

A428 Black Cat to Caxton Gibbet improvements

TR010044

Volume 8

8.3 Draft Statement of Common Ground with Natural England

Planning Act 2008

Rule 8(1)(e)

Infrastructure Planning (Examination Procedure)
Rules 2010

November 2021

Infrastructure Planning
Planning Act 2008**The Infrastructure Planning
(Examination Procedure) Rules 2010****A428 Black Cat to Caxton Gibbet Improvements**
Development Consent Order 202[]

**8.3 Draft Statement of Common Ground with
Natural England**

Regulation Number	Rule 8(1)(e)
Planning Inspectorate Scheme Reference	TR010044
Document Reference	TR010044/EXAM/8.3
Author	A428 Black Cat to Caxton Gibbet improvements Project Team, National Highways

Version	Date	Status of Version
Rev 1	31 August 2021	Final for Deadline 1
Rev 2	4 November 2021	Final for Deadline 4

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.....

Anne-Marie Rogers

Project Manager

on behalf of National Highways

Date: 4 November 2021

Signed.....

[NAME]

[POSITION]

on behalf of Natural England

Date: [DATE]

Table of contents

Chapter	Page
1 Introduction	1
1.1 Purpose of this document	1
1.2 Parties to this Statement of Common Ground	2
1.3 Terminology	2
2 Record of engagement	3
3 Issues Raised	15

Table of Tables:

Table 2-1: Record of Engagement	3
Table 3-1: Environmental matters	15
Table 3-2: Habitat Regulations Assessment matters	36
Table 3-3: Designated sites matters	40
Table 3-4: Licencing matters	42
Table 3-5: Other matters	44

1 Introduction

1.1 Purpose of this document

- 1.1.1 This Statement of Common Ground (SoCG) has been prepared in respect of the A428 Black Cat to Caxton Gibbet improvements Scheme (the Scheme) made by National Highways Company Limited (National Highways) 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 The order, if granted, would authorise National Highways to construct a new 10 mile (16km) dual 2-lane carriageway from the Black Cat roundabout to Caxton Gibbet roundabout and in addition approximately 1.8 miles (3km) of tie-in works. The Scheme includes the following components:
- a. A new three-level grade separated junction at Black Cat roundabout, with the A1 at the lower level, the new dual carriageway on the upper level and a roundabout between the two at approximately existing ground level. In addition to slip roads, a new free flowing link between the A421 eastbound carriageway and the A1 northbound carriageway will also be provided.
 - b. A new grade separated all movements junction will be constructed to the east of the existing Cambridge Road roundabout to provide access to the new dual carriageway and maintain access to the existing A428.
 - c. At the Caxton Gibbet roundabout, a new grade separated all movements junction will be constructed, incorporating the existing roundabout on the south side of the new dual carriageway and a new roundabout on the north side. The new dual carriageway will then tie-in to the existing A428 dual carriageway to the east of the new Caxton Gibbet junction.
 - d. In the vicinity of the new Black Cat junction, direct access onto the A1 from some local side roads and private premises will be closed for safety reasons. A new local road will provide an alternative route. The existing Roxton Road bridge will be demolished and replaced with a new structure to the west to accommodate the realigned A421.
 - e. New crossings will be constructed to enable the new dual carriageway to cross the River Great Ouse, East Coast Main Line railway, Barford Road, the B1046/Potton Road, Toseland Road and the existing A428 at Eltisley.
 - f. The existing A428 between St Neots and Caxton Gibbet will be de-trunked and retained for local traffic and public transport with maintenance responsibility transferred to the local highway authorities.
 - g. An alternative access will be provided to side roads at Chawston, Wyboston and Eltisley.
 - h. There will be safer routes for walkers, cyclists, and horse riders.
- 1.1.3 This SoCG has been prepared to confirm to the Examining Authority (ExA) 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 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 National Highways (formerly known as 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 National Highways made provision for all legal rights and obligations of National Highways, including in respect of the Application, to be conferred upon or assumed by National Highways.
- 1.2.3 Natural England is a prescribed consultee for this application under Sections 42(1)(a) and 56(2)(a) of the PA 2008.
- 1.2.4 Collectively National Highways and Natural England are referred to as ‘the parties’.

1.3 Terminology

- 1.3.1 In Section 3 of this SoCG:
- a. “Agreed” indicates where the issue has been resolved.
 - b. “Not Agreed” indicates a final position.
 - c. “Under discussion” where these points will be the subject of ongoing discussion wherever possible to resolve, or refine, the extent of disagreement between the parties.
- 1.3.2 It can be taken that any matters not specifically referred to in the Issues Raised chapter of this SoCG are not of material interest or relevance to Natural England’s representation and therefore have not been considered in this document. It is recognised, however, that engagement between both parties will need to continue due to their joint vested interest in the area of the Scheme.

2 Record of engagement

2.1.1 The parties have been engaged in consultation since the pre-application period for the Scheme. A summary of the meetings and correspondence that has taken place between National Highways and Natural England in relation to the Application is outlined in **Table 2-1**.

Table 2-1: Record of Engagement

Record of Engagement Under Development

Date	Form of correspondence	Key topics discussed
31-05-2019	Letter from Highways England	Notification of statutory consultation.
28-07-2019	Letter (Response to Statutory Consultation)	<p>Key topics include:</p> <ul style="list-style-type: none"> Natural England's Discretionary Advice Service (DAS) and Pre-Submission Screening Service (PSS) for advice to applicants. Biodiversity net gain. Environmental Impact Assessment (EIA) methodology and the structure, scope and context of the Preliminary Environmental Information Report (PEI Report). Designated sites and ancient woodland. Mitigation. Alternatives assessment and route selection. The approach to assessment/consideration of air quality, landscape, biodiversity, geology and soils, population and health, drainage and water, climate, and cumulative effects.
11-10-2019	Meeting – Technical Working Group	<p>Key topics include:</p> <ul style="list-style-type: none"> EIA and environmental themes. Environmental constraints. Project timeline. Order Limits.
04-02-2020	Meeting	<ul style="list-style-type: none"> Update on Scheme design including a Highways England presentation on the location of borrow pits. Update on the Biodiversity assessment: Surveys, assessment, mitigation and enhancement. Habitats Regulations Assessment (HRA) screening. Biodiversity net gain. Draft licences for protected species.

Date	Form of correspondence	Key topics discussed
		<ul style="list-style-type: none"> • Draft HRA review. <p>Discussion around other EIA matters (reporting, surveys and modelling, consultation, Design Manual for Roads and Bridges (DMRB), agriculture, and cumulative) and points raised during Statutory Consultation; and Black Cat Quarry (Breedon Quarry) restoration.</p>
15-06-2020	Meeting (video conference)	<p>Key topics include:</p> <ul style="list-style-type: none"> • Update on how the Scheme had continued to be developed and assessed following the previous meeting in February 2020. • Impact of COVID-19 on the project and programme. • Draft HRA. • Design changes made to the scheme in recent months, including the addition of borrow pits. • The Scheme's relationship with other projects. • Supplementary consultation. • Breedon Quarry. • Provision of survey data following submission of Development Consent Order (DCO) application. • Biodiversity net gain. • Outline Construction Environmental Management Plan (CEMP), including soil handling and management. • Cumulative effects assessment and discussion of cumulative schemes. • SoCG.
22-05-2020	Discretionary Advice Service (DAS) letter	<p>Key topics include:</p> <ul style="list-style-type: none"> • Scheme design-development. • HRA. • Biodiversity Assessment – update on surveys, emerging assessment and mitigation. • Biodiversity net gain. • Agricultural Assessment – to confirm the scope and approach to the soil surveys. • Cumulative Effects. • DMRB update. • Draft licencing and letters of no impediment.

Date	Form of correspondence	Key topics discussed
24-06-2020	Letter from Highways England	Notification of supplementary consultation.
26-06-2020	Discretionary Advice Service (DAS) letter	<p>Key topics include:</p> <ul style="list-style-type: none"> • Engagement with Non-governmental Organisations (NGOs) on biodiversity. • Presentation of design changes. • The project programme. • Mitigation proposals. • Soli quality assessments during Covid19 restrictions. • Update on great crested newts (GCN) survey findings. • Biodiversity net gain. • Soils and agricultural land.
29-06-2020	Meeting (video conference)	<p>Key topics include:</p> <ul style="list-style-type: none"> • Overview of embedded and essential mitigation proposals, in particular landscape and biodiversity mitigation proposals. • Landscape planting and bats. • HRA report update. • Procedure for contacting the relevant District Licencing officer. • Biodiversity net gain. • Schedule of mitigation.
15-07-2020	Discretionary Advice Service (DAS) letter	<p>Key topics include:</p> <ul style="list-style-type: none"> • Minutes of meeting 29-06-2020 are agreed. • Natural England notes Covid19 impacts on soil survey and that details will be shared once available. • Breedon Quarry. • Cumulative schemes.
21-07-2020	Letter (Response to Supplementary Consultation)	<p>Key topics include:</p> <ul style="list-style-type: none"> • Natural England involvement in Scheme development to date. • Natural England has no significant concerns to raise regarding the changes that are the subject of the supplementary consultation.

