

**A57 Link Roads
TR010034
Statement of Common Ground with
Natural England**

Rule 8(1)(k)

Planning Act 2008

Infrastructure Planning (Examination Procedure) Rules 2010

May 2022

Infrastructure Planning

Planning Act 2008

The Infrastructure Planning (Examination Procedure) Rules 2010

A57 Link Roads Development Consent Order 2021

9.18 STATEMENT OF COMMON GROUND WITH NATURAL ENGLAND

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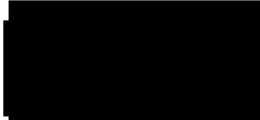
STATEMENT OF COMMON GROUND

Signed



Andrew Dawson
Project Manager
On behalf of National Highways
Date: 05/05/2022

Signed



Andy Stubbs
East Midlands Senior Planning Adviser

On behalf of Natural England
Date: 04/05/2022

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1. Introduction

1.1. Purpose of this document

- 1.1.1. This Statement of Common Ground ("SoCG") has been prepared in respect of the proposed A57 Link Roads scheme (previously known as Trans-Pennine Upgrade)("the Scheme") and the application ("the Application") made by National Highways Limited ("National Highways") to the Secretary of State for Transport ("Secretary of State") for a Development Consent Order (DCO) under section 37 of the Planning Act 2008 ("the Act").
- 1.1.2. This SoCG does not seek to replicate information which is available elsewhere within the Application documents. All documents are available on the Planning Inspectorate website.
- 1.1.3. The SoCG has been produced to confirm to the Examining Authority where agreement has been reached between the parties to it, and where agreement has not (yet) been reached. SoCGs are an established means in the planning process of allowing all parties to identify and so focus on specific issues that may need to be addressed during the examination.

1.2. Parties to this Statement of Common Ground

- 1.2.1. This SoCG has been prepared by (1) National Highways as the Applicant and (2) Natural England (Natural England).
- 1.2.2. National Highways (formerly Highways England) became the Government-owned Strategic Highways Company on 1 April 2015. It is the highway authority in England for the strategic road network and has the necessary powers and duties to operate, manage, maintain and enhance the network. Regulatory powers remain with the Secretary of State. The legislation establishing the then Highways England made provision for all legal rights and obligations of the Highways Agency, including in respect of the Application, to be conferred upon or assumed by Highways England (now National Highways).
- 1.2.3. Natural England is the government's adviser for the natural environment in England which aims to help conserve, enhance and manage the natural environment for the benefit of present and future generations, thereby contributing to sustainable development.

1.3. Terminology

- 1.3.1. In the tables in the Issues chapter of this SoCG, "Not Agreed" indicates a final position, and "Under discussion" where these points will be the subject of on-going discussion wherever possible to resolve, or refine, the extent of disagreement between the parties. "Agreed" indicates where the issue has been resolved.
- 1.3.2. It can be taken that any matters not specifically referred to in the Issues chapter of this SoCG are not of material interest or relevance to, and therefore have not been the subject of any discussions between the parties. As such, those matters can be read as agreed, only to the extent that they are either not of material interest or relevance to Natural England.

1.4. Addressing Rule Six requirements

1.4.1. The document evidences the meeting of conditions set out within Annex E of the Rule Six letter from the Examining Authority, dated 19th October 2021. Natural England is a Category C interested party. The SoCG will address the following requirements within Annex E of the Rule Six letter through the associated sections outlined in Table 1-1 and Table 1-2 below.

Table 1-1 - Section Six Letter Annex E Requirement for all category A-D parties

Annex E Requirement	Relevant SoCG section
Applicable legislation and policy considered by the Applicant	1. Legislation and Policy <ul style="list-style-type: none"> 1.1 DCO articles and associate schedules 1.2 DCO Requirements 1.3 Protective Provisions 1.4 Other DCO matters
The Applicant's assessment and the proposed mitigation measures: <ol style="list-style-type: none"> 1. The adequacy of the assessment and mitigation for each environmental topic. Consideration of scope, methodology, study area, receptors and their sensitivity. Baseline conditions, how they were identified and whether all necessary information was obtained given the restrictions during the Coronavirus (COVID-19) pandemic 2. The flexibility sought for the detailed design, construction, and operational phases. Whether the extent of flexibility adopted in the Rochdale Envelope for assessment and evidence is consistent. The extent of the Rochdale Envelope. How the reasonable worst-case scenario has been assessed. 3. The magnitude and duration of construction and operational phase effects, mitigation, opportunities for enhancement, residual effects after mitigation and their significance, monitoring and maintenance. 4. Whether any scoping out of detailed assessment is consistent with applicable legislation and policy, including the National Policy Statement for National Networks and the Infrastructure Planning (Environmental Impact Assessment) Regulations 2017. 5. Whether the assessment methodology reflects best practice, whether it has been applied consistently, and whether the assessment of significant residual effects is fully evidenced and reasoned. Uncertainty arising from Coronavirus (COVID-19). 6. The application of professional judgements and assumptions. 	2. Assessment and proposed mitigation <ol style="list-style-type: none"> 2.1 Environmental assessment and mitigation <ol style="list-style-type: none"> 2.1.1 Adequacy of assessment for each environmental topic 2.1.2 Adequacy of mitigation for each environmental topic 2.1.3 Methodology 2.1.4 Baseline conditions and coronavirus 2.2 Flexibility and worst-case scenario 2.3 Construction and operational effects 2.4 Scoping out of detailed assessment and National Policy Statement for National Networks 2.5 Assessment of methodology and best practice 2.6 Application of professional judgements and assumptions 2.7 Mitigation and outline environment management plan 2.8 Residual impacts and securing of mitigation measures 2.9 Cumulative impacts 2.10 The significance of each residual impact

