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Annex 1: Natural England's responses to Examining Authority's initial questions.

<p>Question 1.4 c NE Other consents update a) Please provide an up-to-date position in respect of obtaining the necessary consents, licenses, and agreements. b) Is there any reason to believe that any relevant necessary consents, licenses, and agreements will not subsequently be granted? c) Where appropriate, can letters of no impediment be provided by the Environment Agency and Natural England? d) Please could a summary of progress in securing other consents be provided at each relevant Examination deadline?</p>
<p>Answer</p> <p>Subject to the submission of the relevant European and Protected Species Licensing applications by National Highways providing their findings of ongoing survey work and any additional bat survey work required by Natural England's bat specialists following their current review of the bat survey reports and following the review of the draft licence application, Natural England will either: provide a Letter of No Impediment (LONI), explaining that based on the information reviewed to date, that it sees no impediment to a licence being granted in the future should the DCO be issued; or if there are licensing issues to address, these will be set out in writing for the applicant to resolve</p>
<p>Question 1.32 Local Planning Authorities, Local Highway authority, Environment Agency, Natural England, Historic England Requirements 3 – 11 Provision for consultation and agreement a) Please identify where it would be helpful for example, to bring clarity or to help avoid any later misunderstandings , for specific provisions to be included in any Requirement for consultation or agreement to be required with relevant bodies. b) In each case, please explain why the provisions should be included.</p>
<p>Answer</p> <p>a) Under Natural England's remit, aside from National Highways consulting Natural England for a License for the relevant European and protected species Licensing, Natural England would not expect to required to be consulted on other issues. However if further information comes forward that could lead to significant impact upon Internationally and Nationally Designated sites by any bodies then we would expect to be further consulted before any works take place.</p>

b) This provision should be included as Natural England will need to assess any information provided to ensure there will be no adverse effect on any site integrity.

Question 1.40.

Natural England

Requirement 7 Protected Species

Should the requirement for “relevant parts of the relevant works must cease” include identification of the extent of works that must cease relative to the location or likely location of the protected species?

Does Natural England have any other comments?

Answers

Natural England recommends the requirement includes identification of the extent of works that must cease relative to the location of the protected species AND likely location as identified in any survey data. It is further recommended that an Ecological Clerk of Works be used during the project to identify these locations.

Question 5.7

Local Authorities, Peak District National Park Authority, Natural England

Outstanding study area, baseline conditions and overall assessment methodology concerns

a) Are the local authorities, Peak District National Park Authority and Natural England satisfied with the approach for landscape and visual with respect to: the study area and visibility; the receptors selected for the assessment and whether they are representative; the definitions of value, significance, sensitivity and magnitude of impact; and • the criteria used to define significant effect? b) How should any outstanding concerns be addressed?

Answers

a) Natural England are satisfied with the approach for landscape and visual impacts with respect to the study area and has no further comments to make

b) Natural England recommends any outstanding concerns initially be addressed by the Peak District National Park Authority due to their local experience. Natural England are happy to work with the Peak District National Park Authority if they feel it would bring any additional benefits.

Question 5.9

Applicant, Local Authorities, Natural England

National Character Area 54 ES Chapter 7 [APP-063]

Table 7.21 refers to National Character Area 54 having local importance and medium value, leading to it having medium value. Medium sensitivity is used in Table 7.26, whereas Table 7.27 considers it to have high sensitivity. Please clarify the sensitivity used in the

NPSNN Design Principles for National Infrastructure National Design Guide

In the context of NPSNN Paragraphs 4.28-4.35 and 5.160 please explain how the design of Proposed Development meets the Design Principles for National Infrastructure in respect of Climate, Places, People and Value and the National Design Guide in respect of Climate, Character and Community in during construction and operation.

a) Comment on the desirability of implementing the following measures to ensure that good quality sustainable design and integration of the Proposed Development into the landscape is achieved in the detailed design, construction and operation of the Proposed Development.

b) How might they be secured?

c) Are any further measures appropriate? • A “design champion” to advise on the quality of sustainable design and the spatial integration of the works; • A “design review panel” to provide informed “critical-friend” comment on the developing sustainable design proposals; • An approved “design code” or “design approach document” to set out the approach to delivering the detailed design specifications to achieve good quality sustainable design; • An outline, including timeline, of the proposed design process, including consultation with stakeholders and a list of proposed consultees.

d) In the opinion of the local authorities and other statutory agencies, would the implementation of any or all of the above measures assist in determining post-consent approvals (including the discharge of requirements) in relation to achieving good design?

