applicant has submitted an Environmental Statement Addendum [AS-016] concerning the identification of two additional LWSs and the amendment of the boundaries of two Local Wildlife Sites within the scheme footprint and 2km buffer.</p> <p>Gateshead Council and Natural England should ensure their Written Representations and/ or Local Impact Report takes into account this additional information provided by the Applicant.</p>	<p>Natural England notes these amendments, and has taken account of the changes in our Written Representations.</p>