Annex E Requirement	Relevant SoCG section
7. The need for and adequacy of outline/ draft mitigation and management strategies and plans, including the Outline Environmental Management Plan. 8. Whether the mitigation measures, including embedded measures, are secured and are likely to result in the identified residual impacts, consistent with the Environmental Statement 9. The assessment of cumulative effects and the other plans and projects included in the cumulative impact assessment 10. The significance of each residual impact	
Whether the mitigation identified in the Environmental Statement is adequately secured by the combination of Requirements in the draft Development Consent Order with other consents, permits and licenses	3. Environmental Statement and DCO requirements
The draft Development Consent Order Requirements and associated provisions and documents; whether they are reasonable and relevant to planning and the development to be consented; whether they are enforceable and precise; whether they secure the proposed mitigation and monitoring; and whether any additional provisions are necessary	4. DCO requirements and associated provisions and documents
Matters for which detailed approval needs to be obtained, the proposed procedures for consultation on and the discharge of Requirements, and for approvals, consents, and appeals, including arbitration, and the roles of the local authorities and of other statutory and regulatory authorities	5. Matters for detailed approval
The identification of consents, permits or licenses required before the development can become operational, their scope, management plans that would be included in an application, progress to date, comfort/ impediments and timescales for the consents, permits or licenses being granted	6. Other consents and permits
Opportunities for enhancement and environmental benefits.	7. Opportunities for enhancement and environmental benefits.
Human rights and equalities duties	8. Human rights and equalities duties
Any other relevant and important considerations	9. Any other relevant and important considerations

Table 1-2 - Section Six Letter Annex E Requirement for only category C parties

Annex E Requirement	10. Natural England Issues
The matters listed under the following heading in the ExA's Initial Assessment of Principal Issues: 1. Biodiversity, ecological and geological conservation	10.1 The matters listed under the following heading in the ExA's Initial Assessment of Principal Issues: 10.1.1 Biodiversity, ecological and geological conservation
Any other relevant matters included in the ExA's Initial Assessment of Principal Issues	10.2 Any other relevant matters included in the ExA's Initial Assessment of Principal Issues
Any other matters on which agreement might aid the smooth running of the Examination and assist the ExA's recommendation to the Secretary of State	10.3 Any other matters on which agreement might aid the smooth running of the Examination and assist the ExA's recommendation to the Secretary of State

2. Record of Engagement

2.1.1. A summary of the meetings and correspondence that has taken place between National Highways and Natural England between 2020 and 2022 in relation to the Application, is outlined in Table 2-1.

Table 2-1 - Record of engagement between National Highways and Natural England

Date	Form of correspondence	Key topics discussed and key outcomes (the topics should align with the Issues tables)
14/01/2020	Email	<u>Email from Andy Stubbs</u> Initial response from Natural England regarding the Discretionary Advice Service and requesting background information on the Scheme.
29/06/2020	Email	<u>Email from Andy Stubbs</u> This email provided general advice and principles regarding the Ecological Aspects of an Environmental Statement, internationally and nationally designated sites, Sites of Special Scientific Interest (SSSIs) and sites of European or international importance (Special Areas of Conservation (SAC), Special Protection Areas (SPA) and Ramsar sites).
04/08/2020	Phone Conference	<u>Phone conference with Andy Stubbs</u> Meeting set up to update Natural England on the overall Scheme since they were last consulted, discuss designated sites, run through the ecological constraints in terms of surveys and outline species that have been scoped in and out of the assessment. Discussion was undertaken regarding the impacts of COVID-19 in particularly relating to the difficulties in undertaking bat surveys. Informed that Air Quality modelling is currently being undertaken and will be completed in the next couple of weeks. The immediate results are showing a slight exceedance in critical loads at one point at the southern edge of the South Pennine SAC and Peak District Moors SPA – however, full details will be provided in due course. An overview of the ecological surveys was provided including an overview of the current baseline (including bats, badgers, breeding birds, otters, and water voles.)
21/08/2020	Email	<u>Email from Andy Stubbs</u> Confirmation from Natural England that they were satisfied with the provided minutes from the meeting undertaken on the 04/08/2020.
29/09/2020	Email	<u>Email from Claire Storey</u> Discretionary Advice Service (DAS) response from Natural England outlining comments about the initial outline bat mitigation strategy. It was advised that if licensing policy 4 was to be utilised, mitigation based on a worst-case scenario would need to be considered on all species, roosts, and numbers which have the potential to be present. Natural England advised that a dedicated bat structure would be required.
16/10/2020	Email	<u>Email to Andy Stubbs</u> Request for information from National Highways about the location of peat bog in relation to the Affected Road Network (ARN) to assist in the assessment of air quality impacts on the South Pennine Moors SAC.
21/10/2020	Email	<u>Email from Andy Stubbs</u>

