

## A303 Sparkford to Ilchester Dualling Scheme TR010036

### 8.2 Statement of Common Ground with Highways England and Natural England

APFP Regulation 5(2)(q)  
Planning Act 2008  
Infrastructure Planning (Applications: Prescribed  
Forms and Procedure) Regulations 2009  
April 2019



Infrastructure Planning

Planning Act 2008

**The Infrastructure Planning  
(Applications: Prescribed Forms and  
Procedure) Regulations 2009**

**A303 Sparkford to Ilchester Dualling  
Development Consent Order 201[X ]**

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**STATEMENT OF COMMON GROUND**

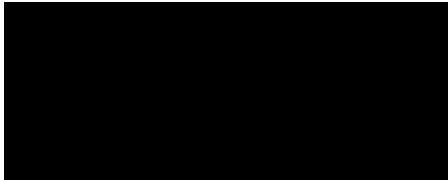
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|   |   |
|---|---|
| <b>Regulation Number:</b>                     | Regulation 5(2)(q)  |
| <b>Planning Inspectorate Scheme Reference</b> | TR010036  |
| <b>Application Document Reference</b>         | 8.2   |
| <b>Author:</b>                                | A303 Sparkford to Ilchester Dualling Project Team, Highways England |

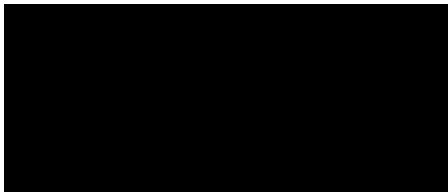
| <b>Version</b> | <b>Date</b>  | <b>Status of Version</b>      |
|----------------|--------------|-------------------------------|
| Rev 0          | July 2018    | Application Issue             |
| Rev A          | January 2019 | Deadline 2 submission         |
| Rev B          | March 2019   | Deadline 4 submission         |
| Rev C          | April 2019   | Deadline 5 submission – Final |

**STATEMENT OF COMMON GROUND**

This Statement of Common Ground has been prepared and agreed by (1) Highways England Company Limited and (2) Natural England.



Signed.....  
**Hannah Sanderson**  
**Senior Project Manager**  
**on behalf of Highways England**  
**Date: 5 April 2019**



Signed.....  
**Charles Routh**  
**Lead Advisor (Planning and Licensing)**  
**on behalf of Natural England**  
**Date: 5 April 2019**

## Contents

|          |  |           |
|----------|--|-----------|
| <b>1</b> | <b>Introduction .....</b>  | <b>3</b>  |
| 1.1      | Purpose of this document.....  | 3         |
| 1.2      | Parties to this Statement of Common Ground .....   | 3         |
| 1.3      | Terminology .....  | 3         |
| 1.4      | Record of engagement.....  | 4         |
| <b>2</b> | <b>Issues .....</b>  | <b>7</b>  |
| 2.1      | Issues related to the Ecological Assessment (Methodology/ Results/ Mitigation/<br>Enhancement).....          | 7         |
| 2.2      | Issues related to the Habitat Regulations Assessment (HRA): Finding of No<br>Significant Effects Report..... | 11        |
| 2.3      | Issues related to European Protected Species (EPS) Licensing.....  | 14        |
| 2.4      | Issues relating to the Outline Environmental Management Plan (OEMP) .....                                    | 15        |
|          | <b>Appendix A: Letter of No Impediment.....</b>  | <b>16</b> |

## **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 A303 Sparkford to Ilchester Dualling ("the Application") made by Highways England Company Limited ("Highways England") to the Secretary of State for Transport ("Secretary of State") for a Development Consent Order ("the Order") under section 37 of the Planning Act 2008 ("PA 2008").
- 1.1.2 This SoCG does not seek to replicate information which is available elsewhere within the Application documents. All documents are available in the deposit locations and / or 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) Highways England as the Applicant and (2) Natural England.
- 1.2.2 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 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.
- 1.2.3 Natural England is an executive non-departmental public body sponsored by the Department for Environment, Food and Rural Affairs (Defra). Natural England is the government's advisor to protect England's nature and landscape for people to enjoy and for the services they provide.

### **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 Natural England, 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 Record of engagement

1.4.1 A summary of the meetings and correspondence that has taken place between Highways England and Natural England in relation to the Application is outlined in Table 1.1.

