

A428 Black Cat to Caxton Gibbet improvements

TR010044

Volume 8

8.3 Statement of Common Ground with Natural England

Planning Act 2008

Rule 8(1)(e)

Infrastructure Planning (Examination Procedure)
Rules 2010

February 2022

Infrastructure Planning
Planning Act 2008**The Infrastructure Planning
(Examination Procedure) Rules 2010****A428 Black Cat to Caxton Gibbet Improvements**
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**8.3 Statement of Common Ground with
Natural England**

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STATEMENT OF COMMON GROUND

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



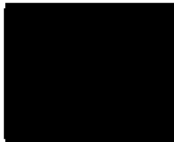
Signed.....

Lee Galloway

Project Director

on behalf of National Highways

Date: 15 February 2022



Signed... ..

Justin Tilley

Manager – West Anglia Team on behalf of Natural England

Date: 11 February 2022

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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.
- 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

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)	Key topics include: <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	Key topics include: <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. • Draft HRA review.

Date	Form of correspondence	Key topics discussed
		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.
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 licensing and letters of no impediment.
24-06-2020	Letter from Highways England	Notification of supplementary consultation.

Date	Form of correspondence	Key topics discussed
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. • Soil 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 Licensing 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. • 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.

Date	Form of correspondence	Key topics discussed
		<ul style="list-style-type: none"> • 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.
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	Email 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.

Date	Form of correspondence	Key topics discussed
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. • Draft Habitats Regulations Assessment: No Significant Effects Report. • Draft Badger licence. • Draft GCN District Level Licensing enquiry form.

Date	Form of correspondence	Key topics discussed
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 project 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 licence 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 licence application.
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.

Date	Form of correspondence	Key topics discussed
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 Barbastelle 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 issuing a Letter of No Impediment, Natural England require consideration of 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.
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.

Date	Form of correspondence	Key topics discussed
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)	<p>Workshop to:</p> <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.
24-08-2021	Email from National Highways to Natural England	Email from National Highways to Natural England issuing the proposed bat survey scope.

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 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 licensing. 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.
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.

Date	Form of correspondence	Key topics discussed
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	Meeting between National Highways to Natural England in response to Action Point 1 of Issue Specific Hearing 3, to address the following: “...ahead of survey results, without prejudice, discussions to occur between Applicant and Natural England (NE) regarding potential barbastelle bat mitigation measures”. National Highways issued meeting minutes to Natural England on 15/10/2021.
13-10-2021	Email from National Highways to Natural England	Email from National Highways to Natural England requesting review of the updated SOCG.
22-10-2021	Email from Natural England to National Highways	Email from Natural England to National Highways containing the reviewed SOCG.

Date	Form of correspondence	Key topics discussed
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.
03-11-2021	Email	Email from National Highways to Natural England with meeting minutes and presentation slides for the Bat update meeting and requesting comments back from 4th November 2021.
03-11-2021	Email	Email from Natural England to Highways England advising they have no comments on the bat update meeting minutes or presentation slides.

Date	Form of correspondence	Key topics discussed
03-11-2021	Email	Email from Natural England to Highways England requesting a tidied-up version of the SoCG.
03-11-2021	Email from National Highways to Natural England	Email from National Highways to Natural England sharing the version of the SOCG submitted at Deadline 4 of the Examination.
04-11-2021	Email from National Highways to Natural England	Email from National Highways to Natural England with details of the Barbastelle survey dates.
04-11-2021	Email	Email from National Highways to Natural England with confirmation of the date for ending hibernation assessment for the bat survey.
04-11-2021	Email	Email from Natural England to National Highways with some minor changes/additions to the SoCG and asking why there is no reference to the Joint Position Statement discussion.
04-11-2021	Email	Email from National Highways to Natural England advising them that their SoCG comments will be added to the SoCG draft and that they will add a reference to the Joint Position Statement.
04-11-2021	Email	Email from Natural England to National Highways advising them to add the reference to the JPS to the SoCG and send it back to them so they can add additional comments.
04-11-2021	Email	Email from National Highways to Natural England advising them that the information presented in the position statement will be augmented into a wider technical note to update on the progress of the bat surveys.
04-11-2021	Email	Email from National Highways to Natural England to confirm their tracked changes had been incorporated into the SoCG to be submitted a D4 and advising any extra changes would need to be made a D6.
04-11-2021	Email	Email from Natural England to National Highways thanking them for confirmation of timeframes for the ongoing bat surveys.
04-11-2021	Email	Email from Natural England to National Highways thanking them for document references and clarification on updates for the SoCG.
17-11-2021	Email from National Highways to Natural England	Email from National Highways to Natural England detailing the agenda for the progress meeting scheduled for 23-11-2021.
19-11-2021	Email from National Highways to Natural England	Email from National Highways to Natural England with response to Natural England's comments on Bat mitigation.

Date	Form of correspondence	Key topics discussed
23-11-2021	Meeting between National Highways and Natural England	Meeting between National Highways and Natural England to discuss mitigation for bats, progress on ongoing barbastelle investigations, Joint Position Statement and draft GCN licence. Meeting minutes were issued on 26-11-2021.
24-11-2021	Email from National Highways to Natural England	Email from National Highways to Natural England issuing the recording of the meeting on 23-11-2021.
24-11-2021	Email from Natural England to National Highways	Email from Natural England to National Highways attaching Natural England's responses to the previous review of the bat mitigation document and embedded transect plan comments in Appendix 8.5 of the Environmental Statement.
25-11-2021	Meeting between National Highways and Natural England	Meeting between National Highways and Natural England to discuss agenda items for the upcoming hearings.
26-11-2021	Email from National Highways to Natural England	Email from National Highways to Natural England with draft GCN licence submission.
29-11-2021	Meeting between National Highways and Natural England	Meeting between National Highways and Natural England to discuss biodiversity and agenda items in advance of hearings.
30-11-2021	Email	Email from National Highways to Natural England with meeting minutes and presentation slide from the HRA/Bat progress meeting.
30-11-2021	Email	Email from National Highways to Natural England with minutes prior to issue specific hearings on Appropriate Assessment.
30-11-2021	Email from Natural England to National Highways	Email from Natural England to National Highways highlighting key points, from Natural England's HRA guidance, which has led Natural England to the view that consideration of impacts to Eversden and Wimpole Woods SAC should progress to the Appropriate Assessment stage.
07-12-2021	Email from National Highways to Natural England	Email from National Highways to Natural England attaching National Highways' responses to Natural England's further comments on bat mitigation provided by email on 24-11-21.
09-12-2021	Email from Natural England to National Highways	Email from Natural England to National Highways issuing the amended SOCG ahead of Deadline 6.