Date	Form of correspondence	Key topics discussed
		<ul style="list-style-type: none"> • Natural England is broadly supportive of the proposed environmental mitigation and enhancement measures outlined in the document. • Natural England welcomes the inclusion of additional land for landscape mitigation and biodiversity enhancement. • Construction mitigation measures to protect watercourses. • Land used temporarily. • Borrow pits. • Designated sites.
30-07-2020	Meeting (video conference)	<p>Key topics include:</p> <ul style="list-style-type: none"> • Habitat creation and integration. • Soil surveys. • Breedon Quarry. • Bats. • East West Rail. • Liaison with NGOs. • Cumulative schemes. • SoCG. • Biodiversity net gain. • Surveys and survey data. • Protected species licensing. • Environmental Masterplan. • HRA. • Supplementary consultation.
19-08-2020	Discretionary Advice Service (DAS) letter	<p>Key topics include:</p> <ul style="list-style-type: none"> • District Level Licensing (DLL) for GCN. • Presence of water vole. • Survey Update. • Environmental masterplan feedback. • Ecological Reports. • HRA. • Soil surveys during Covid-19.

Date	Form of correspondence	Key topics discussed
25/08/2020	Email from Highways England to Natural England	Email attaching the meeting minutes from the meeting held on 30 June. Email thanked Natural England for providing the DAS advice.
04/09/2020	Email from Highways England to Natural England	Emailing asking Natural England if they have received the draft HRA and for their availability so Highways England can arrange another meeting to review the outcomes of the HRA.
04/09/2020	Email from Natural England to Highways England	<p>Email confirming Natural England have received the draft HRA report, and accompanying documents. Natural England explain they are looking forward to receiving copies of the draft ecology reports, especially the bat report, as this will be crucial to a fully informed view of the HRA.</p> <p>Natural England explained that they are dealing with high volumes of casework and they are available for a telecall through the latter part of September into October.</p>
21/09/2020	Email from Natural England to Highways England	Email from Natural England providing dates of availability for the next meeting. Email asks Highways England to provide shapefiles of the Scheme.
28/09/2020	Email from Highways England to Natural England	Email with Highway England available dates and a suggested meeting date and time. Email explaining Highways England will look into providing the shapefiles to Natural England.
29/09/2020	Email from Highways England to Natural England	Email providing Natural England with the draft agenda for the meeting tomorrow [30 th September 2020].
30-09-2020	Meeting (video conference)	<p>Key topics include:</p> <ul style="list-style-type: none"> • Habitats and species: overview of findings and proposed mitigation. • Biodiversity net gain. • Protected sites. • Protected species licensing.
04-11-2020	Email from Natural England to Highways England	Email from Natural England to Highways England confirming that, in relation to the submitted draft Habitats Regulations Assessment: No Significant Effects Report, that Natural England is satisfied that there is sufficient information to rule out likely significant effects for water quality impacts.
12-02-2021	File transfer (email) from Highways England to Natural England	<p>File transfers issued by Highways England to Natural England containing the following information:</p> <ul style="list-style-type: none"> • Baseline data and assessment findings for bats.

Date	Form of correspondence	Key topics discussed
		<ul style="list-style-type: none"> • Draft Habitats Regulations Assessment: No Significant Effects Report. • Draft Badger license. • Draft GCN District Level Licensing enquiry form.
23-03-2021	Meeting (video conference)	<p>Key topics include:</p> <ul style="list-style-type: none"> • DCO application update. • Summary and outcomes of the EIA process. • Continuing surveys. • Species licensing and Letters of No Impediment. • Habitats Regulations Assessment and Elsworth Wood Site of Special Scientific Interest (SSSI). • SoCG.
28/04/2021	Email from Highways England to Natural England	<p>Email explaining Highways England envisages a need for regular dialogue going forward on the projects to help minimise the number of issues carried forward into the Examination.</p> <p>Highways England asks for a meeting to discuss the bat survey data recently obtained from the East West Rail Company, and how this relates to our HRA findings</p>
05-05-2021	Email from Natural England to Highways England	Email from Natural England to Highways England including an advice letter in relation to the draft badger license application.
13-05-2021	Email from Highways England to Natural England	<p>Email from Highways England to Natural England on:</p> <ul style="list-style-type: none"> • Progress on the GCN District Level Licence (DLL) applications to Natural England and NatureSpace. • Sharing a bat survey report prepared by the East West Rail Company,
27-05-2021	Email from Natural England to Highways England	<p>Email from Natural England to Highways England on consideration of</p> <ul style="list-style-type: none"> • Bat connection (flightlines etc) in relation to Elsworth Wood SSSI. • The requirement of an air quality assessment at Elsworth Wood SSSI • The hydrological linkages between the Scheme and Elsworth Wood SSSI.
04-06-2021	Letter from Highways England to Natural England	Letter from Highways England to Natural England responding to points and matters raised in their correspondence dated 05-05-21 regarding the draft badger license application.

Date	Form of correspondence	Key topics discussed
04-06-2021	Email from Highways England to Natural England	Email from Highways England to Natural England issuing the draft Statement of Common Ground between both parties, for initial review and comment.
08-06-2021	Email from Highways England to Natural England	Email from Highways England to Natural England explaining that the Scheme would have no impact on Barbestelle bats at Elsworth Wood SSSI.
10-06-2021	Email from Natural England to Highways England	Email from Natural England to Highways England with advice on barbastelle bats in relation to the Eversden and Wimpole Woods SAC. Natural England does not consider there is sufficient information available to rule out likely significant effect in regard to the Eversden and Wimpole Woods SAC bat population.
10-06-2021	Letter from Natural England to the Planning Inspectorate	Letter detailing Natural England's relevant representation for the DCO.
23-06-2021	Email from Highways England to Natural England	Email from Highways England to Natural England requesting a response on the correspondence regarding the draft badger licence application (04-06-21).
25-06-2021	Email from Natural England to Highways England	Email from Natural England to Highways England containing an attachment of the reviewed SOCG.
07-07-2021	Email from Natural England to Highways England	Email from Natural England to Highways England following up on the correspondence regarding the draft badger licence application (04-06-21 and 21-06-2021). Prior to issue to a Letter of No Impediment, Natural England require consideration 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).
08-07-2021	Email from Highways England to Natural England	Email from Highways England to Natural England responding to advice on barbastelle bats in relation to the Eversden and Wimpole Woods SAC (from 10-06-2021) confirming that the points raised will be responded to formally through the relevant representations.
09-07-2021	Email from Natural England to Highways England	Email from Natural England to Highways England requesting re-sending GCN data to DLL individuals.
13-07-2021	Email from Natural England to Highways England	Email from Natural England to Highways England responding to advice on barbastelle bats in relation to the Eversden and Wimpole Woods SAC (from 08-07-2021) confirming that there is not enough evidence with which to base the conclusions reached of no LSE.

Date	Form of correspondence	Key topics discussed
13-07-2021	Email from Natural England to Highways England	Email from Natural England to Highways England outlining comments on Otters in review of Chapter 8, Biodiversity and Appendix 8.7 of the Environmental Statement.
13-07-2021	Email from Highways England to Natural England	Email from Highways England to Natural England outlining wording associated with badgers to be included in the First Iteration EMP.
15-07-2021	Letter from Natural England to Highways England	Letter of No Impediment in relation to the draft badger licence application issued by Natural England to Highways England.
20-07-2021	Email from Highways England to Natural England	Email from Highways England to Natural England attaching the technical note relating to Eversden and Wimpole Woods Special Area of Conservation bat population.
20-07-2021	Meeting (video conference)	Meeting discussing SOCG positions around ongoing surveys, Great Crested Newts, HRA, Bats, Otter, Badger and Biodiversity Net Gain.
04-08-2021	Email from Highways England to Natural England	Email from Highways England to Natural England requesting availability for a meeting on the bat data collected and the impacts of the Scheme on Eversden and Wimpole Woods SAC. Outline lighting details of the Scheme provided to Natural England.
16-08-2021	Email from Highways England to Natural England	Email from Highways England to Natural England following up the request in the above row.
17-08-2021	Email from Natural England to Highways England	Email from Natural England to Highways England confirming availability.
20-08-2021	Email from National Highways to Natural England	Email from National Highways to Natural England issuing a copy of the draft SOCG for information, to be submitted to the ExA at Deadline 1 on 31-08-2021.
23-08-2021	Workshop (video conference)	Workshop to: <ul style="list-style-type: none"> • Discuss the bat survey data and evidence gathered as part of the Biodiversity assessment; • Evaluate the conclusions drawn from the Habitats Regulations Assessment to identify areas of agreement; and • Agree the content of a position statement requested by the Examining Authority at an Issue Specific Hearing held on 18 August 2021 for submission at Deadline 1 of the Examination.

