

A47 Wansford to Sutton Dualling

Scheme Number: TR010039

Volume 8

8.6 Statement of Common Ground with Natural England

Planning Act 2008

Infrastructure Planning (Examination Procedure) Rules 2010
Rule 8(1)(e)

June 2022

Deadline 7A

Infrastructure Planning

Planning Act 2008

**The Infrastructure Planning
(Examination Procedure) Rules 2010**

A47 Wansford to Sutton Dualling
Development Consent Order 202[x]

**8.6 STATEMENT OF COMMON GROUND WITH
NATURAL ENGLAND**

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STATEMENT OF COMMON GROUND

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

Signed

Chris Griffen
Programme Lead
On behalf of National Highways

Date: INSET DATE

Signed

NAME

POSITION

On behalf of Natural England

Date: INSET DATE

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1 INTRODUCTION

1.1 Purpose of this Document

1.1.1 This Statement of Common Ground (SOCG) relates to an application made by Highways England (“the Applicant”) to the Planning Inspectorate (“PINS”) under Section 37 of the Planning Act 2008 (“PA 2008”) for a Development Consent Order (a “DCO”). If made the DCO would grant consent for the Applicant to undertake the A47 Wansford to Sutton Scheme (“the Scheme”). A detailed description of the Scheme can be found in the ES Chapter 2 The Proposed Scheme (AS-013).

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.

<https://infrastructure.planninginspectorate.gov.uk/projects/eastern/a47-wansford-to-sutton/?ipcsection=overview>

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.

1.2.2 Highways England became the Government-owned Strategic Highways Company on 1 April 2015. In September 2021 Highways England Company Limited changed its name to National Highways Limited. National Highways 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.

1.2.3 Natural England is an executive non-departmental public body, sponsored by the Department for Environment, Food & Rural Affairs. They are the government's adviser for the natural environment in England. Natural England's purpose is 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

1.1.1 In the tables in Section 3 ‘Issues’ of this SoCG the following colour coding / terminology is used to indicate the status of the individual issue:

- “Agreed” (green) - indicates where the issue has been resolved
- “Under discussion” (amber) indicates area(s) of current disagreement where resolution remains possible, and where parties continue discussing the issue to determine whether they can reach agreement by the end of the examination

- Not agreed”(red) indicates a final position for area(s) of disagreement where the resolution of divergent positions will not be possible, and parties agree on this point.

- 1.1.2 In this SoCG, the issues raised by Natural England are presented alongside a response from National Highways. "Agreed" signifies that there is agreement between the parties that there are no further points to discuss as regards that particular issue, and Natural England is satisfied by the National Highways response.
- 1.1.3 It can be assumed that any matters not specifically referred to in the Issues section 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.

2 RECORD OF ENGAGEMENT

2.1.1 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 2-1.

Table 2-1: Record Of Engagement

Date	Form of Correspondence:	Key topics discussed and key outcomes
31.08.2016	Presentation	Scheme presentation to Stat bodies
10.5.2017	Meeting	Stage 2 option selection meeting
16.5.2018	Meeting	Project Meeting GT NH HE Sweco/MOTT
11.03.2021	Email	Request for consultation on HRA
18.3.2021	Meeting	Alignment review
25.3.2021	Meeting	Presentation
5.5.2021	Email	Chase up email sent
15.09.2021	Letter	Formal response to the comments made on the HRA.
20.09.2021	Email	Email sent re ghost license documents.
18.11.2021	Email	NE further information request for Bat license.
18.12.2021 - 11.01.2022	Email	Further information request from NE regarding the Water Vole license from NE. Sweco requested some clarification on the questions and information required.
11.01.2022	Meeting	To address further information request from NE for Water Vole license
07.02.2022	Email	Response sent regarding further information request from NE for water vole license.
11.02.2022 - 16.02.2022	Email and letter received	NE Badger license application questions and clarification followed by the received Letter of no impediment with Caveats for Badgers
15.02.2022	Email	Further information request information sent to NE for Water vole license.
23.02.2022	Email	Discussions with NE regarding Bat license and clarification.
15.03.2022	Email	Letter of No Impediment received in respect of the submitted Draft Water Vole License application.
22.03.2022	Email	NE asked for clarification on Bat license application, which was provided
24.03.2022	Email	Email sent to NE to inform them of the recent Hibernation Bat survey