Date	Form of correspondence	Key topics discussed
10-12-2021	Meeting between National Highways and Natural England	Meeting between National Highways and Natural England to discuss the need for Appropriate Assessment and why Natural England does not consider the information National Highways has provided (or will have provided once final surveys are complete) should be assessed at the HRA screening stage.
10-12-2021	Email from Natural England to National Highways	Email from Natural England to National Highways attaching a marked up version of 'A428 Scheme - responses to Natural England's comments on outline bat mitigation' with Natural England's detailed comments.
13-12-2021	Email from National Highways to Natural England	Email from National Highways to Natural England clarifying wording with regard to Appropriate Assessment within the SOCG.
13-12-2021	Email from Natural England to National Highways	Email from Natural England to National Highways with slightly amended wording with regard to Appropriate Assessment which National Highways inserted into the SOCG.
14-12-2021	Email from National Highways to Natural England	Email from National Highways to Natural England distributing meeting minutes following the meeting on Appropriate Assessment on 10-12-2021.
14-12-2021	Email from National Highways to Natural England	Email from National Highways to Natural England distributing the version of the SOCG to be submitted at Deadline 6.
14-12-2021	Email from Natural England to National Highways	Email from Natural England to National Highways suggesting a minor amendment to the SOCG to be submitted at Deadline 6.
14-12-2021	Email from Natural England to National Highways	<p>Email from Natural England to National Highways suggesting some amendments to the meeting minutes following the meeting on Appropriate Assessment on 10-12-2021.</p> <p>Natural England also suggest much of the Appropriate Assessment is already embedded in the HRA: No Significant Effects report as well as some points for further consideration.</p>
15-12-2021	Email from National Highways to Natural England	Email from National Highways to Natural England advising that the minor amendment to the SOCG raised on 14-12-2021 will be updated for the next iteration at Deadline 10.
16-12-2021	Email from National Highways to Natural England	Email from National Highways to Natural England distributing finalised minutes from recent meetings on 25 November 2021, 29 November 2021 and 10 December 2021.

Date	Form of correspondence	Key topics discussed
17-12-2021	Email from National Highways to Natural England	Email from National Highways to Natural England issuing the Appropriate Assessment Note submitted to the ExA at Deadline 6 of the Examination and providing further thoughts on bat crossing mitigation. National Highways also provided example bat mitigation crossings for the A14 Cambridge to Huntingdon improvements.
07-01-2022	Email from Natural England to National Highways	Email from Natural England to National Highways asking if the meeting being held today will include a slot to discuss outstanding matters relating to the justification of survey approaches.
07-01-2022	Email from National Highways to Natural England	Email from National Highways to Natural England stating the focus of the meeting will be on crossing points. National Highways suggests an additional meeting next week to discuss Written Questions and Appropriate Assessment and anything else that is not covered during the meeting.
07-01-2022	Meeting between National Highways, Natural England, and the Local Authorities	Meeting between National Highways, Natural England, and the Local Authorities to discuss bat crossing points.
07-01-2022	Email from National Highways to Natural England	Email from National Highways to Natural England sharing the recording of the meeting on bat crossing points.
10-01-2022	Email from Natural England to National Highways	Email from Natural England to National Highways with early sight of Natural England's thoughts on the 3 rd round of Written Questions.
12-01-2022	Meeting between Natural England and Highways England	Meeting between Natural England and Highways England discussing changes to the method statement within the submitted draft GCN licence application required before formal submission.
13-01-2022	Email	Email from National Highways to Natural England with meeting minutes and presentation slides from the last bat mitigation meeting.
13-01-2022	Email from Natural England to National Highways	Email from Natural England to National Highways confirming on the basis of the information and proposals provided with regard to the submitted draft GCN licence application, Natural England sees no impediment to a licence being issued, should the DCO be granted (subject to the changes to the method statement discussed on 12.01.2022).
18-01-2022	Email from National Highways to Natural England	Email from National Highways to Natural England with copies of the updated Barbastelle Bat Surveys and Mitigation Technical Note and HRA Report to inform Appropriate Assessment.

Date	Form of correspondence	Key topics discussed
18-01-2022	Email from Natural England to National Highways	Email from Natural England to National Highways acknowledging receipt of the updated Barbastelle Bat Surveys and Mitigation Technical Note and HRA Report to inform Appropriate Assessment and advising that they would comment at Deadline 9.
19-01-2022	Email from National Highways to Natural England	Email from National Highways to Natural England with an amended version of the SOCG for Natural England comment.
19-01-2022	Email from Natural England to National Highways	Email from Natural England to National Highways requesting the East West Rail 2020 Bat Survey.
20-01-2022	Email from National Highways to Natural England	Email from National Highways to Natural England, resending the East West Rail 2020 Bat Survey (this was previously distributed to Natural England in May 2021).
20-01-2022	Email from National Highways to Natural England	Email from National Highways to Natural England asking for clarification with regard to Written Question 3.3.4.2 (d).
20-01-2022	Email from Natural England to National Highways	Email from Natural England to National Highways requesting the Deadline 5 Examination submission '9.60 Updated Bat Surveys 2021 Technical Note.'
20-01-2022	Email from National Highways to Natural England	Email from National Highways to Natural England confirming the bat-related documents submitted as part of the Environmental Statement (Appendix 8.5: Bats) and the recent submissions to the Examination (9.60 Updated Bat Surveys 2021 [REP5-010], 9.54 Barbastelle Bat Surveys and Mitigation Technical Note (Rev 3) [REP6-027] and 9.54 Barbastelle Bat Surveys and Mitigation Technical Note - Rev 4 [REP8-009]. These were also distributed to Natural England for completeness.
24-01-2022	Email from Natural England to National Highways	Email from Natural England to National Highways requesting a summary of the transect, crossing point and static detector surveys (from 2018 to 2021).
24-01-2022	Email from National Highways to Natural England	Email from National Highways to Natural England attaching a summary of the transects, crossing points and static detector surveys from 2018 to 2021.
25-01-2022	Email from Natural England to National Highways	Email from Natural England to National Highways asking whether a Letter of No Impediment will be sought for bats.
25-01-2022	Email from National Highways to Natural England	Email from National Highways to Natural England confirming that National Highways will not be seeking a Letter of No Impediment for bats as no EPS Licence for bats is required for the Scheme.

Date	Form of correspondence	Key topics discussed
25-01-2022	Email from National Highways to Natural England	Email from National Highways to Natural England with details of the Biodiversity Pre-commencement Plan submitted at Deadline 8 of the Examination.
26-01-2022	Email from National Highways to Natural England	Email from National Highways to Natural England with a link to the A428 Complete Bat Survey Results as submitted to the Examination at Deadline 9.
27-01-2022	Email from Natural England to National Highways	Email from Natural England to National Highways attaching the marked up version of the final SOCG.
27-01-2022	Email from National Highways to Natural England	Email from National Highways to Natural England confirming their submissions at Deadline 9 of the Examination.
27-01-2022	Email from Natural England to National Highways	Email from Natural England to National Highways confirming they had an additional submission to be issued to the ExA at Deadline 9 and confirming that this would be re-sent to the ExA.
01-02-2022	Email from Natural England to National Highways	Email from Natural England to National Highways acknowledging receipt of the 'Complete Bat Survey Results' [REP9-032] .
02-02-2022	Email from National Highways to Natural England	Email from National Highways to Natural England setting out the approach for Deadline 10 and the timescales involved.
03-02-2022	Email from Natural England to National Highways	Email from Natural England to National Highways thanking National Highways for their email on 2/2/2022, and agreeing to a meeting before the end of Examination on 09/02/2022.
03/02/2022	Email from National Highways to Natural England	Email from National Highways to Natural England with meeting invite to discuss outstanding matters on 09/02/2022.
03/02/2022	Email from National Highways to Natural England	Email from National Highways to Natural England with proposed wording to confirm the conclusion of no adverse effect on the integrity of Eversden and Wimpole Woods SAC.
07/02/2022	Email from National Highways to Natural England	Email from National Highways to Natural England with the updated SOCG, updated HRA: Report to inform Appropriate Assessment and Draft responses to Natural England comments made at Deadline 9.
09/02/2022	Email from Natural England to National Highways	Email from Natural England to National Highways thanking National highways for the information sent through on 07/02/2022. Natural England provided initial comments embedded to aid discussion in the meeting on 09/02/2022.