Date	Form of correspondence	Key topics discussed
24-08-2021	Email from National Highways to Natural England	Email from National Highways to Natural England issuing the proposed bat survey scope.
24-08-2021	Email from National Highways to Natural England	Email from National Highways to Natural England issuing the draft joint position statement for Natural England's input on matters related to Habitats Regulations Assessment and mitigation.
25-08-2021	Email from Natural England to National Highways	Email from Natural England to National Highways detailing the review of the proposed bat survey scope issued on 24-09-2021.
25-08-2021	Email from Natural England to National Highways	Email from Natural England to National Highways detailing Natural England's position within the joint position statement on matters related to Habitats Regulations Assessment and mitigation.
25-08-2021	Email from National Highways to Natural England	Email from National Highways to Natural England issuing the meeting minutes and presentation slides related to the bat workshop on 23-09-2021
26-08-2021	Email from National Highways to Natural England	Email from National Highways to Natural England responding in detail to Natural England's review of the proposed bat survey scope.
26-08-2021	Email from Natural England to National Highways	Email from Natural England to National Highways providing clarification on the proposed bat survey scope.
27-08-2021	Email from Natural England to National Highways	Email from Natural England to National Highways with minor amendments to the meeting minutes related to the bat workshop on 23-09-2021.
07-09-2021	Email from Natural England to National Highways	Email from Natural England to National Highways requesting dates for submission of a draft licence application for GCN in Cambridgeshire.
09-09-2021	Email from National Highways to Natural England	Email from National Highways to Natural England detailing the scope of the further bat surveys that was submitted to the Examination at Deadline 1.
20-09-2021	Email from National Highways to Natural England	Email from National Highways to Natural England updating the position on barbastelle bat and GCN licencing. National Highways received a licence for barbastelle bats on 17-09-2021 and plan to submit a draft licence for GCN in Cambridgeshire by the end of September 2021.

Date	Form of correspondence	Key topics discussed
21-09-2021	Email from Natural England to National Highways	Email from Natural England to National Highways confirming who would be attending Issue Specific Hearing 3 and requesting a call to discuss related matters.
21-09-2021	Email from National Highways to Natural England	Email from National Highways to Natural England requesting a call back to discuss Issue Specific Hearing 3 matters.
22-09-2021	Call between National Highways and Natural England	Call held between National Highways and Natural England to discuss matters likely to be raised and/or require responses in Issue Specific Hearing 3.
29-09-2021	Email from National Highways to Natural England	Email from National Highways to Natural England, sharing the draft Position Statement on matters relating to design principles and planting at attenuation basins for comment.
30-09-2021	Email from Natural England to National Highways	Email from Natural England to National Highways confirming that Natural England did not intend to join a call on the draft Position Statement on matters relating to design principles and planting at attenuation basins.
04-10-2021	Email from National Highways to Natural England	Email from National Highways to Natural England, sharing a further draft of the Position Statement detailing matters related to design principles and planting at attenuation basins circulated to Natural England and other host authorities for input at Deadline 3 of the Examination.
04-10-2021	Email from Natural England to National Highways	Email from Natural England to National Highways confirming their satisfaction with the draft Position Statement and that it had no further comments to make.
12-10-2021	Email from National Highways to Natural England	Email from National Highways to Natural England sharing a bat mitigation note in advance of a meeting planned for 13 October 2021 in response to Action Point 1 of Issue Specific Hearing 3.
13-10-2021	Meeting between National Highways and Natural England	<p>Meeting between National Highways to Natural England in response to Action Point 1 of Issue Specific Hearing 3, to address the following:</p> <p>“...ahead of survey results, without prejudice, discussions to occur between Applicant and Natural England (NE) regarding potential barbastelle bat mitigation measures”.</p> <p>National Highways issued meeting minutes to Natural England on 15/10/2021.</p>
13-10-2021	Email from National Highways to Natural England	Email from National Highways to Natural England requesting review of the updated SOCG.

Date	Form of correspondence	Key topics discussed
22-10-2021	Email from Natural England to National Highways	Email from Natural England to National Highways containing the reviewed SOCG.
25-10-2021	Email from Natural England to National Highways	Email from Natural England to National Highways requesting the unredacted version of Appendix 8.5 Bats of the Environmental Statement.
25-10-2021	Email from National Highways to Natural England	Email from National Highways to Natural England providing the unredacted version of Appendix 8.5 Bats of the Environmental Statement.
25-10-2021	Email from National Highways to Natural England	<p>Email from National Highways to Natural England setting out the agenda for the next meeting on 02/11/2021, including:</p> <ul style="list-style-type: none"> • Mitigation for bats embedded in the Scheme. • Update on ongoing Barbastelle investigations. • Update on Great Crested Newt draft licence application. • Dates for subsequent meetings leading up to a report on Action Point 1 for Deadline 4.
28-10-2021	Email from Natural England to National Highways	Email from Natural England to National Highways attaching a marked up version of the Bat Mitigation Note. Natural England also noted some observations / recommendations regarding bat boxes for Barbastelle, and highlighted that the National Trust has been undertaking bat surveys at Wimpole.
02-11-2021	Meeting	Meeting between National Highways and Natural England discussing the progress on bat surveys. Meeting minutes and slides were shared with Natural England on 03/11/2021.
02-11-2021	Email from National Highways to Natural England	<p>Email from National Highways to Natural England sharing a Joint Position Statement relating to potential Barbastelle bat mitigation measures.</p> <p>The information presented in the Joint Position Statement is to be augmented into a wider Technical Note called '9.54 Barbastelle Bat Survey and Mitigation Table Technical Note' and submitted to the Examination at Deadline 4.</p>
02-11-2021	Email from Natural England to National Highways	Email from Natural England to National Highways confirming general agreement with the information within the Joint Position Statement and asking for confirmation on whether the final round of crossing point surveys would be completed w/c 1 November 2021.

- 2.1.2 It is agreed that this is an accurate record of the key engagement and consultation undertaken between (1) National Highways and (2) Natural England in relation to the issues addressed in this SoCG.
- 2.1.3 The issues and matters highlighted in Section 3 of this SoCG summarise the key issues that have been identified in relation to a number of key areas of the DCO application.

3 Issues Raised

Table 3-1: Environmental matters

Topic and issue	Document Reference	National Highways Position	Natural England Position	Status	Date
General Legislation and policy	Chapter 5, Air quality [APP-074] Chapter 7, Landscape and visual effects [APP-076] Chapter 8, Biodiversity [APP-077] Chapter 9, Geology and soils [APP-078] Chapter 12, Population and human health [APP-081] Chapter 13, Road drainage and the water environment [APP-082] Chapter 14, Climate [APP-083] Chapter 15, Assessment of cumulative effects [APP-084]	National Highways considers that the Environmental Statement (ES) has identified and appropriately considered all applicable legislation and national policy pertaining to the following assessments undertaken as part of the Environmental Impact Assessment (EIA) of the Scheme: <ul style="list-style-type: none"> • Air quality. • Landscape and visual effects. • Biodiversity. • Geology and soils. • Population and human health. • Road drainage and the water environment (specifically those relating to aquatic habitats and species). • Climate. • Assessment of cumulative effects. 	Natural England is content that these assessments have considered all relevant legislation and national policy. This is subject to the relevant sections of the ES, including Biodiversity, Geology and soils and Assessment of Cumulative effects, being updated with the findings of National Highways' ongoing survey.	Agreed	October 2021

Topic and issue	Document Reference	National Highways Position	Natural England Position	Status	Date
<p>General</p> <p>Study area definition and extents</p>	<p>Chapter 5, Air quality [APP-074]</p> <p>Chapter 7, Landscape and visual effects [APP-076]</p> <p>Chapter 8, Biodiversity [APP-077]</p> <p>Chapter 9, Geology and soils [APP-078]</p> <p>Chapter 12, Population and human health [APP-081]</p> <p>Chapter 13, Road drainage and the water environment [APP-082]</p> <p>Chapter 14, Climate [APP-083]</p> <p>Chapter 15, Assessment of cumulative effects [APP-084]</p>	<p>The study areas adopted by National Highways within the following assessments are considered to reflect current best practice and standards:</p> <ul style="list-style-type: none"> • Air quality – in relation to sensitive habitats and designated sites. • Landscape and visual effects – in relation to landscape character and visual amenity. • Biodiversity – in relation to terrestrial and aquatic habitats, protected (and other) species, and designated sites. • Geology and soils – in relation to agricultural soils, and locally or regionally important geological sites. • Population and human health – in relation to public rights of way (PRoW), access land and public open land. • Road drainage and the water environment – in relation to aquatic habitats and species. • Climate – in relation to climate change. 	<p>Natural England welcomes the commencement of soil survey work (described in the Geology and Soils section) and further bat survey work (described in the Habitats Regulations Assessment section) by National Highways.</p> <p>On this basis Natural England is satisfied that geographical extents of the adopted study areas within all topics cover the area over which direct and indirect effects of the Scheme are likely to occur.</p>	<p>Agreed</p>	<p>October 2021</p>

Topic and issue	Document Reference	National Highways Position	Natural England Position	Status	Date
		<ul style="list-style-type: none"> Assessment of cumulative effects – in relation to in-combination and cumulative effects. <p>National Highways considers that the geographical extents of the adopted study areas are appropriate to identify the likely direct and indirect effects of the Scheme on sensitive features and receptors.</p> <p>National Highways refers Natural England to its current position regarding soils and ecological surveys.</p>			
<p>General Application of expert/professional judgements</p>	<p>Chapter 5, Air quality [APP-074] Chapter 7, Landscape and visual effects [APP-076] Chapter 8, Biodiversity [APP-077] Chapter 9, Geology and soils [APP-078] Chapter 12, Population and human health [APP-081] Chapter 13, Road drainage and the water environment [APP-082]</p>	<p>The identification of likely significant effects on sensitive features and receptors has been informed by professional judgement and the views of relevant technical specialists, where necessary.</p> <p>National Highways considers the application of professional judgement by its specialists within the following assessments to be appropriate and robust:</p> <ul style="list-style-type: none"> Air quality. Landscape and visual effects. Biodiversity (inc. aquatic habitats and species). Geology and soils. 	<p>Natural England is content with how National Highways has applied professional judgement in the assessments of effects on sensitive features and receptors undertaken and reported.</p>	<p>Agreed</p>	<p>October 2021</p>