Date	Form of correspondence	Key topics discussed and key outcomes (the topics should align with the Issues tables)
		An offer was made from Natural England to make an initial check for definitive habitat plans, however, it was highlighted that these may only be scanned copies of original maps and could be poor quality. The process of finding maps, via requests to various teams, was outlined and it was decided if National Highways wanted to proceed given that it would use up time under the current contract (DAS agreement) and an additional agreement may be required.
23/10/2020	Email	<u>Email to Andy Stubbs</u> Confirmed to continue in-house air quality discussions and finalise the traffic modelling before requesting detailed information from Natural England, which may indeed not be a good use of time.
13/04/2021	Email	<u>Email to Andy Stubbs</u> Email to arrange a meeting with Natural England to discuss the completed traffic modelling and the Habitat Regulation Assessment (HRA) Screening Report.
15/04/2021	Email	<u>Email from Andy Stubbs</u> Email to confirm that Natural England would be interested in a meeting and would like to see the data to give Natural England and their air quality specialist time to review prior to the discussion.
30/04/2021	Email	<u>Email to Andy Stubbs</u> Confirming the HRA Screening Report will be issued, along with the traffic modelling updates.
10/05/2021	Email	<u>Email from Andy Stubbs</u> Email from Natural England requesting the documents that would be discussed at the meeting on the 28/05/2021.
19/05/2021	Meeting	<u>Meeting with Natural England and National Highways</u> No issues envisaged from a Natural England perspective based on headlines, as long as the HRA is reported the same way in the DCO application. Natural England proposed the HRA should include evidence, including sufficient figures and show all necessary habitat, necessary distances, and necessary criteria are covered. However, there were no major concerns about what had been presented to date, and Natural England stated to contact them with any further queries, if required. Minutes from this meeting are provided within Error! Reference source not found.
20/05/2021	Email	<u>Email to Andy Stubbs</u> Email outlining the headlines of the HRA including the results of the current traffic modelling prior to the meeting on 28/05/2021.
27/05/2021	Email	<u>Email from Andy Stubbs</u> Natural England requesting the ARN route for the A57 Scheme.
27/05/2021	Email	<u>Email to Andy Stubbs</u> National Highways sending the ARN route for the A57 Scheme.
28/05/2021	Phone Conference	<u>Phone conference with Andy Stubbs</u> Meeting to update Natural England on Scheme design changes since last consultation, including the removal of the spur, as well as to discuss elements of the HRA. Key findings of the HRA were provided, including the assessment of

Date	Form of correspondence	Key topics discussed and key outcomes (the topics should align with the Issues tables)
		<p>significant air quality effects on designated habitats.</p> <p>Confirmed that the screening assessment is appropriate, as long there is the intention to provide air quality data which falls below threshold. Preliminarily agreed that Stage 2 would not be required.</p> <p>In relation to the HRA, it was agreed that National Highways would address any comments through the DCO process after submission.</p> <p>Minutes from this meeting are provided within Error! Reference source not found..</p>
16/09/2021	Relevant representation	<p><u>Relevant representation</u></p> <p>Natural England confirmed that they are satisfied the A57 Link Road Scheme will not lead to significant impacts on any Site of Special Scientific Interest or lead to Likely Significant Effects on any European designated sites.</p> <p>The full Relevant Representation is provided within Error! Reference source not found..</p>
21/09/2021	Email	<p><u>Email to Andy Stubbs</u></p> <p>Confirming the minutes for the meeting undertaken 19 May 2021 and asking if Natural England would require any further meetings following the relevant representation.</p>
21/04/2022	Email	<p><u>Email to Andy Stubbs</u></p> <p>Email providing draft badger mitigation licence for review.</p>
22/04/2022	Email	<p><u>Email from Andy Stubbs</u></p> <p>Email advising to submit draft badger licence to the Pre-Submission Screening Service.</p>
27/04/2022	Email	<p><u>Submission of draft badger licence to Natural England</u></p> <p>The provision of the draft badger licence to Natural England as part of the pre-submission screening service.</p>
04/05/2022	Email	<p><u>Email from Andy Stubbs</u></p> <p>Email providing signed SoCG and confirming agreement of stage of badger licence request process, but not a guarantee that one will be issued.</p>
04/05/2022	Email	<p><u>Email from Liz Young</u></p> <p>Email confirming SoCG receipt for D10 submission and agreement of badger licence process.</p>

Note: Meeting invites are not included in the table above

2.1.2. It is agreed that this is an accurate record of the key meetings and consultation undertaken between (1) National Highways and (2) Natural England in relation to the issues addressed in this SoCG.

