



The Planning Inspectorate
Yr Arolygiaeth Gynllunio

REPORT on the IMPLICATIONS for EUROPEAN SITES

Proposed M54 to M6 Link Road

An Examining Authority report prepared with the
support of the Environmental Services Team

Planning Inspectorate Reference: TR010054

26 February 2021

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1 INTRODUCTION

1.1 Background

- 1.1.1 Highways England (the Applicant) has applied to the Secretary of State for Transport (SoS) for a development consent order (DCO) under Section 37 of the Planning Act 2008 (PA2008) for the proposed M54 to M6 Link Road (the application). The SoS has appointed an Examining Authority (ExA) to conduct an examination of the application, to report its findings and conclusions, and to make a recommendation to the SoS as to the decision to be made on the application.
- 1.1.2 The SoS is the competent authority for the purposes of the Habitats Regulations¹ for applications submitted under the PA2008 regime. The findings and conclusions on nature conservation issues reported by the ExA will assist the SoS in performing their duties under the Habitats Regulations.
- 1.1.3 This Report on the Implications for European Sites (RIES) compiles, documents and signposts information provided within the DCO application, and the information submitted throughout the Examination by both the Applicant and Interested Persons (IPs), up to Deadline (D) 6 of the Examination (12 February 2021) in relation to potential effects on European Sites². It is not a standalone document and should be read in conjunction with the Examination documents referred to. Where document references are presented in square brackets [] in the text of this report, that reference can be found in the Examination Library published on the National Infrastructure Planning website at the following link:
<http://infrastructure.planninginspectorate.gov.uk/document/TR010054-000377>
- 1.1.4 It is issued to ensure that IPs, including the statutory nature conservation body, Natural England (NE), are consulted formally on Habitats Regulations matters. This process may be relied on by the SoS for the purposes of Regulation 63(3) of the Habitats Regulations. Following consultation the responses will be considered by the ExA in making their recommendation to the SoS and made available to the SoS along with this report. The RIES will not be revised following consultation.
- 1.1.5 The Applicant has not identified any potential impacts on European sites in any EEA States³. Only European sites within the national site network and Ramsar sites are addressed in this report.

¹ The Conservation of Habitats and Species Regulations 2017 as amended.

² The term European Sites in this context includes sites within the UK's national site network as defined in the Habitats Regulations, and Ramsar sites, which are included as a matter of Government policy. For a full description of the designations to which the Habitats Regulations apply, and/or are applied as a matter of Government policy, see the Planning Inspectorate's [Advice Note 10](#).

³ European Economic Area States.

1.2 Documents used to inform this RIES

- 1.2.1 The Applicant provided with the DCO application a Habitats Regulations Assessment No Significant Effects Report (HRA NSER) entitled 'M54 to M6 Link Road Habitats Regulations Assessment No Significant Effects Report' [[APP-216](#)], which incorporated screening matrices.
- 1.2.2 The Applicant concluded within their DCO application that there would be no likely significant effects on any of the European sites screened. The HRA NSER and screening matrices contained in Appendix C were provided by the Applicant in support of this conclusion.
- 1.2.3 In response to Section 51 advice issued by the SoS on 28 February 2020 the Applicant provided an updated HRA NSER as an additional submission [[AS-035/AS-036](#)] on 29 May 2020. The only change from the application version was the addition of a screening consultation response from NE to the Applicant, dated 22 November 2019, which had been omitted from the application version of the HRA NSER. All references in this report to the HRA NSER are to the updated version unless stated otherwise.