Topic and issue	Document Reference	National Highways Position	Natural England Position	Status	Date
	Chapter 14, Climate [APP-083] Chapter 15, Assessment of cumulative effects [APP-084]	<ul style="list-style-type: none"> • Population and human health. • Road drainage and the water environment (specifically those relating to aquatic habitats and species). • Climate. • Assessment of cumulative effects (as related to the topics and subject of interest to Natural England). 			
General Assessment assumptions and limitations	Chapter 5, Air quality [APP-074] Chapter 7, Landscape and visual effects [APP-076] Chapter 8, Biodiversity [APP-077] Chapter 9, Geology and soils [APP-078] Chapter 12, Population and human health [APP-081] Chapter 13, Road drainage and the water environment [APP- 082]	The following assessments record the assumptions applied and the approaches taken by National Highways to reduce any uncertainty resulting from any limitations encountered: <ul style="list-style-type: none"> • Air quality. • Landscape and visual effects. • Biodiversity (inc. aquatic habitats and species). • Geology and soils. • Population and human health. • Road drainage and the water environment (specifically those relating to aquatic habitats and species). 	Natural England welcomes the commencement of soil survey work (described in the Geology and Soils section) and further bat survey work (described in the Habitats Regulations Assessment section) by National Highways. On this basis Natural England is satisfied that geographical extents of the adopted study areas within all topics cover the area over which direct and indirect effects of the Scheme are likely to occur	Agreed	October 2021

Topic and issue	Document Reference	National Highways Position	Natural England Position	Status	Date
	<p>Chapter 14, Climate [APP-083]</p> <p>Chapter 15, Assessment of cumulative effects [APP-084]</p>	<ul style="list-style-type: none"> Climate. Assessment of cumulative effects. <p>National Highways considers the assumptions adopted in these assessments to be reasonable and appropriate.</p> <p>National Highways refers Natural England to its current position regarding soils and ecological surveys.</p>			
<p>General</p> <p>Worst-case scenario: limits of deviation</p>	<p>Works Plans [APP-009] [APP-010]</p> <p>Engineering Sections [APP-017 to APP 022]</p> <p>Chapter 5, Air quality [APP-074]</p> <p>Chapter 7, Landscape and visual effects APP-076]</p> <p>Chapter 8, Biodiversity [APP-077]</p> <p>Chapter 9, Geology and soils [APP-078]</p> <p>Chapter 12, Population and human health [APP-081]</p> <p>Chapter 13, Road drainage and the water</p>	<p>The following assessments have taken into account the lateral limits of deviation forming part of the Scheme design, as defined on the Works Plans [APP-009] [APP-010], and the vertical limits of deviation defined on the Engineering Sections [APP-017 to APP 022]:</p> <ul style="list-style-type: none"> Air quality. Landscape and visual effects. Biodiversity (inc. aquatic habitats and species). Geology and soils. Population and human health. Road drainage and the water environment (specifically those relating to aquatic habitats and species). 	<p>Natural England is content that these assessments have appropriately considered the worst-case scenario in relation to the potential for the Scheme design and/or its construction to deviate within the lateral and vertical extents defined on the Works Plans and Engineering Sections.</p>	<p>Agreed</p>	<p>October 2021</p>

Topic and issue	Document Reference	National Highways Position	Natural England Position	Status	Date
	<p>environment [APP-082]</p> <p>Chapter 14, Climate [APP-083]</p> <p>Chapter 15, Assessment of cumulative effects [APP-084]</p>	<ul style="list-style-type: none"> Climate. Assessment of cumulative effects. <p>National Highways considers that the maximum extents of possible deviation accounted for in these assessments represent the realistic worst-case assessment scenario.</p>			
<p>General</p> <p>Presentation of results</p>	<p>Chapter 5, Air quality [APP-074]</p> <p>Chapter 7, Landscape and visual effects [APP-076]</p> <p>Chapter 8, Biodiversity [APP-077]</p> <p>Chapter 9, Geology and soils [APP-078]</p> <p>Chapter 12, Population and human health [APP-081]</p> <p>Chapter 13, Road drainage and the water environment [APP-082]</p> <p>Chapter 14, Climate [APP-083]</p> <p>Chapter 15, Assessment of</p>	<p>The following application documents present the approaches to, and outcomes of, assessments undertaken to identify the likely significant effects of the construction, operational and (where relevant) the maintenance phases of the Scheme:</p> <ul style="list-style-type: none"> Air quality [APP-074]. Landscape and visual effects [APP-076]. Biodiversity (inc. aquatic habitats and species) [APP-077]. Geology and soils [APP-078]. Population and human health [APP-081]. Road drainage and the water environment (specifically those relating to aquatic habitats and species) [APP-082]. 	<p>Natural England is content with the formats and styles adopted by National Highways in presenting the details of the assessments undertaken.</p>	<p>Agreed</p>	<p>October 2021</p>

Topic and issue	Document Reference	National Highways Position	Natural England Position	Status	Date
	cumulative effects [APP-084]	<ul style="list-style-type: none"> Climate [APP-083]. Assessment of cumulative effects [APP-084]. <p>National Highways considers that the format and methods used to present the assessments undertaken are clear and unambiguous.</p>			
Scheme Design Route/junction design selection	Chapter 2, The Scheme [APP-071] Chapter 3, Assessment of Alternatives [APP-072]	<p>National Highways has undertaken thorough and comprehensive route studies, junction appraisals and optioneering studies during the design-development of the Scheme, in pursuit of establishing its preferred design solution, as described in Chapter 2, The Scheme [APP-071] and Chapter 3, Assessment of Alternatives [APP-072] of the Environmental Statement.</p> <p>In considering, evaluating and balancing constraints and opportunities, National Highways considers that the preliminary design of the new dual carriageway represents the optimum solution to meet the Scheme objectives.</p>	<p>Natural England is content that the studies, optioneering exercises and appraisals undertaken by National Highways are appropriate from a design perspective.</p>	Agreed	October 2021

Topic and issue	Document Reference	National Highways Position	Natural England Position	Status	Date
General Approach to modelling	Chapter 5, Air quality [APP-074] Chapter 13, Road drainage and the water environment [APP-082]	Modelling of existing and future conditions and changes, and the effects and risks of the Scheme, has been undertaken as part of the Chapter 5, Air Quality [APP-074] and Chapter 13, Road Drainage and the Water Environment assessment [APP-082]. National Highways considers that the approaches to modelling are appropriate.	Natural England is content with the approaches applied to modelling existing and future conditions and changes, and the effects and risks of the Scheme, and that the parameters included / considered in the modelling are appropriate.	Agreed	October 2021
Air quality Data collection methods, baseline data and the identification and sensitivity of relevant features and receptors	Chapter 5, Air quality [APP-074]	The baseline conditions have been collated using desk-based and field-based techniques, and through consultation with stakeholders. National Highways considers the scope, coverage and timing of surveys undertaken to establish the baseline conditions and sensitive features and receptors are in line with best practice and appropriate to inform the assessment of direct and indirect effects reported in Chapter 5, Air quality assessment [APP-074].	Natural England is content that the scope and coverage of surveys undertaken to inform the assessment of air quality effects on sensitive habitats and designated sites are sufficiently comprehensive to identify the likely effects of nitrogen deposition and dust deposition.	Agreed	June 2021

Topic and issue	Document Reference	National Highways Position	Natural England Position	Status	Date
Air quality Construction and operational effects	Chapter 5, Air quality [APP-074]	The assessment has concluded that no significant effects associated with air pollution would occur on sensitive habitats and designated sites through construction activities or as a consequence of traffic movements (emissions) on the road network.	Natural England is content with the conclusions of the assessment and the significance of the reported effects.	Agreed	June 2021
Air quality Embedded and essential mitigation	Chapter 2, The Scheme [APP-071] Chapter 5, Air quality [APP-074] Environmental Masterplan [APP-091] First Iteration Environmental Management Plan [APP-234] Schedule of mitigation [APP-235]	National Highways considers that: <ul style="list-style-type: none"> The embedded mitigation measures mentioned in Chapter 2, The Scheme [APP-071]. The essential mitigation measures set out in the First Iteration EMP [APP-234] are appropriate to avoid, prevent, reduce, manage, control and (where necessary) monitor the adverse effects of the Scheme.	Natural England is content that the form and nature of the air quality mitigation measures are appropriate and acceptable.	Agreed	June 2021
Biodiversity Standing advice	Chapter 8, Biodiversity of the ES [APP-077] Appendix 8.5 [APP-192] to Appendix 8.17 [APP-204] of the ES Scoping Opinion [APP-231]	Natural England's published standing advice in relation to species surveys, mitigation and licensing has been taken account of in the assessment, as recommended in its advice appended to the Scoping Opinion [APP-231]. National Highways refers Natural England to its current position	Natural England is content that its standing advice has been given due regard within the assessment. Natural England will confirm this following the completion of ecology survey and assessment work and its review of bat survey reports.	Under discussion	