Table 1.1: Record of engagement

| Date       | Form of correspondence  | Key topics discussed and key outcomes (the topics should align with the Issues tables)  |
|------------|---|---|
| 04/12/2015 | Meeting with National Trust, Environment Agency, and Natural England.                           | Introduction to the scheme and route options, Development Consent Order (DCO) process, project timescales and engagement methodology.   |
| 22/03/2016 | Meeting with National Trust, Environment Agency, South West Heritage Trust and Natural England. | Scheme update and public consultation strategy discussion.  |
| 13/07/2016 | Meeting with National Trust, Environment Agency, South West Heritage Trust and Natural England. | Stakeholder engagement progress meeting. Discussion about public consultation activities timing. Feedback about route options presented. Discussion about planned public consultation programme.  |
| 11/11/2016 | Meeting with National Trust, Environment Agency, South West Heritage Trust and Natural England. | Stakeholder engagement progress meeting. Update about public consultation activities planned. Consideration of specific stakeholder groups including, landowners, discussions, parish councils, local authority politicians and Members of Parliament.  |
| 02/05/2017 | Initial Ecology Consultation Meeting  | <ul style="list-style-type: none"> <li>• Overview of survey effort to date and further surveys.</li> <li>• Methodology for bat surveys (in light of emerging Natural England guidance).</li> <li>• Future engagement and EIA process.</li> <li>• Ghost licences.</li> <li>• Provided Natural England with an understanding of the overall programme and requirement for on-going engagement.</li> </ul> <p>Advice received from Natural England on conducting bat surveys prior to the DCO submission, including scope of those surveys.<br/>Broad agreement on scope for remainder of surveys.</p> |
| 21/06/2017 | Email from Mott MacDonald Sweco Joint Venture to Natural England.                               | Invertebrates survey methodology memo issued to Natural England.  |
| 14/07/2017 | Email from Natural England to Mott MacDonald Sweco Joint Venture.                               | Comments on invertebrates survey methodology memo received.   |
| 01/12/2017 | Email from Mott MacDonald Sweco Joint Venture to Natural England.                               | Protected Species Survey Methodology for Natural England review.  |
| 07/12/2017 | Environmental Technical Working Group Meeting 1.  | Meeting held to introduce the scheme and provide an update on the surveys undertaken.   |
| 01/02/2018 | Email from Natural England to Mott MacDonald Sweco Joint Venture.                               | Confirmation that Natural England has no concerns with the survey methodology as described in the Protected Species Survey Methodology.   |

| Date       | Form of correspondence  | Key topics discussed and key outcomes (the topics should align with the Issues tables)  |
|------------|---|---|
| 28/02/2018 | Separate meeting with Natural England (unable to attend Environmental Technical Working Group Meeting 2)                          | <ul style="list-style-type: none"> <li>• Provided an overview of the Phase 2 protected species survey results and mitigation measures for each.</li> <li>• Provided an outline of habitat losses and draft Environmental masterplan.</li> <li>• Explained the planned EDF application related to biodiversity.</li> </ul> <p>Natural England content with the survey methodologies and proposed mitigation for protected species.</p> <p>Natural England to review the draft habitat loss and gain figures in more detail.</p> <p>Natural England agreed that the Defra metric of habitat loss and gains not necessary in planning terms.</p> |
| 08/05/2018 | Environmental Technical Working Group Meeting 3   | <p>Discussion held with Natural England and included the following key topics:</p> <ul style="list-style-type: none"> <li>• Delivery of the ghost licences for badgers and great crested newts (GCN).</li> <li>• HRA and Salisbury Plain Special Area of Conservation (SAC):</li> <li>• Habitat loss and gains and presentation of the draft Environmental Masterplan.</li> <li>• Ecological networks.</li> <li>• Draft Statement of Common Grounds.</li> </ul>   |
| 22/05/2018 | Email from Natural England to Mott MacDonald Sweco Joint Venture of the draft HRA and additional Planning Inspectorate questions. | <p>Natural England content with the conclusions of the HRA that there would be no significant effect on the Natura 2000 sites.</p> <p>Natural England have asked that a HRA screening report is undertaken for Salisbury Plain SAC.</p>   |
| 07/07/2018 | Meeting with Natural England  | <p>Discussion held with Natural England and included the following key topics:</p> <ul style="list-style-type: none"> <li>• HRA (updates following 'Sweetman' case law ruling).</li> <li>• Review of SoCG.</li> <li>• Submission of protected species licences.</li> <li>• Review of Outline Environmental Management Plan (OEMP).</li> <li>• Habitat loss/ gain calculations.</li> </ul>   |
| 05/08/2019 | Email correspondence  | <p>Submission of ghost licences for badgers and GCN, to Natural England's licence team for review and comment.</p>  |
| 10/10/2018 | Meeting with Natural England  | <p>Discussion held with Natural England (as Natural England unable to attend October's TWG) and included the following key topics:</p> <ul style="list-style-type: none"> <li>• Progress update</li> <li>• Protected species licences</li> <li>• Designated fund applications</li> <li>• Defra metric</li> <li>• DCO application</li> </ul>   |
| 26/10/2018 | Email correspondence  | <p>Receipt of comments / amendments required to the GCN ghost licence.</p>  |

| Date       | Form of correspondence | Key topics discussed and key outcomes (the topics should align with the Issues tables)   |
|------------|------------------------|--|
| 05/11/2019 | Email correspondence   | Response to comments received from Natural England and confirmation that the outstanding comments not addressed as part of the ghost licences would be addressed in the full licences prior to approval. |
| 07/01/2019 | Letter                 | Receipt of the Letter of No Impediment from Natural England for both GCN and badgers.  |
| 27/03/2019 | Email correspondence   | Comment from Natural England on the Biodiversity Offsetting Report (REP4-017).   |