Examination

- 1.2.4 NE submitted its Relevant Representation on 18 May 2020 [[RR-037](#)]. In that document NE indicated that further discussion was needed between NE and the Applicant regarding potential air quality impacts on the Cannock Extension Canal Special Area of Conservation (SAC).
- 1.2.5 The ExA issued written questions (ExQ1) [[PD-010](#)] on 20 July 2020. ExQ1.3.26 – 1.3.30 related to HRA issues and were either directed to the Applicant, NE or both. Responses were due for DL1 (3 November 2020).
- 1.2.6 The Applicant submitted their response to these questions [[REP1-036](#)] at D1 together with an integrity matrix for the Cannock Extension Canal SAC [[REP1-063](#)]. The Applicant also submitted for D1 an updated Draft Statement of Common Ground (dSoCG) with NE (November 2020) [[REP1-028](#)], which superseded the dSoCG with NE (January 2020) [[APP-221](#)] submitted with the application.
- 1.2.7 NE submitted a Written Representation (WR) [[REP1-012](#)] for D1, which included their responses to the questions at ExQ1 in relation to HRA.
- 1.2.8 At D2 (17 November 2020) the Applicant submitted comments [[REP2-009](#)] on the responses from IPs to the HRA questions included in ExQ1.
- 1.2.9 At D3 (24 November 2020) the Applicant submitted their response [[REP3-037](#)] to documents received at D1 and D2, which contained comments in respect of the HRA issues that had been raised.
- 1.2.10 The ExA issued further written questions (ExQ2) [[PD-017](#)] on 4 December 2020, of which ExQ2.3.2 related to HRA issues and was directed to the Applicant. Responses were due for D4 (8 January 2021).
- 1.2.11 At DL4 the Applicant submitted their responses to ExQ2, representations made at D2, D3 and D3a and matters raised during the Issue-Specific Hearings (ISHs) in December 2020 [[REP4-033](#)], which included HRA matters. They also submitted an updated dSoCG with NE, in which all HRA

matters were shown as agreed with the exception of air quality impacts on the Cannock Chase SAC.

- 1.2.12 NE submitted for D4 a letter confirming that they agreed with the Applicant's conclusion of no likely significant effects on the Cannock Extension Canal SAC [[REP4-040](#)].
- 1.2.13 The ExA issued further written questions (ExQ3) [[PD-023](#)] on 29 January 2021, of which ExQ3.3.5 and ExQ3.3.6 related to HRA issues. Both questions were directed to the Applicant, and ExQ3.3.5 was also directed to NE. Responses were due by D6 (12 February 2021).
- 1.2.14 The Applicant and NE provided responses to ExQ3 at DL6 [[REP6-040](#) and [REP6-043](#), respectively] confirming that NE agreed with the conclusions of the HRA NSER and that all HRA matters had been agreed. The Applicant also submitted an updated dSoCG with NE which reflected that all HRA matters were agreed.
- 1.2.15 The documents listed below have informed this report:

Application Documents

- M54 to M6 Link Road Habitats Regulations Assessment No Significant Effects Report (the Applicant's HRA report dated January 2020) [[APP-216](#)]
- Environmental Statement Chapter 5 - Air Quality [[APP-044](#)]
- Environmental Statement Chapter 8 – Biodiversity [[APP-047](#)]

Other Documents

- Additional Submission - updated M54 to M6 Link Road Habitats Regulations Assessment No Significant Effects Report (May 2020) [[AS-035/AS-036](#)]
- Environmental Statement Chapter 8 – Biodiversity [[AS-083](#)]
- Environmental Statement Addendum: Proposed Scheme Changes October 2020 (Version 1) [[AS-118](#)]

Relevant Representations (RRs)

- Natural England [[RR-037](#)]

Procedural Decisions and Notifications from the Examining Authority

- The Examining Authority's written questions and requests for information (ExQ1) [[PD-010](#)]
- The Examining Authority's further written questions and requests for information (ExQ2) [[PD-017](#)]
- The Examining Authority's further written questions and requests for information (ExQ3) [[PD-023](#)]

Examination Documents

- Natural England Written Representation, including answers to the Examining Authority's First Written Questions [[REP1-012](#)]

