

Date: 31 August 2021
Our ref: 359640
Your ref: TR010044



Menaka Sahai
National Infrastructure Planning

Customer Services
Hornbeam House
Crewe Business Park
Electra Way
Crewe
Cheshire
CW1 6GJ

T 0300 060 3900

BY EMAIL ONLY

Dear Menaka

**NSIP Reference Name / Code: TR010044 20028237 A428 Black Cat to Caxton Gibbet Road
Improvement Scheme
User Code: 20028237**

Thank you for your consultation on the above dated 09 July 2021 which was received by Natural England on 09 July 2021.

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.

Written Representation

PART I: Summary of Natural England's advice.

PART II: Annexes including Natural England's evidence

Content

Part 1 – Introduction

Part 2 – Conservation Interests

Annexes

Annex A: Designated site maps and information.

Annex B: Letter of no Impediment - Badgers.

PART 1 INTRODUCTION

1.1. Purpose and structure of these representations

- 1.1.1. These Written Representations are submitted in pursuance of rule 10(1) of the Infrastructure Planning (Examination Procedure) Rules 2010 ('ExPR') in relation to an application under the Planning Act 2008 for a Development Consent Order ('DCO') for the A428 Black Cat to Caxton Gibbet Road Improvement Scheme ('the Project') submitted by Highways England ('the Applicant') to the Secretary of State.
- 1.1.2. Natural England has already provided a summary of its principal concerns in its Relevant Representations, submitted to the Planning Inspectorate on 10 June 2021. This document comprises an updated detailed statement of Natural England's views, as they have developed in view of the common ground discussions that have taken place with the Applicant to date. These are structured as follows:
 - a. Section 2 describes the conservation designations, features and interests that may be affected by the Project and need to be considered.
 - b. Section 3 comprises Natural England's submissions in respect of the issues that concern it. This submission cross-refers to, and is supported by, the evidence contained in the Annexes.
 - c. Section 4 provides a summary of Natural England's case.
 - d. The Annexes contain evidence referred to in the main body of these Representations.

2. CONSERVATION DESIGNATIONS, FEATURES AND INTERESTS THAT COULD BE AFFECTED BY THE PROPOSED PROJECT

The following is a brief summary of the interest features of the relevant designated areas of concern in this matter. Designation citations and maps are included in Annexes A and B.

2.1. International conservation designations

Eversden and Wimpole Woods SAC

2.1.1 The Annex II feature present, as a qualifying feature that is a primary reason for site selection is the presence of barbastelle bat. The site comprises a mixture of ancient coppice woodland (Eversden Wood) and high forest woods likely to be of more recent origin (Wimpole Woods). Full site data and boundary map for the SAC are attached at Annex A.

2.1.2 After the submission of the Habitat Regulations Assessment: No significant Effects Report (Highways England, February 2021), Natural England does not consider there is sufficient information available to rule out likely significant effect with regard to the Eversden and Wimpole Woods SAC bat population. Barbastelle bats have been recorded travelling up to 20km¹ from their roost and the A428 scheme is located approximately 8km at its nearest point from Eversden and Wimpole Woods SAC. Whilst it is acknowledged that the Core Sustainance Zone (CSZ) of pregnant barbastelles is generally 6km (BCT (2020)), home ranges can vary, depending on the available resource. Natural England is also concerned by the comment 'bats would be tracked for 5km' as ideally bats should be tracked to their roosts. - During the Issue Specific Hearing on 18 August 2021 NE were advised that bats were tracked to their roosts but none of these were further than 5km from the point of capture. Mindful of the possibility that Barbastelle bats functionally linked with the SAC could be affected by the project, we have therefore advised the applicant to provide the following additional information:

- Alongside the maternity colony considerations, consideration is required of the winter foraging, hibernation and population exchange with other known barbastelle colonies in the area to inform the HRA as these are considered important supporting functions to the SAC;
- Efforts should be made to identify whether the scheme impacts on winter foraging (hibernating) barbastelle; notably to inform the HRA for the SAC. Winter feeding grounds are important in maintaining bat energy reserves throughout the hibernation period, this information will be critical in determining No Adverse Effect on the Eversden and Wimpole SAC, for which barbastelle are the qualifying feature. Winter automated static acoustic bat detector work should be undertaken along key sections of the route in areas that represent optimal winter foraging habitat. We would advise HE to undertake static detector monitoring for at least 6 nights, preferably 10, for each of the winter months (i.e. November to March inclusive);
- Limited geographical and temporal information has been collected from advanced licensed bat survey techniques (ALBST) with no pre-parturition surveys conducted and a small number of barbastelles trapped and tracked. Furthermore, the only bat trapping survey carried out were at the far western end of the route, away from the SAC. Natural England advises that further data should be collected by ALBST along the length of the scheme or through further surveys of Eversden and Wimpole Woods SAC population. The home range of the maternity colonies, main foraging area and flight lines as well as the seasonal changes in habitat use in the barbastelle population need to be identified

¹ See for example: [Home range use and habitat selection by barbastelle bats \(Barbastella barbastellus\): implications for conservation. \(cabdirect.org\)](https://cabdirect.org) and [Bats and road construction - Rijkswaterstaat Rapportendatabank \(overheid.nl\)](https://overheid.nl)

in order to determine how they may be impacted by the scheme i.e. severance of key areas.

- Cumulative and in combination impacts with other known developments should be considered as part of the EIA as HRA as appropriate.

Portholme Special Area of Conservation (SAC)

- 2.1.3 The primary qualifying feature of Portholme SAC is the presence of lowland hay meadows. This large site represents lowland hay meadows in eastern England. It is the largest surviving traditionally managed lowland meadow in the UK, with an area of 104ha of alluvial flood meadow (7% of the total UK resource). Full site data and boundary map for the SAC are attached at Annex A.
- 2.1.4 After the submission of the Habitat Regulations Assessment: No significant Effects Report (Highways England, February 2021), Natural England is satisfied on the basis of the information submitted that, for the purposes of the Habitats Regulations, that the project will not have a likely significant effect on Portholme SAC, alone or in combination with any other plan or project. The scheme is 8.9 km from the Portholme site and incorporates embedded mitigation measures to reduce the environmental effects of the scheme, set out in Chapter 2, The Scheme of the Environmental Statement [TR010044/APP/6.1] and best practice management and control measures that would be employed during construction of the Scheme, presented in the First Iteration Environmental Management Plan [TR010044/APP/6.8]. Natural England is satisfied that there has been sufficient consideration of the effects of the proposed scheme, including proposed drainage, to conclude that the scheme, with embedded and essential mitigation measures, is not likely to have a significant effect on the qualifying SAC features of the site.

Ouse Washes Special Area of Conservation (SAC), Special Protection Area (SPA) and Ramsar site

- 2.1.5 The Annex II feature present, as a qualifying feature that is a primary reason for site selection of the SAC is spined loach populations within the River Ouse catchment. The Counter Drain, with its clear water and abundant macrophytes, is particularly important, and a healthy population of spined loach is known to occur. Full site data and boundary map for the SAC are attached at Annex A.
- 2.1.6 This site qualifies as an SPA under Article 4.1 of the Directive (79/409/EEC) by supporting populations of European importance of the following species listed on Annex I of the Directive: ruff, spotted crane during the breeding season and Bewick's swan, hen harrier, ruff, whooper swan over winter. The site also qualifies under Article 4.2 of the Directive (79/409/EEC) by supporting populations of European importance of the following migratory species: blacktailed godwit, gadwall, shoveler, during the breeding season and black-tailed godwit, gadwall, pintail, pochard, shoveler, wigeon over winter.
- 2.1.7 The area qualifies under Article 4.2 of the Directive (79/409/EEC) by regularly supporting at least 20,000 waterfowl. Over winter, the area regularly supports 64,392 individual waterfowl including: lapwing, coot, tufted duck, mallard, teal, cormorant, black-tailed godwit, pochard, shoveler, pintail, gadwall, wigeon, ruff, whooper swan, Bewick's swan.
- 2.1.8 The Ouse Washes is designated under Ramsar criterion 1, criterion 2, criterion 5 and criterion 6. The site is one of the most extensive areas of seasonally-flooding washland of its type in Britain and supports several nationally scarce plants. Invertebrate records indicate that the site holds relict fenland fauna, including the British Red Data Book species the scarce chaser dragonfly and the riffle beetle *Oulimnius major*. The site also supports a diverse assemblage of nationally rare breeding waterfowl associated with seasonally-flooding wet grassland including assemblages of international importance and species/populations occurring at levels

of international importance. Species of particular importance Bewick's swan, whooper swan, wigeon, gadwall, teal, pintail, shoveler.

- 2.1.9 After the submission of the 'Habitat Regulations Assessment: No significant Effects Report (Highways England, February 2021), Natural England is satisfied on the basis of the information submitted that, for the purposes of the Habitats Regulations, the project is unlikely to have a significant effect on The Ouse Washes SAC, SPA and Ramsar site alone or in combination with any other plan or project. The scheme is 16.01km from the Ouse Washes site and incorporates embedded mitigation measures to reduce the environmental effects of the scheme, set out in Chapter 2, The Scheme of the Environmental Statement [TR010044/APP/6.1] and best practice management and control measures that would be employed during construction of the Scheme, presented in the First Iteration Environmental Management Plan [TR010044/APP/6.8]. Natural England is satisfied that there has been sufficient consideration of the effects of the proposed scheme, including proposed drainage, to conclude that the scheme, with embedded measures, is not likely to have a significant effect on the qualifying SAC features of the site.

2.2. National conservation designations

Eversden and Wimpole Woods Site of Special Scientific Interest (SSSI)

- 2.2.1 Eversden Wood is an important ancient semi-natural woodland of a type now localised in extent, and rare in lowland England. The habitats present support a nationally important summer maternity roost for the barbastelle bat. The SSSI citation and boundary map are attached at Annex A
- 2.2.2 The only interest feature that could be impacted by the scheme is the notified barbastelle bat therefore Natural England's consideration of this interest feature will be within the context of the HRA as it is the same interest feature affected. Natural England does not consider there is sufficient information available to rule out likely significant effect with regard to the Eversden and Wimpole Woods SSSI/SAC bat population. Barbastelle bats have been recorded travelling up to 20km from their roost and the A428 scheme is located approximately 8km at its nearest point from Eversden and Wimpole Woods SSSI. Whilst it is acknowledged that the Core Sustainance Zone (CSZ) of pregnant barbastelles is generally 6km (BCT (2020)), home ranges can vary, depending on the available resource.