- 2.1.3. Table 2-2 outlines the comments made by Natural England from previous consultations. These issues have already been discussed by previous consultants during meetings the current team were not party to. The issues have been stated and the understanding of whether the issue is assumed resolved or outstanding.

Table 2-2 - Previous consultations with Natural England and National Highways

Topic of discussion	Sub-section	Source of comment	Natural England comment	National Highways response	Status
Assessment	HRA	Meeting 27 June 2016	Natural England assume that the HRA will be completed for both climbing lanes.	Climbing lanes were removed from scope during stage 2 and they do not form part of the DCO application.	Agreed
Impacts	Air Quality	Consultation response 2018	Consideration should be given to potential air quality impacts.	Air Quality impacts will be considered and assessed in the Environmental Statement.	Agreed
Impacts	Landscape	Consultation response 2018	Consideration should be given to potential landscape impacts within the Peak District National Park due to through traffic changes, which could affect the South Pennine Moors SAC, Peak District Moors (South Pennine Moors Phase 1) SPA and Dark Peak SSSI.	Landscape impacts will be considered and assessed in the Environmental Statement.	Agreed
Impacts	Noise	Consultation response 2018	Consideration should be given to potential noise impacts	Noise impacts will be considered and assessed in the Environmental Statement.	Agreed
Impacts	Biodiversity	Consultation response 2018	Consideration should be given to potential biodiversity impacts.	Biodiversity impacts will be considered and assessed in the Environmental Statement.	Agreed
Impacts	Mitigation	Consultation response 2018	Consideration should be given to mitigating the above impacts.	Mitigation measures will be identified and presented in the Environmental Statement.	Agreed
Design	Green Infrastructure	Consultation response 2018	Broadly supports the inclusion of facilities which allow greater access to the	Noted. National Highways will continue to identify such opportunities.	Agreed

Topic of discussion	Sub-section	Source of comment	Natural England comment	National Highways response	Status
			environment through improved green infrastructure.		

3. Table of issues and matters related to Rule Six letter annex E to be agreed

Table 3-1 - Statement of Common Ground (SoCG) Between National Highways and Natural England (NE) Table of Issues/Matters - Final Version dated 5th May 2022

SoCG Ref. Number	Relevant Examination Document	Relevant Issue	Natural England Comment	National Highway's Response	Status
1. Legislation and Policy					
1.1	<ul style="list-style-type: none"> Chapter 5: Air quality; Chapter 7: Landscape and visual effects; Chapter 8: Biodiversity; Chapter 9: Geology and soils; Chapter 11: Noise and vibration; Chapter 12: Population and human health; Chapter 13: Road drainage and the water environment; Chapter 14: Climate; Chapter 15: Assessment of cumulative effects. 	<p>National Highways considers that the Environmental Statement (ES) has identified and appropriately considered all applicable legislation and national policy pertaining to the following assessments undertaken as part of the Environmental Impact Assessment (EIA) of the Scheme:</p> <ul style="list-style-type: none"> Air quality; Landscape and visual effects; Biodiversity; Geology and soils; Population and human health; Road drainage and the water environment (specifically those relating to aquatic habitats and species); Climate; 	<p>Natural England is content that these assessments have considered all relevant legislation and national policy.</p>	<p>This is subject to the relevant sections of the ES, including Biodiversity, Geology and soils and Assessment of Cumulative effects, being updated with the findings of National Highways 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.</p> <p>This is also subject to the submission of the relevant European and Protected Species Licensing applications (for bats and badgers).</p>	Agreed

SoCG Ref. Number	Relevant Examination Document	Relevant Issue	Natural England Comment	National Highway's Response	Status
		<ul style="list-style-type: none"> Assessment of cumulative effects. 			
2. Assessment and Proposed Mitigation					
2.1 Environmental Assessment and Mitigation					
2.1.1 Adequacy of assessment for each environmental topic					
2.1.1	<ul style="list-style-type: none"> Chapter 5: Air quality; Chapter 7: Landscape and visual effects; Chapter 8: Biodiversity; Chapter 9: Geology and soils; Chapter 11: Noise and vibration; Chapter 12: Population and human health; Chapter 13: Road drainage and the water environment; Chapter 14: Climate; Chapter 15: Assessment of cumulative effects. 	National Highways considers that the Environmental Statement (ES) has identified and assessed all environmental topics pertaining to the Scheme.	Natural England is content that these assessments have adequately assessed each environmental topic.	This is subject to the relevant sections of the ES, including Biodiversity, Geology and soils and Assessment of Cumulative effects, being updated with the findings of National Highways' 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.	Agreed