- Applicant Responses to Examining Authority's First Written Questions [[REP1-036](#)]
- Habitats Regulations Assessment Integrity Matrices (November 2020) [[REP1-063](#)]
- Applicant Responses to Written Question Responses from Interested Parties [[REP2-009](#)]
- Applicant Responses to Documents Received at Deadlines 1 and 2 [[REP3-037](#)]
- Applicant Responses to Examining Authority's Second Written Questions, Representations Made at Deadlines 2, 3 and 3a and Matters Raised During Hearings in December 2020 [[REP4-033](#)]
- Letter from Natural England confirming no significant effect on SAC [[REP4-040](#)]
- Applicant Responses to Examining Authority's Further Written Questions and Representations Made at Deadline 5 [[REP6-039](#)]
- Natural England Responses to Further Written Questions [[REP6-043](#)]

Statements of Common Ground

- Draft Statement of Common Ground with Natural England (January 2020) [[APP-221](#)]
- Draft Statement of Common Ground with Natural England (November 2020) [[REP1-028](#)]
- Draft Statement of Common Ground with Natural England (January 2021) [[REP4-031](#)]
- Draft Statement of Common Ground with Natural England [[REP6-022](#)]

1.3 Structure of this RIES

1.3.1 The remainder of this report is as follows:

- **Section 2** identifies the European sites that have been considered within the DCO application and during the Examination period, up to 12 February 2021. It provides an overview of the issues that have emerged during the Examination.
- **Section 3** identifies the European sites and qualifying features screened by the Applicant for potential likely significant effects, either alone or in-combination with other projects and plans. This section also identifies where IPs have disputed the Applicant's conclusions.

2 OVERVIEW

2.1 European Sites Considered

- 2.1.1 The project is not connected with or necessary to the management for nature conservation of any of the European sites considered within the Applicant's assessment (HRA NSER, paragraph 3.1.2 [[AS-035](#)]).
- 2.1.2 The Applicant's HRA NSER identified the following European sites (and features) for inclusion within the assessment:

Table 2.1: Sites Screened into the HRA by Applicant

Name of European Site	Features
Cannock Extension Canal SAC	European dry heaths
	Northern Atlantic wet heaths with <i>Erica tetralix</i>
Cannock Chase SAC	Floating water-plantain

- 2.1.3 According to Highways England's (HE) own guidance contained in the Design Manual for Roads and Bridges (DMRB) the Applicant considered whether there were any European sites within 2 km of the route corridor and application site boundary and any SACs within 30 km of the route corridor and application site boundary where bats are one of the qualifying features. The Applicant determined that there were no such European sites. The Cannock Extension Canal SAC and Cannock Chase SAC are 5.9 km east and 6.5 km north, respectively, of the application site and were screened into the assessment on the basis that they are susceptible to changes in air quality.
- 2.1.4 In response to ExQ1.3.26 NE stated that they were satisfied that the Applicant had identified the correct sites in the HRA NSER and that the features that are the primary reason for selection of the sites had been identified [[REP1-012](#)]. They did not identify any other European site or features that could be affected by the Proposed Development. NE noted that the Cannock Chase SAC includes an Annex I habitat, Northern Atlantic wet heaths with *Erica tetralix* (a qualifying feature, but not a primary reason for selection), and that this had been omitted from the key features of the SAC listed in Table 3.1 (Screening Matrix) of the HRA NSER but was referred to elsewhere in the HRA NSER. The Applicant, in their comments [[REP2-009](#)] on the responses from IPs to ExQ1, acknowledged the omission and stated that this feature had been included in the Cannock Chase SAC Screening Matrix in Appendix C of the HRA NSER and therefore its omission from Table 3.1 had not changed the conclusions of the HRA NSER.

2.2 HRA Matters Considered During the Examination

- 2.2.1 The Examination has focussed on NE's concerns about potential effects on the Cannock Extension Canal SAC arising from indirect impacts on air quality resulting from the Proposed Development. NE considered that insufficient information had been provided in the DCO application about potential indirect impacts arising from an increase in nitrogen deposition on the Chasewater and The Southern Staffordshire Coalfield Heath SSSI, which is hydrologically linked to the SAC, and that further information was required before they could conclude on the matter.

