

From: [Knowles, Elizabeth](#)
To: [A585 Windy Harbour to Skippool](#)
Subject: NSIP ref TR010035 - Natural England's comments on the applicant's first revised draft DCO.
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Attachments: [NE comments on first revised Draft DCO.pdf](#)

NSIP Reference Code: TR010035

User Code: 20021773

Please find attached Natural England's comments on the applicant's first revised draft DCO.

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Date: 31 May 2019
Our ref: 283839
Your ref: TR010035



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BY EMAIL ONLY

Dear Sir or Madam

NSIP Reference Code: TR010035
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Comments on Applicant's first revised draft Development Consent Order (DCO)

Thank you for your consultation via the Rule 8 letter, on the above, dated and received by Natural England on 16 April 2019.

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.

1. We have reviewed the submitted draft DCO (Volume 3, May 2019, Rev 2).
2. In our previous written representations, we raised a number of matters which we considered should be included within the DCO. All those which are still relevant are repeated here for clarity plus some additional comments following our review of the draft DCO.
3. **Matters that must be secured by requirements in the DCO**
 - 3.1. As mentioned in paragraph 3.14.4 of our written representations, for European Protected Species (namely bats and great crested newt): The relevant surveys and resulting licensed mitigation measures addressed through the license application process will need to be integrated into the scheme's wider habitat related measures and secured by a suitably worded Requirement. Details of any mitigation and management measures will need to be captured in the scheme design drawing shown on the works plans and any management contracts agreed.
 - 3.2. As mentioned in paragraph 3.14.5 of our written representations, a Requirement should be added under Schedule 2, for an Agricultural Land Classification (ALC) survey to be undertaken prior to construction works commencing and that survey should be submitted to Natural England for comment before the Requirement is discharged.
 - 3.3. As mentioned in paragraph 3.14.6 of our written representations, an additional Requirement should be added under Schedule 2 for the creation of a soil mitigation plan (as per the

National Policy Statement for National Networks paragraph 5.179). This should be produced following the completion of the ALC and soil surveys and submitted to Natural England for comment before the Requirement is discharged. If found acceptable, the project should proceed in accordance with the approved mitigation.

- 3.4. An additional Requirement should be added to require an endoscope survey of Skippool Bridge (B5) prior to demolition (when bats are likely to be active). This survey would comprise (as a minimum), an endoscope survey of all the features having some potential to be used by bats, more likely in an opportunistic manner. If the results of the survey show bats are present and a protected species licence is required, further survey work would be required and subsequently sufficient mitigation and compensation measures will need to be provided. This could be included in Schedule 2, Part 1 Requirements, 7. Protected Species.
- 3.5. There may be further additions to Schedule 2, Part 1 Requirements, 7. Protected Species once the great crested newt mitigation has been agreed.
- 3.6. As mentioned in paragraph 3.14.8 of our written representations, and referring to paragraph 7.4.16 in the Habitats Regulations Assessment (HRA) (Volume 5, May 2019, Rev 2) and reference 4AL of the Record of Environmental Actions and Commitments (REAC) (Volume 7, May 2019, Rev 1), a Requirement should be added to clarify the currently agreed arrangements for night time working and should any additional night time working be required throughout the winter period (1 October to 31 March inclusive), this should only be carried out with full, prior agreement with the LPA and Natural England. This Requirement could be included under Schedule 2, Part 1, 4.(2)(c),

4. **General comments on the draft DCO.**

- 4.1. As mentioned in paragraph 3.15.3 of our written representations, Under Schedule 2, Part 1, 4.(2)(d), we consider that more detail is needed, in particular, for the plans which haven't yet been written eg:
 - When each plan should be finalised, and agreed before,
 - Details around what the plan should contain (could include some of the detail included in the REAC),
 - Details of any additional requirements as a result of the plan ie. consultation with Natural England to agree management strategy.
- 4.2. As mentioned in paragraph 3.15.4 of our written representations, we note the commitment to producing a Soil Resource Plan as part of the Outline CEMP, which is already included in the draft DCO under Schedule 2, Part 1, 4.(2)(d), however as already mentioned in the paragraph above, more detail should be included within the Requirement to say that the Plan should be written prior to construction and submitted to Natural England for comment before the Requirement is discharged.
- 4.3. Under Schedule 2, Part 1, 7. Protected Species, under paragraph (2), there is a missing word, underlined below:

'(2) The undertaker must prepare a written scheme for the protection and mitigation measures for any protected species specified..'
- 4.4. Under Schedule 2, Part 1, 1. Interpretation, the reference numbers quoted are wrong (see below) and the legislation now needs to be listed 'as amended':

“European protected species” has the same meaning as in regulation ~~40~~ 42 (European protected species of animals) and ~~44~~ 46 (European protected species of plants) of the Conservation of Habitats and Species Regulations 2017 (as amended) (b);’

Natural England

31 May 2019

For further information please contact:

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