Date	Form of correspondence	Key topics discussed
09/02/2022	Email from National Highways to Natural England	Email from National Highways to Natural England thanking Natural England for their initial feedback.
09/02/2022	Meeting between National Highways and Natural England	Meeting between National Highways and Natural England to discuss the outstanding actions ahead of Deadline 10.
09/02/2022	Email from National Highways to Natural England	Email from National Highways to Natural England circulating the meeting recording from the meeting that took place on 09/02/2022. Natural England confirmed receipt of the recording.
10/02/2022	Email from Natural England to National Highways	Email from Natural England to National Highways confirming no further comments on the responses to Natural England's Deadline 9 submissions and confirming that Natural England were generally satisfied with the amendments to the updated HRA: Report to Inform Appropriate Assessment. Natural England also shared their draft response to the ExA's Rule 17 letter.
10/02/2022	Email from Natural England to National Highways	Email from Natural England to National Highways with suggested amendments to the proposed wording to confirm the conclusion of no adverse effect on the integrity of Eversden and Wimpole Woods SAC.
10/02/2022	Email from Natural England to National Highways	Email from Natural England to National Highways with comments on the updated SOCG.
10/02/2022	Email from National Highways to Natural England	Email from National Highways to Natural England thanking Natural England for the feedback received and confirming that National Highways will forward the draft in-combination assessment for information on 10/02/2022.
10/02/2022	Email from National Highways to Natural England	Email from National Highways to Natural England attaching the draft in-combination assessment for information.
10/02/2022	Email from Natural England to National Highways	Email from Natural England to National Highways advising the name and position of the individual to sign the SOCG from Natural England.
10/02/2022	Email from National Highways to Natural England	Email from National Highways to Natural England with updated draft responses to Natural England's Deadline 9 submission [REP9-056] .
10/02/2022	Email from Natural England to National Highways	Email from Natural England to National Highways thanking National Highways for the in-combination assessment information.

Date	Form of correspondence	Key topics discussed
10/02/2022	Email from National Highways to Natural England	Email from National Highways to Natural England advising Natural England of documents to submit at Deadline 10 of the Examination.
11/02/2022	Email from Natural England to National Highways	Email from Natural England to National Highways thanking National Highways for the updated draft responses to Natural England's Deadline 9 submission [REP9-056] .
11/02/2022	Meeting between National Highways and Natural England	Meeting between National Highways and Natural England discussing residual issues ahead of Deadline 10 of the Examination.
11/02/2022	Email from National Highways to Natural England	Email from National Highways to Natural England with a clean version of the SOCG apart from two highlighted positions for Natural England's attention.
11/02/2022	Email from Natural England to National Highways	Email from Natural England to National Highways with updates to the two positions highlighted in the SOCG.
11/02/2022	Email from National Highways to Natural England	Email from National Highways to Natural England issuing the final clean SOCG for sign off.
11/02/2022	Email from Natural England to National Highways	Email from Natural England to National Highways providing their signature for the final SOCG.

- 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.	Agreed	October 2021

Topic and issue	Document Reference	National Highways Position	Natural England Position	Status	Date
General Study area definition and extents	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]	<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. Assessment of cumulative effects – in relation to in-combination and cumulative effects. <p>National Highways considers that the geographical extents of the adopted study</p>	<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>	Agreed	October 2021

Topic and issue	Document Reference	National Highways Position	Natural England Position	Status	Date
		<p>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]</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 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. • Population and human health. • Road drainage and the water environment (specifically those relating to aquatic habitats and species). • Climate. 	<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
		<ul style="list-style-type: none"> 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] Chapter 14, Climate [APP-083] Chapter 15, Assessment of cumulative effects [APP-084]	<p>The following assessments record the assumptions applied and the approaches taken by National Highways to reduce any uncertainty resulting from any limitations encountered:</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). 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>	Natural England is satisfied that assumptions and limitations in the assessments are reasonable and appropriate.	Agreed	October 2021

Topic and issue	Document Reference	National Highways Position	Natural England Position	Status	Date
<p>General Worst-case scenario: limits of deviation</p>	<p>Works Plans [APP-009] [APP-010] Engineering Sections [APP-017 to APP 022] 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]</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). • 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>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>General Presentation of results</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] Chapter 14, Climate [APP-083] Chapter 15, Assessment of cumulative effects [APP-084]</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]. • 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>	<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
Scheme Design Route/junction design selection	Chapter 2, The Scheme [APP-071] Chapter 3, Assessment of Alternatives [APP-072]	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. In considering, evaluating and balancing constrains and opportunities, National Highways considers that the preliminary design of the new dual carriageway represents the optimum solution to meet the Scheme objectives.	Natural England is content that the studies, optioneering exercises and appraisals undertaken by National Highways are appropriate from a design perspective.	Agreed	October 2021
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	Chapter 5, Air quality [APP-074]	The baseline conditions have been collated using desk-based and field-based techniques, and through consultation with stakeholders.	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	Agreed	June 2021

Topic and issue	Document Reference	National Highways Position	Natural England Position	Status	Date
identification and sensitivity of relevant features and receptors		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].	sites are sufficiently comprehensive to identify the likely effects of nitrogen deposition and dust deposition.		
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] [REP9-037] First Iteration Environmental Management Plan [APP-234] [REP9-009] Rev 3	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] [REP9-009] Rev 3 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