Portholme Site of Special Scientific Interest (SSSI)

- 2.2.3 The site is approximately 8.9km from the proposed scheme. This site is the largest surviving traditionally-managed lowland hay meadow in the UK supporting MG4 Biodiversity Action Plan Priority habitat supporting a small population of the fritillary. The SSSI citation and boundary map are attached at Annex A.
- 2.2.4 During construction potential impacts on water quality will be addressed through embedded pollution prevention measures discussed in Chapter 2, The Scheme of the Environmental Statement (ES) [TR010044/APP/6.1] and Best practice management and control measures that would be employed during construction of the Scheme, are presented in the First Iteration Environmental Management Plan [TR010044/APP/6.8]. On this basis it is Natural England's view that significant adverse effects on the notified features of Portholme SSSI, during the construction or operational phase of the scheme, are unlikely and the effects can therefore be considered to be neutral. We note that the potential effects of the scheme on the notified SSSI interest has not been addressed through the Environmental Statement; our advice is that the ES should be updated accordingly.

Ouse Washes Site of Special Scientific Interest (SSSI)

- 2.2.5 The site is one of the country's few remaining areas of extensive washland habitat. It is of particular note for the large numbers of wildfowl and waders which supports, for the large area of unimproved neutral grassland communities which it holds and for the richness of the aquatic fauna and flora within the associated watercourse. The capacity of the site to hold wintering and breeding waterfowl and waders is of international significance. Of particular note in the winter are the large number of teal, pintail, widgeon, shoveler, pochard and Berwick's swan. The SSSI citation and boundary map are attached at Annex A.
- 2.2.6 Natural England is satisfied that there will be no impacts on the notified features of the SSSI during construction and operation. The scheme is 16.01km from the Ouse Washes site and there has been sufficient consideration of the proposed drainage to confirm that the proposals are not likely to have a significant effect on the notified features of the site. We note that the potential effects of the scheme on the notified SSSI interest has not been addressed through the Environmental Statement; our advice is that the ES should be updated accordingly.
- 2.2.7 During construction potential impacts on water quality will be addressed through embedded pollution prevention measures discussed in Chapter 2, The Scheme of the Environmental Statement (ES) [TR010044/APP/6.1] and Best practice management and control measures that would be employed during construction of the Scheme, are presented in the First Iteration Environmental Management Plan [TR010044/APP/6.8]. Natural England therefore agrees that no significant adverse effects have been identified for the Ouse Washes SSSI during the construction or operational phase of the scheme and effects are therefore considered to be neutral.

St. Neots Common Site of Special Scientific Interest (SSSI)

- 2.2.8 This riverside common holds alluvial grassland and associated ponds, ditches and willow carr which together provide an area of diverse wildlife habitat supporting a variety of species. The SSSI citation and boundary map are attached at Annex A.
- 2.2.9 This site is 1km to the north-west of the scheme. Natural England is satisfied with the finding in Chapter 8 of the ES that no impacts on the SSSI features are anticipated. Indirect impacts such as oil or chemical spills and air pollution from dust, and silt, which could result in the loss of plants through uptake of contaminants will be mitigated through the adoption of best practice for the Scheme (First Iteration EMP [TR010044/APP/6.8]). Additionally, the drainage system will be designed and constructed in accordance with water quality standards as set using the Highways England Water Risk Assessment Tool (HEWRAT).

Little Paxton Woods Site of Special Scientific Interest (SSSI)

- 2.2.10 This ancient wood is wet Ash (*Fraxinus excelsior*) and Field Maple (*Acer campestre*) on heavy calcareous clay, with seasonally waterlogged soils. It has a diverse flora. A double bank and ditch with Wood Melick (*Melica uniflora*), Sweet Violet (*Viola odorata*) and the nationally restricted Spiked Star-of - Bethlehem (*Ornithogalum pyrenaicum*) contribute to a very diverse flora. The SSSI citation and boundary map are attached at Annex A.
- 2.2.11 This site is 1.8 kilometres north-west of the scheme. Natural England is satisfied with the findings in Chapter 8 of the ES that no impacts on the SSSI features are anticipated. Indirect impacts such as oil or chemical spills and air pollution from dust, and silt, which could result in the loss of plants through uptake of contaminants will be mitigated through the adoption of best practice for the Scheme (First Iteration EMP [TR010044/APP/6.8]).

Elsworth Wood Site of Special Scientific Interest (SSSI)

This site has three different uncommon types of woodland. It is mainly coppiced Field Maple (*Acer campestre*), with a varied shrub layer and the ground flora is mainly Dog's Mercury (*Mercurialis perennis*) and Bluebell (*Hyacinthoides non-scripta*) together with a considerable population of Nationally Scarce oxlip (*Primula elatior*). The invertebrate community includes several nationally uncommon beetles, such as a species of rove beetle (*Stichoglossa semirufa*). The SSSI citation and boundary map are attached at Annex A.

- 2.2.12 This site is 0.85 kilometres from the scheme. We agree with the evaluation provided in Appendix 8.2 of the Environmental Statement [TR010044/APP/6.3], including an appraisal of the hydrological effects of the Scheme, that there will be no significant effects from the Scheme and effects are therefore considered to be neutral.
- 2.2.13 Discussions are ongoing in relation to SAC bat usage (whether it is functionally linked with the of Elsworth Wood) and its relationship to the Scheme.

Papworth Woods Site of Special Scientific Interest (SSSI)

- 2.2.14 One of the oldest secondary woods in Cambridgeshire. Although originally a coppice-with-standards woodland of Ash (*Fraxinus excelsior*), Field Maple and Hazel (*Corylus avellana*) the site is now dominated by invasive Small-leaved Elm (*Ulmus minor*) and represents a woodland type scarce in Britain. The SSSI citation and boundary map are attached at Annex A.
- 2.2.15 The site is 1.14 kilometres north of the scheme. Natural England is satisfied with the findings in Chapter 8 of the ES that no impacts on the SSSI features are anticipated. Indirect impacts such as oil or chemical spills and air pollution from dust, and silt, which could result in the loss of plants through uptake of contaminants will be mitigated through the adoption of best practice for the Scheme (First Iteration EMP [TR010044/APP/6.8]).

2.3. European Protected Species

Bats

- 2.3.1 Bats are protected under Schedule 5 of the Wildlife and Countryside Act 1981 (as amended) and listed under Schedule 2 of the Conservation of Habitats and Species Regulations 2017 (as amended)
- 2.3.2 In providing our advice, Natural England has made efforts to distinguish Barbastelle bats linked with the Eversden & Wimpole Woods SAC from other bat species (but also other non-SAC Barbastelle bats where possible). There is inevitably overlap between bats as a receptor for EIA and HRA purposes, and we have tried to indicate which regulatory framework we are referring to, and where uncertainties exist.
- 2.3.3 The additional crossing point and static detector surveys during autumn and winter set out below in regards to the Eversden and Wimpole Woods SAC will provide further information about how bat species are using the scheme. This should be used to inform mitigation such as crossing point structures which need to be located precisely on existing flight lines and commuting routes.
- 2.3.4 Bat surveys have been conducted between 2018 and 2020 and all accessible trees and structures within 100m of the Order Limits were assessed where relevant, according to preliminary roost appraisal surveys. It is understood that no identified bat roosts will be directly impacted by works. However due to the highly mobile nature of bats and their tendency to switch between tree roosts, coupled with the difficulties in surveying trees, there is the potential for roosts to be missed.
- 2.3.5 As bat roosts identified at a late stage can cause delays to the project, it may be beneficial to

consider applying for a bat mitigation licence under Licence Policy 4 for any areas where large number of trees needing to be felled. Using the survey data available to date and results of additional surveys carried out you will need to provide an indication of species and numbers of bats likely to be present in the affected area.

- 2.3.6 Only a single bat underpass has been proposed to date and no details have been provided regarding the design or it's suitability for use by different bat species, likely to use the nearby woodlands severed by the scheme in this location. Crossing structure designs should take into account the species currently using the feature to be severed by the road and the heights at which they fly. In addition, it is unclear whether the other mammal underpasses crossing points proposed will be designed to also make them suitable for use by bats.
- 2.3.7 The use of lighting both during and post construction should be kept to a minimum and illumination of bat roost, foraging habitat and commuting routes avoided. Natural England understands there is no detailed lighting plan available at present for the scheme but advises that bat use of the surrounding landscape should be taken into account when designing the lighting strategy.

Great crested newts (GCN)

- 2.3.8 Great crested newts are protected under Schedule 5 of the Wildlife and Countryside Act 1981 (as amended) and listed under Schedule 2 of the Conservation of Habitats and Species Regulations 2017 (as amended).
- 2.3.9 The scheme involves the temporary loss of breeding ponds and terrestrial habitat. Chapter 8 of the ES identifies that the scheme will have minor adverse impact on GCN which will be offset through an overall increased provision of ponds and wetland areas. Natural England is satisfied with this noting that Highways England are in the process of joining District Level Licensing (DLL) schemes. Should DLL not be progressed for any reason Highways England will require a Natural England European Protected Species (EPS) Licence. In such case we recommend that a full draft GCN application is agreed with Natural England as soon as possible, in order to expedite the issue of a Letter of No Impediment (LONI) for the examination.

Otters

- 2.3.10 Otters are protected under Schedule 5 of the Wildlife and Countryside Act 1981 (as amended) and listed under Schedule 2 of the Conservation of Habitats and Species Regulations 2017 (as amended).
- 2.3.11 Chapter 8 and Appendix 8.7 of the Environmental Statement [TR010044/APP/6.3] In general, present a good summary of the relevant legislation and policies and construction working standards. The desk studies followed normal practice, however, contact does not seem to have been made with the University of Cardiff who might hold additional information on road casualty otters from this area. The otter surveys are comprehensive and follow standard methodology. There appear to be no serious constraints to the field surveys, however, there is a reference to inspecting bridges (Chapter 8: Biodiversity TR010044/APP/6.1 page 21) "Spot checks were also conducted on bridges within 5 kilometres up and downstream of the Scheme, where accessible". There seems to be no further reference to this in the Appendix 8.7: Riparian Mammals which, given the large range of otters along waterways (c.12 miles), might have given additional useful information. The information on the ecology of riparian species in Appendix 8.7 1.2 is too brief for anyone not already familiar with these mammals.
- 2.3.12 The River Great Ouse is identified as an important resource for otters: "The nature conservation value for Otter is of Regional importance" (TR010044/APP/6.1 8.6.41). Construction impacts are classified (8.9.62) as "Construction disturbance and temporary disruption to connectivity upon Otter, a species of Medium environmental value are likely to result in a magnitude of impact of Minor (adverse), leading to a significance of Slight (adverse)".

Otters are the subject of Local Authority BAP's for the area: Appendix 8.7, Table 2.1. Otters seem to be regarded more highly than Water Voles.