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



## 2 Issues

### 2.1 Issues related to the Ecological Assessment (Methodology/ Results/ Mitigation/ Enhancement)

| Topic                  | Sub-section   | Natural England comment  | Highways England response   | Status        |
|------------------------|---|--|---|---------------|
| Assessment methodology | Bat activity surveys  | Natural England raised concerns that bat activity survey transects were too long. Mott MacDonald Sweco Joint Venture confirmed that these were in line with best practice guidance but agreed to increase the number of stopping points. Natural England were happy with this approach (02/05/2017). | None required   | <b>AGREED</b> |
|                        | Bat activity surveys  | Bat activity surveys should continue up to 3 hours after sunset (02/05/2017).  | Incorporated into methodology.  | <b>AGREED</b> |
|                        | Bat activity surveys  | The need for radio tracking surveys to be informed by results of bat activity and roost surveys (02/05/2017).  | As ancient woodland will not be directly impacted by the scheme and the survey effort was considered sufficiently robust, radiotracking surveys not considered necessary. | <b>AGREED</b> |
|                        | Access issues for bat activity surveys  | Where there are issues accessing land, records should be kept of any correspondence with landowners (02/05/2017).  | Mott MacDonald Sweco Joint Venture keeping records of correspondence with landowners.   | <b>AGREED</b> |
|                        | Landscape scale transects to be completed in summer 2018 due to resource constraints. | Natural England to check with bat specialist (02/05/2017).   | Landscape scale transects will not support the DCO. Therefore, they can be completed in 2018 and 2019 post submission but before construction commences.                  | <b>AGREED</b> |
|                        | Terrestrial invertebrate survey methodology to be                                     | Agreed by Natural England in meeting (28/02/2018)  | None required   | <b>AGREED</b> |

| Topic | Sub-section   | Natural England comment   | Highways England response   | Status        |
|-------|---|---|---|---------------|
|       | agreed with Natural England.  |   |   |               |
|       | General approach to protected species surveys and mitigation.   | Natural England confirmed that they were satisfied with the survey methodologies, results, and proposed mitigation for these species (28/02/2018).  | None required   | <b>AGREED</b> |
|       | Defra metric for habitat loss and gains   | Natural England agreed that it was not necessary in planning terms when MMS suggested it was not appropriate for a linear scheme (28/02/2018 and 08/05/2018).   | None required.  | <b>AGREED</b> |
|       | Defra metric for habitat loss and gains [submitted during the DCO Examination at the request of South Somerset District Council's County Ecologist] | <p>Natural England very much welcomes the use of the Biodiversity Offsetting Metric as a means to understand whether net gain is being delivered in line with the National Planning Policy Framework.</p> <p>We have not scrutinised this in detail, but are concerned that some of the assumptions made may be overly optimistic. Specifically, it is not readily apparent how Table 3.2: Post-construction Biodiversity Units was populated. In particular, it is not clear how the ratings for Distinctiveness, Difficulty, Condition and Time were arrived at. For example, were they taken from a widely agreed methodology, or were they professional judgement associated with this specific project? If the latter, we advise that the ratings may be inappropriately optimistic. For example, we query whether for Wildflower and Species Rich Grassland, is</p> | <p>The post-construction biodiversity units were calculated by applying standard practice, as per below:</p> <ul style="list-style-type: none"> <li>• Times of habitat establishment and difficulty to create have been derived using information from Defra guidance (appendix 1 of the Biodiversity Offsetting Technical Paper) and professional judgement.</li> <li>• Distinctiveness was set by a Highways England guidance note (CHE memo 422/18)</li> <li>• Condition was calculated based upon the criteria set out in the CHE memo 422/18; with reference to the FEP Manual, Natural England 2010 and the Transport for London Biodiversity Net Gain Toolkit-Guidance for Ecologists, as this was deemed to be a thorough, robust and standardised approach.</li> </ul> | <b>AGREED</b> |

| Topic                  | Sub-section  | Natural England comment   | Highways England response   | Status        |
|------------------------|--|---|---|---------------|
|                        |  | <p>it reasonable that one can attain good condition of a highly distinctive habitat by mechanical management in 5 years, with only medium difficulty.</p> <p>As I understand it, revisions to the DEFRA metric are likely to be published this spring or summer, which will include standard ratings for Distinctiveness, Difficulty, Condition and Time.</p> | <ul style="list-style-type: none"> <li>The multipliers applied are based on the Defra guidance, CHE memo 422/18 and the Transport for London Biodiversity Net Gain Toolkit- Guidance for Ecologists.</li> </ul> |               |
| Potential impacts      | Habitat loss   | NE stated that the usual advice applies, avoid, minimise, mitigate and compensate (02/05/2017).   | Mott MacDonald Sweco Joint Venture taken this into account.   | <b>AGREED</b> |
|                        |  | <p>The table within the ES showing habitat loss and compensation/ replanting was reviewed and discussed. Natural England suggested clarifying:</p> <ul style="list-style-type: none"> <li>What are considered priority habitats.</li> <li>Percentage loss after reinstatement / compensation (if possible).</li> </ul>  | This has been included within ES.   | <b>AGREED</b> |
| Mitigation/enhancement | Opportunities for landscape scale habitat connectivity | Natural England noted that they have a mapping tool that highlights opportunities for developing ecological connectivity. The map may cover the scheme area, which could justify funding opportunities. Natural England to find out what information is available to share with us (28/02/2018).  | None required.  | <b>AGREED</b> |
|                        |  | Natural England presented a plan that showing woodland within the vicinity of the scheme and how it could be extended to create ecological networks. The scheme   | None required.  | <b>AGREED</b> |