Date	Form of Correspondence:	Key topics discussed and key outcomes
24.03.2022	Email	NE requested alterations to the Bat License method statement and further details of references
31.03.2022	Email	Email sent to NE providing revised method statement and references requested for the Ghost Bat license.
20.04.2022	Email	NE further information request for the Ghost Bat license.
05.05.2022	Meeting	Discussed the further information request for the ghost bat license and to clarify what is required.

- 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

3 ISSUES

3.1 Purpose of this Document

- 3.1.1 Section 3.2 summarises the key outstanding issues explored between Natural England and National Highways and these are explored in more detail in Section 3.3.
- 3.1.2 National Highways response to Natural England's Relevant Representation (**RR-032**) submitted at DCO Deadline 1 (**REP1-010**) can be found here:
<https://infrastructure.planninginspectorate.gov.uk/wp-content/ipc/uploads/projects/TR010039/TR010039-000430-National%20Highways%20-%209.4%20Applicant's%20Response%20to%20Relevant%20Representations.pdf>
- 3.1.3 National Highways response to Natural England's Written Representations and Responses to ExQ1 (**REP2-080**) submitted at DCO Deadline 1 (**REP3-026**) can be found here:
<https://infrastructure.planninginspectorate.gov.uk/wp-content/ipc/uploads/projects/TR010039/TR010039-000612-National%20Highways%20-%209.16%20Applicant%E2%80%99s%20Response%20to%20Written%20Representations.pdf>
- 3.1.4 National Highways has also considered the other submissions made (**REP4-037** (Any further information requested by the ExA under Rule 17 of the Examination Rules) and **REP5-031** (Response to ExQ2)).

1.2 Summary of Natural England Issues

Ref. No	Topic	Status	Date Agreed
1	Habitats, Ecology and Nature Conservation, including assessment of cumulative effects	Not yet agreed	
2	The loss of the Best and Most Versatile (BMV) Agricultural Land	Not yet agreed	
3	Effects on protected species and sites, including Sutton Heath and Bog SSSI	Not yet agreed (some matters	

Ref. No	Topic	Status	Date Agreed
		agreed)	
4	Need for Habitats Regulations Assessment/Appropriate Assessment	Agreed	
5	Biodiversity Net Gain	Not Agreed	
6	Draft DCO	Agreed	

Table 3-1 Issues Raised

Ref No	Issue	Document Reference (if relevant)	Natural England Comment	National Highways Response	Status	Date
1.	Habitats, Ecology and Nature Conservation, including assessment of cumulative effects				Not yet agreed	
2.	The loss of the Best and Most Versatile (BMV) Agricultural Land				Not yet agreed	
a	The loss of the Best and Most Versatile (BMV) Agricultural Land	REP1-010 (RR-032-14)	The project will result in physical damage, and or permanent loss of, Best and Most Versatile (BMV) land (Agricultural Land Classification (ALC) grades 1-3a) through temporary and permanent land-take.	The design of the Scheme has sought to minimise agricultural land take, however there will be some permanent loss of BMV land. Areas of temporary land take will be restored to their former condition, the long-term residual effects on agricultural soils would be limited to the permanent loss of agricultural land.	Not yet agreed	
b		REP1-010 (RR-032-22)	It is important that the soil is able to retain as many of its many important functions and services (ecosystem services) as possible through careful soil management	A Soil Management Plan (SMP) will be developed as part of the Second Iteration of the Environmental Management Plan (EMP) (REP6-001) in accordance with Defra's Construction Code of Practice for the Sustainable Use of Soils on Construction Sites to help preserve land	Not yet agreed	