- 2.3.13 Natural England is satisfied in principle, with the outline mitigation proposed for otters, subject to agreement of the detail following completion of survey updates. This should including measures to mitigate the effects of lighting, there is some reference to lighting (which could disturb otters), but only in relation to bats (8.9.49).

2.3 Nationally Protected Species

Wintering and breeding birds

- 2.4.1 All wild bird species, their eggs and nests are protected under Section 1 of the Wildlife and Countryside Act 1981 (as amended).
- 2.4.2 The ES has identified minor adverse impact to wintering and breeding birds, including barn owl, red kite and hobby, through temporary loss of habitat / nesting habitat and disturbance and direct loss of farmland bird habitat including arable land, hedgerows and scrub. Natural England is satisfied in principle with the mitigation measures set out in the Biodiversity Management Plan (BMP), subject to agreement of the detail.

Common lizard

- 2.4.3 Common lizard is protected under Schedule 5 of the Wildlife and Countryside Act 1981 (as amended) and listed as priority species within the UK Post-2010 Biodiversity Framework.
- 2.4.4 Natural England is satisfied that there will be negligible impact following implementation of best practice working methods and habitat creation and enhancement outlined in the BMP.

Badgers

- 2.4.5 Badgers are protected under the Protection of Badgers Act 1992 (as amended).
- 2.4.6 Potential impacts on badgers have been identified and will be mitigated through creation of a new sett and provision of underpasses. Natural England have assessed a draft licence application and issued a 'letter of no impediment' (Annex B) confirming that it sees no impediment to granting a licence in the future subject to the outlined issues with the method statement being addressed before the licence application is formally submitted. Mary Maguire (AECOM) has confirmed via e-mail correspondence on 13 July 2021 that the necessary amendments would be made.

2.5 Landscape designations

- 2.5.1 There are no statutorily designated landscapes relevant to the Scheme hence Natural England offers no further comment.

2.6 Non-designated interests and features of concern

- 2.6.1 The following areas of non-designated but valuable and sensitive habitat could be affected:
- Great Ouse Valley County Wildlife Site (CWS);
 - Begwary Brook Pits CWS and Wildlife Trust Nature Reserve;
 - Birchfield Farm Meadows CWS;
 - Croxton Park CWS;
 - Elsworth (A428 to Common Farm) Protected Roadside Verge (CWS);
 - Eltisle Wood CWS;

- Great Barford House Grassland CWS;
- Latch Pool and Ditch CWS;
- Little Barford CWS;
- Palaceyard Wood CWS;
- River Great Ouse CWS;
- Rivers Ivel and Hiz CWS;
- Sir John's Wood CWS;
- Willow Pollards West of Sharp's Barn CWS;
- Wyboston Pits CWS;
- Zwetlots Pits CWS.

2.6.2 UK Priority Habitats that will be affected by the proposal include broadleaved woodland, ancient and veteran trees and hedgerow.

2.6.3 Non-designated interests and features are beyond the scope of Natural England's remit hence we offer no further comment, however it should be noted that these sites may provide functionally linked habitat to the Eversden & Wimpole Woods SAC.

2.7 Soils

2.7.1 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 landtake; however, impacts have yet to be quantified through ALC and soil resource field survey work due to Covid restrictions. It is proposed to carry these out through 2021 subject to lifting of lockdown restrictions.

2.7.2 Based on a worst-case assumption the ES estimates that the proposed development will result in the total permanent loss of 348.94ha of BMV soils as well as the total temporary disturbance of 511.881ha of BMV soils. Physical damage to soil will occur through excavation and temporary storage, soil compaction and the exacerbation of soil erosion through handling and storage of soils. Embedded and essential mitigation measures and monitoring have been incorporated into the scheme to minimise impacts on soils and BMV land as far as possible. Additional essential mitigation and monitoring measures will also be implemented.

2.7.3 As advised in our Relevant Representation, we welcome the commitment to a full detailed survey being carried out when lockdown restrictions allow; Natural England strongly encourages this since it will also be part of the soil resource survey to identify soil resources and to inform the soils management plan. There appears to have been good consideration of soil and ALC matters in the submitted documents using key reference and guidance documents. The full Soil Resource Plan (SRP) is required to review the current iteration of proposed soil handling and management in the Soil Management Plan (SMP) (Annex E of the First Iteration Environmental Management Plan) at the detailed design stage.

2.8 Biodiversity Net Gain

2.7.1 As indicated in our Relevant Representation Natural England advises that consideration should be given to incorporating biodiversity and green infrastructure enhancements into the borrow pit restoration schemes to deliver benefits for people and wildlife.

2.7.2 We support the calculated delivery of 20.5% biodiversity net gain through the project although we note that the Highways England metric was used instead of the preferred Defra metric which considers habitat condition and other key criteria. For this reason Natural England recommends the use of the Defra 3 metric to ensure accuracy of net gain calculations for this Scheme.

3 NATURAL ENGLAND'S CONCERNS AND ADVICE

3.1 The principal issues

3.1.1 Natural England identified the following main issues in its Relevant Representations:

- Further information requested should be provided to rule out likely significant effect in regard to the Eversden and Wimpole Woods SAC barbastelle bat population;
- ALC and soil resource surveys will need to be completed to inform the SRP and SMP.

These issues will be discussed in corresponding sections below along with any updates on the progress or resolution of issues.

3.2 Further information requested should be provided to rule out likely significant effect in regard to the Eversden and Wimpole Woods SAC Barbastelle bat population

- 3.2.1 As detailed above, Natural England does not consider there is sufficient information available to rule out likely significant effect with regard to the Eversden and Wimpole Woods SAC Barbastelle bat population. The main reason for this is that Barbastelle bats are known to traverse up to 20km² (and possible further) from their roost site, and although the limited number of trapping, tagging and tracking studies show a core zone within a more constrained area, in our opinion there is insufficient data to confidently conclude that the SAC bats will not travel beyond the DCO boundary limits and therefore would not be affected by the project.
- 3.2.2 Surveys to date have primarily been focused on the main breeding season, however it is also important (for either HRA and/or licensing purposes) to gain an understanding of the use of the site by SAC barbastelle (and general bat species throughout the year). Ideally data would be gathered across all 12 months of the year (for at least one full year) to increase confidence in the survey results and account for seasonal weather variations.
- 3.2.3 For SAC barbastelle (and general bat species) we require an understanding of the dispersal behaviour to hibernation site and/or method of gene flow (e.g. seasonal movement to swarming sites). Therefore additional surveys using static bat detectors should be conducted to identify autumn dispersal routes or the use of the site over the winter season.
- 3.2.4 The Natural England Survey Technical Note HE551495-ACM-GEN-GEN dated 16 July 2021 states that the Scheme has been designed such that it does not significantly affect bat foraging or commuting routes. However according to section 3.10.4 the Environmental Statement TR010044 there are approximately 40 features such as hedges, tracks and paths which will be severed by the scheme, yet only seven of these have been surveyed. Unless all identified potential crossing points are surveyed it is not possible to understand the full impact of the project.
- 3.2.5 During the Issue Specific Hearing on 18 August 2021 it was explained to Natural England that not all of the features identified were potential crossing points. Therefore, further survey should be carried out on all the remaining features that have been identified as potential crossing points unless justification can be provided for them being scoped out. The results of the crossing point surveys should be used to inform the location of crossing point mitigation features such as bat bridges or underpasses.

² See for example: [Home range use and habitat selection by barbastelle bats \(Barbastella barbastellus\): implications for conservation. \(cabdirect.org\)](https://cabdirect.org) and [Bats and road construction - Rijkswaterstaat Rapportendatabank \(overheid.nl\)](https://overheid.nl)

3.2.6 The Natural England Survey Technical Note HE551495-ACM-GEN-GEN dated 16 July 2021 states that the design includes crossing point structures however bat crossing structures should be placed on the exact location of existing commuting routes. Therefore, until the crossing point surveys have been completed, the number and location of crossing point structures required to prevent fragmentation cannot be finalised.

3.3 ALC and soil resource surveys will need to be completed to inform the Soil Resource Plan (SRP) and Soil Management Plan (SMP).

3.3.1 We welcome the commitment to a full detailed survey being carried out when lockdown restrictions allow; Natural England strongly encourages this since it will also be part of the soil resource survey to identify soil resources and to inform the soils management plan. Our advice is that soil survey and the SRP and SMP should cover all relevant aspects of the proposed scheme including excavation and restoration of the borrowpits.

3.4 Conclusions

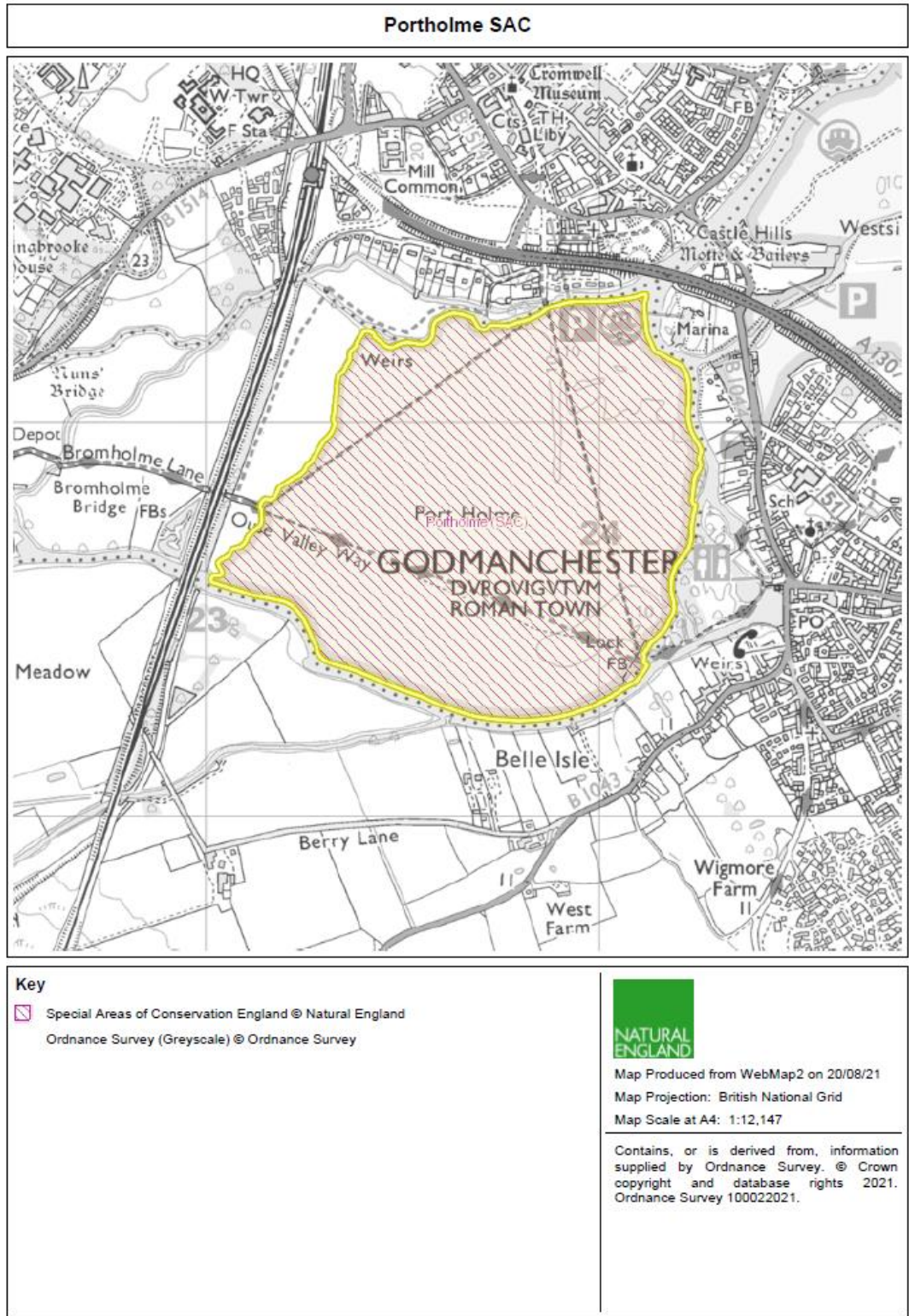
3.4.1 Natural England has reviewed the Environmental Statement (ES), Habitats Regulations Assessment (HRA) and accompanying documents and is broadly satisfied that impacts to statutorily designated sites, including hydrological and air quality impacts, can be ruled out or proposed mitigation is sufficient to demonstrate no adverse effect. The exception to this is in relation to Eversden and Wimpole Woods SAC. Natural England have advised that further evidence is required, to support the no likely significant effect conclusion of the ES and HRA, for Eversden and Wimpole Woods SAC. As we have expanded in the 'Position Statement' with Highways England, in our view it would be more appropriate (and legally safer) to screen in likely significant effects to the SAC, and consider the impacts in more detail within an Appropriate Assessment. ALC and soil resource surveys will also need to be completed and an assessment of effects and mitigation requirements, to address any adverse impacts, presented in an update to the ES.

