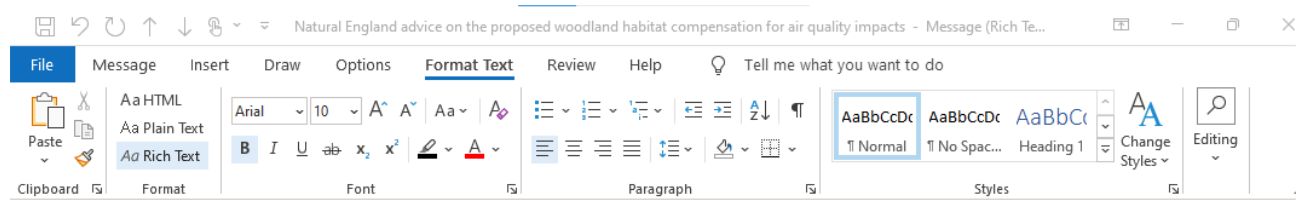
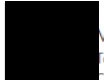


Appendix A.13: Natural England's pre-application advice on Nitrogen Deposition Compensation proposals (dated 10 December 2021)



Natural England advice on the proposed woodland habitat compensation for air quality impacts



McKernan, Patrick

To: Barney Forrest

Cc: Sam Ireland; Cryer, Russell; Seymour, James; Hutchby, Louise; Hanna, Sean; Bustard, Jonathan

Reply Reply All Forward

Fri 10/12/2021 14:51

Dear Barney

Following the recent discussions between the Lower Thames Crossing project and Natural England on air quality impacts on designated and other wildlife sites, we agreed to provide our high level response to the proposed compensation measures. We welcome the detailed approach that is being taken to the assessment of these impacts, and recognise the efforts you are making to respond to these pressures by building ecological resilience at the landscape scale. LTC's evidence plan sets out a preliminary assessment that a number of sites are affected, including nine SSSIs and 40 ancient woodlands, and our advice below is with regard to these sites. As set out in our initial response to the plan (my email to Sam Ireland on 3 December), we will be providing further advice in the New Year regarding the affected SACs (Epping Forest, and the North Downs Woodlands).

We recognise that these measures are being provided in addition to other measures that have been proposed to address environmental impacts, including the direct loss of SSSI and ancient woodland areas. Whilst we do not support the impacts and harm to wildlife sites that would arise from this scheme, we nevertheless recognise the need to advise on suitable measures that will be needed to address these impacts if the DCO is granted. These measures need to be considered in relation to the particular landscapes, wildlife and context of the areas surrounding the proposed route, and as such are a particular response to the impacts in this locality. However, as a general principle, we consider the proposed mitigation, compensation and other enhancement measures will be of particular benefit where they address the impacts and also help build wider nature recovery.

As we have discussed, it is necessary to consider mitigation options before compensation measures, but from our discussions we have agreed that speed cameras and speed limits appear to be the most feasible mitigation option. Our understanding is that, aside from the mitigation measures for Epping Forest SAC, this option may only be feasible between junctions 3 and 4 of the M2 motorway. However, we will await your further advice on the assessment of these measures, and the extent to which they would reduce the need for compensation measures.

As well as assessing mitigation options, LTC has proposed compensatory habitat creation measures. Our understanding is that LTC's intention is to fix its proposed compensation areas within the scheme's order limits, and that a consultation on the revised order limits will take place in February/March 2022. To meet this deadline, LTC is looking to take a decision on specific areas of land in mid-December 2021. As we have discussed, given this short timeframe, it has not been possible to inform Natural England of the specific location and characteristics of the proposed compensation areas, though we have found our recent discussions helpful in updating us on your proposals. We are therefore not in a position to agree or endorse specific proposals, but we are happy to provide our response on the principles of the proposal to help inform the ongoing assessment. Our understanding is that the preliminary assessment will continue to be reviewed, and will be informed by further surveys in the spring. There is therefore the opportunity to further refine the proposed measures, and you have confirmed that additional local measures that fall outside the order limits could be taken forward, such as, for example, through a legal agreement.

Our recent discussions have focused on the proposed compensation measures, and we have these comments to make on the principles of the proposed approach:

- We support the principle that the measures are seeking to build the resilience of the affected sites through targeted habitat creation that enhances habitat networks. This will help ensure that the compensation habitats can also contribute towards nature recovery by creating 'more, bigger, better and joined up' areas for biodiversity.
- We note the criteria that are being used to inform the assessment, including proximity to the affected sites, and the sensitivity to the broader habitat network. In addition to these, as discussed, we would also recommend that other factors are considered, including:
 - o Soil type, and how this relates to vegetation communities and habitat creation (including the potential for soil remediation).
 - o The use of natural regeneration in preference to tree planting as a preferred method for habitat creation, as this encourages local, native species better adapted to local conditions, and provides a more natural composition of woodland species in relation to soil types.
 - o The consideration of the benefits of providing a mosaic of habitats, including the creation of grassland habitats where this will complement and increase the resilience of non-woodland habitats, such as semi-natural grassland within the affected SSSIs.

Whilst we have not been able to see the details of the proposed areas, we do support the approach being taken if it is able to achieve these overarching principles. We recognise that a substantial package is being proposed, in recognition that the full effects of the air quality impacts on the affected sites are not fully understood. From our discussions so far, we are encouraged that these aims can be achieved, and we remain committed to continuing to discuss the measures as they are further developed. The ability to include further compensation also gives us confidence that the impacts on the sites can be addressed, if needed, by additional measures, and we will continue to advise on these aspects through our ongoing engagement. We would also be pleased to work with the project on the detailed design to maximise the opportunities for wider nature recovery, and also to look at the role these new areas could potentially have for local communities as well as wildlife.

I am also pleased to be able to update you that my colleague Louise Hutchby is transferring across to our team in the New Year as a woodland specialist, and she will be happy to help assist the project with the design of the woodland compensation areas if that would be helpful.

I hope that these comments are helpful and look forward to our ongoing discussions.

Kind regards,

Patrick

Patrick McKernan
Manager
Sussex and Kent team
Natural England
Mbl: [REDACTED]

www.gov.uk/natural-england