Topic and issue	Document Reference	National Highways Position	Natural England Position	Status	Date
	Schedule of mitigation [APP-235]				
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] Updated Background Biodiversity Information 2021 Technical Note [REP5-007] Aquatic Habitats Surveys 2021 Technical Note [REP5-008] Barn Owl Survey Update Technical Note [REP5-009] Updated Bat Surveys 2021 Technical Note [REP5-010] Great Crested Newt Survey Update Technical Note [REP5-011]	<p>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].</p> <p>National Highways refers Natural England to its current position regarding ecological surveys presented.</p> <p>Updated baseline survey information was submitted to the Examination at Deadline 5 [REP5-006 to REP5-013].</p> <p>Updated Barbastelle bat survey information was submitted to the Examination at Deadline 4 [REP4-044], 5 [REP5-006], 6 [REP6-027] and 8 [REP8-009].</p> <p>The 'Agricultural Technical Note – Soils and Agricultural Land Classification' [REP6-029] was submitted to the Examination at Deadline 6 and updated at Deadline 9 [REP9-018].</p>	<p>Following the completion of ecology surveys and assessment work and its review of bat survey reports, Natural England confirms that it is satisfied on the basis that further information, including details of bat mitigation measures will be agreed through the Second Iteration EMP.</p>	Agreed	January 2022

Topic and issue	Document Reference	National Highways Position	Natural England Position	Status	Date
	<p>Reptile Survey Update Technical Note [REP5-012]</p> <p>Updated Terrestrial Habitat Surveys 2021 Technical Note [REP5-013]</p> <p>Barbastelle Bat Surveys and Mitigation Technical Note (Rev 4) [REP8-009]</p> <p>Agricultural Technical Note – Soils and Agricultural Land Classification [REP9-018]</p>				
<p>Biodiversity</p> <p>Data collection methods, baseline data and the identification and sensitivity of relevant features and receptors</p>	<p>Chapter 8, Biodiversity [APP-077]</p> <p>Appendix 8.1 [APP-188] to Appendix 8.20 [APP-207]</p> <p>Updated Background Biodiversity Information 2021 Technical Note [REP5-007]</p> <p>Aquatic Habitats Surveys 2021</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 8, Biodiversity assessment [APP-077].</p> <p>National Highways has undertaken re-surveys for the following species and</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 undertaken during 2021 by National Highways, and those planned prior to construction of the Scheme in 2022, and considers these adequate to:</p>	<p>Agreed</p>	<p>June 2021</p>

Topic and issue	Document Reference	National Highways Position	Natural England Position	Status	Date
	<p>Technical Note [REP5-008]</p> <p>Barn Owl Survey Update Technical Note [REP5-009]</p> <p>Updated Bat Surveys 2021 Technical Note [REP5-010]</p> <p>Great Crested Newt Survey Update Technical Note [REP5-011]</p> <p>Reptile Survey Update Technical Note [REP5-012]</p> <p>Updated Terrestrial Habitat Surveys 2021 Technical Note [REP5-013]</p> <p>Barbastelle Bat Surveys and Mitigation Technical Note (Rev 4) [REP8-009]</p> <p>Complete Bat Survey Results [REP9-030] [REP9-031] [REP9-032].</p>	<p>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 submitted reports detailing the outcomes of the above at Deadline 5 of the Examination [REP5-006 to REP5-013].</p> <p>Complete Bat Survey Results were submitted to the Examination at Deadline 9 [REP9-030] [REP9-031] [REP9-032].</p> <p>Between Deadline 9 and Deadline 10, National Highways exchanged drafts of the following documents with Natural England in response to queries raised by Natural England regarding baseline surveys undertaken for bats, and to provide visibility of the information planned to be submitted at Deadline 10 to facilitate both parties reaching agreed positions prior to the close of the Examination:</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 licences. • Inform the design-development of embedded and essential mitigation measures identified within the assessment. <p>Following Natural England's discussions with National Highways, between Deadline 9 and Deadline 10, and the subsequent provision of additional information by National Highways including draft responses to NE's Deadline 9 submission concerning the Barbastelle Bat Surveys and Mitigation Technical Note, HRA Statement on in-combination effects and an Outline Bat Monitoring Plan, Natural England is satisfied, in principle, with the baseline data collected for bats.</p>		

Topic and issue	Document Reference	National Highways Position	Natural England Position	Status	Date
		<ul style="list-style-type: none"> • Draft responses to Natural England's Deadline 9 submission concerning the Barbastelle Bat Surveys and Mitigation Technical Note; Updated Bat Surveys 2021 Technical Note; survey effort between 2018 and 2021; and monitoring (in response to [PD-017]). Issued 07.02.22 and 10.02.22. • Habitats Regulations Assessment: Statement to Inform Appropriate Assessment, including a new sub-section covering in-combination effects (in response to [PD-017]). Issued 07.02.22 and 10.02.22. • Outline Bat Monitoring Plan (forming part of Annex D of the First Iteration Environmental Management Plan). Issued 11.02.22. 			
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>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>	Agreed	October 2021

Topic and issue	Document Reference	National Highways Position	Natural England Position	Status	Date
		National Highways refers Natural England to its current position regarding ecological surveys presented.	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.		
Biodiversity Embedded and essential mitigation	Chapter 2, The Scheme [APP-071] Chapter 8, Biodiversity [APP-077] Figure 2.4 [APP-091] First Iteration EMP [APP-234] [REP9-009] Rev 3 Schedule of Mitigation [APP-235] Biodiversity Pre-commencement Plan [APP-239] Updated Background Biodiversity Information 2021 Technical Note [REP5-007] Aquatic Habitats Surveys 2021 Technical Note [REP5-008]	National Highways considers that: <ul style="list-style-type: none"> The embedded mitigation measures illustrated on the Environmental Masterplan [APP-091] [REP9-037] The essential mitigation measures set out in the First Iteration EMP [APP-234] [REP9-009] Rev 3 are appropriate to avoid, prevent, reduce, manage, control and (where necessary) monitor the adverse effects of the Scheme on habitats, species and designated sites during its construction and operation. 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. Updated baseline survey information was submitted to the Examination at Deadline 5 [REP5-006 to REP5-013] . Updated Barbastelle bat survey information was submitted to the Examination at Deadline 4 [REP4-044] , 5	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 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. 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	Agreed	February 2022

Topic and issue	Document Reference	National Highways Position	Natural England Position	Status	Date
	<p>Barn Owl Survey Update Technical Note [REP5-009]</p> <p>Updated Bat Surveys 2021 Technical Note [REP5-010]</p> <p>Great Crested Newt Survey Update Technical Note [REP5-011]</p> <p>Reptile Survey Update Technical Note [REP5-012]</p> <p>Updated Terrestrial Habitat Surveys 2021 Technical Note [REP5-013]</p> <p>Barbastelle Bat Surveys and Mitigation Technical Note (Rev 4) [REP8-009]</p> <p>Environmental Masterplan [REP9-037] [REP9-037]</p> <p>First Iteration EMP [REP9-009] Rev 3</p>	<p>[REP5-006], 6 [REP6-027] and 8 [REP8-009].</p> <p>The Environmental Masterplan [REP6-006] and First Iteration EMP [REP6-008] were updated at Deadline 6 of the Examination and Deadline 9 ([REP9-037] and [REP9-009] respectively).</p> <p>Further to a meeting on 07-01-21, Natural England agreed that the approach taken by the Applicant to identify locations where mitigation was needed to facilitate bats crossing the Scheme was appropriate and proportionate. The elements of the approach with which Natural England agreed were:</p> <ul style="list-style-type: none"> The surveys undertaken and data generated to inform the choice of 40 locations from which seven locations were identified for more detailed survey. Appropriate data collection on the seven locations and sound evidence of analysis of data from these seven locations from which two crossing point requirements were identified to facilitate bats crossing the Scheme and a further three crossing points to provide for an increase in bat population post habitat creation along the Scheme. 	<p>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> <p>As indicated in our submission to Deadline 9, Natural England is generally satisfied with the Applicant's assessment for scoping out most of the bat crossing points but we have requested clarification from the Applicant on a number of crossing point locations. We also highlighted some potential deficiencies in proposed habitat creation to guide bats away from the road to 'safer' crossing points. Natural England is satisfied that these will be considered further, and details agreed, through the</p>		

