

Date: 04 November 2021  
Our ref: 372121  
Your ref: TR010044-001237



Menaka Sahai  
The Planning Inspectorate

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**BY EMAIL ONLY**

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Dear Menaka

**NSIP Reference Name / Code: TR010044 A428 Black Cat to Caxton Gibbet Road  
Improvement scheme – Second Written Questions  
User Code: 20028237**

Thank you for your consultation on the Examining Authority's Second Written Questions and requests for information (WQ2) in your letter issued in 15 October 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.

**Q2.3.2.1 Metric for calculating BNG**

- e) NE and LAs, please provide comments on the revised BNG assessment using the DEFRA 2.0 metric, submitted by the Applicant [REP3-012] [REP3-013];*
- f) NE, LAs, Applicant, comment on the DEFRA 2.0 metric net gain of 16.48% Habitat units, the net gain of 9.96% of River units and the net loss of -31.66% Hedgerow units, in contrast to the BNG score of 20.5% using the Highways England Metric. How would you describe the overall impact of the Proposed Development on biodiversity and does this affect the ES conclusions in this regard?*

As indicated in our response [REP1-088] to the Examining Authority's First Written Questions Natural England's view is that the recently released Biodiversity Metric 3.0 is the preferred metric since it features significant updates and changes to the Biodiversity Metric 2.0; however, we acknowledge that, until implementation of the Environment Bill, biodiversity net gain is not currently a mandatory requirement. We also recognise that the Applicant's scheme has been designed utilising a different metric which may be best applied to Biodiversity 2.0 rather than Metric 3.0. We therefore welcome submission of the Applicant's revised BNG assessment using the DEFRA 2.0 metric. Natural England's remit does not extend to reviewing and commenting on BNG metrics hence our only advice is that the ES 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.

#### **Q2.3.4.1 Eversden and Wimpole Woods SAC**

*ExA notes the updates provided at ISH3 [EV-044] and at D3 [REP3-023] and also notes that the substantive survey results and corresponding HRA conclusions are not expected before D6. Submit interim updates on the ongoing survey and ongoing discussion between NE and the Applicant, in particular any exploratory discussion on further mitigation and compensatory measures in response to this question and at each intervening Deadline.*

Ongoing discussions regarding potential barbastelle bat SAC mitigation measures are taking place between the Applicant and Natural England as set out in the '9.54 Barbastelle Bat Survey and Mitigation Table Technical Note' (November 2021) submitted by the Applicant at Deadline 4. This document commits to ongoing discussions between the Applicant and Natural England to discuss bat survey updates, lighting information, construction mitigation measures and criteria to inform decision making. These discussions will inform the agreement of detailed barbastelle bat SAC mitigation measures following the completion of ongoing bat surveys and revisions to the ES Chapter 8 Biodiversity [APP-077] and the HRA. It is noted that these are not necessarily bespoke SAC barbastelle bat mitigation measures; proposed features, particularly underpasses, may serve multiple functions such as accommodating watercourses, footpaths and bridleways and also as mitigation for impacts to other bat species and mammals.

#### **Q2.3.5.1 Adequacy of mitigation measures**

- a) At ISH3 [EV-044] the Applicant made reference to five underpasses that may be suitable for bats to use to cross the Proposed Development. Applicant, indicate the locations of all these underpasses on the Environmental Masterplan [APP-091], and the associated foraging routes. Explain why they are not all referenced in the Schedule of Mitigation [APP-235, EMB – B9];*
- b) Applicant, confirm whether the crossings listed in the Schedule of Mitigation [APP-235, EMB – B9], together with the five underpasses, represent the full extent of mitigation measures proposed for all species of animal;*
- c) NE and LAs to comment on the adequacy of measures in quantitative, qualitative, and locational terms.*

As indicated in our response [REP1-088] the key species to which these questions relate are bats, badger, GCN and otter.

The principles of measures to mitigate impacts to SAC barbastelle bats are being agreed between the Applicant and Natural England, through ongoing discussions as set out in the '9.54 Barbastelle Bat Survey and Mitigation Table Technical Note' (November 2021), discussed above. As previously mentioned, in addition to mitigating impacts to SAC barbastelles many of these measures serve other functions and will also seek to mitigate impact to other bat species and mammals.

With regard to other bat species Natural England will review proposed mitigation measures following the completion of ongoing bat surveys and revisions to the ES Chapter 8 Biodiversity [APP-077]. Should the likely requirement for a European Protected Species (EPS) licence for bats be identified the applicant will need to submit a full draft EPS licence application to Natural England as soon as possible in order to expedite the agreement of mitigation measures and the issue of a 'Letter of No Impediment' (LONI). The LONI will confirm that Natural England 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.

We understand that a submission has been made to NatureSpace for a District Level Licence (DLL) which will fully address GCN mitigation requirements, including habitat loss, for the scheme in Bedfordshire. Measures to mitigate impacts associated with the Proposed Scheme in Cambridgeshire (and Bedfordshire should DLL not be forthcoming) will be provided in a draft EPS licence submitted to Natural England. We understand that the Cambridgeshire EPS licence

application will be submitted to Natural England by the middle of November. Once the details of the draft EPS licence application have been agreed Natural England will issue a LONI.