| Topic              | Sub-section                           | Natural England comment  | Highways England response  | Status        |
|--------------------|---------------------------------------|--|--|---------------|
|                    |                                       | proposals would form an extension to this network (28/02/2018).  |  |               |
|                    | Environmental Masterplan              | Reviewed by Natural England. No comment (08/05/2018).  | None required  | <b>AGREED</b> |
|                    | Dormouse introduction                 | Natural England raised the idea of dormouse introductions in the local area. However, Mott MacDonald Sweco Joint Venture discussed this with Highways England and it was agreed that this would not be suitable as habitat would not be suitably established for dormice (08/05/2018). | None required  | <b>AGREED</b> |
| Habitat management | Post development grassland management | Natural England queried how grassland would be managed post construction and whether Hazlegrove would still be grazed (28/02/2018).  | Not confirmed at this stage. Habitat management to be detailed within Handover Environmental Management Plan (HEMP). | <b>AGREED</b> |

## 2.2 Issues related to the Habitat Regulations Assessment (HRA): Finding of No Significant Effects Report

| Topic  | Sub-section   | Natural England comment  | Highways England Response   | Status        |
|--|---|--|---|---------------|
| HRA Finding of No Significant Effects Report | <p>An appropriate study area has been used to identify European sites.</p> <p>All relevant sites have been screened into the HRA.</p> <p>The plans / projects screened into the in-combination assessment are sufficient and the approach taken to assessing in-combination effects is appropriate.</p> | <p>The conclusions of the report appear reasonable as far as the sites considered are concerned. Although a considerable distance away, we advise that Salisbury Plain Special Area of Conservation (SAC) is considered in the screening report for air quality impacts, particularly in combination with other schemes (most obviously the A303 Stonehenge scheme, and the A358 Taunton dualling scheme).</p> | <p>The criteria for roads that are considered to have traffic level changes that would give rise to potentially significant effects upon ecological receptors are clearly defined in the Design Manual for Roads and Bridges (DMRB) (Volume 11, Section 3, Part 1, Paragraph 3.12).</p> <p>Highways England's air quality lead and Natural England's air quality lead have discussed the approach which is used on all Highways England schemes and the rationale is described in the email from Highways England's air quality lead. Highways England's air quality lead has clearly stated that Highways England will not be assessing changes on roads where there are less than 200 HGV change and where all other traffic changes are below the criteria set out in para 3.12 of DMRB v11, s3, p1.</p> <p>The A303 Sparkford to Ilchester Dualling scheme does not trigger the DMRB criteria beyond the West Knoyle location to the east – in other words, roads to the east would not have a change in traffic above the DMRB criteria, and therefore, there is no need for further assessment of likely air quality changes in these</p> | <b>AGREED</b> |

| Topic | Sub-section | Natural England comment | Highways England Response  | Status |
|-------|-------------|-------------------------|--|--------|
|       |             |                         | <p>locations from the Scheme.</p> <p>There are no in combination effects at Salisbury Plain as a result of the A303 Sparkford to Ilchester Dualling and the A303 Stonehenge Scheme. The results presented within it the A303 Stonehenge ES particularly the air quality modelling detailed within Chapter 5 (Air Quality) forecasts that in 2026 (the opening year) the critical level for NOx would not be breached at Salisbury Plain, with or without the Scheme. As the critical level is not exceeded, in accordance with DMRB's Interim Advice Note 174/13 "Where NOx concentrations are assessed to be below their objective then significant effects are not anticipated."</p> <p>The traffic data utilised for the assessment assumes that the Road Investment Programme (RIP) schemes in the Road Investment Strategy (RIS1) to the west of Stonehenge: the A303 Sparkford to Ilchester improvement; and the A358 Taunton to Southfields scheme are constructed and operational. It can therefore be concluded that the Scheme would not have an adverse effect on Salisbury Plain SAC either alone or in combination with other plans and projects.</p> |        |

| Topic | Sub-section   | Natural England comment | Highways England Response | Status     |
|-------|---|-------------------------|---------------------------|------------|
|       | The correct qualifying features have been identified for each site screened into the HRA.                     | No comment              | Noted.                    | <b>N/A</b> |
|       | The data used to inform the HRA, and the methodology used to undertake the assessment is appropriate.         | No comment              | Noted.                    | <b>N/A</b> |
|       | It is considered that any specific mitigation for which the conclusion relies upon is considered appropriate. | No comment              | Noted.                    | <b>N/A</b> |
|       | The scheme would have no likely significant effect on the sites.  | No comment              | Noted.                    | <b>N/A</b> |
|       | Amendments following 'Sweetman' case law ruling   | No comment              | Noted.                    | <b>N/A</b> |

