

Date: 08 January 2021
Our ref: 14042/335493
Your ref: M54 to M5 Link Road Project – TR010054



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Dear Sir/Madam

NSIP: M54 to M6 Link Road - TR010054- Further written Questions and requests for information (ExQ2)

Natural England is a non-departmental public body. Our statutory purpose is to ensure that the natural environment is conserved, enhanced, and managed for the benefit of present and future generations, thereby contributing to sustainable development.

Natural England has considered the further written questions issued on the 4 December 2020 and finds a series of questions either directly requiring a response from ourselves or requiring a response as an interested party. Our responses are provided in the table overleaf.

We understand that the deadline for responses is 8 January 2021.

If you have any queries relating to the advice in this letter please contact me at the details below.

Yours sincerely



Ms Gillian Driver
Lead Adviser
Land use planning – West Midlands Area Team

Table of NE Responses to Further Written Questions

Question reference	Question	Natural England's Response
ExQ2.0	General and cross-topic questions	
	The effects of the Proposed Development	
ExQ2.2.0.1	<p>In its response to ExQ1.0.6 [REP1-036] the Applicant has set out what it considers to be the main benefits and adverse effects of the Proposed Development.</p> <p>(a) Do the Interested Parties agree with these lists?</p> <p>(b) If not, please set out what you consider them to be, and provide justification for your view.</p> <p>Please note: This question does not relate to issues of Compulsory Acquisition or Temporary Possession and responses should not address these matters.</p>	<p>a) We agree, where the effects are relevant to our remit, with the list of benefits and adverse effects listed in the Applicant's response to ExQ1.0.6 [REP1-036].</p>
ExQ2.3	Biodiversity, Ecology and Natural Environment (including Habitats Regulations Assessment (HRA))	
	Effects on ancient woodland from nitrogen deposition	
ExQ2.2.3.3	<p>(a) Do Natural England and the Staffordshire Wildlife Trust consider that the 1:1 ratio for planting of replacement woodland habitat to compensate for the effects on ancient woodland from nitrogen deposition (see paragraphs 2.4.10 and 2.4.11 of the document entitled Environmental Mitigation Approach [REP1-057]) is appropriate? (b) If not, can you please explain why, and what other metric should be used?</p>	<p>We are not aware of any set mitigation/compensation for nitrogen deposition impacts on ancient woodlands. Tree planting can be used to buffer woodland as this will capture some of the nitrogen. Other possible mitigation/compensation measures include improving/restoring or managing the ancient woodland affected or other ancient woodlands, planting new native woodland, connecting fragmented woodland.</p> <p>Based on what is proposed, the potential impacts, the order limits and the mitigation already proposed, the options to mitigate and compensate for impacts from nitrogen deposition within the order limits are limited and therefore we consider the proposed compensation appropriate for this scheme.</p>
	Effects on Priority Habitats	
ExQ2.2.3.8	<p>(a) In the draft SoCG with NE [REP1-028] the Applicant considers that NE is requesting an 'in combination' assessment for Priority habitats. Is this in fact correct? (b) If so, could the NE please explain under what policy indication or legal obligation should such an</p>	<p>Our comments relating to in-combination in the draft SoCG [REP1-028] related to the ancient woodland which is also a priority habitat. Furthermore Highways England have confirmed that the traffic data issued in their air quality assessment takes into</p>

	assessment be made. (c) If not, could NE please indicate in greater detail the concerns that it is seeking to make.	account traffic flows associated with 'reasonably foreseeable' developments. As such an in combination assessment has essentially already been conducted.
	Veteran Trees	
ExQ2.2.3.9	Could the parties ensure that agreement or otherwise that all veteran trees are identified in the documentation is recorded in the relevant Statements of Common Ground.	The latest version of the Statement of Common Ground between ourselves and Highways England includes a record of agreement of the identification of veteran trees.
ExQ2.5	Draft Development Consent Order (DCO) [APP-018]	
	Schedule 2, Requirements 4 and 5	
ExQ2.2.5.6	In its response at D2 in relation to ExQ1.5.39 [REP2-009], the Applicant indicates that Natural England is content with the mitigation measures relating to soil storage. Could Natural England confirm its position.	<p><i>Mitigation measures for soil storage</i></p> <p>– we are content with what is proposed by the applicant.</p> <p><i>Allocating soils to different end uses</i></p> <p>– we are content that soils for re-use will be appropriately protected during the construction of the Scheme, with the exception of those soils stripped for the creation of species rich grassland which is still under discussion.</p>