3 LIKELY SIGNIFICANT EFFECTS

- 3.0.1 The Applicant's HRA NSER had regard to the EC guidance document 'Managing Natura 2000 sites: The Provisions of Article 6 of the 'Habitats Directive 92/43/EEC' (HRA NSER, paragraph 2.1.1).
- 3.0.2 The Applicant set out the approach that was taken to assessing potential in-combination effects in Section 2.4 of their HRA NSER. Paragraph 2.4.4 explained that where the screening exercise concluded that there was no possibility for the Proposed Development to contribute to an in-combination effect from the pathways identified (when acting alone), or where the effects predicted were considered so weak that no significant contribution to any in-combination effects would occur, an in-combination assessment would not be undertaken. The Applicant concluded that as there would be no likely significant effects on the European sites screened into the assessment it was not necessary to consider in-combination effects further (Evidence Note c to the Screening Matrices in HRA NSER Annex C).
- 3.0.3 The Applicant's screening assessment (HRA NSER, Section 3) concluded that the project would have **no likely significant effects**, either alone or in-combination with other projects or plans, on the qualifying features of the European sites listed below:
- Cannock Extension Canal SAC
 - Cannock Chase SAC
- 3.0.4 NE, in their RR [[RR-037](#)], stated that satisfactory information had been submitted to allow them to advise the SoS that the Proposed Development would have no likely significant effect on the Cannock Chase SAC. They considered that further discussion was needed between NE and the Applicant on air quality impacts before they could advise the SoS that the Proposed Development would have no likely significant effect upon the Cannock Extension Canal SAC and questioned the Applicant's approach to the assessment of in-combination effects in relation to screening it out.
- 3.0.5 NE disputed the Applicant's conclusions during the Examination in relation to effects on the Cannock Extension Canal SAC. In their WR [[REP1-012](#)] NE stated their view that indirect impacts on the SAC required scrutiny, and noted that the Cannock Extension Canal SAC is hydrologically linked to the Chasewater and the Southern Staffordshire Coalfield Heath SSSI, which is within 200 m of the affected road network (ARN) and would see an increase in nitrogen deposition resulting from the Proposed Development. They stated that this indirect impact on air quality needed to be considered alone and in combination and that they would continue to discuss with the Applicant.
- 3.0.6 In NE's response [[REP1-012](#)] to ExQ1.3.27, which asked NE to expand on the comments made in their RR, they explained that water levels in the Cannock Extension Canal are topped up several times a year through release of waters from Unit 13 (Chasewater) of the Chasewater and The Southern Staffordshire Coalfield Heaths Site of Special Scientific Interest (SSSI). They stated that the effect of this water release is seen in both

Units 1 and 2 of the Cannock Extension Canal SAC and considered therefore that impacts on the SSSI could impact the canal. They commented that Unit 1 is currently in unfavourable recovering condition and that the SAC was currently exceeding its nitrogen critical load (CL) (3-10 kg/N/ha/yr); its average CL is 17.1 kg/N/ha/yr.