### 2.3 Issues related to European Protected Species (EPS) Licensing

| Topic        | Sub-section                                  | Natural England comment   | Highways England response | Status        |
|--------------|--|---|---------------------------|---------------|
| EPS Licenses | Great Crested Newt and Badger Ghost Licences | Letter of No Impediment for both badger and GCN ghost licences issued on 7 January 2019 (see Appendix A). | Agreed.                   | <b>AGREED</b> |



## 2.4 Issues relating to the Outline Environmental Management Plan (OEMP)

| Topic | Sub-section  | Natural England comment   | Highways England response   | Status        |
|-------|--|---|---|---------------|
| OEMP  | The measures included in the <b>Outline Environmental Management Plan (document reference TR010036/APP/6.7)</b> are appropriate and agreed between Highways England and Natural England. | No comment  | Agreed  | <b>N/A</b>    |
|       | The CEMP will contain a summary ecological mitigation table which will be provided once the contractor is appointed.   | No comment  | Agreed  | <b>N/A</b>    |
|       | The CEMP is secured by Schedule 2, Requirement 3 of the DCO.   | No comment  | Agreed  | <b>N/A</b>    |
|       | Grassland management   | Natural England requested that in the Landscape and Ecological Management Plan (LEMP), 'cut and remove' was employed for grassland management (including amenity grassland) to reduce nutrient levels and increase diversity. | This has been included within the OEMP and will be included within LEMP when it is produced | <b>AGREED</b> |

## **Appendix A: Letter of No Impediment**

The Letter of No Impediment can be seen overleaf.

Date: 07 January 2019  
Our ref: 2018 38048 SPM WLM 1  
(NATIONALLY SIGNIFICANT INFRASTRUCTURE PROJECT)



Elliot Hayes  
Highways England  
Temple Quay House  
2 The Square  
Temple Quay  
Bristol BS1 6HA

*Sent by e-mail only: Elliot.Hayes@highwaysengland.co.uk*

Dear Mr Hayes,

|   |
|---|
| <p><b>DRAFT MITIGATION LICENCE APPLICATION STATUS:</b> INITIAL DRAFT APPLICATION<br/><b>LEGISLATION:</b> THE PROTECTION OF BADGERS ACT 1992 (as amended)<br/><b>NSIP:</b> Sparkford to Ilchester Duelling, Somerset.<br/><b>SPECIES:</b> Badger <i>Meles meles</i>.</p> |
|---|

Thank you for your draft badger mitigation licence application in association with the above NSIP site, received in this office on the 15th August 2018. As stated in our published guidance, once Natural England is content that the draft licence application is of the required standard, we will issue a 'letter of no impediment'. This is designed to provide the Planning Inspectorate and the Secretary of State with confidence that the competent licensing authority sees no impediment to issuing a licence in future, based on information assessed to date in respect of these proposals.

### **Assessment**

Following our assessment of the resubmitted draft application documents, I can now confirm that, on the basis of the information and proposals provided, Natural England sees no impediment to a licence being issued, should the DCO be granted.

### **Next Steps**

Should the DCO be granted then the mitigation licence application must be formally submitted to Natural England. At this stage any modifications to the timings of the proposed works, e.g. due to ecological requirements of the species concerned, must be made and agreed with Natural England before a licence is granted. Please note that there will be no charge for the formal licence application determination, should the DCO be granted, or the granting of any licence.

If other minor changes to the application are subsequently necessary, e.g. amendments to the work schedule/s then these should be outlined in a covering letter and must be reflected in the formal submission of the licence application. These changes must be agreed by Natural England before a licence can be granted. If changes are made to proposals or timings which do not enable us to meet reach a 'satisfied' decision, we will issue correspondence outlining why the proposals are not acceptable and what further information is required. These issues will need to be addressed before any licence can be granted.

Full details of Natural England's licensing process with regards to NSIP's can be found at the following link:

[http://webarchive.nationalarchives.gov.uk/20140605090108/http://www.naturalengland.org.uk/Images/wml-g36\\_tcm6-28566.pdf](http://webarchive.nationalarchives.gov.uk/20140605090108/http://www.naturalengland.org.uk/Images/wml-g36_tcm6-28566.pdf)

As stated in the above guidance note, I should also be grateful if an open dialogue can be maintained with yourselves regarding the progression of the DCO application so that, should the Order be granted, we will be in a position to assess the final submission of the application in a timely fashion and avoid any unnecessary delay in issuing the licence.

I hope the above has been helpful. However, should you have any queries then please do not hesitate to contact me.

Yours sincerely

Alan Britton

Tel: 02080266588

E-mail: Alan.Britton@naturalengland.org.uk

**Annex - Guidance for providing further information or formally submitting the licence application.**

**Important note: when submitting your formal application please mark all correspondence 'FOR THE ATTENTION OF Alan Britton).**

### **Submitting Documents.**

Documents must be sent to the Customer Services Wildlife Licensing (postal and email address at the top of this letter).

### **Changes to Documents –Reasoned Statement/Method Statement.**

Changes must be identified using one or more of the following methods:

- underline new text/strikeout deleted text;
- use different font colour;
- block-coloured text, or all the above.