2.1.2 Adequacy of mitigation for each environmental topic

<p>2.1.2</p>	<ul style="list-style-type: none"> • Chapter 5: Air quality; • Chapter 7: Landscape and visual effects; • Chapter 8: Biodiversity; • Chapter 9: Geology and soils; • Chapter 11: Noise and vibration; • Chapter 12: Population and human health; • Chapter 13: Road drainage and the water environment; • Chapter 14: Climate; • Chapter 15: Assessment of cumulative effects. 	<p><u>European Protected Species: Bats – survey constraints and proposed mitigation.</u></p> <p>The Scheme will result in the loss of several bat day roosts for common pipistrelle. The original plan was to update full bat scoping survey based on the Arcadis data and with a 50 m buffer. However, this was during spring 2020, when COVID-19 hit, and a decision was made that it was not appropriate to do door knocking/ interacting with multiple householders. This also had knock on effects on the bat presence/ likely absence surveys. National highways is looking to mitigate this by basing the mitigation strategy on what Arcadis found in 2017/ 2018 and expand the local records search to 5 km, including local bat groups and devise a bat mitigation strategy based on worst-case scenario utilising licensing policy 4.</p>	<p>Natural England advised that a dedicated bat structure would be required along with the provision of bat boxes (which has been incorporated into the Scheme design). Natural England also advised that licensing policy 4 could be utilized if the mitigation was provided on a worst-case scenario.</p> <p>As part of the relevant representation received on the 16/09/2021, Natural England confirmed that bats could be affected by the development. Natural England also stated that the project site currently supports habitats of negligible ecological interest and all protected species issues (including any licensing requirements under The Conservation of Habitats and Species Regulations 2017 or the Wildlife and Countryside Act, 1981 as amended)) can be addressed by the proposed draft DCO requirements.</p>	<p>This is subject to the relevant sections of the ES, including Biodiversity, Geology and soils and Assessment of Cumulative effects, being updated with the findings of National Highways' 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.</p> <p>This is also subject to the submission of the relevant European Protected Species Licensing application for bats.</p>	<p>Agreed</p>
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2.1.2	<ul style="list-style-type: none"> Chapter 5: Air quality; Chapter 7: Landscape and visual effects; Chapter 8: Biodiversity; Chapter 9: Geology and soils; Chapter 11: Noise and vibration; Chapter 12: Population and human health; Chapter 13: Road drainage and the water environment; Chapter 14: Climate; Chapter 15: Assessment of cumulative effects. 	<p><u>Badgers – proposed mitigation.</u></p> <p>Twenty-six badger setts have been identified within the survey area with four being classified as a main sett. Two of these setts will require closing under licence with compensatory mitigation proposed.</p>	<p>Natural England stated in their relevant representation on 16/09/2021 that the project site currently supports habitats of negligible ecological interest and all protected species issues can be addressed by the proposed draft DCO requirements.</p> <p><u>NH Comment 4/5/22</u></p> <p>The approach/principle to taking the matter forward is agreed. We understand that we still need to satisfy Natural England's requirements in order to achieve a successful permit application.</p>	<p>This is subject to the submission of the relevant Protected Species Licence application for badgers.</p> <p>A draft badger licence has been provided to Natural England as part of the pre-submission screening service (27 April 2022). It is anticipated that this will be returned 30 working days from the date submitted. National Highways will address any comments as required.</p>	Agreed
2.1.3 Methodology					
2.1.3	<ul style="list-style-type: none"> Chapter 5: Air quality; Chapter 7: Landscape and visual effects; Chapter 8: Biodiversity; Chapter 9: Geology and soils; Chapter 11: Noise and vibration; Chapter 12: Population and human health; 	<p>National Highways considers that the Environmental Statement (ES) has adhered to best practice methodology in order to inform the assessment.</p>	<p>Due to the onset of COVID-19, updated bat surveys were unable to be undertaken on residential and commercial properties. Natural England confirmed in a meeting 04/08/20 they would be looking at taking a pragmatic approach. Natural England advised that a dedicated bat structure would be required along with the provision of bat boxes (which has been</p>	<p>This is subject to the relevant sections of the ES, including Biodiversity, Geology and soils and Assessment of Cumulative effects, being updated with the findings of National Highways' 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.</p>	Agreed

	<ul style="list-style-type: none"> Chapter 13: Road drainage and the water environment; Chapter 14: Climate; Chapter 15: Assessment of cumulative effects. 		<p>incorporated into the Scheme design). Natural England also advise that licensing policy 4 could be utilized if the mitigation was provided on a worst-case scenario.</p> <p>Natural England is content that these assessments have adhered to best practice methodology.</p>	<p>This is also subject to the submission of the relevant European Protected Species Licensing application for bats.</p>	
2.1.4 Baseline conditions and coronavirus					
2.1.4	<ul style="list-style-type: none"> Chapter 5: Air quality; Chapter 7: Landscape and visual effects; Chapter 8: Biodiversity; Chapter 9: Geology and soils; Chapter 11: Noise and vibration; Chapter 12: Population and human health; Chapter 13: Road drainage and the water environment; Chapter 14: Climate; Chapter 15: Assessment of cumulative effects. 	<p>The baseline conditions have been collated using desk-based and field-based techniques, and through consultation with stakeholders.</p> <p>National Highways considers the scope, coverage and timing of surveys undertaken to establish the baseline conditions and sensitive features and receptors are in line with best practice and appropriate to inform the assessment of direct and indirect effects.</p>	<p>Natural England is content with the scope, coverage and findings of habitat and species surveys undertaken as part of the assessment, including species which were scoped out of the assessment (as described in Chapter 8, Biodiversity of the ES)</p>	<p>National Highways will continue to undertake surveys, including those planned prior to construction of the Scheme in 2023.</p>	<p>Agreed</p>