- 3.0.7 The Applicant commented in their response [[REP1-036](#)] to ExQ1.3.27 that discussions on their approach to the assessment were taking place as part of the dSoCG, in which it was stated that the Applicant considered that no further in-combination assessment was required. [[REP1-028](#)].
- 3.0.8 ExQ1.3.28 [[PD-010](#)] asked the Applicant to explain the approach they had taken to the air quality assessment and how it was determined that the Cannock Extension Canal SAC was not a receptor and could be screened out.
- 3.0.9 In their response [[REP1-036](#)] the Applicant stated that only receptors up to 200 m from the ARN are considered within local operational air quality assessments, in line with DMRB LA 105. This is on the basis that the effect of pollutants from road traffic reduces with distance from the point of release, and beyond 200 m are likely to have reduced to a concentration level equivalent to that of background concentrations. The Applicant stated that at its closest point the Cannock Extension Canal SAC is approximately 280 m from the ARN (the M6 Toll) and was therefore not considered to be significantly affected by changes in air quality.
- 3.0.10 The Applicant explained that the Air Pollution Information System (APIS) classifies the Cannock Extension Canal SAC under Class C.1.1 of the European Nature Information System (EUNIS), oligotrophic waterbodies, for which the CL range for nitrogen is given as 3-10 kg N/ha/yr. The Applicant explained that this is because (in lieu of providing no CL range at all) this class is considered the 'least worst' fit, as it is the standard EUNIS ecosystem class used in APIS for sites containing Luronium natans, the most sensitive of which are nutrient-starved upland lakes. The Applicant further stated that APIS does not tailor its assignment of CLs to site-specific circumstances and caveats the use of these CLs to account for other types of site supporting Luronium natans, in that this CL only applies if the interest feature is associated with softwater oligotrophic or dystrophic lakes at the site; if the feature is not dependent on these lake types there is no comparable CL available. The Applicant considered that while the water quality in the Cannock Extension Canal SAC is good, it cannot be described as an oligotrophic or dystrophic waterbody, and comment that NE's Supplementary Advice on the Conservation Objectives describes it as mesotrophic. The Applicant concluded that this reinforced the basis for screening out air quality impacts on the SAC, would match the position of many other freshwater SACs, and is the reason why nitrogen deposition is generally not calculated in risk assessments for lowland open freshwater sites.
- 3.0.11 ExQ1.3.29 drew attention to NE's statement (in their RR [[RR-037](#)]) that the current average nitrogen load for Cannock Chase SAC is 21.2 kg N/Ha/Year while that for Cannock Extension Canal SAC is 17.1 kg N/Ha/Year; and that these are above and therefore exceed the nitrogen upper CL thresholds for the SAC habitats. The Applicant was

asked to revise the HRA NSER to reflect this and consider how this may affect its conclusions, or explain why they considered their figures were correct.

- 3.0.12 In the Applicant's response [[REP1-036](#)] they acknowledged the difference between the figures quoted by NE and those outlined in the HRA NSER [[APP-216](#)], and explained that APIS, from where the data for baseline deposition rates and CLs was sourced, updated its baseline background deposition and concentration data sets on 18 March 2020, after the submission of their DCO application. The air quality assessment reported in the ES (Chapter 5 – Air Quality) [[APP-044](#)] was undertaken in line with now superseded air quality guidance.
- 3.0.13 They explained that since the submission of the application the Applicant had completed further work to consider the updates to the air quality guidance in DMRB LA 105. The updated APIS data was utilised in sensitivity testing undertaken to consider whether the changes to methodology could alter the conclusions of ES Chapters 5 and 8 (Biodiversity). The Applicant submitted 'DMRB Updates and the Impact on the DCO Application' [[AS-059](#)] on 20 July 2020, which took into account the revised APIS data for baseline deposition rates and CLs. It indicated that the revised average load for the Cannock Extension Canal SAC had changed from 20.2 kg/ha to 21.2 kg/ha, and concluded that the update to the baseline data would not change the findings of the HRA NSER as neither SAC required further assessment due to their distance from the Proposed Development and the ARN. The Applicant referred the ExA to their response to ExQ1.3.28 (see above), which they considered set out why the Cannock Extension Canal SAC had been screened out of further air quality assessment, and stated that the Cannock Chase SAC was also screened out of further assessment as it was more than 200 m from the ARN.
- 3.0.14 ExQ1.3.30 noted that NE stated in their RR [[RR-037](#)] that based on the information presented in the Applicant's HRA NSER [[APP-216](#)] they had agreed that no likely significant effects were anticipated on European sites. However, in relation to indirect impacts on air quality, having reviewed the ES documents NE advised that they could not yet agree no likely significant effects on the Cannock Extension Canal SAC and that further discussion was required. They also stated that they remained in dialogue with the Applicant about the assessment of air quality impacts and the need for and scope of mitigation. The ExA asked the Applicant to confirm the latest position with respect to the assessment of air quality impacts and any mitigation that may be required, particularly with respect to the Cannock Extension Canal SAC. In the Applicant's response [[REP1-036](#)] they repeated their answer to ExQ1.3.28 (see above) and added that NE's RR had been incorporated into the (draft) SoCG with NE [[REP1-028](#)].
- 3.0.15 In their D2 comments on the responses from IPs to ExQ1 [[REP2-009](#)] the Applicant stated that this issue was to be progressed through further consultation and reported within the SoCG with NE. No comments were received from NE for DL2.
- 3.0.16 In their D2 comments [[REP2-009](#)] on the responses from IPs to ExQ1 the Applicant stated that only receptors up to 200 m from the ARN are considered within local operational air quality assessments, according to