Topic and issue	Document Reference	National Highways Position	Natural England Position	Status	Date
		<ul style="list-style-type: none"> • Use of underpasses as appropriate mitigation including those with multifunctional use. • The essential design of the crossing points at the River Great Ouse, Sir John's Wood-Boys Wood, East Coast mainline bridge, Hen Brook and West Brook (Pillar Plantation). <p>Requests by Natural England regarding the data and evidence of analysis for the identification of the 40 locations from which the seven locations were identified were provided in the updated Barbastelle bat survey information at Deadline 8 [REP8-009].</p> <p>Natural England is satisfied that proposed habitat creation to guide bats away from the road to 'safer' crossing points will be developed during detailed design. Changes to habitat creation in response to comments from Natural England were made to the Environmental Masterplan at Deadline 9 [REP9-037]. National Highways has confirmed that early consideration will be given to how mitigation measures will be effective for bats and further detail will be provided for the second iteration of the Environmental Management Plan, particularly regarding pre-construction tree planting being progressed as soon as practicable and the use of temporary artificial fencing where necessary. Natural England are a</p>	<p>development of the second iteration Environmental Management Plan, for which Natural England are a consultee, during detailed design. However, Natural England recommend that early consideration be given to how mitigation measures will be effective for bats; for example, the Applicant's proposal for pre-construction tree planting should be progressed as soon as practicable. Successful early establishment of effective mitigation, through high quality habitat creation, will be essential in guiding bats to the safest crossing places in the early stages of the Scheme, pre- and post-construction. This should be given high priority to ensure impacts on European Protected Species are minimised as far as possible. A detailed strategy to monitor the effects of the Scheme on bats, and the effectiveness of mitigation measures in minimising impacts, during and post-construction, will also be required, along with the identification of remedial action measures, should they be required. Natural England will be pleased to comment on the Applicant's draft detailed mitigation, management and monitoring proposals as part of</p>		

Topic and issue	Document Reference	National Highways Position	Natural England Position	Status	Date
		<p>consultee to the second iteration Environmental Management Plan.</p> <p>National Highways has submitted a strategy to monitor the effects of the Scheme on bats, and the effectiveness of mitigation measures in minimising impacts, during and post-construction based on the Environmental Statement, the DMRB and best practice in bat monitoring along with the identification of remedial action measures, should they be required, providing Natural England with regular updates as detailed monitoring is developed.</p> <p>Between Deadline 9 and Deadline 10, National Highways exchanged drafts of the following documents with Natural England in response to queries raised by Natural England regarding bat mitigation measures and planned monitoring for bats, and to provide visibility of the information planned to be submitted at Deadline 10 to facilitate both parties reaching agreed positions prior to the close of the Examination:</p>	<p>the Second Iteration Environmental Management Plan in due course.</p> <p>With regard to the potential 40 crossing point locations, for the most part Natural England is satisfied with the Applicant's assessment for scoping out most of the crossing points but requested further clarification with regard to the following crossing point locations:</p> <ul style="list-style-type: none"> • CP 14; • CP 30; • CP 33; • CP 35; • CP 37; and • CP 38. <p>Following Natural England's discussions with National Highways, between Deadline 9 and Deadline 10, and the subsequent provision of additional information by National Highways including draft responses to NE's Deadline 9 submission concerning the Barbastelle Bat Surveys and Mitigation Technical Note and an Outline Bat Monitoring Plan, Natural England is satisfied, in principle, that embedded mitigation measures</p>		

Topic and issue	Document Reference	National Highways Position	Natural England Position	Status	Date
		<ul style="list-style-type: none"> • Draft responses to Natural England's Deadline 9 submission concerning the Barbastelle Bat Surveys and Mitigation Technical Note; Updated Bat Surveys 2021 Technical Note; survey effort between 2018 and 2021; and monitoring (in response to [PD-017]). Issued 07.02.22 and 10.02.22. • Habitats Regulations Assessment: Statement to Inform Appropriate Assessment, including a new sub-section covering in-combination effects (in response to [PD-017]). Issued 07.02.22 and 10.02.22. • Outline Bat Monitoring Plan (forming part of Annex D of the First Iteration Environmental Management Plan). Issued 11.02.22. 	<p>are sufficient to minimise the effects of the scheme on bats. We welcome that Natural England will be consulted post-consent to agree detailed bat mitigation and monitoring measures on the Second Iteration EMP (as secured by requirement 2 of the dDCO) and on landscaping matters (as secured by requirement 6 of the dDCO).</p>		
<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>Agricultural Technical Note – Soils and Agricultural Land Classification [REP6-029] [REP9-018]</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</p>	<p>Natural England has reviewed the Applicant's 9.69 <i>Agricultural Technical Note – Soils and Agricultural Land Classification (December 2021)</i> and considers the survey methodology and results to be acceptable in providing a baseline assessment of land quality in the areas where a detailed survey has been carried out.</p> <p>In areas where land access was not granted, rather than rely upon the</p>	<p>Agreed</p>	<p>January 2022</p>

Topic and issue	Document Reference	National Highways Position	Natural England Position	Status	Date
		<p>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>The outcomes of the soil surveys were submitted to the Examination at Deadline 6 [REP6-029] and were subsequently revised at Deadline 9 [REP9-018] to take into account a desk-based assessment of areas of agricultural land that could not be accessed, at the request of Natural England. These surveys did not change the conclusions of the original assessment.</p>	<p>Regional 1:250 000 Series ALC map, a request was made of National Highways to undertake a more detailed desk assessment of likely grades, making use of the findings of the field survey on the same soil types, to provide an indication of the balance of Grade 2 to Subgrade 3a. This update [REP9-018] was provided and Natural England agrees with the reported approach and revised findings.</p>		
<p>Geology and soils</p> <p>Construction and operational effects</p>	<p>Chapter 9, Geology and Soils [APP-078]</p>	<p>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.</p> <p>National Highways considers that the assessment findings accurately reflect the likely effects of the Scheme.</p>	<p>Natural England is content with the conclusions of the assessment and the significance of the reported effects, subject to 2021 surveys being completed.</p>	<p>Agreed</p>	<p>June 2021</p>