Part II: Annexes

Annex A: Designated site maps and information.

1. Portholme Special Area of Conservation (SAC), Site of Special Scientific Interest (SSSI);
2. Eversden and Wimpole Woods SAC, SSSI;
3. Ouse Washes SAC, Special Protection Area (SPA) Ramsar and SSSI;
4. Elsworth Wood SSSI;
5. Papworth Woods SSSI;
6. Little Paxton Common SSSI;
7. St. Neots Common SSSI.

1. Portholme Special Area of Conservation (SAC), Site of Special Scientific Interest (SSSI);



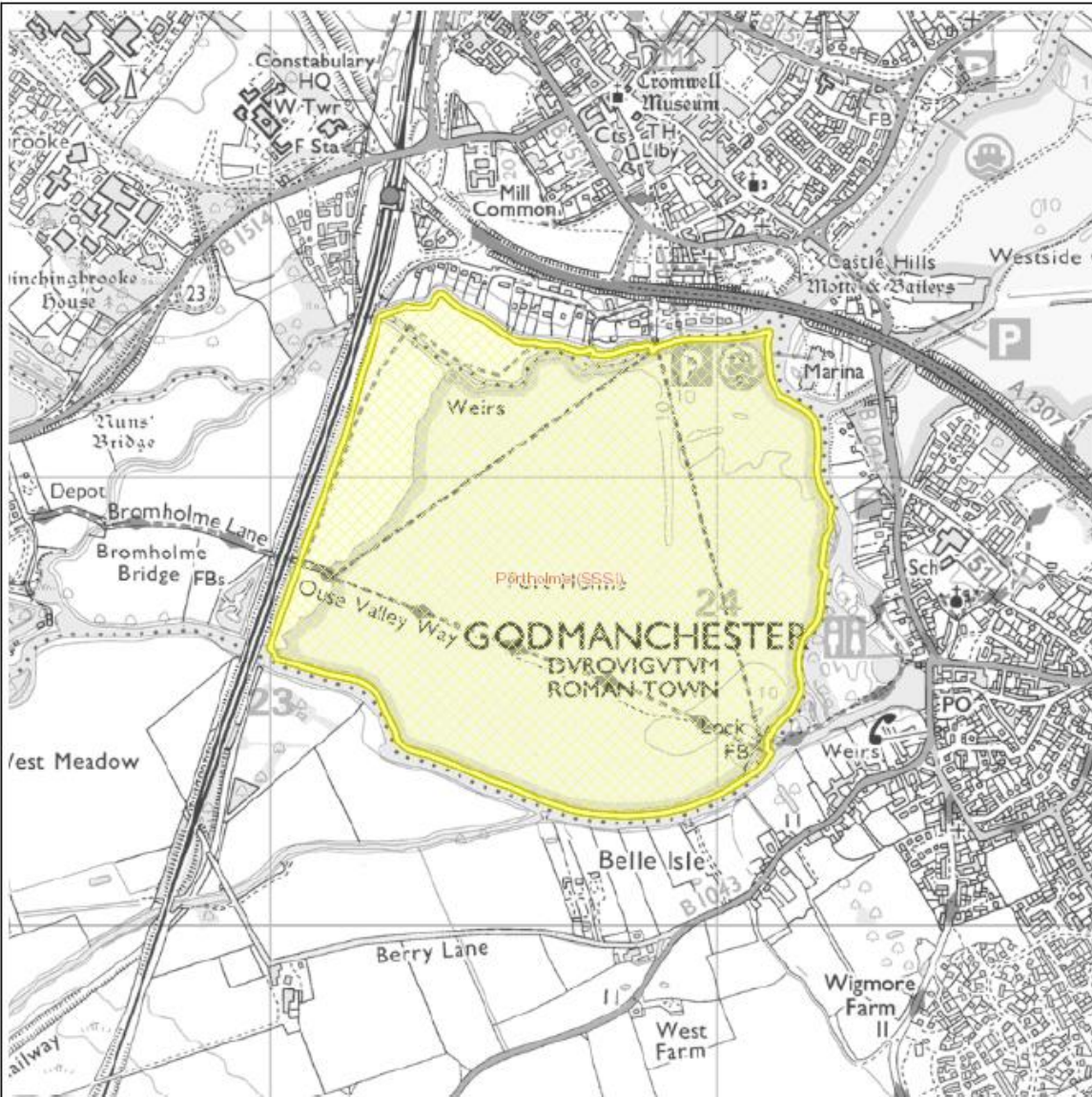
Summary information (JNCC) - [Portholme - Special Areas of Conservation \(jncc.gov.uk\)](http://jncc.gov.uk)

Conservation Objectives – <http://publications.naturalengland.org.uk/file/5992488410284032>



Supplementary Advice - <http://publications.naturalengland.org.uk/file/6347519194038272>

Citation - <http://publications.naturalengland.org.uk/file/4846285462962176>

Portholme SSSI



Key

-  SSSI England Detailed © Natural England
-  Ordnance Survey (Greyscale) © Ordnance Survey



Map Produced from WebMap2 on 20/08/21

Map Projection: British National Grid

Map Scale at A4: 1:13,092

Contains, or is derived from, information supplied by Ordnance Survey. © Crown copyright and database rights 2021. Ordnance Survey 100022021.