2.2 Flexibility and worst-case scenario

2.2	<ul style="list-style-type: none"> Chapter 5: Air quality; Chapter 7: Landscape and visual effects; Chapter 8: Biodiversity; Chapter 9: Geology and soils; Chapter 11: Noise and vibration; Chapter 12: Population and human health; Chapter 13: Road drainage and the water environment; Chapter 14: Climate; Chapter 15: Assessment of cumulative effects. 	National Highways considers that the proposed mitigation for bats, which is based on a worst-case scenario due to the impacts of COVID-19 is appropriate.	Natural England is content with the scope, coverage and findings of habitat and species surveys undertaken as part of the assessment, including species which were scoped out of the assessment (as described in Chapter 8: Biodiversity)	National Highways will continue to undertake surveys, including those planned prior to construction of the Scheme in 2023.	Agreed
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2.3 Construction and operational effects

2.3	<ul style="list-style-type: none"> Chapter 5: Air quality; Chapter 7: Landscape and visual effects; Chapter 8: Biodiversity; Chapter 9: Geology and soils; Chapter 11: Noise and vibration; Chapter 12: Population and human health; 	<p>The biodiversity assessment has identified that adverse and beneficial effects on habitats, species and designated sites would result from construction and operation of the Scheme; however, none of these residual effects would be significant.</p> <p>National Highways considers that the assessment findings</p>	<p>Natural England is satisfied with the no significant residual effects conclusion of the ES chapter.</p> <p>Natural England agrees with the conclusion on minor adverse impacts on priority habitats and species, bats, barn owls, breeding birds, and otter through temporary loss of habitat, which will be minimised as far as possible through mitigation.</p>	National Highways will continue to undertake surveys, including those planned prior to construction of the Scheme in 2023.	Agreed
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	<ul style="list-style-type: none"> Chapter 13: Road drainage and the water environment; Chapter 14: Climate; Chapter 15: Assessment of cumulative effects. 	accurately reflect the likely effects of the Scheme.			
2.4 Scoping out of detailed assessment and National Policy Statement for National Networks					
2.4	<ul style="list-style-type: none"> Chapter 5: Air quality; Chapter 7: Landscape and visual effects; Chapter 8: Biodiversity; Chapter 9: Geology and soils; Chapter 11: Noise and vibration; Chapter 12: Population and human health; Chapter 13: Road drainage and the water environment; Chapter 14: Climate; Chapter 15: Assessment of cumulative effects. 	Following updated data searches that have been undertaken to date, the species that have been scoped out from the assessment include white clawed crayfish, reptiles, great crested newt, and invertebrates.	Natural England confirmed at a meeting 04/08/2020 they were satisfied with these proposals in principle. As part of the relevant representation received 16/09/2021, Natural England did not raise any concerns regarding protected species.	National Highways will continue to undertake surveys, including those planned prior to construction of the Scheme in 2023.	Agreed
2.5 Assessment of methodology and best practice					
2.5	<ul style="list-style-type: none"> Chapter 5: Air quality; Chapter 7: Landscape and visual effects; Chapter 8: Biodiversity; 	National Highways considers the scope, coverage and timing of surveys undertaken to establish the baseline conditions and sensitive	Natural England confirmed at a meeting 04/08/2020 they were satisfied with these proposals in principle. As part of the relevant representation received	National Highways will continue to undertake surveys, including those planned prior to construction of the Scheme in 2023.	Agreed

	<ul style="list-style-type: none"> Chapter 9: Geology and soils; Chapter 11: Noise and vibration; Chapter 12: Population and human health; Chapter 13: Road drainage and the water environment; Chapter 14: Climate; Chapter 15: Assessment of cumulative effects. 	features and receptors are in line with best practice and appropriate to inform the assessment of direct and indirect effects reported in Chapter 8: Biodiversity assessment.	16/09/2021, Natural England did not raise any concerns.		
2.6 Application of professional judgements and assumptions					
2.6	<ul style="list-style-type: none"> Chapter 5: Air quality; Chapter 7: Landscape and visual effects; Chapter 8: Biodiversity; Chapter 9: Geology and soils; Chapter 11: Noise and vibration; Chapter 12: Population and human health; Chapter 13: Road drainage and the water environment; Chapter 14: Climate; Chapter 15: Assessment of cumulative effects. 	<p>The identification of likely significant effects on sensitive features and receptors has been informed by professional judgement and the views of relevant technical specialists, where necessary.</p> <p>National Highways considers the application of professional judgement by its specialists within the following assessments to be appropriate and robust:</p> <ul style="list-style-type: none"> Air quality; Landscape and visual effects; Biodiversity (inc. aquatic habitats and species); 	Natural England is content with how National Highways has applied professional judgement in the assessments of effects on sensitive features and receptors undertaken and reported.	N/A	Agreed