DMRB LA 105, on the basis that the effect of pollutants from traffic reduces with distance from the point of release and beyond 200 m are likely to have reduced to a concentration level equivalent to that of background concentration level. At its closest point the Cannock Extension Canal SAC is approximately 280 m from the ARN (the M6 Toll) and so was not considered to be affected by changes in air quality.

- 3.0.17 It was acknowledged by the Applicant that as Unit 13 of the Chasewater and The Southern Staffordshire Coalfield Heaths SSSI tops up the SAC, and is partially within 200 m of the M6 Toll, it was possible that the water quality could be influenced by any increase in nitrogen deposition through changes in motorway traffic in that location as a result of the Proposed Development. It was explained that nitrogen deposition is calculated from nitrous oxides (NO_x) concentrations, and that air quality modelling undertaken by the Applicant predicted an increase in NO_x in Unit 13 of the SSSI. This change in NO_x was used to calculate any changes in nitrogen deposition on the surface of the Chasewater that was within 200 m of the ARN (approximately 3.7% of Unit 13). Nitrogen deposition was anticipated to increase from 26.1 kg N/ha/year (without the Proposed Development) to 26.2 kg N/ha/year (with the Proposed Development). The Applicant stated that this was well below the CL for considering ecological effects and that the change reported in nitrogen deposition is based on the predicted deposition at the waterbody's edge, which would reduce further with distance across the Chasewater, so was considered likely to be a conservative estimate. In addition, the load received within 200 m of the M6 Toll would mix with the wider waterbody becoming diluted and dispersed by a ratio of 26:1. Overall, only a very small change in nitrogen deposition across a small portion of the Chasewater was predicted, which was unlikely to result in any significant change in the nitrogen concentration of the Chasewater, so the effect on the Cannock Extension Canal SAC was not anticipated by the Applicant to be significant.
- 3.0.18 In their D3 response to the D1 and D2 submissions [[REP3-037](#)] the Applicant stated that points raised by NE in their WR [[REP1-012](#)] were being progressed through the SoCG with NE, and that responses had also been provided in the 'Applicant Responses to Relevant Representations [[REP1-043](#)], Applicant Responses to Examining Authority's First Written Questions' [[REP1-036](#)] and 'Applicant Responses to Written Question Responses from Interested Parties' [[REP2-009](#)]. No comments were received from NE for D3.
- 3.0.19 ExQ2 [[PD-017](#)] were issued on 4 December 2020, of which ExQ2.3.2 noted that the Applicant had not included an updated HRA NSER with the revised documents submitted in respect of the Applicant's change request made on 9 October 2020 [[AS-117](#)], and requested confirmation of whether they considered the existing HRA NSER to be up-to-date. In their response [[REP4-033](#)] the Applicant drew attention to Section 5.2 of the 'Environmental Statement Addendum: Proposed Scheme Changes October 2020' [[AS-118](#)]. That set out the Applicant's view that the design changes would not change the findings of the HRA NSER as both SACs remained screened out of further assessment due to their distance from the Proposed Development and the ARN. On that basis the Applicant

considered it was not necessary to amend the HRA NSER following the acceptance of the design change by the ExA in October 2020.