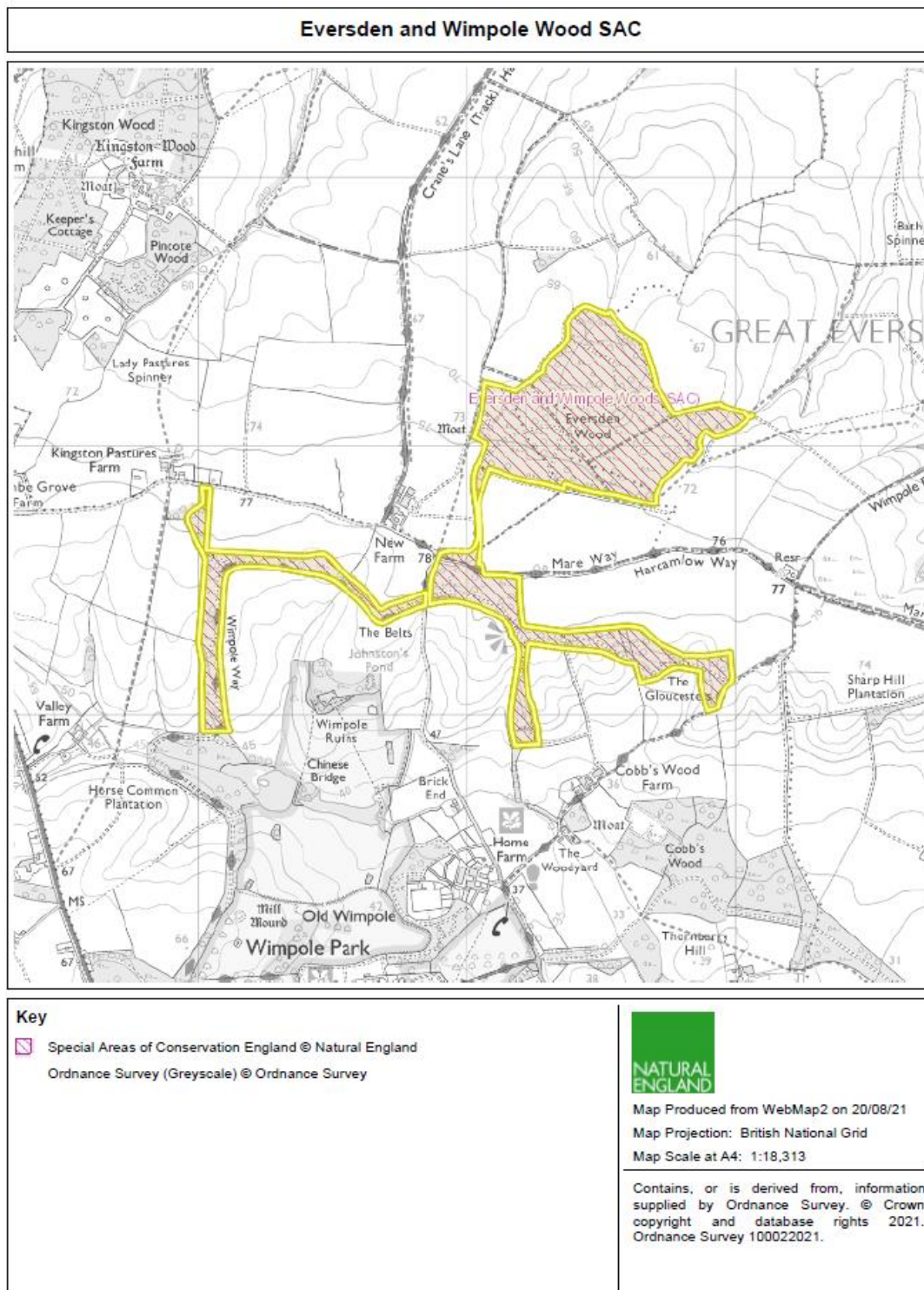
SSSI citation –

<https://designatedsites.naturalengland.org.uk/PDFsForWeb/Citation/1002185.pdf>

List of operations likely to damage the special interest –

<https://designatedsites.naturalengland.org.uk/PDFsForWeb/Consent/1002185.pdf>

2. Eversden and Wimpole Woods SAC, SSSI



Summary information (JNCC) - <https://sac.jncc.gov.uk/site/UK0030331>

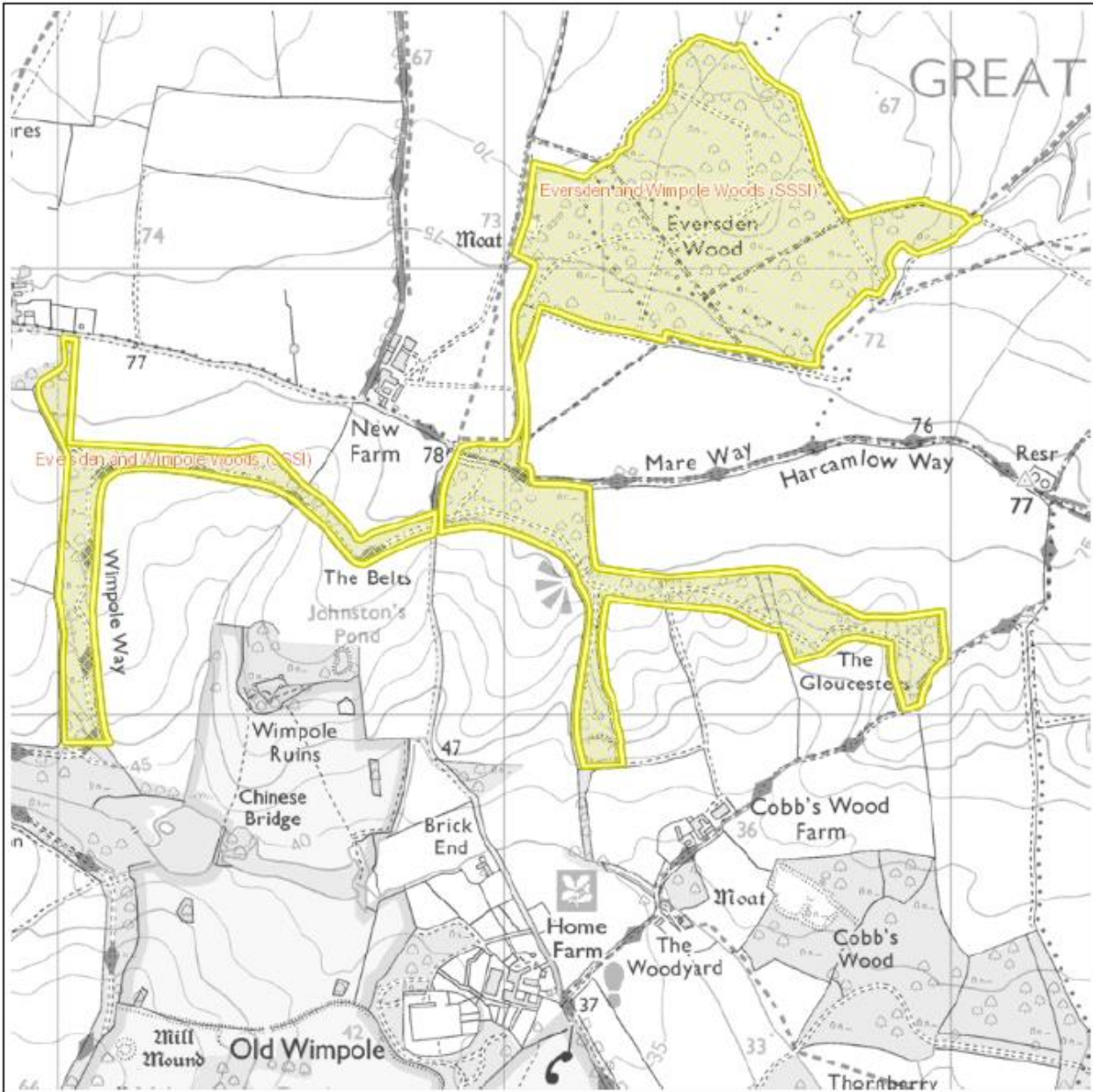
Conservation Objectives – <http://publications.naturalengland.org.uk/file/6307779568730112>

Supplementary Advice - <http://publications.naturalengland.org.uk/file/6553352997699584>

Citation - <http://publications.naturalengland.org.uk/file/6277036410667008>

Site Improvement Plan – <http://publications.naturalengland.org.uk/publication/5757354431741952>

Eversden and Wimpole Woods SSSI



Key

- SSSI England Detailed © Natural England
- Ordnance Survey (Greyscale) © Ordnance Survey



Map Produced from WebMap2 on 20/08/21
 Map Projection: British National Grid
 Map Scale at A4: 1:13,000

Contains, or is derived from, information supplied by Ordnance Survey. © Crown copyright and database rights 2021. Ordnance Survey 100022021.

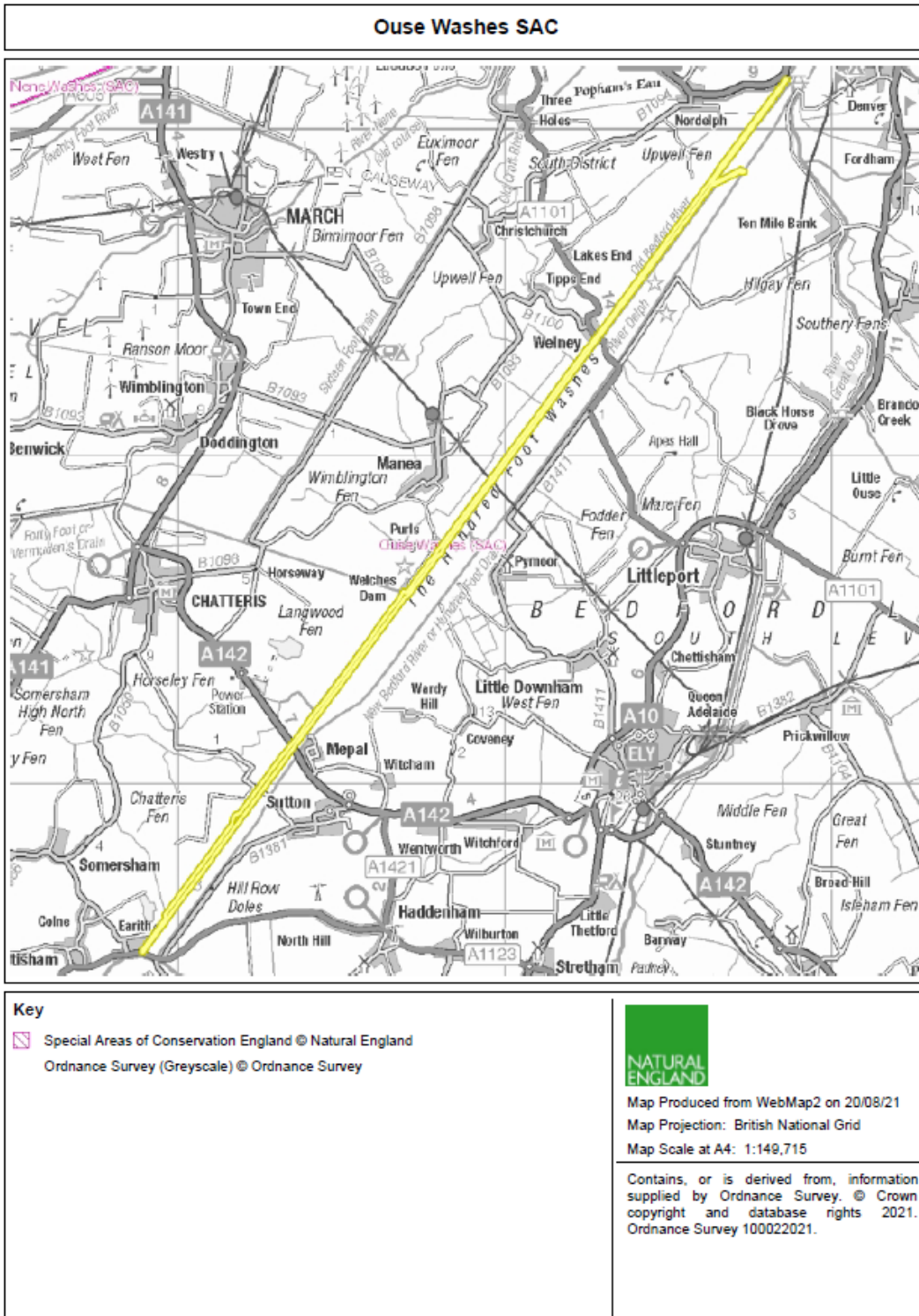
SSSI citation –

<https://designatedsites.naturalengland.org.uk/PDFsForWeb/Citation/1000416.pdf>

List of operations likely to damage the special interest –

<https://designatedsites.naturalengland.org.uk/PDFsForWeb/Consent/1000416.pdf>

3. Ouse Washes SAC, Special Protection Area (SPA) and Ramsar site.



Summary Information (JNCC)