Topic and issue	Document Reference	National Highways Position	Natural England Position	Status	Date
		regarding ecological surveys presented.	Once surveys have been completed we will review and provide our comments on survey findings and the updated assessments.		
Biodiversity Data collection methods, baseline data and the identification and sensitivity of relevant features and receptors	Chapter 8, Biodiversity [APP-077] Appendix 8.1 [APP-188] to Appendix 8.20 [APP-207]	<p>The baseline conditions have been collated using desk-based and field-based techniques, and through consultation with stakeholders.</p> <p>National Highways considers the scope, coverage and timing of surveys undertaken to establish the baseline conditions and sensitive features and receptors are in line with best practice and appropriate to inform the assessment of direct and indirect effects reported in Chapter 8, Biodiversity assessment [APP-077].</p> <p>National Highways has undertaken re-surveys for the following species and habitats: Great Crested Newt, reptiles, Barn Owl, bats, aquatic habitats and terrestrial habitats. These will keep the baseline database up to date. Additionally, a review has been undertaken of background data collected and/or published since 2018. National Highways intends to submit reports detailing the outcomes of the above at Deadline 5 of the Examination.</p>	<p>Natural England is content with the scope, coverage and findings of habitat and species surveys undertaken as part of the assessment, including species which were scoped out of the assessment (as described in Chapter 8, Biodiversity of the ES [APP-077]).</p> <p>Natural England is in agreement with those surveys planned to be undertaken during 2021 by National Highways, and those planned prior to construction of the Scheme in 2022, and considers these adequate to:</p> <ul style="list-style-type: none"> • Supplement desk-based surveys and field surveys undertaken between the period 2016 – 2020. • Update existing baseline information for habitats, species and designated sites gathered during the assessment (so that information remains current). • Inform applications for protected species licenses. • Inform the design-development of embedded and essential mitigation 	Agreed	June 2021

Topic and issue	Document Reference	National Highways Position	Natural England Position	Status	Date
			measures identified within the assessment.		
Biodiversity Construction and operational effects	Chapter 8, Biodiversity [APP-077]	<p>The biodiversity assessment [APP-077] has identified that adverse and beneficial effects on habitats, species and designated sites would result from construction and operation of the Scheme; however, none of these effects would be significant.</p> <p>National Highways considers that the assessment findings accurately reflect the likely effects of the Scheme.</p> <p>National Highways refers Natural England to its current position regarding ecological surveys presented.</p>	<p>Natural England is satisfied with the no significant effects conclusion of the ES biodiversity chapter with regard to designated sites, County Wildlife Sites and priority habitats.</p> <p>Natural England agrees with the conclusion on minor adverse impacts on priority species through temporary loss of habitat, which will be minimised as far as possible through mitigation.</p> <p>Natural England is satisfied with the conclusion of minor adverse impacts on Otter and wintering and breeding birds and that mitigation would seek to minimise these impacts.</p>	Agreed	October 2021
Biodiversity Embedded and essential mitigation	<p>Chapter 2, The Scheme [APP-071]</p> <p>Chapter 8, Biodiversity [APP-077]</p> <p>Figure 2.4 [APP-091]</p> <p>First Iteration EMP [APP-234]</p> <p>Schedule of Mitigation [APP-235]</p>	<p>National Highways considers that:</p> <ul style="list-style-type: none"> The embedded mitigation measures illustrated on the Environmental Masterplan [APP-091]. The essential mitigation measures set out in the First Iteration EMP [APP-234] <p>are appropriate to avoid, prevent, reduce, manage, control and (where necessary) monitor the adverse effects</p>	<p>Natural England is content with the form, nature and extent of the embedded mitigation measures incorporated into the design of the Scheme, and the essential mitigation measures that would be implemented during construction of the Scheme, including associated monitoring. This is subject to details of ecological mitigation features, identified on the Environmental Masterplan [APP-091], being reviewed to reflect the findings of ongoing species surveys and any</p>	Under discussion	

Topic and issue	Document Reference	National Highways Position	Natural England Position	Status	Date
	<p>Biodiversity Pre-commencement Plan [APP-239]</p>	<p>of the Scheme on habitats, species and designated sites during its construction and operation.</p> <p>National Highways is content that it has taken appropriate opportunities to mitigate the adverse effects of the Scheme on biodiversity, and has identified enhancement opportunities within the design.</p> <p>Should the requirement to update the Biodiversity Management Plan within the First Iteration Environmental Management Plan [APP-234] be identified, National Highways will update the document accordingly and submit this before the close of the Examination.</p>	<p>advice through Natural England’s review of draft licence applications. Details of ecological mitigation features, including any required landscaping and habitat connectivity to these features, will need to be agreed at the detailed stage.</p> <p>Natural England conclude that a minor adverse impact to Sir John’s Wood and ancient woodland, due to temporary loss of hedgerow connectivity with two other woodlands, will be mitigated through incorporation of a mammal tunnel into the scheme design to maintain ecological connectivity post-construction. Natural England is satisfied with this subject to agreement of the details through the First Iteration EMP.</p> <p>Opportunities should be taken to fully mitigate impacts and provide enhancements for breeding and wintering birds as far as possible, taking advice from local experts.</p> <p>The Biodiversity Management Plan will need to be updated to reflect the findings of ongoing habitat survey work and detailed measures agreed with relevant stakeholders.</p>		

Topic and issue	Document Reference	National Highways Position	Natural England Position	Status	Date
<p>Geology and soils</p> <p>Data collection methods, baseline data and the identification and sensitivity of relevant features and receptors</p>	<p>Chapter 9, Geology and Soils [APP-078]</p>	<p>The baseline conditions have been collated using desk-based and field-based techniques, and through consultation with stakeholders.</p> <p>National Highways considers the scope, coverage and timing of surveys undertaken to establish the baseline conditions and sensitive features and receptors are in line with best practice, and are appropriate to inform the assessment of direct and indirect effects reported in Chapter 9, Geology and Soils assessment [APP-082] relating to controlled waters and contamination.</p> <p>Due to Covid-19 restrictions in 2020/2021, it was not possible for National Highways to undertake sampling in the field to verify existing soil grades and profiles. Accordingly, the assessment has relied upon published information regarding soil grades and their distribution at a regional scale.</p> <p>National Highways is currently undertaking soil surveys, the outcomes of which will be submitted to the Examination at Deadline 6. National Highways will use the information gathered to verify the conclusions of its assessment of the likely effects on best</p>	<p>Natural England welcomes commencement of soil surveys by National Highways and to the proposal to submit the outcomes to the Examination at Deadline 6. We welcome that the findings will be used to verify the conclusions of its assessment of the likely effects on best and most versatile agricultural soils and its proposed mitigation measures in response to Natural England's Relevant Representation RR-076ab [REP1-021]. Once surveys have been completed we will review and provide our comments on survey findings and the updated assessments.</p>	<p>Under discussion</p>	

Topic and issue	Document Reference	National Highways Position	Natural England Position	Status	Date
		and most versatile agricultural soils and its proposed mitigation measures in response to Natural England's Relevant Representation RR-076ab [REP1-021].			
Geology and soils Construction and operational effects	Chapter 9, Geology and Soils [APP-078]	The Geology and Soils assessment [APP-078] has identified that adverse and beneficial effects on controlled waters and those associated with contamination would result from the construction, operation and maintenance of the Scheme; however, none of these effects would be significant. National Highways considers that the assessment findings accurately reflect the likely effects of the Scheme.	Natural England is content with the conclusions of the assessment and the significance of the reported effects, subject to 2021 surveys being completed.	Agreed	June 2021
Geology and soils Embedded and essential mitigation	Chapter 2, The Scheme [APP-071] Chapter 9, Geology and Soils [APP-078] Figure 2.4 Environmental Masterplan [APP-091] First Iteration EMP [APP-234] Schedule of mitigation [APP-235]	National Highways considers that: <ul style="list-style-type: none"> The embedded mitigation measures illustrated on the Environmental Masterplan [APP-091] and in Chapter 2, The Scheme [APP-071]. The essential mitigation measures set out in the First Iteration EMP [APP-234] are appropriate to avoid, prevent, reduce, manage, control and (where necessary) monitor the adverse effects	Natural England is content with the form and nature of the essential mitigation measures relating to soil handling and management that would be implemented during construction of the Scheme, and considers that these in conjunction with the information that will be gathered, recorded and assessed as part of the planned soil sampling in mid-2021, satisfy the content requested to be included within the "Soil Resources Plan". This is	Agreed	June 2021

