

Natural England's Response to the Examining Authority's First Written Questions

ExQ1	Question	Natural England's Response
3. Biodiversity, Ecology and Natural Environment (including Habitats Regulations Assessment (HRA))		
1.3.1	Can Natural England (NE), NCC and BDC please comment on the approach taken by the Applicant in its HRA Report [AS-007] and confirm whether it is satisfactory?	Natural England is satisfied that the HRA is comprehensive. We agree with the conclusions of the HRA that the qualifying features of the identified sites are located at sufficient distance from the development site to ensure they will not be adversely impacted by the development, particularly with regard to aerial emissions, noise, lighting or hydrological discharges. We agree that a likely significant effect to these sites can be ruled out both alone and in combination with other plans or projects.
1.3.2	Can NE please comment on the approach to the HRA screening for Paston Great Barn Special Area of Conservation and Barbastelle bat features in Table A.4 of the HRA Report [AS-007]?	Natural England is satisfied with the approach adopted for Paston Great Barn SAC in Table 4.4. We concur with the conclusions in the table, namely that there are unlikely to be any impacts on barbastelle bats from the SAC due to the distance between the proposed scheme and the SAC (24.5 km).
1.3.3	Changes were made to the Conservation of Habitats and Species Regulations 2017 from 1 Jan 2021 due to the United Kingdom's exit from the European Union. Does this have any implications for the HRA Report [AS-007]?	These changes related to ensuring that the Regulations continued to operate effectively following Britain's exit from the European Union. There are no implications for the HRA report.
1.3.8	ES Chapter 8: Biodiversity [APP-046], paragraph 8.8.2, lists biodiversity resources which have not been carried forward in / scoped out of the assessment. Are NE, NCC and BDC content with this and the justification for it?	We agree with the resources on the list although the reason for each one being scoped out has not been provided for all resources. It appears that most have been scoped out due to distance from the scheme boundary, and there being no direct or indirect impacts either during construction or post-operational. It would be helpful if a reason for each resource being scoped out/ not being carried forward in the assessment could be provided in tabular format.
1.3.9	Are the parties content with the Applicant's approach that some protected species surveys, including for great crested newts, would be undertaken prior to construction (and any protected species licences	There has been/is sufficient time this year to complete any outstanding ecological surveys which were curtailed in 2020, due to covid restrictions. This includes surveys of the remaining ponds for great crested newts. The Applicant can then determine whether there will be any licensing requirements and act accordingly.

	sought subsequently if necessary), given that the COVID-19 pandemic precluded these from being undertaken prior to the submission of the application?	The additional survey information, assessment and any mitigation measures or licensing requirements, could be submitted as an addendum to the ES, and if necessary, need to be secured through appropriate clauses in the emerging DCO.
7. Cumulative Effects		
1.7.1	Are the parties satisfied with the Applicant's cumulative effects assessment and the shortlist of projects considered?	Natural England is satisfied with both the assessment undertaken and the shortlist of projects.
8. Draft Development Consent Order (dDCO)		
1.8.57	R18: Do the parties consider 10 business days sufficient time to respond to consultation on the discharge of requirements?	Natural England considers 10 business days to be the bare minimum, and we would prefer more time in which to prepare our considered responses. We suggest either 15 or 20 business days would be more appropriate, and in line with the majority of planning consultations that we receive.

5 July 2021