### **Method Statement**

When submitting a revised Method Statement please send us one copy on CD, or by e-mail if less than 5MB in size, or alternatively three paper copies. The method statement should be submitted in its entirety including all figures, appendices, supporting documents. Sections of this document form part of the licence; please do not send the amended sections in isolation.

# Customer Feedback – EPS Mitigation Licensing

To help us improve our service please complete the following questionnaire and return to:

Customer Services, Natural England, Horizon House, Deanery Road, Bristol, BS1 5AH.

Fax: 0845 6013438 or email to [wildlife@naturalengland.org.uk](mailto:wildlife@naturalengland.org.uk)

<http://www.naturalengland.org.uk/ourwork/regulation/wildlife/default.aspx>



|   |                                    |                                |                          |
|---|------------------------------------|--------------------------------|--------------------------|
| <b>Natural England Reference Number (optional):</b> | Please tick to indicate your role: | Consultant                     | <input type="checkbox"/> |
|   |                                    | Developer (Applicant/Licensee) | <input type="checkbox"/> |

**1. How easy was it to get in contact with the Wildlife Management & Licensing team of Natural England?**

*Difficult (1)* 
                         
 *OK (2)* 
                         
 *Easy (3)* 
                         
 *Very Easy (4)*

If 1 please specify who you initially contacted in relation to your issue/enquiry?

**2. Please tell us how aware you were (BEFORE you contacted us) of wildlife legislation and what it does/does not permit in relation to your enquiry?**

*Unaware (1)* 
                         
 *Very Limited Awareness (2)* 
                         
 *Partially Aware (3)* 
                         
 *Fully Aware (4)*

**3. How would you rate the service provided by Natural England?**

|  | <i>Poor</i>              | <i>Fair</i>              | <i>Good</i>              | <i>Excellent</i>         | <i>Not applicable</i>    |
|--|--------------------------|--------------------------|--------------------------|--------------------------|--------------------------|
|  | 1                        | 2                        | 3                        | 4                        |                          |
| Ease of completion of application  | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| Advice provided by telephone (if applicable)                                     | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| Our web site (if applicable)   | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| Clarity and usefulness of published guidance                                     | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| Helpfulness and politeness of staff  | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |                          |
| Advice and clarity of explanations provided during Method Statement assessment   | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| Advice and clarity of explanations provided during Reasoned Statement assessment | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| Speed of process   | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |                          |
| Overall service  | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |                          |

If 1 or 2 to any of the above please specify why:

**4. Was your issue/enquiry resolved by the activity authorised under licence or advice provided by us?**

*Fully* 
                         
 *Partially* 
                         
 *Unresolved*

If not fully resolved please state what you think could have been done instead (note legislation affects which actions can be licensed):

**5. Was there a public reaction to any action taken under the licence or as a result of our advice?**

*Positive support* 
                         
 *No reaction* 
                         
 *Negative reaction*

**6. Would you use a fully online licensing service if it could be made available in the future?**

*Definitely* 
                         
 *Possibly* 
                         
 *Unlikely* 
                         
 *No*

**7. Do you have any further comments to make or suggestions for improving our service, if yes please specify (continue comments on an additional sheet if necessary). If you are happy to be contacted at a later date to explore possible improvement options, please tick this box  and ensure your Natural England reference number is at the top of this page.**

Date: 07 January 2019  
Our ref: 2018-37825-EPS-NSIP1  
(NATIONALLY SIGNIFICANT INFRASTRUCTURE  
PROJECT)



Mr E Hayes  
Project Manager  
Highways England

[elliott.hayes@highwaysengland.co.uk](mailto:elliott.hayes@highwaysengland.co.uk)

*Sent by e-mail only*

Dear Mr Hayes,

**DRAFT MITIGATION LICENCE APPLICATION STATUS:** INITIAL DRAFT APPLICATION  
**LEGISLATION:** THE CONSERVATION OF HABITATS AND SPECIES REGULATIONS 2017  
**NSIP:** A303 SPARKFORD TO ILLCHESTER, SPARKFORD BYPASS.  
**SPECIES:** GREAT CRESTED NEWT (*Triturus cristatus*)

Thank you for your draft great crested newt (GCN) mitigation licence application in association with the above NSIP site, received in this office on the 15<sup>th</sup> August 2018. As stated in our published guidance, once Natural England is content that the draft licence application is of the required standard, we will issue a 'letter of no impediment'. This is designed to provide the Planning Inspectorate and the Secretary of State with confidence that the competent licensing authority sees no impediment to issuing a licence in future, based on information assessed to date in respect of these proposals.

### **Assessment**

Following our assessment of the resubmitted draft application documents, I can now confirm that, on the basis of the information and proposals provided, Natural England sees no impediment to a licence being issued, should the DCO be granted.