Topic and issue	Document Reference	National Highways Position	Natural England Position	Status	Date
		of the Scheme relating to controlled waters and contamination during its construction and operation.	subject to the 2021 surveys being completed. 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 EMP) at the detailed design stage.		
Climate Data collection methods, baseline data and the identification and sensitivity of relevant features and receptors	Chapter 14, Climate [APP-083]	The baseline conditions have been collated using desk-based techniques and through consultation with stakeholders. National Highways considers the scope, coverage and timing of surveys undertaken to establish the baseline conditions and sensitive features and receptors are in line with best practice and appropriate to inform the assessment of direct and indirect effects reported in Chapter 14, Climate assessment [APP-083].	Natural England is content that the data used to inform the assessment are sufficiently comprehensive to identify the likely effects of greenhouse gas emissions on climate, and the resilience of the Scheme to the effects of climate change.	Agreed	June 2021
Climate Construction and operational effects	Chapter 14, Climate [APP-083]	The assessment has concluded that no significant effects associated with greenhouse gas emissions and climate change would result from the Scheme.	Natural England is content with the conclusions of the assessment and the significance of the reported effects.	Agreed	June 2021
Climate	Chapter 2, The Scheme [APP-071]	National Highways considers that:	Natural England is content with the form, nature and extent of the	Agreed	June 2021

Topic and issue	Document Reference	National Highways Position	Natural England Position	Status	Date
Embedded and essential mitigation	Chapter 14, Climate [APP-083] Environmental Masterplan [APP-091] First Iteration EMP [APP-234] Schedule of mitigation [APP-235]	<ul style="list-style-type: none"> The embedded mitigation measures illustrated on the Environmental Masterplan [APP-091] and within Chapter 2, The Scheme [APP-071]. The essential mitigation measures set out in the First Iteration EMP [APP-234] are appropriate to reduce the temporary effects of greenhouse gas emissions, during construction of the Scheme.	embedded mitigation measures incorporated into the design of the Scheme, and the essential mitigation measures that would be implemented during construction of the Scheme.		

Topic and issue	Document Reference	National Highways Position	Natural England Position	Status	Date
<p>Landscape and visual effects</p> <p>Data collection methods, baseline data and the identification and sensitivity of relevant features and receptors</p>	<p>Chapter 7, Landscape and visual effects [APP-076]</p>	<p>The baseline conditions have been collated using desk-based and field-based techniques, and through consultation with stakeholders.</p> <p>National Highways considers the scope, coverage and timing of surveys undertaken to establish the baseline conditions and sensitive features and receptors are in line with best practice and appropriate to inform the assessment of direct and indirect effects reported in Chapter 7, Landscape and visual effects assessment [APP-076].</p>	<p>Natural England is content that the scope and coverage of surveys undertaken as part of the assessment are sufficiently comprehensive to identify the likely effects of the Scheme on landscape character and visual amenity.</p>	<p>Agreed</p>	<p>October 2021</p>
<p>Landscape and visual effects</p> <p>Construction and operational effects</p>	<p>Chapter 7, Landscape and visual effects [APP-076]</p>	<p>The assessment has concluded that the Scheme would result in significant adverse effects on areas of local landscape character, and on visual receptors afforded views of the landscape from locations including residential properties, local roads and PRow.</p> <p>The assessment has concluded that the Scheme would not result in significant adverse effects on sites designated for the landscape value or importance.</p>	<p>Natural England is content with the conclusions of the assessment and the significance of the reported effects.</p>	<p>Agreed</p>	<p>October 2021</p>

Topic and issue	Document Reference	National Highways Position	Natural England Position	Status	Date
<p>Landscape and visual effects</p> <p>Embedded and essential mitigation</p>	<p>Chapter 2, The Scheme [APP-071]</p> <p>Chapter 7, Landscape and visual effects [APP-076]</p> <p>Environmental Masterplan [APP-091]</p> <p>First Iteration EMP [APP-234]</p> <p>Schedule of Mitigation [APP-235]</p>	<p>National Highways considers that:</p> <ul style="list-style-type: none"> The embedded mitigation measures illustrated on the Environmental Masterplan [APP-091]. The essential mitigation measures set out in the First Iteration EMP [APP-234] <p>are appropriate to avoid, prevent, reduce, manage, control and (where necessary) monitor the adverse effects of the Scheme during its construction and operation.</p>	<p>Natural England is satisfied that embedded mitigation illustrated in the Environmental Masterplan, and essential mitigation measures set out in the First Iteration EMP seek to avoid and minimise impacts on Local Landscape Character Areas (LLCAs) and visual receptors as far as possible. Detailed measures should be agreed to ensure opportunities are maximised to benefit priority enhancement areas such as those described above.</p>	<p>Agreed</p>	<p>June 2021</p>
<p>Population and human health</p> <p>Data collection methods, baseline data and the identification and sensitivity of relevant features and receptors</p>	<p>Chapter 12, Population and human health [APP-081]</p>	<p>The baseline conditions have been collated using desk-based and field-based techniques, and through consultation with stakeholders.</p> <p>National Highways considers the scope, coverage and timing of surveys undertaken to establish the baseline conditions and sensitive features and receptors are in line with best practice and appropriate to inform the assessment of direct and indirect effects reported in Chapter 12, Population and human health assessment [APP-077].</p>	<p>Natural England is content that the scope and coverage of surveys undertaken as part of the assessment are sufficiently comprehensive to identify the likely effects of the Scheme on PRow and recreational users.</p>	<p>Agreed</p>	<p>October 2021</p>

Topic and issue	Document Reference	National Highways Position	Natural England Position	Status	Date
Population and human health Construction and operational effects	Chapter 12, Population and human health [APP-081]	<p>The assessment has concluded that temporary significant effects would occur during construction of the Scheme on recreational users of the River Great Ouse, and users of the PRoW network.</p> <p>The assessment has concluded that no significant effects would occur during operation of the Scheme.</p>	<p>Natural England is content with the conclusions of the assessment and the significance of the reported effects.</p> <p>The Scheme will impact on access for walkers, cyclists and horse riders, for example through loss or severance of PRoW. Measures are incorporated into the design of the scheme to avoid or mitigate any adverse impacts as far as possible.</p>	Agreed	June 2021
Population and human health Embedded and essential mitigation	Chapter 2, The Scheme [APP-071] Chapter 12, Population and human health [APP-081] Environmental Masterplan [APP-091] First Iteration EMP [APP-234] Schedule of Mitigation [APP-235]	<p>National Highways considers that:</p> <ul style="list-style-type: none"> The embedded mitigation measures illustrated on the Environmental Masterplan [APP-091]. The essential mitigation measures set out in the First Iteration EMP [APP-234] <p>are appropriate to avoid, prevent, reduce, manage, control and (where necessary) monitor the adverse effects of the Scheme during its construction and operation.</p>	<p>Natural England is content with the form, nature and extent of the embedded mitigation measures incorporated into the design of the Scheme, and the essential mitigation measures that would be implemented during construction of the Scheme.</p> <p>Natural England is content that impacts on the PRoW network and recreational users of the River Great Ouse, for example through loss of access and connectivity, will be minimised through embedded and essential mitigation measures set out in the Environmental Masterplan and the First Iteration EMP.</p>	Agreed	June 2021
Assessment of Cumulative Effects	Chapter 15, Assessment of cumulative effects [APP-084]	National Highways has undertaken an assessment of the likely significant cumulative effects of the Scheme on the environment resulting from the	Natural England is content with the developments and projects identified within both the long list and shortlist,	Under discussion	

Topic and issue	Document Reference	National Highways Position	Natural England Position	Status	Date
Baseline data	Appendix 15.1 [APP-228] Appendix 15.2 [APP-229]	<p>culmination of effects with other existing and/or approved developments and projects. The assessment has considered:</p> <ul style="list-style-type: none"> • Existing completed projects. • Approved but uncompleted projects. • Ongoing activities. • Plans or projects for which an application has been made and which are under consideration by consenting authorities. • Plans and projects which are reasonably foreseeable. <p>Cumulative developments and projects were initially identified through a long list [APP-228], with qualifying developments subsequently shortlisted [APP-229] for consideration in the assessment.</p> <p>National Highways considers that its approach to identifying other development projects, their shortlisting and subsequent inclusion in the cumulative effects assessment is robust and appropriate (as related to its topics and areas of interest to the Natural England).</p>	<p>and how these have been categorised within the assessment.</p> <p>This is subject to the relevant sections of the ES, including Biodiversity, Geology and soils and Assessment of Cumulative effects, being updated with the findings of National Highways' ongoing survey work including additional bat surveys.</p>		

Topic and issue	Document Reference	National Highways Position	Natural England Position	Status	Date
		National Highways refers Natural England to its current position regarding soils and ecological surveys.			
Assessment of Cumulative Effects Construction and operational effects	Chapter 15, Assessment of cumulative effects [APP-084] Appendix 15.1 Long list of other developments [APP-228] Appendix 15.2 Assessment matrix [APP-229]	<p>The cumulative effects assessment has concluded that no significant adverse cumulative effects would occur specifically in relation to the following topics arising from the effects of the Scheme interacting cumulatively with other planned projects and developments:</p> <ul style="list-style-type: none"> • Landscape [APP-076]. • Biodiversity [APP-077]. • Geology and soils [APP-078]. • Population and human health [APP-081]. • Road drainage and the water environment [APP-082]. • Climate [APP-083]. <p>National Highways considers that the outcomes of the cumulative effects assessment in relation to development interactions are accurate.</p>	<p>Natural England is content with the conclusions of the assessment and the significance of the reported effects.</p> <p>This is subject to the relevant sections of the ES, including Biodiversity, Geology and soils and Assessment of Cumulative effects, being updated with the findings of National Highways' ongoing survey work, including bat surveys.</p>	Under discussion	