Topic and issue	Document Reference	National Highways Position	Natural England Position	Status	Date
<p>Geology and soils</p> <p>Embedded and essential mitigation</p>	<p>Chapter 2, The Scheme [APP-071]</p> <p>Chapter 9, Geology and Soils [APP-078]</p> <p>Figure 2.4 Environmental Masterplan [APP-091] [REP9-037]</p> <p>First Iteration EMP [APP-234] [REP9-009] Rev 3</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] [REP9-037] and in Chapter 2, The Scheme [APP-071] The essential mitigation measures set out in the First Iteration EMP [APP-234] [REP9-009] Rev 3 <p>are appropriate to avoid, prevent, reduce, manage, control and (where necessary) monitor the adverse effects of the Scheme relating to controlled waters and contamination during its construction and operation.</p>	<p>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 gathered, recorded and assessed as part of the soil sampling [REP6-029] [REP9-018], satisfy the content requested to be included within the "Soil Resources Plan" (SRP).</p> <p>The full SRP is required to review the current iteration of proposed soil handling and management in the Soil Handling and Management Plan (SMP) (Annex E of the First Iteration EMP) at the detailed design stage.</p>	Agreed	June 2021
<p>Climate</p> <p>Data collection methods, baseline data and the identification and sensitivity of relevant features and receptors</p>	<p>Chapter 14, Climate [APP-083]</p>	<p>The baseline conditions have been collated using desk-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</p>	<p>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.</p>	Agreed	June 2021

Topic and issue	Document Reference	National Highways Position	Natural England Position	Status	Date
		Chapter 14, Climate assessment [APP-083].			
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 Embedded and essential mitigation	Chapter 2, The Scheme [APP-071] Chapter 14, Climate [APP-083] Environmental Masterplan [APP-091] First Iteration EMP [APP-234] [REP9-009] Rev 3 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] [REP9-037] and within Chapter 2, The Scheme [APP-071] The essential mitigation measures set out in the First Iteration EMP [APP-234] [REP9-009] Rev 3 are appropriate to reduce the temporary effects of greenhouse gas emissions, during construction of the Scheme.	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.	Agreed	June 2021
Landscape and visual effects Data collection methods, baseline data and the identification and sensitivity of	Chapter 7, Landscape and visual effects [APP-076]	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	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.	Agreed	October 2021

Topic and issue	Document Reference	National Highways Position	Natural England Position	Status	Date
relevant features and receptors		appropriate to inform the assessment of direct and indirect effects reported in Chapter 7, Landscape and visual effects assessment [APP-076].			
Landscape and visual effects Construction and operational effects	Chapter 7, Landscape and visual effects [APP-076]	<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>	Natural England is content with the conclusions of the assessment and the significance of the reported effects.	Agreed	October 2021
Landscape and visual effects Embedded and essential mitigation	<p>Chapter 2, The Scheme [APP-071]</p> <p>Chapter 7, Landscape and visual effects [APP-076]</p> <p>Environmental Masterplan [APP-091] [REP9-037]</p> <p>First Iteration EMP [APP-234] [REP9-009] Rev 3</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] [REP9-037] The essential mitigation measures set out in the First Iteration EMP [APP-234] [REP9-009] Rev 3 <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>	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.	Agreed	June 2021

Topic and issue	Document Reference	National Highways Position	Natural England Position	Status	Date
<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>
<p>Population and human health</p> <p>Construction and operational effects</p>	<p>Chapter 12, Population and human health [APP-081]</p>	<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>	<p>Agreed</p>	<p>June 2021</p>

Topic and issue	Document Reference	National Highways Position	Natural England Position	Status	Date
<p>Population and human health</p> <p>Embedded and essential mitigation</p>	<p>Chapter 2, The Scheme [APP-071]</p> <p>Chapter 12, Population and human health [APP-081]</p> <p>Environmental Masterplan [APP-091]</p> <p>First Iteration EMP [APP-234] [REP9-009] Rev 3</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] [REP9-037] The essential mitigation measures set out in the First Iteration EMP [APP-234] [REP9-009] Rev 3 <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
<p>Assessment of Cumulative Effects</p> <p>Baseline data</p>	<p>Chapter 15, Assessment of cumulative effects [APP-084]</p> <p>Appendix 15.1 [APP-228]</p> <p>Appendix 15.2 [APP-229]</p> <p>Updated Background Biodiversity Information 2021</p>	<p>National Highways has undertaken an assessment of the likely significant cumulative effects of the Scheme on the environment resulting from the 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 	<p>Natural England is content with the developments and projects identified within both the long list and shortlist, and how these have been categorised within the assessment.</p>	Agreed	January 2022

Topic and issue	Document Reference	National Highways Position	Natural England Position	Status	Date
	<p>Technical Note [REP5-007]</p> <p>Aquatic Habitats Surveys 2021 Technical Note [REP5-008]</p> <p>Barn Owl Survey Update Technical Note [REP5-009]</p> <p>Updated Bat Surveys 2021 Technical Note [REP5-010]</p> <p>Great Crested Newt Survey Update Technical Note [REP5-011]</p> <p>Reptile Survey Update Technical Note [REP5-012]</p> <p>Updated Terrestrial Habitat Surveys 2021 Technical Note [REP5-013]</p> <p>Barbastelle Bat Surveys and Mitigation Technical Note (Rev 4) [REP8-009]</p> <p>Agricultural Technical Note – Soils and Agricultural Land</p>	<p>are under consideration by consenting authorities.</p> <ul style="list-style-type: none"> 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>National Highways refers Natural England to its current position regarding soils and ecological surveys.</p> <p>Updated Barbastelle bat survey information was submitted to the Examination at Deadline 4 [REP4-044], 5 [REP5-006], 6 [REP6-027] and 8 [REP8-009].</p> <p>The outcomes of the soil surveys were submitted to the Examination at Deadline 6 [REP6-029] and updated at Deadline 9 [REP9-018].</p>			

Topic and issue	Document Reference	National Highways Position	Natural England Position	Status	Date
	Classification [REP9-018]				
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] Updated Background Biodiversity Information 2021 Technical Note [REP5-007] Aquatic Habitats Surveys 2021 Technical Note [REP5-008] Barn Owl Survey Update Technical Note [REP5-009] Updated Bat Surveys 2021 Technical Note [REP5-010] Great Crested Newt Survey Update	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: <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]. National Highways considers that the outcomes of the cumulative effects assessment in relation to development interactions are accurate. Updated Barbastelle bat survey information was submitted to the Examination at Deadline 4 [REP4-044], 5 [REP5-006], 6 [REP6-027] and 8 [REP8-009]. The outcomes of the soil surveys were submitted to the Examination at Deadline	Natural England is content with the conclusions of the assessment and the significance of the reported effects.	Agreed	January 2022

Topic and issue	Document Reference	National Highways Position	Natural England Position	Status	Date
	Technical Note [REP5-011] Reptile Survey Update Technical Note [REP5-012] Updated Terrestrial Habitat Surveys 2021 Technical Note [REP5-013] Barbastelle Bat Surveys and Mitigation Technical Note (Rev 4) [REP8-009] Agricultural Technical Note – Soils and Agricultural Land Classification [REP9-018]	6 [REP6-029] and updated at Deadline 9 [REP9-018] .			