<http://jncc.defra.gov.uk/ProtectedSites/SACselection/sac.asp?EUCode=UK0013011>

Conservation Objectives

<http://publications.naturalengland.org.uk/file/6571588111826944>

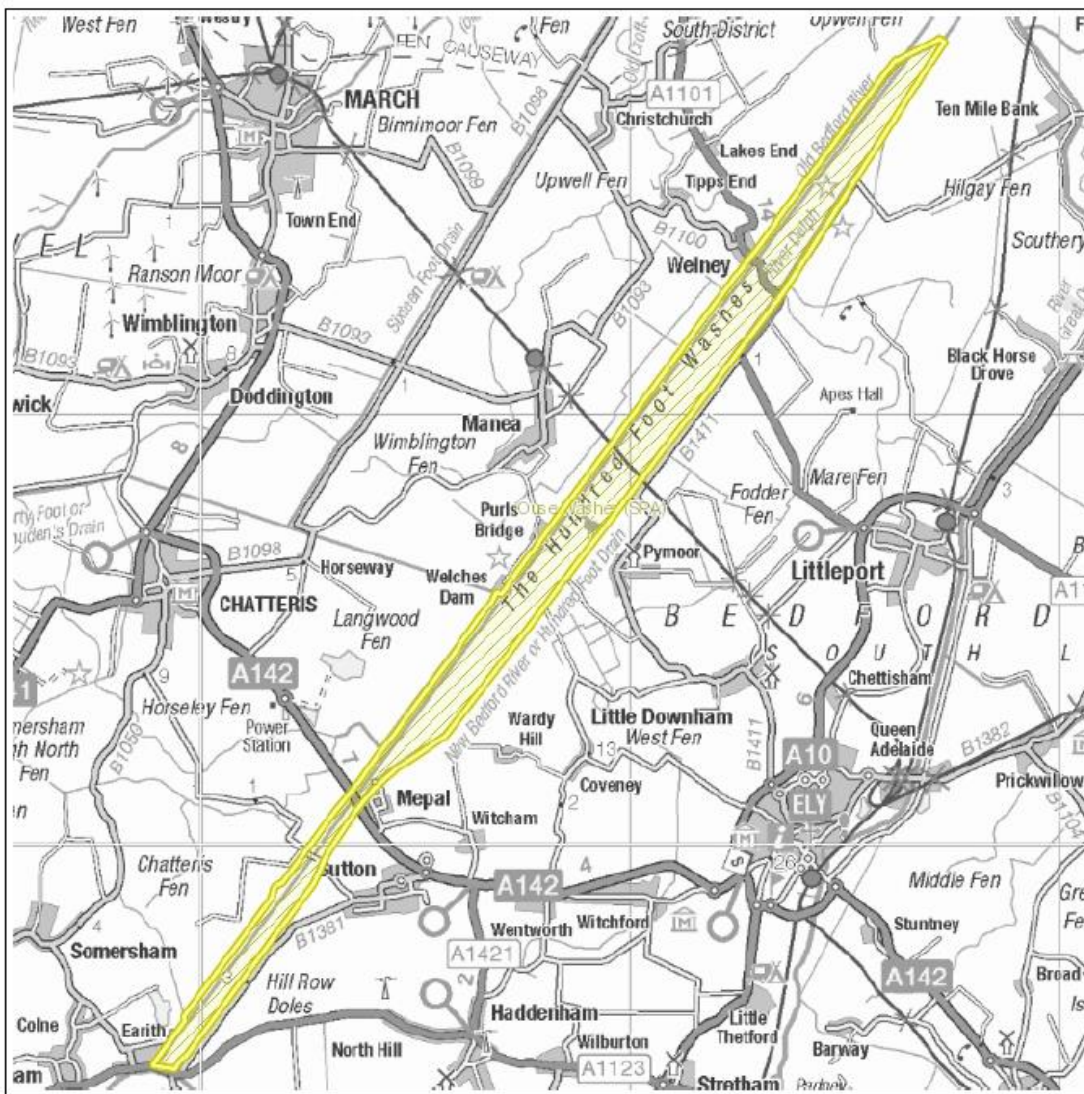
Supplementary Advice

<http://publications.naturalengland.org.uk/file/5662963216154624>



Citation

<http://publications.naturalengland.org.uk/file/5469802726424576>

Ouse Washes SPA



Key

-  Special Protection Areas England © Natural England
-  Ordnance Survey (Greyscale) © Ordnance Survey



Map Produced from WebMap2 on 20/08/21
Map Projection: British National Grid
Map Scale at A4: 1:134,656

Contains, or is derived from, information supplied by Ordnance Survey. © Crown copyright and database rights 2021. Ordnance Survey 100022021.

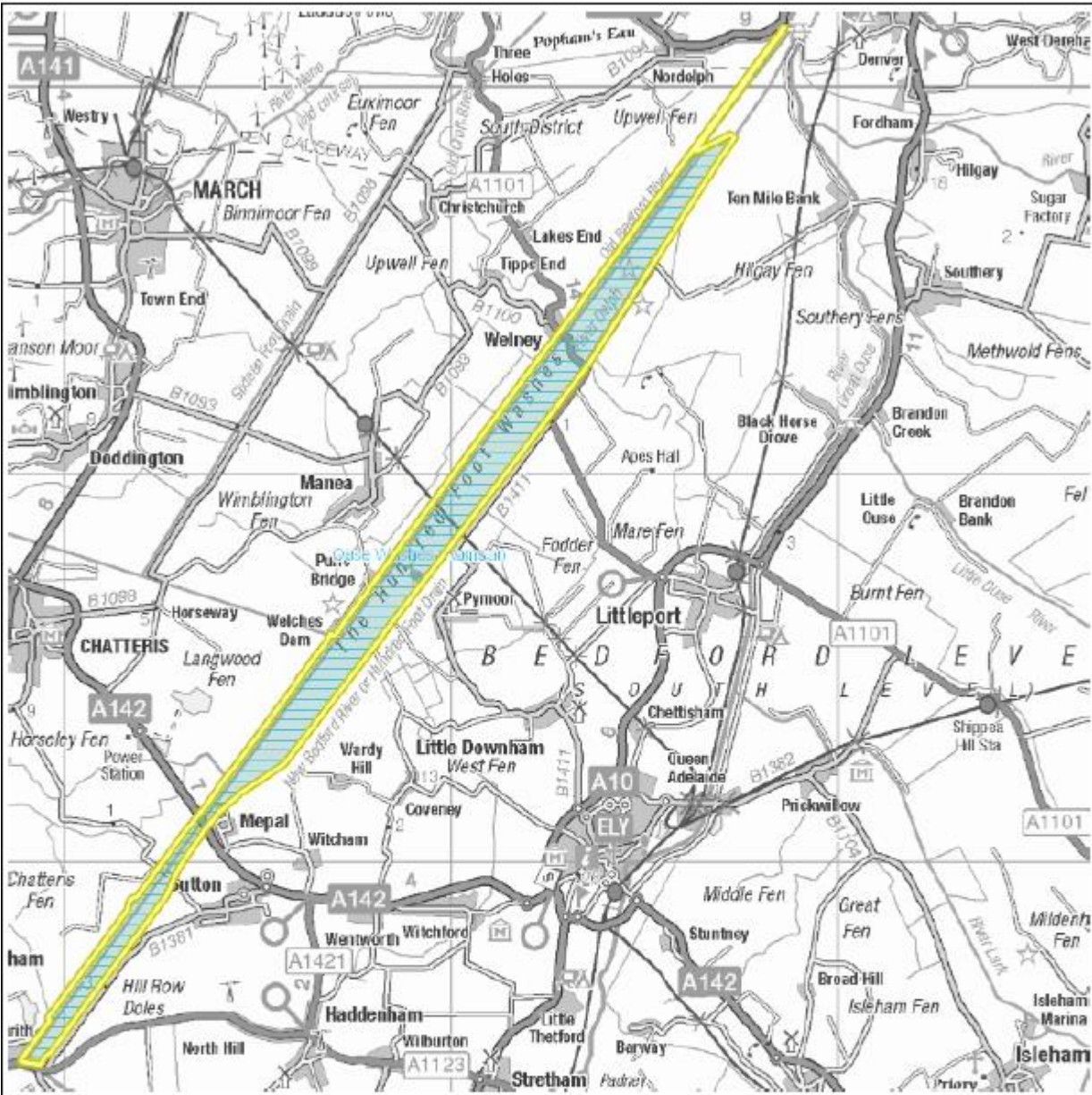
Summary Information (JNCC)

<http://jncc.defra.gov.uk/pdf/SPA/UK9008041.pdf>

Conservation Objectives

<http://publications.naturalengland.org.uk/publication/6636062256398336>

Ouse Washes Ramsar



Key

-  Ramsar sites England © Natural England
-  Ordnance Survey (Greyscale) © Ordnance Survey



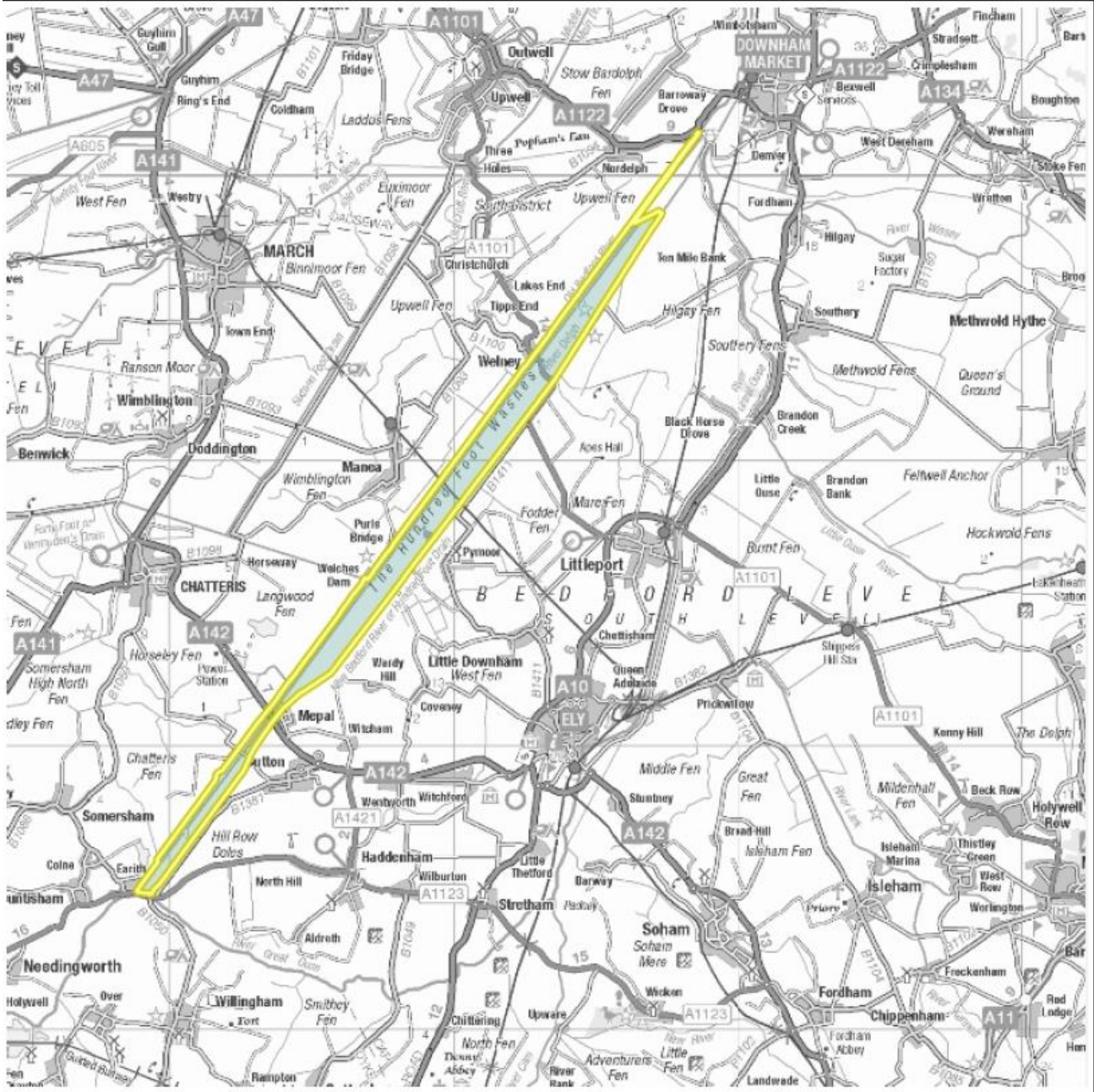
Map Produced from WebMap2 on 20/08/21

Map Projection: British National Grid

Map Scale at A4: 1:150,000

Contains, or is derived from, information supplied by Ordnance Survey. © Crown copyright and database rights 2021. Ordnance Survey 100022021.