Table 3-2: Habitat Regulations Assessment matters

Issue	Document Reference	National Highways Position	Natural England Position	Status	Date
Habitats Regulations Assessment Assessment methodology	Habitat Regulations Assessment: No Significant Effects Report [APP-233] Scoping Opinion [APP-231]	National Highways has undertaken a HRA screening exercise of the following sites identified by Natural England in their advice appended to the Scoping Opinion [APP-231] : <ul style="list-style-type: none"> • Ouse Washes SPA, SAC and Ramsar site. • Portholme SAC. • Eversden and Wimpole Woods SAC. 	Natural England is content that the three European Sites listed are those only requiring screening.	Agreed	October 2021
Habitats Regulations Assessment Baseline data	Habitat Regulations Assessment: No Significant Effects Report [APP-233] Chapter 2, The Scheme [APP-071] Chapter 5, Air quality [APP-074] Chapter 8, Biodiversity [APP-077] Chapter 13, Road drainage and the water environment [APP-082]	The baseline conditions have been collated from a combination of sources obtained using desk-based and field-based techniques carried out as part of wider assessments within the EIA, and through consultation with stakeholders. The scope, coverage and timing of surveys undertaken to establish the baseline conditions are considered appropriate to inform the assessment of likely significant effects on the identified European Sites. In the context of cumulative effects, as the Scheme will not produce any effects on the SAC, it will not contribute to any in-combination effects on the SAC.	Further to concerns raised in our Relevant Representation with regard to the no LSE conclusion for Eversden and Wimpole Woods SAC we welcome that National Highways is currently undertaking further bat surveys as recommended by and agreed with Natural England and that these extend the investigation as to whether land within the Scheme's Order Limits is functionally linked to habitat and the bats in the SAC. We welcome that Information from the survey outcomes will be shared with Natural England and will be submitted to the Examination by Deadline 6. Once surveys have been completed we will review and provide our	Under discussion The Joint Position Statement on matters relating to Habitats Regulations Assessment and mitigation [REP1-033] submitted at Deadline 1 confirms the position	

Issue	Document Reference	National Highways Position	Natural England Position	Status	Date
	<p>Chapter 14, Climate [APP-083]</p> <p>Chapter 15, Assessment of cumulative effects [APP-084]</p> <p>Appendix 8.1 [APP-188] to 8.20 [APP-207]</p>	<p>Further to Natural England’s disagreement regarding there being no Likely Significant Effects of the Scheme on Eversden and Wimpole Woods SAC’s Barbastelle bat population, National Highways is currently undertaking further bat surveys as recommended by and agreed with Natural England. Going beyond what the guidelines recommend, these extend the investigation as to whether land within the Scheme’s Order Limits is functionally linked to habitat and the bats in the SAC. Information from the survey outcomes is being shared with Natural England and will be submitted to the Examination by Deadline 6.</p>	<p>comments on survey findings and the updated assessments.</p>	<p>between both parties.</p>	
<p>Habitats Regulations Assessment</p> <p>Assessment findings and mitigation</p>	<p>Habitat Regulations Assessment: No Significant Effects Report [APP-233]</p> <p>Chapter 2, The Scheme [APP-071]</p> <p>Chapter 5, Air quality [APP-074]</p> <p>Chapter 8, Biodiversity [APP-077]</p> <p>Chapter 13, Road drainage and the</p>	<p>The HRA screening has identified and evaluated the potential impact pathways between the Scheme and the three identified European Sites.</p> <p>In respect of Eversden and Wimpole Woods SAC, the effect of the Scheme on Barbastelle bat (<i>Barbastella barbastellus</i>) – the qualifying feature of this European Site – was evaluated using standard and best practice survey and tracking methods to determine whether the Scheme could affect the ability of the SAC to support its Barbastelle population, and identify</p>	<p>Natural England agrees with the no likely significant effects conclusion for the Ouse Washes SAC, SPA and Ramsar Site; and the Portholme SAC.</p> <p>Further to concerns raised in our Relevant Representation with regard to the no LSE conclusion for Eversden and Wimpole Woods SAC we welcome that National Highways is currently undertaking further bat surveys as recommended by and agreed with Natural England and that these extend the investigation as to whether land within the Scheme’s</p>	<p>Under discussion</p> <p>The Joint Position Statement on matters relating to Habitats Regulations Assessment and mitigation [REP1-033] submitted at</p>	

Issue	Document Reference	National Highways Position	Natural England Position	Status	Date
	<p>water environment [APP-082]</p> <p>Chapter 14, Climate [APP-083]</p> <p>Chapter 15, Assessment of cumulative effects [APP-084]</p> <p>Appendix 8.1 [APP-188] to 8.20 [APP-207]</p> <p>First Iteration EMP [APP-234]</p> <p>Schedule of Mitigation [APP-235]</p>	<p>whether any functionally linked habitat or commuting routes would be fragmented or severed by the Scheme.</p> <p>The surveys and tracking confirmed that the Barbastelle recorded were unconnected to Eversden and Wimpole Woods SAC.</p> <p>The environmental design of the Scheme includes new hedgerows, grassland, scrub and wetland which, once established, will provide corridors of connecting habitat through the Scheme. These measures will maintain, and in some instances improve, linkages to retained areas of habitat used by bats and reduce fragmentation impacts upon the local population.</p> <p>In addition to the bat data gathered by National Highways, Natural England requested information be shared from bat tracking studies undertaken in the area of the Scheme by the East West Rail Company (as these had the potential to provide further insight into the data relied upon in the HRA screening).</p> <p>National Highways subsequently shared this information with Natural England in May 2021, a review of which indicated that the findings</p>	<p>Order Limits is functionally linked to habitat and the bats in the SAC. We welcome that Information from the survey outcomes will be shared with Natural England and will be submitted to the Examination by Deadline 6.</p> <p>Once surveys have been completed we will review and provide our comments on survey findings and the updated assessments.</p>	<p>Deadline 1 confirms the position between both parties.</p>	

Issue	Document Reference	National Highways Position	Natural England Position	Status	Date
		<p>recorded by the East West Rail Company corroborated those obtained from bat surveys undertaken for the Scheme.</p> <p>The outcomes of the HRA screening concluded that no likely significant effects would occur as a result of the construction, operation or maintenance of the Scheme on the European Sites assessed.</p> <p>Further to Natural England's disagreement regarding there being no Likely Significant Effects of the Scheme on Eversden and Wimpole Woods SAC's Barbastelle bat population, National Highways is currently undertaking further bat surveys as recommended by and agreed with Natural England. Going beyond what the guidelines recommend, these extend the investigation as to whether land within the Scheme's Order Limits is functionally linked to habitat and the bats in the SAC. Information from the survey outcomes is being shared with Natural England and will be submitted to the Examination by Deadline 6.</p>			

Table 3-3: Designated sites matters

Issue	Document Reference	National Highways Position	Natural England Position	Status	Date
<p>Designated sites of national, county and local importance</p> <p>Elsworth Wood SSSI</p>	<p>Appendix 8.2 [APP-189]</p> <p>Chapter 8, Biodiversity [APP-077]</p> <p>Chapter 13, Road drainage and the water environment [APP-082]</p>	<p>National Highways has undertaken an assessment of the effects of the Scheme of Elsworth Wood SSSI, which has concluded that no significant effects would arise from the Scheme, either directly or indirectly, on the site's SSSI or Ancient Woodland designations.</p> <p>Where requested, further information has been provided to Natural England regarding the assessment undertaken.</p> <p>The Road Drainage and the Water Environment assessment has also considered the potential for hydrological effects on Elsworth Wood SSSI and has recorded that no such effects would occur.</p> <p>Bat surveys currently being undertaken by National Highways in and around the Scheme as recommended by Natural England, have been designed to determine any use being made of Elsworth Wood SSSI by bats including Barbastelle.</p>	<p>Natural England agrees that the Scheme is unlikely to result in air quality impact on Elsworth Wood SSSI and is satisfied that no hydrological link exists between Elsworth Wood SSSI and the Scheme.</p> <p>Discussions were held with National Highways in relation to bat usage of Elsworth Wood and its relationship to the Scheme.</p>	<p>Under discussion</p> <p>The Joint Position Statement on matters relating to Habitats Regulations Assessment and mitigation [REP1-033] submitted at Deadline 1 confirms the position between both parties.</p>	

Issue	Document Reference	National Highways Position	Natural England Position	Status	Date
<p>Designated sites of national, county and local importance</p> <p>Other sites</p>	<p>Chapter 8, Biodiversity [APP-077]</p> <p>Appendix 8.2 [APP-189]</p>	<p>Information concerning other designated sites of national, county and local importance evaluated in Chapter 8, Biodiversity [APP-077] are presented in Appendix 8.2 [APP-189].</p> <p>The assessment has concluded that there would be no significant adverse effects on any of these sites as they are too distant and/or not ecologically connected to the Scheme.</p>	<p>Natural England agrees with the conclusions of the assessment of the Scheme's likely effects on other designated sites of national, county and local importance, and their significance.</p> <p>Natural England agrees that there will not be any adverse effects of the Scheme on national sites.</p> <p>Indirect impacts to the River Great Ouse CWS and Wyboston Pits CWS, through pollution and siltation, will be mitigated through implementation of best practice construction measures and measures to ensure no impact to groundwater flows to the River Great Ouse through dewatering of borrow pits and cuttings.</p> <p>Natural England is satisfied that potential impacts on the River Great Ouse and Sir John's Wood CWSs will be appropriately mitigated through the implementation of the measures detailed in the Schedule of Mitigation and First Iteration EMP.</p>	<p>Agreed</p>	<p>June 2021</p>