Our response [REP1-088] has already confirmed that Natural England is satisfied in principle with the mitigation measures set out in the Biodiversity Mitigation Plan for otters and farmland birds, subject to agreement of the detail following completion of survey updates.

Mitigation to address impacts on badgers have been identified in a draft licence application which has been assessed by Natural England and a LONI has been issued.

**Q2.10.1.1 Scheme Design Approach and Design Principles**

*a) The ExA is seeking views from LAs and all parties on the content of the Applicant's Scheme Design Approach and Design Principles [REP3-014], and if the design approach, design vision and design principles will guide the development of the detailed design post consent (should consent be granted) to deliver the following outcomes:*

- i) sensitivity to place, siting and design measures relative to existing landscape, character and function (NPS NN, Paragraphs 4.29, 4.30, 4.33) (other relevant local policies [REP1-051], [REP1- 054] [REP1- 055]);*
- ii) producing high quality, beautiful and sustainable places (NPS NN, Paragraphs 4.29, Chapter 12 of the NPPF)*
- iii) meeting principal objectives of the Proposed Development, mitigating problems, minimising adverse impacts, and sustaining the improvements to operational efficiency (NPS NN, Paragraph 4.31);*
- iv) taking into account functionality, aesthetics, and technology (NPS NN, Paragraph 4.33); and*
- v) best possible integration with the surrounding landscape [REP3-014, Paragraph 3.1.1].*

*b) Do you feel that the design principles and features of specific structures [REP3-014, Appendix C] cover the range of physical structures, landscape features, and other measures that design principles should be set out for?*

*c) Do you have understanding of the rationale behind the design principles for individual structures, in relation to the immediate surroundings, for instance [REP3-014, Appendix C]?*

*d) Are you clear how the Scheme Design Approach and Design Principles would be secured through the DCO process, and is that adequate [REP3-014], Paragraphs 1.2.1-2]?*

Natural England is broadly satisfied with the Scheme design approach and design principles 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 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.

We note that it is anticipated that the design principles set out in Scheme Design Approach and Design Principles [REP3-014] will be incorporated into the First Iteration Environmental Management Plan [APP-234] in order that the commitments made can be secured through the Development Consent Order (DCO) process. Natural England is satisfied that this approach to securing the design commitments is adequate.

**Q2.10.2.1 Design development process**

- a) Are you clear about the design development process and which parties would be consulted through the process [REP3-014, Section 5]?
- b) Are you content with the proposed design development process and which parties would be consulted through the process [REP3-014, Section 5]?

Section 5.1.4 [REP3-014] does not appear to provide any detail regarding which parties would be consulted through the proposed design development process; further clarity on this would be welcome. Natural England would only expect to be consulted on matters within our statutory remit such as the design of mitigation features for protected species which will need to be agreed through Natural England's licensing process.

**Q2.13.3.1 First Iteration EMP and Landscape and Ecology Management Plan (Question repeated to seek response from specific respondents)**

- c) Would the Proposed Development be sufficiently screened, particularly relative to existing settlements, such as Roxton, or St Neots?
- d) ExA seeks responses from the Cambridgeshire Councils and NE on the responses provided by the Applicant [REP3-007].

**Q2.13.3.2 Mitigation**

*Comment on the responses provided by the Applicant [REP3-007].*

Further to our response to Q2.3.5.1 Adequacy of mitigation measures above, Natural England is satisfied with the Applicant's response [REP3-007] acknowledging that whilst no bat roosts have currently been found within or sufficiently close to the Scheme to warrant the submission of a draft licence the situation may change dependent upon the outcome of ongoing bat roost surveys. As we have indicated above, should the likely requirement for an EPS licence for bats be identified the applicant will need to submit a full draft EPS licence application to Natural England as soon as possible in order to expedite the agreement of mitigation measures and the issue of a LONI.

The Applicant's response [REP-007] also confirms that a submission to NatureSpace has been made to join the Bedfordshire GCN DLL scheme and that a draft European Protected Species mitigation licence is being prepared for GCN in Cambridgeshire. Natural England welcomes this and will review the draft licence application once received.

In response to Q1.13.3.1 Mitigation [REP1-088] we commented that Natural England would expect to see further detail provided on sympathetic lighting measures to confirm that there will be no adverse disturbance impacts to light sensitive species including bats and otters. The Applicant's response [REP-007] indicates that the lighting strategy will be developed as part of the detailed design stage and lighting is only proposed at conflict areas, typically roundabouts, which mostly already have lighting and this will be similar in scale to the baseline. The Applicant's response [REP-007] confirms that neither the River Great Ouse viaduct nor the Toseland Road bridge will be lit and that for the majority of the Scheme and for the bat tunnel and other underpasses, there will be no lighting and hence there will be no impact from lighting on bats. Natural England looks forward to confirmation of this being provided in the detailed lighting strategy. We will be pleased to review the strategy in due course.

Natural England  
4 November 2021

For further information please contact:  
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