		<ul style="list-style-type: none"> • Geology and soils; • Population and human health; • Road drainage and the water environment (specifically those relating to aquatic habitats and species); • Climate; • Assessment of cumulative effects (as related to the topics and subject of interest to Natural England). 			
2.7 Mitigation and outline environment management plan					
2.7	<ul style="list-style-type: none"> • Chapter 5: Air quality; • Chapter 7: Landscape and visual effects; • Chapter 8: Biodiversity; • Chapter 9: Geology and soils; • Chapter 11: Noise and vibration; • Chapter 12: Population and human health; • Chapter 13: Road drainage and the water environment; • Chapter 14: Climate; • Chapter 15: Assessment of cumulative effects. 	<p>The identification of likely significant effects on sensitive features and receptors has been informed by professional judgement and the views of relevant technical specialists, where necessary.</p> <p>National Highways considers the application of professional judgement by its specialists within the following assessments to be appropriate and robust:</p> <ul style="list-style-type: none"> • Air quality; • Landscape and visual effects; 	Natural England is content with the mitigation and outlined environmental management plan.	The landscape and environmental management plan (LEMP) will be submitted post DCO by National Highways.	Agreed

		<ul style="list-style-type: none"> • Biodiversity (inc. aquatic habitats and species); • Geology and soils; • Population and human health; • Road drainage and the water environment (specifically those relating to aquatic habitats and species); • Climate; • Assessment of cumulative effects (as related to the topics and subject of interest to Natural England). 				
2.8 Residual impacts and securing of mitigation measures						
2.8	<ul style="list-style-type: none"> • Chapter 5: Air quality; • Chapter 7: Landscape and visual effects; • Chapter 8: Biodiversity; • Chapter 9: Geology and soils; • Chapter 11: Noise and vibration; • Chapter 12: Population and human health; • Chapter 13: Road drainage and the water environment; • Chapter 14: Climate; 	National Highways considers the assessment of residual impacts and proposed mitigation measures are in line with best practice and appropriate to inform the assessment of direct and indirect effects reported in Chapter 8, Biodiversity assessment.	Natural England is content with the assessment of residual impacts and mitigation measures.	This is subject to the relevant sections of the ES, including Biodiversity, Geology and soils and Assessment of Cumulative effects, being updated with the findings of National Highways' 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. This is also subject to the submission of the relevant European Protected	Agreed	

	<ul style="list-style-type: none"> Chapter 15: Assessment of cumulative effects. 			Species Licensing application for bats.	
2.9 Cumulative impacts					
2.9	<ul style="list-style-type: none"> Chapter 5: Air quality; Chapter 7: Landscape and visual effects; Chapter 8: Biodiversity; Chapter 9: Geology and soils; Chapter 11: Noise and vibration; Chapter 12: Population and human health; Chapter 13: Road drainage and the water environment; Chapter 14: Climate; Chapter 15: Assessment of cumulative effects. 	National Highways considers the assessment of cumulative impacts are in line with best practice and appropriate to inform the assessment of direct and indirect effects reported in Chapter 8, Biodiversity assessment.	Natural England is content with the assessment of cumulative impacts.	N/A	Agreed
2.10 The significance of each residual impact					
2.10	<ul style="list-style-type: none"> Chapter 5: Air quality; Chapter 7: Landscape and visual effects; Chapter 8: Biodiversity; Chapter 9: Geology and soils; 	National Highways considers the assessment of significance of each residual impact is in line with best practice and appropriate to inform the assessment of direct and indirect effects reported in	Natural England is content with the assessment of residual impacts.	This is subject to the relevant sections of the ES, including Biodiversity, Geology and soils and Assessment of Cumulative effects, being updated with the findings of National Highways' ongoing survey	Agreed