Table 3-4: Licencing matters

Issue	Document Reference	National Highways Position	Natural England Position	Status	Date
<p>Badger license Letter of No Impediment</p>	<p>Chapter 8, Biodiversity [APP-077] Appendix 8.6 [APP-193] First Iteration EMP [APP-234]</p>	<p>A draft application for a Badger license was prepared by National Highways and submitted to Natural England on 12 February 2021 in pursuit of obtaining a Letter of No Impediment (LoNI). National Highways sought confirmation from Natural England on 23 March 2021 as to whether LoNI can be issued, based on the draft Badger license application. Following review by Natural England, further information required to inform the draft Badger licence application and satisfy National Highways' request for a Letter of No Impediment was issued by Natural England on 5 May 2021 via its Discretionary Advice Service. Subsequent to this, National Highways issued Natural England a formal response to its advice on 04 June 2021. A copy of the LoNI has been submitted at Deadline 1.</p>	<p>Natural England issued a Letter of No Impediment on 15 July 2021.</p>	<p>Agreed</p>	<p>15.07.2021</p>

Issue	Document Reference	National Highways Position	Natural England Position	Status	Date
<p>Great Crested Newt Mitigation and compensation</p>	<p>Chapter 8, Biodiversity [APP-077] Appendix 8.16 [APP-203]</p>	<p>No ponds (or other waterbodies used by Great Crested Newts for breeding) will be directly affected by the Scheme.</p> <p>National Highways has made an application to NatureSpace to join the District Level Licensing (DLL) scheme for the Bedfordshire section of the Scheme with respect to Great Crested Newt.</p> <p>National Highways also intends to submit a draft application to Natural England for a European Protected Species licence for the entirety of the Scheme, to cover the Cambridgeshire section and the Bedfordshire section (in the event the DLL is not forthcoming).</p> <p>This licence application is currently under preparation and is planned to be submitted to Natural England in mid-November 2021. This will include details of impacts, mitigation and if required the monitoring necessary to obtain a Letter of No Impediment.</p>	<p>Natural England has been notified of Great Crested Newt licensing requirements, and discussions are ongoing.</p> <p>Loss of GCN ponds will be mitigated through the use of DLL or application of a Natural England EPS Licence, or a combination of the two. We understand that a submission has been made to NatureSpace with respect to the part of the Scheme located in Bedfordshire and that a submission will be made to DLL Natural England for the part of the Scheme in Cambridgeshire. We welcome and encourage the use of DLL and wish to flag that there is currently a lack of ponds to progress DLL hence we would welcome any opportunities that National Highways can identify as suitable location for GCN ponds.</p> <p>We note National Highways intention to submit a draft application to Natural England for a European Protected Species licence for the Cambridgeshire section of the Scheme and that this will include details of impacts, mitigation and if required the monitoring necessary to obtain a Letter of No Impediment.</p>	<p>Under discussion</p>	

Table 3-5: Other matters

Issue	Document Reference	National Highways Position	Natural England Position	Status	Date
<p>Borrow pits Restoration</p>	<p>Chapter 2, The Scheme [APP-071]</p> <p>Chapter 9, Geology and Soils [APP-078]</p> <p>Borrow Pits Optioneering Report [APP-246]</p> <p>Borrow Pits Excavation and Restoration Report [REP3-011]</p>	<p>Four areas of land have been incorporated into the design of the Scheme for use as borrow pits during construction. The associated temporary loss of agricultural soils, including those considered best and most versatile, has been assessed and reported in Chapter 9, Geology and Soils [APP-078].</p> <p>National Highways intention is that these areas of land would be restored progressively during construction of the Scheme, in line with the approach set out in Chapter 2, The Scheme [APP-071].</p> <p>Subsoil and topsoil stripped from these areas would be reinstated to a condition that enables them to be returned to agricultural standards and be offered back to landowners.</p> <p>In the event that landowners do not wish to have the land returned to them for agricultural use, National Highways will evaluate alternative options and uses for these areas.</p> <p>Information regarding borrow pits is reported in the Borrow Pits Excavation and Restoration Report submitted at</p>	<p>Natural England has advised that impacts from the Scheme should be considered in light of Government policy for the protection of the best and most versatile agricultural land, and that soils should be considered in the context of the sustainable use of land and the ecosystem services they provide as a natural resource.</p> <p>Natural England has also advised that borrow pits present an opportunity to incorporate multi-functional environmental and biodiversity enhancements and has recommended that options to restore these sites are fully investigated.</p> <p>Natural England agrees that the proposal to restore land used temporarily for borrow pits to agricultural standards is appropriate and would help to mitigate the overall loss best and most versatile agricultural land across the Scheme.</p>	<p>Agreed</p>	<p>June 2021</p>

Issue	Document Reference	National Highways Position	Natural England Position	Status	Date
		Deadline 3 of the Examination [REP3-011].			
Breedon Quarry Future baseline	Appendix 8.19 [APP-206]	Following liaison and agreement with Bedford Brough Council, a future baseline position has been adopted in the EIA which assumes that the ongoing restoration works at Breedon Quarry, located adjacent to the existing Black Cat roundabout, would be fully implemented by the time of Scheme construction commencing.	Natural England advised National Highways of its concerns in relation to the restoration of Breedon Quarry and the agreement with Bedford Borough Council to implement biodiversity measures in the knowledge that some areas of restored land could, if restored, be replaced by the Scheme. Notwithstanding this, Natural England agrees that for the purpose of establishing an accurate baseline position within the EIA, it is appropriate for National Highways to assume that Breedon Quarry would be restored in accordance with the approved restoration plan.	Agreed	October 2021
Contribution to environmental initiatives and priorities Biodiversity net gain and environmental enhancements	Appendix 8.19 [APP-206] Scoping Opinion [APP-231]	Although the achievement of a net gain in biodiversity is not a requirement for nationally significant infrastructure projects, National Highways has sought to achieve an increase in biodiversity through the environmental measures incorporated into the design of the Scheme, as set out in Natural England's advice appended to the Scoping Opinion [APP-231].	Natural England's advice is that a development of this scale should seek to demonstrate delivery of significant net biodiversity gain, through application of an appropriate biodiversity metric. In particular, the Scheme should aim to create and/or enhance priority habitats to improve ecological connectivity and to buffer and support adjacent habitats, including nearby designated sites.	Agreed.	October 2021

Issue	Document Reference	National Highways Position	Natural England Position	Status	Date
		<p>Using National Highways' Biodiversity Net Gain metric, a net gain of 20.5% across the Scheme has been calculated, when compared to the baseline conditions, as reported in Appendix 8.19 [APP-206].</p> <p>The calculation of biodiversity net gain also took account of Breedon Quarry being fully restored by the time of Scheme construction commencing.</p> <p>Subsequent to the receipt of the Examining Authorities First Round of Written Questions [PD-008], National Highways has undertaken a Biodiversity Net Gain calculation using the Biodiversity Metric 2.0 methodology. This has been reported and submitted to the Examination at Deadline 3 [REP3-012 and REP3-013].</p> <p>On the basis of advice from Natural England that "<i>Projects currently using biodiversity metric 2.0 are advised to continue to do so unless requested otherwise by their client or consenting body as the biodiversity units values generated by metric 2.0 and metric 3.0 may differ for their scheme or landholding</i>" (http://publications.naturalengland.org.uk/publication/5850908674228224 - as</p>	<p>Natural England also advises that the mitigation and enhancement strategy should ensure that any loss of habitat is appropriately compensated, with additional measures implemented to ensure delivery of biodiversity net gain.</p> <p>Based on the positive score of 20.5%, Natural England is satisfied that the delivery of the Scheme would achieve genuine gains in biodiversity when compared with existing conditions.</p> <p>Natural England supports the calculated delivery of 20.5% biodiversity net gain through the project although we note that the National Highways metric was used instead of the preferred Defra 2.0 metric which considers habitat condition and other key criteria. For this reason, Natural England strongly recommends use of the Defra 2.0 metric to ensure accuracy of net gain calculations for this Scheme. (Deadline 1)</p> <p>Following our recommendation that Biodiversity Metric 2.0 should be used to calculate Biodiversity Net Gain Natural England welcomes National Highways preparation and submission of a Biodiversity Net Gain calculation using the Biodiversity Metric 2.0 methodology. We advise that the ES</p>		

Issue	Document Reference	National Highways Position	Natural England Position	Status	Date
		published by Natural England website on 29 July 2019), National Highways will continue to base assessments of biodiversity net change on metric 2.0.	should be updated with the findings of the Defra 2.0 metric to inform a revised assessment of the effects of the Proposed Development on biodiversity		