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] (an addendum version also submitted to the Examination at Deadline 6) 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. <p>An addendum to the HRA has been submitted to the Examination at Deadline 6 to provide citations for the Ouse Washes SPA, and Ramsar site, and a disaggregated screening table.</p>	Natural England is content that the three European Sites listed are the only Sites 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]	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.	Further to concerns raised in our Relevant Representation with regard to the no LSE conclusion for Eversden and Wimpole Woods SAC, we welcomed that National Highways undertook further bat surveys as recommended by and agreed with Natural England to extend the investigation as to whether land within the Scheme's Order Limits is functionally linked to habitat and the bats in the SAC.	Agreed	January 2022

Issue	Document Reference	National Highways Position	Natural England Position	Status	Date
	<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>Appendix 8.1 [APP-188] to 8.20 [APP-207]</p> <p>Joint Position Statement on matters relating to Habitats Regulations Assessment and mitigation [REP1-033]</p> <p>Barbastelle Bat Surveys and Mitigation Technical Note (Rev 4) [REP8-009]</p> <p>Appropriate Assessment Note [REP6-052]</p> <p>HRA Report to Inform Appropriate Assessment [REP8-016]</p>	<p>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.</p> <p>Further to Natural England's previous disagreement regarding there being no Likely Significant Effects of the Scheme on Eversden and Wimpole Woods SAC's Barbastelle bat population, National Highways has undertaken 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.</p> <p>Updated Barbastelle bat survey information was submitted to the Examination at Deadline 4 [REP4-044], 5 [REP5-006], 6 [REP6-027] and 8 [REP8-009]. This completed the comprehensive set of additional surveys agreed with Natural England.</p> <p>An Appropriate Assessment Note [REP6-052] was submitted to the Examination at Deadline 6.</p> <p>A HRA Report to Inform Appropriate Assessment [REP8-016] was</p>	<p>Natural England is content with the consolidated bat survey data presented in the Complete Bat Survey Results for the A428 Black Cat Scheme [REP9-030] [REP9-031] [REP9-032].</p> <p>Following Natural England's discussions with National Highways, between Deadline 9 and Deadline 10, and the subsequent provision of additional information by National Highways including draft responses to NE's Deadline 9 submission concerning the Barbastelle Bat Surveys and Mitigation Technical Note, HRA Statement on in-combination effects and an Outline Bat Monitoring Plan, Natural England is satisfied with the HRA baseline data.</p>		

Issue	Document Reference	National Highways Position	Natural England Position	Status	Date
	<p>Complete Bat Survey Results [REP9-030] [REP9-031] [REP9-032].</p> <p>Comments on any other information and submissions received at D8 [REP9-056]</p>	<p>submitted to the Examination at Deadline 8 and was discussed at a meeting with Natural England on 10/02/2022 and updated at Deadline 10.</p> <p>Complete Bat Survey Results were submitted to the Examination at Deadline 9 [REP9-030] [REP9-031] [REP9-032].</p> <p>Between Deadline 9 and Deadline 10, National Highways exchanged drafts of the following documents with Natural England in response to queries raised by Natural England regarding baseline data for Barbastelle bats, and to provide visibility of the information planned to be submitted at Deadline 10 to facilitate both parties reaching agreed positions prior to the close of the Examination:</p> <ul style="list-style-type: none"> Habitats Regulations Assessment: Statement to Inform Appropriate Assessment, including a new subsection covering in-combination effects (in response to [PD-017]). Issued 07.02.22 and 10.02.22. 			
Habitats Regulations Assessment	Habitat Regulations Assessment: No Significant Effects Report [APP-233]	The HRA screening [APP-233] identified and evaluated the potential impact pathways between the Scheme and the three identified European Sites.	Natural England agrees with the no likely significant effects conclusion for the Ouse Washes SAC, SPA and Ramsar Site; and the Portholme SAC.	Agreed	January 2022

Issue	Document Reference	National Highways Position	Natural England Position	Status	Date
Assessment findings and mitigation	<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 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>Joint Position Statement on matters relating to Habitats Regulations Assessment and mitigation [REP1-033]</p> <p>Environmental Masterplan [REP6-006] [REP9-037]</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 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</p>	<p>Natural England received comprehensive survey data from National Highways within its HRA: Report to Inform Appropriate Assessment [REP8-016] and comments were provided to National Highways [REP9-056] on its content. An update to this document was submitted at Deadline 10 by National Highways, addressing the recommendations made by Natural England.</p> <p>Natural England agrees that:</p> <ul style="list-style-type: none"> • The A428 Black Cat to Caxton Gibbet Improvements Scheme will not result in an adverse effect on the integrity of Eversden and Wimpole Woods SAC either alone or in-combination with other plans and projects; • Available information indicates that SAC Barbastelle bats are not currently using habitats along the Scheme for roosting, foraging or commuting; and • The survey data presented therein forms a scientifically robust data set that evidences the absence of a link between the Barbastelle population of the SAC and the effects of the construction and/or operation of the Scheme. 		

Issue	Document Reference	National Highways Position	Natural England Position	Status	Date
	<p>First Iteration EMP [REP9-009] Rev 3 Schedule of Mitigation [APP-235]</p> <p>East West Rail 2020 Bat Survey [REP6-053]</p> <p>Barbastelle Bat Surveys and Mitigation Technical Note (Rev 4) [REP8-009]</p> <p>Appropriate Assessment Note [REP6-052]</p> <p>HRA Report to Inform Appropriate Assessment [REP8-016]</p>	<p>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 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 undertook further bat surveys as recommended by and agreed with Natural England to extend the investigation as to whether land within the Scheme's Order Limits is functionally linked to habitat and the bats in the SAC.</p>			

Issue	Document Reference	National Highways Position	Natural England Position	Status	Date
		<p>Updated Barbastelle bat survey information was submitted to the Examination at Deadline 4 [REP4-044], 5 [REP5-006], 6 [REP6-027] and 8 [REP8-009]. This completed the comprehensive set of additional surveys agreed with Natural England.</p> <p>An Appropriate Assessment Note [REP6-052] was submitted to the Examination at Deadline 6.</p> <p>A HRA: Report to Inform Appropriate Assessment [REP8-016] was prepared by National Highways at Natural England's request, without prejudice to National Highways' position that it did not consider the assessment necessary.</p> <p>This was submitted to the Examination at Deadline 8 and confirmed that the Scheme will not have an adverse effect on the integrity of the Eversden and Wimpole Woods SAC, and mitigation for the barbastelle bat population of the SAC is therefore not required. This report was updated at Deadline 10 to take account of recommendations made by Natural England.</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>Barbastelle Bat Surveys and Mitigation Technical Note (Rev 4) [REP8-009]</p>	<p>National Highways has undertaken an assessment of the effects of the Scheme on 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 undertaken by National Highways in and around the Scheme as recommended by Natural England, were carried out to determine any use being made of Elsworth Wood SSSI by bats including Barbastelle.</p> <p>A Barbastelle Bat Surveys and Mitigation Technical Note was submitted to the Examination at Deadline 4 [REP4-044], 5 [REP5-006], 6 [REP6-027] and 8 [REP8-009].</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. Based on the submitted survey data [REP8-009], Natural England is content with the evidence on barbastelle bat use within Elsworth Wood SSSI.</p>	<p>Agreed</p>	<p>December 2021</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: Licensing matters