	<ul style="list-style-type: none"> • Chapter 11: Noise and vibration; • Chapter 12: Population and human health; • Chapter 13: Road drainage and the water environment; • Chapter 14: Climate; • Chapter 15: Assessment of cumulative effects. 	Chapter 8, Biodiversity assessment.		<p>work and any additional bat survey work required by Natural England's bat specialists following their current review of the bat survey reports.</p> <p>This is also subject to the submission of the relevant European Protected Species Licensing application for bats.</p>	
3. Environmental Statement and DCO Requirements					
3.0	<ul style="list-style-type: none"> • Chapter 5: Air quality; • Chapter 7: Landscape and visual effects; • Chapter 8: Biodiversity; • Chapter 9: Geology and soils; • Chapter 11: Noise and vibration; • Chapter 12: Population and human health; • Chapter 13: Road drainage and the water environment; • Chapter 14: Climate; • Chapter 15: Assessment of cumulative effects. 	National Highways considers the Environmental Statement is fit for purpose.	<p>Natural England is content with the Environmental Statement.</p> <p>As part of the relevant representation received on the 16/09/2021, Natural England confirmed that bats could be affected by the development. Natural England also stated that the project site currently supports habitats of negligible ecological interest and all protected species issues (including any licensing requirements under The Conservation of Habitats and Species Regulations 2017 or the Wildlife and Countryside Act, 1981 as amended)) can be addressed by the proposed draft DCO requirements.</p>	<p>This is subject to the relevant sections of the ES, including Biodiversity, Geology and soils and Assessment of Cumulative effects, being updated with the findings of National Highways' 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.</p> <p>This is also subject to the submission of the relevant European Protected Species Licensing application for bats.</p>	Agreed

4. DCO Requirements and associated provisions and documents

4.0	<ul style="list-style-type: none"> • Chapter 5: Air quality; • Chapter 7: Landscape and visual effects; • Chapter 8: Biodiversity; • Chapter 9: Geology and soils; • Chapter 11: Noise and vibration; • Chapter 12: Population and human health; • Chapter 13: Road drainage and the water environment; • Chapter 14: Climate; • Chapter 15: Assessment of cumulative effects. 	<p>National Highways considers the Environmental Statement and associated documents are fit for purpose.</p>	<p>Natural England is content with the Environmental Statement.</p> <p>As part of the relevant representation received on the 16/09/2021, Natural England confirmed that bats could be affected by the development. Natural England also stated that the project site currently supports habitats of negligible ecological interest and all protected species issues (including any licensing requirements under The Conservation of Habitats and Species Regulations 2017 or the Wildlife and Countryside Act, 1981 as amended)) can be addressed by the proposed draft DCO requirements.</p>	<p>This is subject to the relevant sections of the ES, including Biodiversity, Geology and soils and Assessment of Cumulative effects, being updated with the findings of National Highways' 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.</p> <p>This is also subject to the submission of the relevant European Protected Species Licensing application for bats.</p>	Agreed
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5. Matters for detailed approval					
N/A	N/A	N/A	N/A	N/A	N/A
6. Other consents and permits					
6.0	<ul style="list-style-type: none"> Chapter 5: Air quality; Chapter 7: Landscape and visual effects; Chapter 8: Biodiversity; Chapter 9: Geology and soils; Chapter 11: Noise and vibration; Chapter 12: Population and human health; Chapter 13: Road drainage and the water environment; Chapter 14: Climate; Chapter 15: Assessment of cumulative effects. 	National Highways considers the Environmental Statement and associated documents are sufficient. Further European and Protected Species Licensing is required for badgers and bats.	As part of the relevant representation received on the 16/09/2021, Natural England confirmed that bats could be affected by the development. Natural England also stated that the project site currently supports habitats of negligible ecological interest and all protected species issues (including any licensing requirements under The Conservation of Habitats and Species Regulations 2017 or the Wildlife and Countryside Act, 1981 as amended)) can be addressed by the proposed draft DCO requirements.	This is subject to the relevant sections of the ES, including Biodiversity, Geology and soils and Assessment of Cumulative effects, being updated with the findings of National Highways' 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. This is also subject to the submission of the relevant European Protected Species Licensing application for bats.	Agreed
7. Opportunities for enhancement and environmental benefits					
7.0	<ul style="list-style-type: none"> Chapter 5: Air quality; Chapter 7: Landscape and visual effects; Chapter 8: Biodiversity; 	National Highways considers the Environmental Statement and associated documents are sufficient and outlined	As part of the relevant representation received on the 16/09/2021, Natural England confirmed that bats could be affected by the development. Natural England also stated that the	This is subject to the relevant sections of the ES, including Biodiversity, Geology and soils and Assessment of Cumulative effects, being updated with the findings of National	Agreed

	<ul style="list-style-type: none"> • Chapter 9: Geology and soils; • Chapter 11: Noise and vibration; • Chapter 12: Population and human health; • Chapter 13: Road drainage and the water environment; • Chapter 14: Climate; • Chapter 15: Assessment of cumulative effects. 	sufficient ecological enhancements.	project site currently supports habitats of negligible ecological interest and all protected species issues (including any licensing requirements under The Conservation of Habitats and Species Regulations 2017 or the Wildlife and Countryside Act, 1981 as amended)) can be addressed by the proposed draft DCO requirements.	Highways' 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. This is also subject to the submission of the relevant European Protected Species Licensing application for bats.	
8. Human rights and equalities duties					
N/A	N/A	N/A	N/A	N/A	N/A
9. Any other relevant and important considerations					
N/A	N/A	N/A	N/A	N/A	N/A

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