Ouse Washes SSSI

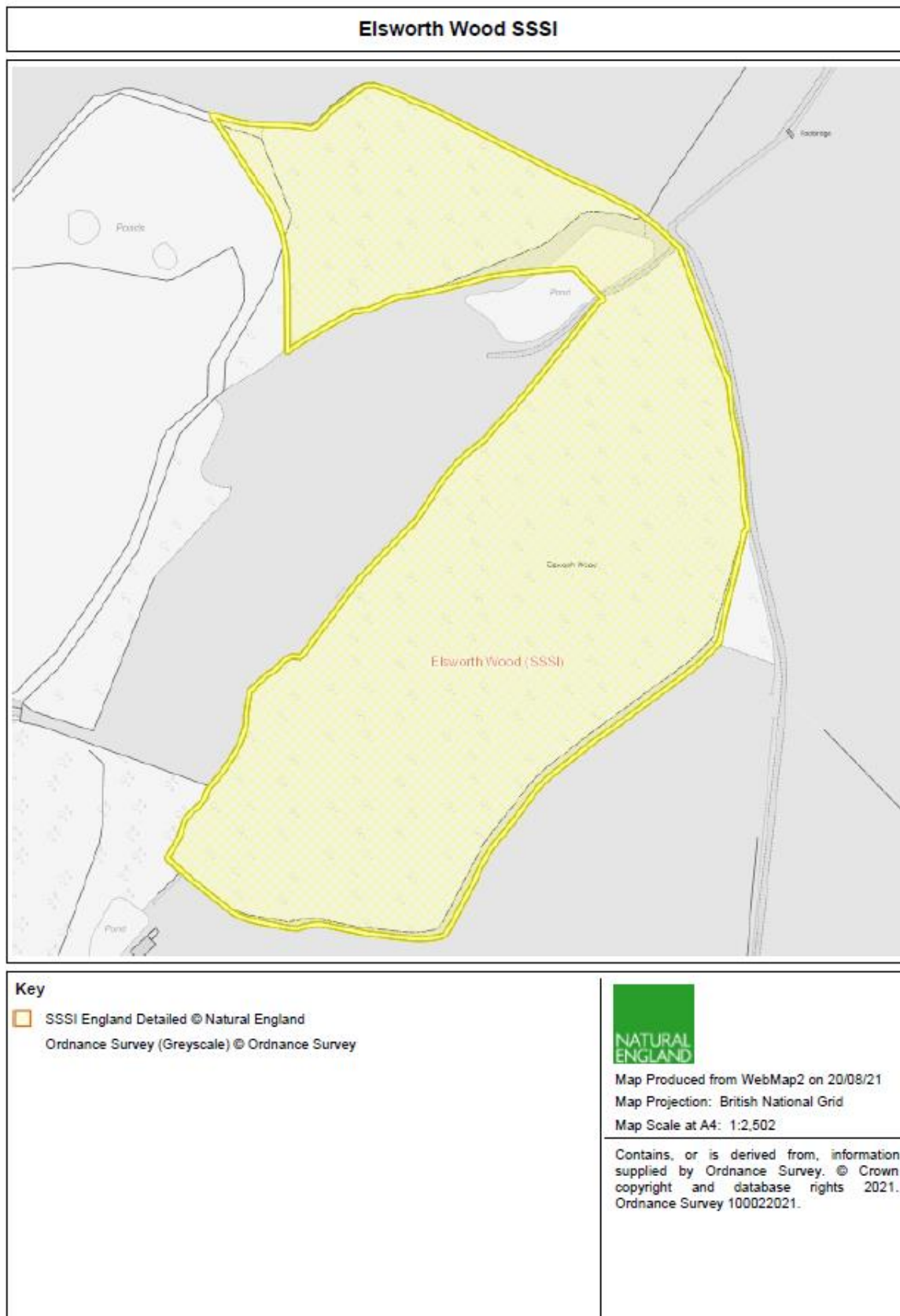


Citation - <https://designatedsites.naturalengland.org.uk/PDFsForWeb/Citation/1000503.pdf>

Operations likely to damage the special interest

<https://designatedsites.naturalengland.org.uk/PDFsForWeb/Consent/1000503.pdf>

4. Elsworth Wood SSSI;

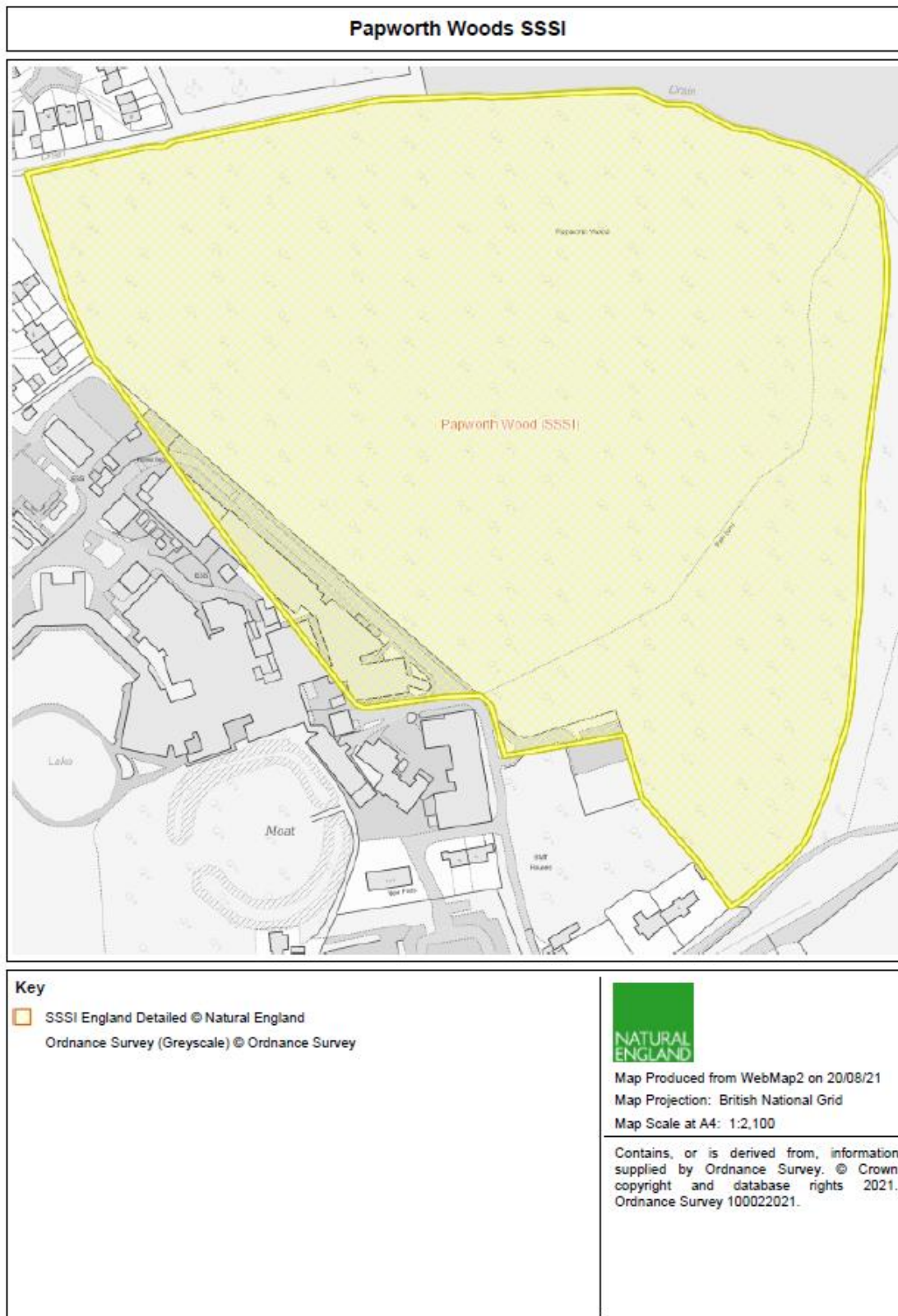


Citation - <https://designatedsites.naturalengland.org.uk/PDFsForWeb/Citation/1000848.pdf>

