

## 380365 Natural England's responses to Examining Authority's further written questions (Deadline 6)

### 2.2 Air Quality and Emissions

#### 2.2.2.

Environment Agency, Natural England, National Trust, GWT, Cotswolds Conservation Board

Carbon emissions. Do any of the named organisations have any comments they wish to make with regards to the Applicant's assessments and forecasts of carbon emissions, with direct reference to the NPSNN?

Natural England would welcome measures to offset the carbon emissions that would result from this scheme, particularly through offsite creation and enhancement of natural habitats, including native tree planting and species-rich grassland.

### 2.3 Biodiversity, Ecology and Natural Environment (including Habitats Regulations Assessment (HRA))

#### 2.3.1

Applicant, Natural England, GWT

Interface between Byways Open to All Traffic (BOAT) and improved Public Rights of Way with nature objectives.

- a) How have improvements to connectivity for path users been assessed with regards to their impact on biodiversity and essential mitigation provision?
- b) Would any increased usage, combined with alternative methods of access and travel, on the improved or altered rights of way conflict or hinder the delivery of essential mitigation objectives (for example, noise and disturbance upon new wildlife areas)?

Natural England's involvement has been focused upon the Public Rights of Way in Crickley Hill and Barrow Wake Site of Special Scientific Interest. We are satisfied that where we have raised a specific issues, changes have been made to reduce ecological impacts. For example, the footpath connection from the Air Balloon Way to the viewpoint at Barrow Wake was adjusted in order to reduce ecological impacts. However, we remain concerned about the overall impact of the scheme on increasing recreational pressure on this SSSI. Please see our separate response on this matter, our reference 387339, produced in response to question 2.3.6 below.

### 2.3 Biodiversity, Ecology and Natural Environment (including Habitats Regulations Assessment (HRA))

#### 2.3.6.

GWT, Natural England, National Trust, Joint Councils.

Position statement. Produce a detailed position statement setting out the respective positions regarding the potential effects of increased recreational pressure upon the Crickley Hill and Barrow Wake units of SSSI. Each party's views on the likelihood of increased recreational pressure and the areas this would be experienced should be clear, alongside views on potential mitigations setting out areas of agreement and disagreement accordingly. Include, where necessary, references to the NPSNN and any disputes with the Applicant's position set out at Deadline 5 [REP5-008]. Since this is an 'operation effect' please confirm what, if any, concerns remain about construction effects either as a separate statement or chapter in your response.

Please see the separate letter appended to this response, our reference 387339.

**2.3 Biodiversity, Ecology and Natural Environment (including Habitats Regulations Assessment (HRA))**

2.3.10.

Natural England, National Trust, GWT

Watercourses. Are there any remaining concerns regarding the Applicant's approach towards aquatic wildlife or the management of habitats within watercourses?

The Environment Agency has led on the detailed discussions on the proposals with regard to the watercourses. Natural England has kept in communication with the EA and the applicant on this matter. We understand that the EA is satisfied with the proposals so far but advises that the detailed design will be critical. Natural England concurs with this view.

Natural England's main inputs to date have been around the predicted impacts on tufa and eel, both of which are protected under the Habitats Regulations. We have provided comments in writing on both subjects at the written representations stage. We are satisfied with the proposals to date, we have no further comments to make at this stage. We anticipate further discussions at detailed design stage.

**2.3 Biodiversity, Ecology and Natural Environment (including Habitats Regulations Assessment (HRA))**

2.3.13.

NE

HRA Matrices. Can NE confirm that they agree with the information and conclusions provided in the updated Screening and Integrity matrices for the Severn Estuary Ramsar as provided by the Applicant [REP3-015].

Natural England is satisfied with the HRA matrices produced. We note that the Planning Inspectorate is the competent authority under the Habitats Regulations and that the Publication of Report on Implications for European Sites (RIES) is due on 13 April 2022.

**2.3 Biodiversity, Ecology and Natural Environment (including Habitats Regulations Assessment (HRA))**

2.5.7.

Natural England

Article 20. Following the Applicant's intention to disapply s55(2), are you satisfied that all the necessary material, reports and legal processes would be in place, if the DCO was made, to vary the route of the National Trail? If not, why not?

Please see the separate letter appended to this response, our reference 387152.

**2.3 Biodiversity, Ecology and Natural Environment (including Habitats Regulations Assessment (HRA))**

2.5.8.

Applicant, Natural England

Article 20. Can the Applicant and Natural England provide, either jointly or individually, the following items:

- a) Evidence that the landowners/ occupiers affected by the diversion have been fully consulted, as it is not wholly clear from the Cotswold Way National Trail Diversion Report that this has been undertaken.
- b) Confirmation of how the continued engagement of Natural England and the Cotswold Way Trail Partnership would be facilitated and secured, along with any evidence of such engagement to date.
- c) Evidence that DEFRA has been contacted and are content with the proposed approach to this matter.

Please see the separate letter appended to this response, our reference 387152.

**2.3 Biodiversity, Ecology and Natural Environment (including Habitats Regulations Assessment (HRA))**

2.5.12.

Natural England

Section 28E (H, G)

- a) What are NE's comments in relation to the Applicant's Legal Note on the Disapplication of S28E and H of the WCA1981 contained at Appendix A of the Summary of the Applicants Oral Submissions at Issue Specific Hearing 1 (ISH1) [REP3-009]?
- b) What are NE's comments regarding the supplementary statements made by the Applicant on this matter in [REP5-008]?
- c) Given that any new SSSIs (or potential new SSSIs) within the Order limits are likely only to become established and designated post-construction of the development, what concerns are there regarding potential works within those future SSSIs that are associated with the operation or maintenance of the Proposed Development?
- d) The Applicant has proposed measure BD63 in the Environmental Management Plan. Would this give Natural England confidence of a consultative and iterative approach to SSSI development should section 28E be disapplied, or if not, why not?
- e) Other than complete removal of the disapplication from Article 3 of the dDCO, are there any other forms of resolution to this matter that Natural England considers important and relevant?

Please see the separate letter appended to this response, our reference 387356.

**2.10. Socio-economic effects**

2.10.3.

Natural England, Joint Councils

Best and Most Versatile Agricultural Land. Do you consider that the Applicant's case for the loss of BMV is justified and robust for this scheme?

Out of a total of 130.2ha of affected agricultural land, 32ha is classed as best and most versatile agricultural land (Agricultural Land Classification (ALC) grades 1-3a). Of this, 18.9ha of this BMV agricultural land would be permanently lost, and a further 13.13ha temporarily lost during construction and then reinstated. We are satisfied that the proposal is taking all possible steps to minimise the loss of BMV soils as a result of the scheme proposed. The unavoidable losses need to be weighed as a part of the decision-making process.

There has been a proposal to create calcareous grassland on the construction compound near to Brockworth by overlaying a layer of limestone waste on the existing soils. As stated during the Hearings, Natural England does not support this. We would instead advise creating a habitat that works with the existing soils and geology. This principle applies across the development.