Ref No	Issue	Document Reference (if relevant)	Natural England Comment	National Highways Response	Status	Date
				quality on the temporary land take areas. The SMP will be developed by an appropriately experienced soil specialist.		
3	Effects on protected species and sites, including Sutton Heath and Bog SSSI				Not yet agreed (some matters agreed)	
a	Bat Ghost licence	REP1-010 (RR-032-20)	Further information request in response to the ghost licence to apply for the Letter of No Impediment	The further information request is being dealt with and the appropriate required information will be provided.	Not yet agreed	
b	Badger Ghost Licence	REP1-010 (RR-032-20)	A Letter of No Impediment has been provided		Agreed	16.02.2022
c	Water Vole Ghost licence	REP1-010 (RR-032-20)	A Letter of No Impediment has been provided		Agreed	15.03.2022
d	Impacts to UK Priority Habitats	REP1-010 (RR-032-21)	Natural England are satisfied that potential impacts to UK Priority Habitats will be minimised through ecological mitigation and enhancement measures outlined in the EMP.		Agreed	
e	Survey	REP1-010 (RR-032-29)	The ES and other relevant documents will need to be	New information such as survey results will be provided	Not	

Ref No	Issue	Document Reference (if relevant)	Natural England Comment	National Highways Response	Status	Date
	updates	REP3-026 (3.4)	updated pending the outcome of ongoing habitat and species survey updates.	separately. The ES assessment was correct at the time of submission and is therefore not required to be updated.	agreed	
f	Sutton Heath and Bog SSSI and Air Quality	REP1-010 (RR-032-19 and RR-032-27) REP3-026 (2.2.3 and 3.2)	<p>Natural England does not consider there is sufficient information available to rule out significant impacts to Sutton Heath and Bog SSSI with regards to air quality.</p> <ul style="list-style-type: none"> We note that further modelling has been conducted, with the help of a competent expert, to rule out significant effects on the sensitive qualifying features of the SSSI. However, we require further information on work that was done to determine the location and distribution of qualifying features that are sensitive to nitrogen deposition. Measures for mitigation and monitoring of air quality impacts for Sutton Heath and Bog SSSI should be 	<p>Environmental Statement (ES) Chapter 5 Air Quality (APP-043) (paragraph 5.8.22) states that:</p> <p><i>The Sutton Heath and Bog Site of Special Scientific Interest (SSSI) supports grassland communities of two main types, namely calcareous grassland and neutral grassland of the base-poor marsh type, both of which are uncommon in Cambridgeshire. The southern extent of the site comprises semi natural broadleaved woodland. Air quality modelling highlighted an impact of nitrogen deposition 40m north of the proposed road alignment at Station House. The habitat within this 40m area is</i></p>	Not agreed	

Ref No	Issue	Document Reference (if relevant)	Natural England Comment	National Highways Response	Status	Date
			<p>outlined.</p> <p>Further information should be provided to rule out significant impacts on Sutton Heath and Bog SSSI with regard to air quality</p>	<p><i>deciduous woodland comprising pedunculate oak (Quercus robur), and sycamore (Acer pseudoplatanus) abundant with hawthorn (Crataegus spp) and elder (Sambucus nigra) understory. None of the species listed are noted as particularly nitrogen vulnerable in this case. Nitrogen deposition would typically affect more coniferous species and species such as lichens/mosses/ferns rather than the species that are listed. As the core grassland habitat which is listed on the citation is approximately 150m further north-east of the 40m impact area, it is not considered to be impacted by nitrogen disposition from the proposed road alignment. No significant effects have therefore been identified.</i></p> <p>This text was provided based on the initial AQ modelling</p>		