Answer

Natural England supports any implementation of any or all measures to ensure good quality sustainable design in respect of Climate, Places and people.

Question 7.1.

Natural England

Thresholds

Does Natural England have any comments on the thresholds used for the assessment of effects on biodiversity receptors?

Answer

Natural England had a meeting with National Highways in 2021 (28th May 2021) in which detail was provided on the thresholds used for the assessment of effects on biodiversity receptors and which it was agreed was sufficient as long as the evidence was subsequently submitted as part of the application.

Natural England is further satisfied that all the requisite evidence has been provided as part of the submitted documents and has no further comments to make on the thresholds used for the assessment of effects on biodiversity receptors.

Question 7.14.

Local Authorities, Natural England

Outstanding concerns

a) Do the local authorities or Natural England have any outstanding concerns regarding the assessment methodology, potential impacts, mitigation measures, monitoring, or compliance with policy for the operational phase? How should any outstanding concerns be

addressed? b) With the secured mitigation measures in place, do the local authorities or Natural England consider that it is likely or unlikely that there would be any significant air quality effects during the operational phase?

Answer

- a) Natural England can confirm we have no outstanding concerns regarding the assessment methodology, potential impacts, mitigation measures, or on monitoring or compliance with policy for the operational phase.
- b) Natural England confirms that with secured mitigation measures in place it is unlikely there would be any significant air quality effects during the operational phase on Internationally or Nationally designated biodiversity sites.

Question 11.12.

Natural England , Environment Agency, Local Authorities, Local highway authorities

REAC [REP1-037] Table 2.1 Section 10 ES Chapter 13 [APP-069] NPSNN paragraphs 4.48 and 4.55-6

The REAC identifies a number of permits required, amongst other things, but not limited to, the control the discharge, or extraction of water and control pollution. d) With reference to the NPSNN, are the relevant pollution control authorities satisfied that potential releases can be adequately regulated under the pollution control framework?

e) Is it considered that the effects of existing sources of pollution in and around the project are not such that the cumulative effects of pollution when the Proposed Development is added would make that development unacceptable?

f) Is there any good reason to believe that any relevant necessary operational pollution control permits, or licences or other consents will not subsequently be granted?

Answer

Natural England are not responsible for the issuing discharge or extraction permits for water or pollution.

Question 12.19.

Natural England

Likely Significant Effects Habitats Regulation Assessment [APP-054]

As the Habitat Regulation Assessment Screening Report does not identify any mitigation measures required to reach a conclusion of no likely significant effects on the two European sites, please can Natural England clarify its comments regarding the need for sufficient mitigation and confirm whether its Habitats Regulation Assessment pre-examination review TR010034 – A57 Link Roads Page 22 / 32 considers that mitigation is required to address the potential for likely significant effects on the two European sites.

Answer

Natural England can clarify that its previous comments made in the Relevant representation response with regards to being subject to all necessary and appropriate requirements which ensure that unacceptable environmental impacts do not occur or are sufficiently mitigated applies to the project for general environmental benefits and that this was not specified as mitigation measures required to reach a conclusion of no likely significant effects on the two European sites.

Natural England discussed with National Highways on 28th May 2021 the issue of Air Quality impacts and relevant sensitive receptors within the South Pennine Moors Special Areas of Conservation and the Peak District Moors Special Protection Area and determined from the submitted traffic modelling data that the proposal would not lead to significant increases that could lead to likely significant effects on the two European sites.

Natural England are therefore satisfied with the conclusions within Document 5.3 Habitat Regulations Assessment Screening Report page 22 to 32 that mitigation is not required to address the potential for likely significant effects on the two European sites and that there is no requirement to go through to Stage 2 of the HRA Process.