Issue	Document Reference	National Highways Position	Natural England Position	Status	Date
Badger licence Letter of No Impediment	Chapter 8, Biodiversity [APP-077] Appendix 8.6 [APP-193] First Iteration EMP [APP-234] [REP9-009] Rev 3	<p>A draft application for a Badger licence was prepared by National Highways and submitted to Natural England on 12 February 2021 in pursuit of obtaining a Letter of No Impediment (LoNI).</p> <p>National Highways sought confirmation from Natural England on 23 March 2021 as to whether a LoNI can be issued, based on the draft Badger licence application.</p> <p>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.</p> <p>Subsequent to this, National Highways issued Natural England a formal response to its advice on 04 June 2021.</p> <p>A copy of the LoNI issued by Natural England on 15 July 2021 has been submitted at Deadline 1.</p>	Natural England issued a Letter of No Impediment on 15 July 2021.	Agreed	15.07.2021

<p>Great Crested Newt</p> <p>Mitigation and compensation</p>	<p>Chapter 8, Biodiversity [APP-077]</p> <p>Appendix 8.16 [APP-203]</p> <p>Consents and Agreements Position Statement Rev 3 [REP9-008]</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 made an application to the NatureSpace Partnership 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 submitted a draft application to Natural England for a European Protected Species licence for the Cambridgeshire section on 26/11/2021. This includes details of impacts, mitigation and the monitoring necessary. Natural England issued National Highways a Letter of No Impediment on 13 January 2022 for this species covering the Cambridgeshire section of the Scheme.</p> <p>National Highways has secured written confirmation from the NatureSpace Partnership that, subject to meeting certain requirements and conditions, the Scheme has a potential route to access its District Level Licensing scheme for GCN in the Bedfordshire area of the Scheme. An extract of the NatureSpace Partnership's Preliminary District Licence Assessment Report confirming this is appended to the</p>	<p>Natural England was notified of Great Crested Newt licensing requirements and issued a Letter of No Impediment on 13 January 2022 to National Highways for this species covering the Cambridgeshire section following receipt of a draft application for a European Protected Species licence made by National Highways on 26 November 2021. Natural England sees no impediment to a licence being issued for the Cambridgeshire area of the Scheme, should the DCO be granted (subject to the changes to the method statement discussed on 12 January 2022)..</p> <p>Natural England understands that loss of GCN ponds in the Bedfordshire section will be mitigated through the use of DLL, and that an application has been made to the NatureSpace Partnership. We welcome and encourage the use of DLL.</p>	<p>Agreed</p>	<p>January 2022</p>
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Issue	Document Reference	National Highways Position	Natural England Position	Status	Date
		updated Consents and Agreements Position Statement [REP9-008].			

Table 3-5: Other matters

Issue	Document Reference	National Highways Position	Natural England Position	Status	Date
Borrow pits Restoration	Chapter 2, The Scheme [APP-071] Chapter 9, Geology and Soils [APP-078] Borrow Pits Optioneering Report [APP-246] Borrow Pits Excavation and Restoration Report [REP3-011]	<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 of best and most versatile agricultural land across the Scheme.</p>	Agreed	June 2021

Issue	Document Reference	National Highways Position	Natural England Position	Status	Date
		<p>Deadline 3 of the Examination [REP3-011].</p> <p>A Borrow Pits Management Plan has been submitted to the Examination at Deadline 6 within Annex R of the updated First Iteration EMP.</p>			
<p>Breedon Quarry Future baseline</p>	<p>Appendix 8.19 [APP-206]</p>	<p>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.</p>	<p>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.</p> <p>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.</p>	Agreed	October 2021
<p>Contribution to environmental initiatives and priorities Biodiversity net gain and environmental enhancements</p>	<p>Appendix 8.19 [APP-206]</p> <p>Scoping Opinion [APP-231]</p> <p>Biodiversity Net Gain Metric 2.0 [REP3-012 and REP3-013].</p>	<p>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</p>	<p>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</p>	Agreed	October 2021

Issue	Document Reference	National Highways Position	Natural England Position	Status	Date
	<p>Applicant's comments on the Biodiversity Net Gain Technical Note (January 2022) [REP06-062]</p> <p>Natural England Deadline 8 Submission - Responses to the ExA's Third Written Questions (WQ3) [REP8-049]</p>	<p>appended to the Scoping Opinion [APP-231].</p> <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 Authority's 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.</p>	<p>and support adjacent habitats, including nearby designated sites.</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</p>		

Issue	Document Reference	National Highways Position	Natural England Position	Status	Date
		<p>uk/publication/5850908674228224 - as published by Natural England website on 29 July 2019), National Highways will continue to base assessments of biodiversity net change on metric 2.0.</p> <p>National Highways is not intending to update the Biodiversity Net Gain Metric 2.0 calculation [REP3-012 and REP3-013] prior to the close of examination.</p> <p>National Highways intends to refine the BNG calculation as part of the detailed design process. This will take into account actual lengths of hedgerow which will be lost and retained, the findings of further survey work undertaken in 2021 and refinements to the Scheme design.</p>	<p>using the Biodiversity Metric 2.0 methodology.</p> <p>As indicated in our response to the ExA Third Written Questions, in response to a query from the Local Authorities, Natural England's BNG specialists have advised that the Applicant's metric calculation may have incorrectly applied the Defra 2.0 Metric rules on trading down of habitat distinctiveness. The Applicant has since submitted 9.95 Applicant's comments on the Biodiversity Net Gain Technical Note (January 2022) [REP06-062] which appears to provide some rationale regarding its interpretation and application of the Defra Metric 2.0 habitat 'trading rules'. The report also recognises that the assessment of BNG is a sequential iterative process that is applied throughout the development of a scheme. This is acceptable to Natural England subject to the BNG metric calculation being fully updated with the findings of further survey work / amendments to Scheme design, as set out in Section 6.1.9 of the Applicant's report [REP06-062], to accurately confirm the BNG calculation for the Scheme at the detailed design stage, as intended by National Highways.</p>		

Issue	Document Reference	National Highways Position	Natural England Position	Status	Date
			<p>As a precaution we would recommend that National Highways considers securing a biodiversity offsetting scheme to address any off-site mitigation requirements dependent upon the outcome of the final BNG metric calculation.</p> <p>National Highways has indicated that the biodiversity net gain calculation is separate to the assessment of the biodiversity impacts of the Scheme presented in Chapter 8 of the ES. Natural England accepts this and is satisfied that the calculation has not been taken into account in the ES, nor does it affect the conclusions of the ES [REP8-049].</p>		