However, please note the following issues have been identified within the current draft of the method statement that will need to be addressed before the licence application is formally submitted. Our wildlife adviser, Emma Coates, discussed these matters with Sarah White and it was confirmed via e-mail correspondence on the 5<sup>th</sup> November 2018 that the necessary amendments would be made. Please do ensure that the Method Statement is revised to include these changes prior to formal submission. For clarity these include:

### **Clarification or changes to information:**

- a) Natural England is satisfied with the further information that was provided justifying ponds scoped out of the 2017 survey, however within the formal application please ensure full justification is provided for ponds that are scoped out of the need for survey. It is not sufficient to state that ponds have not been surveyed due to their HSI score falling below 0.5 (unless it can be demonstrated that they are totally unsuitable) - GCNs are regularly recorded in ponds with poor HSI scores. It is also not sufficient to state only that they are unsuitable - please specify why each was considered to be unsuitable (e.g. significant populations of fish present, heavily polluted, severe waterfowl impact, isolated etc.).

- b) Section C5 of the Supporting Information document provides justification for the GCN populations centred on P10 and P32 not being considered as a part of the application. In order to make this information more obvious to the assessor, please provide this in Section C3.2 of the Method Statement in the formal application.
- c) In light of the anticipated start date for the project you have confirmed that update surveys will be completed ahead of the formal submission. Natural England agrees that update surveys should be completed and requests that Sections C3.3-C4.3 of the Method Statement include details of all the ponds within the survey area, not just those found to contain GCN, so any survey limitations or constraints can be assessed.
- d) The information provided within the draft application was sufficient that we consider the constraints associated with only being able to survey P6 twice during the survey season should not alter the mitigation or compensation requirements associated with the scheme. However, please ensure such constraints and any implications these may have on the interpretation on a pond's peak count and more broadly on the population estimate, are considered in Section C5 of the Method Statement in the formal application.
- e) It is recommended that the proposals to extend temporary amphibian exclusion fencing and capture beyond 500m is given further consideration prior to the submission of the formal application. GCN associated with a pond would normally be utilising suitable terrestrial habitats within 500m of that pond. Although it is possible that habitats beyond 500m could be utilised if habitats closer to the pond are sub-optimal, habitats distant from the pond are of very high suitability and connectivity between the pond and these habitats is high. Natural England do not issue licenses (or licence parts of a development site) on a precautionary basis and therefore only habitats that are reasonably likely to contain and impact GCN should be included within the licensing impact assessment and mitigated for accordingly in the licenced proposals. It is therefore advised that before the formal licence application is submitted, the results of any updated surveys and re-assessment of the terrestrial habitats at that time should inform whether it is likely that GCN would be killed and/or injured in the absence of mitigation and whether these distant mitigation measures (fencing and capture) are therefore required.
- f) The impact figures detailed within the draft Method Statement required amendment as they did not account for the extended area of trapping. The revised figures provided by email detailed 10.91ha permanent loss (core habitat – 0.04ha, intermediate habitat – 2.42ha and distant habitat 8.45ha) and 23.04ha of temporary loss (core habitat - 0.24ha, intermediate habitat – 2.85ha and distant habitat – 19.95ha). In line with the recommendation and guidance provided above, updated survey and terrestrial habitat data should be used to consider whether works within these habitats are reasonably likely to impact GCN. Please ensure the relevant information is updated in the Method Statement terrestrial habitat impacts tables (D1.1 and D1.2) when submitting the formal application.
- g) The compensatory habitats detailed within the Method Statement (Section E3) also required updating to compensate for the extended area of impact. It was confirmed via email that 10.3ha of suitable GCN habitat would be created and 12.7ha would be restored/reinstated/enhanced. Prior to the formal application these proposals should be considered in conjunction with the impacts and mitigation proposals to ensure they are proportionate and the appropriate information reflected in the formal submission.
- h) The compensatory figures provided in Table E3 must also correlate with those detailed in Table E3.2 Terrestrial Habitat Measures.
- i) Following on from the recommendation made above, when reviewing the impacts and mitigation proposals in light of updated surveys and habitat re-assessment, the monitoring proposals may also want to be considered further, particularly for the Hazelgrove



population, to ensure they are proportionate to the impacts. If the impacts on this population are considered to be low, it may be appropriate to reduce the monitoring requirements.

**Figures to be updated as a part of the formal submission:**

- All figures need to be submitted as separate standalone documents. They should all be labelled with the relevant figure title and number and be dated appropriately.
- Figure C3.2:
  - Please mark the zone 250m from development boundary.
  - Please clarify within the key how woodland is illustrated on the figure.
  - Please remove the detail of the new road layer on this figure as it is making the existing habitats difficult to interpret.
- Figure E3.3
  - It is detailed within the Method Statement that gully pots will be installed along the new carriageway and that those within 500m of a GCN population will be fitted with ladders to enable animals to escape. Please include this figure with the formal application to illustrate this mitigation measure.
- Figure E5.2
  - Pond 42 (confirmed as a GCN pond) is missing from the Figure this should be added and the Ditch 1 (not found to support GCN) should be removed.
  - Figure should detail the type and amount of monitoring and which ponds this applies to.