Operations likely to damage the special interest

<https://designatedsites.naturalengland.org.uk/PDFsForWeb/Consent/1000848.pdf>

5. Papworth Woods SSSI;

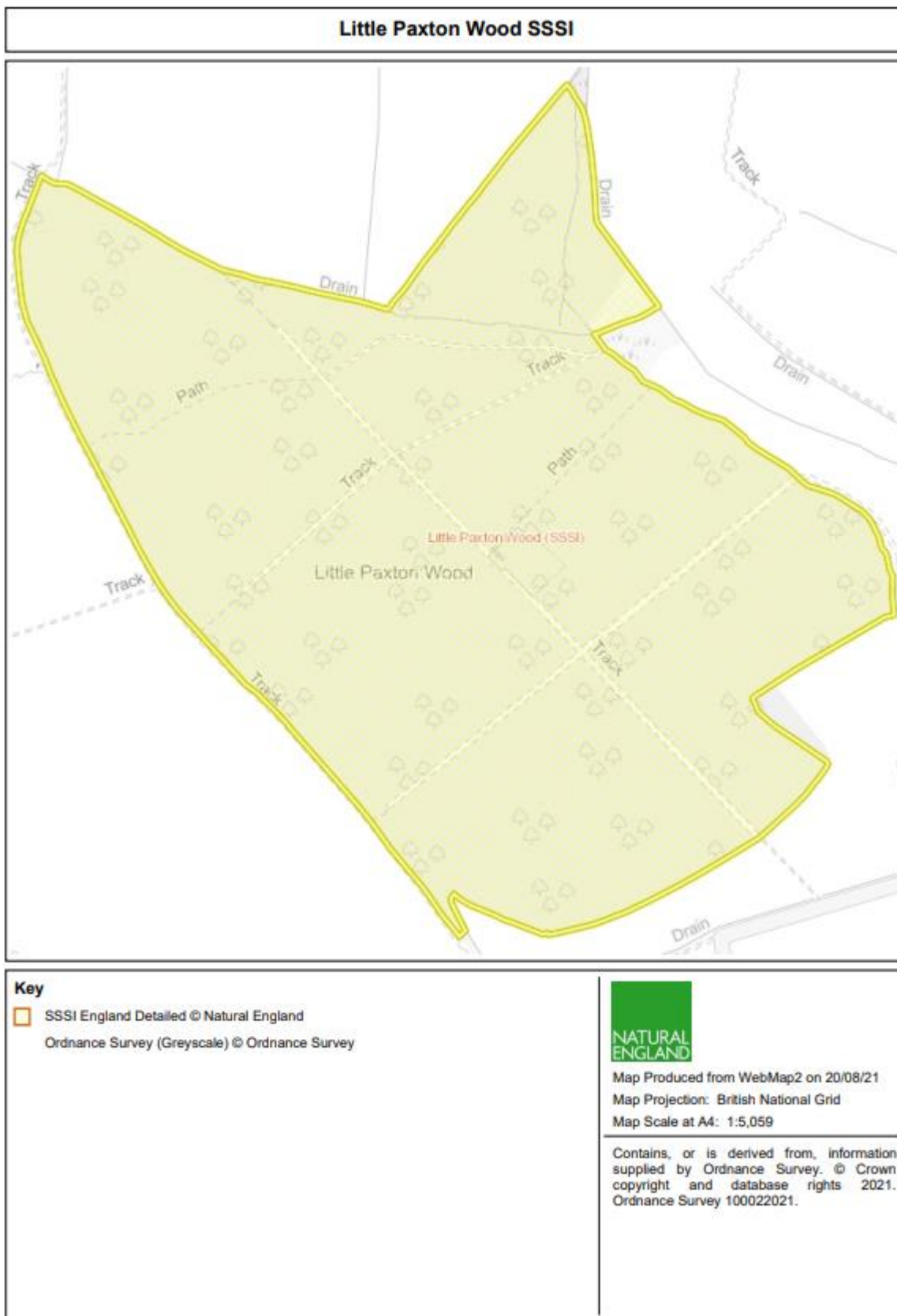


Citation <https://designatedsites.naturalengland.org.uk/PDFsForWeb/Citation/1002129.pdf>

Operations likely to damage the special interest

<https://designatedsites.naturalengland.org.uk/PDFsForWeb/Consent/1002129.pdf>

6. Little Paxton Wood SSSI;

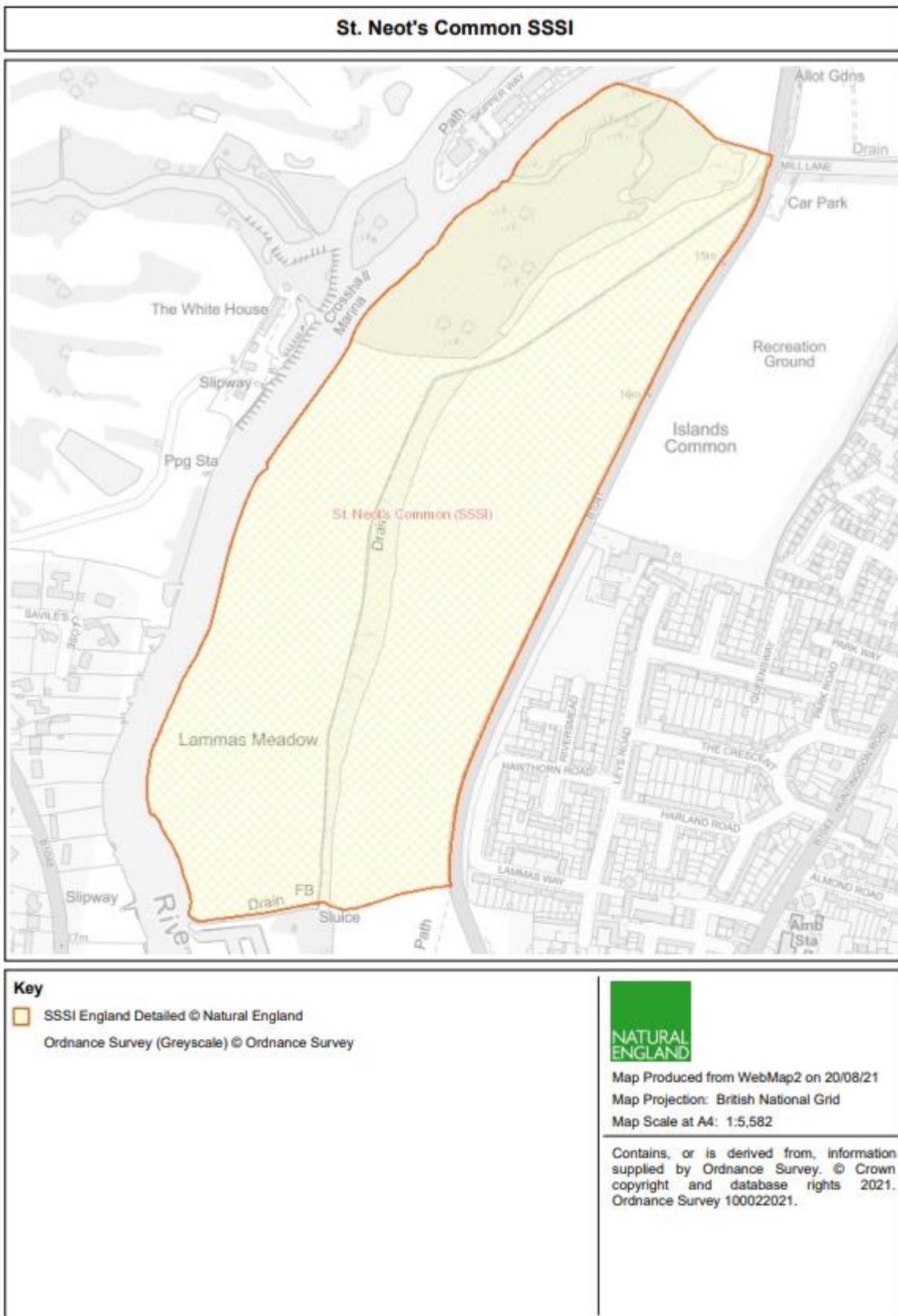


Citation <https://designatedsites.naturalengland.org.uk/PDFsForWeb/Citation/1000864.pdf>

Operations likely to damage the special interest

<https://designatedsites.naturalengland.org.uk/PDFsForWeb/Consent/1000864.pdf>

7. St. Neots Common SSSI



Citation <https://designatedsites.naturalengland.org.uk/PDFsForWeb/Citation/1002239.pdf>

Operations likely to damage the special interest

<https://designatedsites.naturalengland.org.uk/PDFsForWeb/Consent/1002239.pdf>

Annex B: Letter of no Impediment - Badgers.

Date: 15 July 2021
Our ref: DAS/ 303993
(NATIONALLY SIGNIFICANT INFRASTRUCTURE
PROJECT)



Jamie Gleave
AECOM Infrastructure & Environment UK Limited
Sunley House
4 Bedford Park, Surrey
Croydon CR0 2AP
United Kingdom
Sent by e-mail only

Dear Jamie Gleave.

DRAFT MITIGATION LICENCE APPLICATION STATUS: INITIAL DRAFT APPLICATION
LEGISLATION: THE PROTECTION OF BADGERS ACT 1992 (as amended)
NSIP: Black Cat to Caxton Gibbet, Bedfordshire and Cambridgeshire.
SPECIES: Badger.

Thank you for your draft badger mitigation licence application in association with the above NSIP site, received in this office on the 13 April 2021. 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 initial 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, Daniel Weightman, discussed this matter with Mary Maguire via e-mail correspondence on the 06 July 2021, after which it was confirmed on 13 July 2021 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:

- Evidence of the relevant experience held by the named ecologist and any additional authorised individuals. Including the provision of specific licence references, for recent cases they worked on, involving exclusion by one-way badger gates and artificial sett construction.
- Updated information from the proposed pre-commencement survey, including information for previously un-surveyed land within and abutting the DCO boundary, which will be impacted by the development.
- Further information to support the categorisation of setts is required to determine their importance and whether the proposed mitigation is suitable, specifically BS8A as a "potential main sett".

NSIP LONI (03/12)

- Further consideration of the likely impacts to setts showing signs indicating current use by a badger, within 30-100m (depending on the nature of the works, orientation of the sett tunnels and any geographical barriers present) from the DCO boundary (see point 3.3 and 3.4 of the advice letter for further details).
- Additional details regarding the final design / construction of any artificial setts, including: the location, number of entrances, number of chambers, number of blind entrances, etc.
- Clarification on the number of artificial setts to be constructed (see point 5.1 of the advice letter for further details). Based on the principle of one artificial sett per main sett lost, where there is no suitable alternative sett within the social group's territory, evidenced by bait marking.
- Consideration must be given as to whether eight underpasses is sufficient to ensure habitat connectivity is maintained.
- Consideration must be given to the additional recommended mitigation, set out in points 5.2. to 5.5. of the advice letter.
- Consideration must be given to the additional recommended mitigation relating to prevention of the spread of badger borne disease to nearby susceptible livestock, within 2km of the development (see point 5.6. of the advice letter for further details).

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.

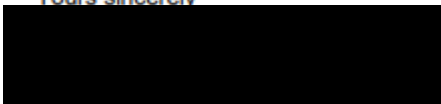
Full details of Natural England's licensing process with regards to NSIP's can be found at the following link:

http://webarchive.nationalarchives.gov.uk/20140605090108/http://www.naturalengland.org.uk/Images/wml-g36_tcm6-28566.pdf

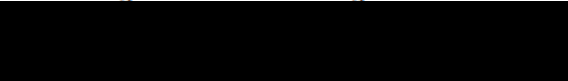
As stated in the above guidance note, I would also be grateful if an open dialogue can be maintained with yourselves regarding the progression of the DCO application so that, should the Order be granted, we will be in a position to assess the final submission of the application in a timely fashion and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



Daniel Weightman
Wildlife Lead Adviser
Natural England Wildlife Licensing Service



Cc commercialservices@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 (*insert name/s here*).

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.