- 3.0.20 A discussion was held at the Biodiversity and Cultural Heritage ISH (ISH1), held on 8 December 2020, on whether significant effects on the Cannock Extension Canal SAC could be excluded. NE stated that they had recently held further meetings with the Applicant and could confirm that they agreed that there would be no likely significant effects on the Cannock Extension Canal SAC resulting from air quality impacts. They also confirmed that they would submit written confirmation of this for D4 (ISH Action Point 6 [[EV-023](#)]). The Applicant confirmed that they had no comments.
- 3.0.21 The Applicant submitted an updated SoCG with NE for D4 [[REP4-031](#)]. All HRA matters were shown as agreed except NE's concerns raised in their RR about impacts on air quality in respect of the Cannock Extension Canal SAC. The Applicant's response to that was that on the basis of the information provided to the ExA at D2 [[REP2-009](#)] they considered the conclusions of the HRA NSER to be correct. The Applicant referenced the first version of the HRA NSER [[APP-216](#)], rather than the updated version provided as an Additional Submission [[AS-035](#)]. The matter was shown as highly likely to be agreed, according to the Applicant and NE, by the close of the Examination.
- 3.0.22 NE submitted a letter [[REP4-040](#)] for D4, indicated to be responding to ISH1 Action Point 6, that stated that they had reviewed a draft revised HRA NSER from the Applicant dated December 2020. They confirmed that they concurred with the Applicant's conclusion that the Proposed Development could be screened out from further stages of assessment because significant effects were unlikely to occur, either alone or in combination.
- 3.0.23 ExQ3.3.5 [[PD-023](#)] asked the Applicant and NE to provide an update on the outstanding HRA matters in the SoCG. ExQ3.3.6 raised an apparent contradiction between the Applicant's statement made in their response to ExQ2.3.2 [[REP4-033](#)] that it was not necessary to update the HRA NSER following the ExA's acceptance of their design changes, and NE's reference in their D4 submission [[REP4-040](#)] to a December 2020 version of the HRA NSER. The Applicant was asked to clarify the position and to submit a revised version if one existed.
- 3.0.24 In their D6 response [[REP6-039](#)] to ExQ3.3.35 the Applicant confirmed that NE's concerns had been resolved and that this was reflected in the dSoCG [[REP6-022](#)] submitted for D6. In response to ExQ3.3.36, the Applicant reiterated that the HRA NSER [[AS-035](#)] was unaffected by the design change. They stated that NE's concerns relating to potential effects on the Cannock Extension Canal SAC from increased nitrogen deposition resulting from the Proposed Development had been resolved and reported within the dSoCG submitted at D6. On the basis of the information provided to the ExA at D2 ('Applicant Responses to Written Question Responses from Interested Parties') [[REP2-009](#)] and further information included in the (draft) SoCG with NE they considered that the conclusions of the HRA NSER were correct and that it was not necessary to update it. The Applicant referenced the application version of the HRA NSER [[APP-](#)

[216](#)] in this statement; the ExA assumes that this was an error and was intended to refer to the updated version [[AS-035](#)]. The Applicant did not make any reference to a December 2020 version of the HRA NSER.

- 3.0.25 NE, in their D6 response [[REP6-043](#)] to ExQ3.3.5, confirmed that their concerns had been resolved and that it was their understanding that the Applicant would be submitting the latest SoCG at D6 which would reflect that position.
- 3.0.26 The dSoCG submitted by the Applicant for D6 [[REP6-022](#)] reflected that all HRA matters were agreed between NE and the Applicant.

3.1 Summary of HRA Screening outcomes during the Examination

- 3.1.1 Two European sites were screened by the Applicant prior to examination: the Cannock Chase SAC and the Cannock Extension Canal SAC and (Table 2.1). The Applicant concluded that there would be no likely significant effects on these European sites and their qualifying features.
- 3.1.2 NE agreed that there would be no LSE on the Cannock Chase SAC but raised concerns about the conclusion of no LSE on the Cannock Extension Canal SAC and its qualifying features on the basis of potential effects arising from indirect impacts on air quality.
- 3.1.3 The ExA asked a number of HRA-related questions, which were addressed to the Applicant and NE. Both parties provided additional information during the Examination, in response to the ExA's questions and also as a result of ongoing discussion between them.
- 3.1.4 It was confirmed by NE at D4 that they agreed with the Applicant's conclusion that there would not be any LSE on the Cannock Extension Canal SAC, and this was subsequently confirmed in the dSoCG submitted by the Applicant at D6, in which all HRA-related matters were shown as agreed.