Ref No	Issue	Document Reference (if relevant)	Natural England Comment	National Highways Response	Status	Date
				<p>results – there was no further modelling conducted. It was determined there were no species sensitive to nitrogen deposition within the southern extent of the SSSI (area closest to the modelled road network and triggered links/Scheme design and modelled transect points). In accordance with Design Manual for Roads and Bridges (DMRB) LA105 Air Quality guidelines, as there were no species sensitive to nitrogen deposition in the southern extent of the SSSI within 200m of our triggered links there were no significant impacts recorded. Although not a triggered link, further ecological receptors in the form of transects were modelled along Sutton Heath Road to better determine the impact of the Scheme on the north-eastern section of the habitat. These modelled results showed all changes in</p>		

Ref No	Issue	Document Reference (if relevant)	Natural England Comment	National Highways Response	Status	Date
				concentration as a percentage of the lower critical load to be lower than the 1% - therefore in accordance with LA105 could be screened out of the assessment.		
f	Sutton Heath and Bog SSSI	REP3-027	<p>a) The information available to Natural England concurs that the habitat referenced is largely deciduous woodland. The degree to which this habitat is sensitive to nitrogen deposition is not considered relevant to our remit as deciduous woodland is not a designated feature of the SSSI.</p> <p>Further information relating to the designation of Sutton Heath and Bog SSSI is provided below. Whilst this does not definitively clear up the reason for designation of this area of woodland, the applicant may consider this useful in supporting their position that it was included because of its hydrological importance. Natural England confirmed at examination that</p>	National Highways acknowledges this comment.	Agreed	

Ref No	Issue	Document Reference (if relevant)	Natural England Comment	National Highways Response	Status	Date
			<p>this seemed a logical conclusion.</p> <p>Whilst a hydrological connection between the affected area and the designated feature provides an additional pathway for pollutants Natural England is of the view that this is unlikely to be sufficient to cause an adverse effect on the SSSI.</p>			
4	Need for Habitats Regulations Assessment/Appropriate Assessment				Agreed	
a		REP1-010 (RR-032-18)	Natural England is satisfied that the project would not have an adverse effect on the integrity of the Nene Washes SPA, SAC and Ramsar.		Agreed	
5	Biodiversity Net Gain				Not yet agreed	
a	Biodiversity Net Gain	<p>REP1-010 (RR-032-15 and RR-032-23)</p> <p>REP3-026 (2.8, 3.3 and 4.1.1)</p>	Natural England notes the use of Defra metric 2.0 for Biodiversity Net Gain. We advise that the further information is required on the methods used to assess net gain, as well as the project's overall target for net gain	Overall biodiversity net gain ("BNG") is not considered to be an appropriate metric by which to examine the Scheme. In particular, Defra Metric 2.0 was replaced by 3.0 when the Environment Act came into force, but it remains subject to variation and is expected to be	Not yet agreed	

Ref No	Issue	Document Reference (if relevant)	Natural England Comment	National Highways Response	Status	Date
				<p>consulted upon in 2022. To satisfy the requirements of Defra Metric 3.0, additional surveys would be necessary. As Defra Metric 3.0 was published on 7 July 2021 and post-dates the ecological surveys carried out to inform the Biodiversity assessment, the scope of these surveys did not extend to capturing and recording the necessary condition information required as input data into the metric. Accordingly, it would not be possible for the Applicant to present a meaningful, accurate and comparable calculation in the absence of this survey information.</p> <p>The Biodiversity Metric was also provided at Deadline 2 as per ExA Q1.2.14 (REP2-037) and Deadline 6 (REP6-005).</p>		
6	Draft DCO				Agreed	
a	Draft DCO	Relevant	Natural England is satisfied that		Agreed	

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Ref No	Issue	Document Reference (if relevant)	Natural England Comment	National Highways Response	Status	Date
		Representation (RR-032-30)	the draft DCO includes appropriate requirements, including requirements to secure delivery of environmental mitigation and enhancement measures agreed in the relevant plans, including the Environmental Management Plan, as well as safeguarding European and nationally protected species.			