**Work Schedule to be updated as a part of the formal submission:**

- Please ensure the Work Schedule is dated.
- Pond draining activity in the draft Work Schedule referred to the 'Draining of Pond 4' however this should read Pond 41.
- As agreed via email signature, site checks should be carried out more frequently than monthly e.g. weekly by contractors and monthly by an ecologist.
- The comments column of Ring fencing removal states that 'perimeter fencing will be removed on completion of construction' however you have confirmed that the ring fencing will be removed following trapping. Please ensure this is clear within the formal submission.
- With regards to population monitoring please ensure the Work Schedule is consistent with the information in the Method Statement. Population monitoring was detailed on the Work Schedule of the draft licence application as being completed for 3 years, however the Method Statement proposed 4 years for Downhead Population and 2 years for the Hazelgrove population.
- Please ensure the maintenance section of the Work Schedule is consistent with the Method Statement. Maintenance and management is stated to be for 5 years in the Method Statement, however the Work Schedule only details 4 years maintenance. Please update the Work Schedule for the formal submission.

- As agreed via email signature, maintenance should commence the year following pond creation i.e. 2022.

## **Next Steps**

Should the DCO be granted then the mitigation licence application must be formally submitted to Natural England to include the amendments/clarifications set out above. At this stage any modifications to the timings of the proposed works, e.g. due to ecological requirements of the species concerned, must be made and agreed with Natural England before a licence is granted. If other minor changes to the application are subsequently necessary, e.g. amendments to the work schedule/s then these should be outlined in a covering letter and must be reflected in the formal submission of the licence application. These changes must be agreed by Natural England before a licence can be granted. If changes are made to proposals or timings which do not enable us to meet reach a 'satisfied' decision, we will issue correspondence outlining why the proposals are not acceptable and what further information is required. These issues will need to be addressed before any licence can be granted.

Full details of Natural England's licensing process with regards to NSIP's can be found at the following link:

[http://webarchive.nationalarchives.gov.uk/20140605090108/http://www.naturalengland.org.uk/Images/wml-g36\\_tcm6-28566.pdf](http://webarchive.nationalarchives.gov.uk/20140605090108/http://www.naturalengland.org.uk/Images/wml-g36_tcm6-28566.pdf)

As stated in the above guidance note, I should also be grateful if an open dialogue can be maintained with yourselves regarding the progression of the DCO application so that, should the Order be granted, we will be in a position to assess the final submission of the application in a timely fashion and avoid any unnecessary delay in issuing the licence.

I hope the above has been helpful. However, should you have any queries then please do not hesitate to contact me.

Yours sincerely

Emma Coates

Tel: 0208 0266627

E-mail: [Emma.Coates@naturalengland.org.uk](mailto:Emma.Coates@naturalengland.org.uk)

## **Annex - Guidance for providing further information or formally submitting the licence application.**

**Important note: when submitting your formal application please mark all correspondence 'FOR THE ATTENTION OF EMMA COATES'.**

### **Submitting Documents.**

Documents must be sent to:

Email:

eps.mitigation@naturalengland.org.uk

Postal address:

Wildlife Licensing  
Natural England  
3rd Floor, Horizon House  
Deanery Road, Bristol  
BS1 5AH

### **Changes to Documents –Reasoned Statement/Method Statement.**

Changes must be identified using one or more of the following methods:

- underline new text/strikeout deleted text;
- use different font colour;
- block-coloured text, or all the above.

### **Method Statement**

When submitting a revised Method Statement please send us one copy on CD, or by e-mail if less than 5MB in size, or alternatively three paper copies. The method statement should be submitted in its entirety including all figures, appendices, supporting documents. Sections of this document form part of the licence; please do not send the amended sections in isolation.

# Customer Feedback – EPS Mitigation Licensing

To help us improve our service please complete the following questionnaire and return to:

Customer Services, Natural England, 3rd Floor, Horizon House Deanery Road, Bristol, BS1 5AH.

Fax: 0845 6013438 or email to [wildlife@naturalengland.org.uk](mailto:wildlife@naturalengland.org.uk)

<http://www.naturalengland.org.uk/ourwork/regulation/wildlife/default.aspx>



|   |                                    |                                |                          |
|---|------------------------------------|--------------------------------|--------------------------|
| <b>Natural England Reference Number (optional):</b> | Please tick to indicate your role: | Consultant                     | <input type="checkbox"/> |
|   |                                    | Developer (Applicant/Licensee) | <input type="checkbox"/> |

**1. How easy was it to get in contact with the Wildlife Management & Licensing team of Natural England?**

*Difficult (1)* 
                         
 *OK (2)* 
                         
 *Easy (3)* 
                         
 *Very Easy (4)*

If 1 please specify who you initially contacted in relation to your issue/enquiry?

**2. Please tell us how aware you were (BEFORE you contacted us) of wildlife legislation and what it does/does not permit in relation to your enquiry?**

*Unaware (1)* 
                         
 *Very Limited Awareness (2)* 
                         
 *Partially Aware (3)* 
                         
 *Fully Aware (4)*

**3. How would you rate the service provided by Natural England?**

|  | <i>Poor</i><br>1         | <i>Fair</i><br>2         | <i>Good</i><br>3         | <i>Excellent</i><br>4    | <i>Not applicable</i>    |
|--|--------------------------|--------------------------|--------------------------|--------------------------|--------------------------|
| Ease of completion of application  | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| Advice provided by telephone (if applicable)                                     | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
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| Overall service  | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |

If 1 or 2 to any of the above please specify why:

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