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Our ref: None
Your ref: TR010063



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BY EMAIL ONLY

Planning Inspectorate Reference: TR010063
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Dear Sir/Madam

NSIP: M5 Junction 10 Improvements Scheme - TR010063 - Examining Authority's first questions

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 written questions issued on 9 July 2024 and provides a response below.

Yours sincerely

Paul Horswill

Dr Paul Horswill
Senior Officer
West Midlands Area Team

Question reference	Question	Natural England's Response
Q 3.0.2.	<p>Biodiversity Net Gain (BNG) Para 7.4.65 to 7.4.71 of ES Chapter 7 [APP-066] confirms that the BNG assessment has been undertaken using Metric 3.0 – this was superseded by Metric 4.0 in March 2023 and the Statutory Metric in February 2024. While the ExA understand BNG is not mandatory for NSIPs at this stage and the BNG Guidance allows for projects to continue with earlier versions of the metric, both the Environment Agency and the Gloucestershire Wildlife Trust comment the latest metric has not been used. Can NE advise whether the use of Metric 3.0 remains appropriate and acceptable.</p>	<p>The survey to inform the BNG calculations were conducted in May and June 2022. At this time version 3 of the metric was in force. It appears that the surveys were conducted in a way to be consistent with version 3 of the metric. In these circumstances, and taking into consideration that NSIPs are not obliged to deliver net gain, this action is acceptable. Having said that, if it was possible to update the calculations as an entirely desk-based exercise (i.e. without requiring further survey effort) this information would be helpful. Later versions of the metric are more accurate, but are not necessarily more stringent, so the final value could go up or down.</p>
Q 3.0.6.	<p>Landscape Ecology Management Plan (LEMP) 1st Iteration Can the Joint Councils and IPs confirm they are content with the content, including aims and objectives for the proposed habitat creation and subsequent management of these areas?</p>	<p>Yes we are content with the contents including the aims and objectives.</p>
Q 3.1.14.	<p>Stage 1 screening - Coombe Hill SSSI (Severn Estuary sites) The relevant representation from the Gloucestershire Wildlife Trust (RR-014) highlights a concern that the improved accessibility of the Coombe Hill Canal SSSI as a result of the Proposed Development has not been considered. (i) GWT are invited to expand on this concern and give details of how they proposed this should be considered, as it is noted that the Proposed Development itself does not provide additional housing. (ii) The Applicant is requested to provide information on how the HRA has considered the improved connectivity as a result of the Proposed Development. (iii) Natural England are also invited to comment on these matters.</p>	<p>The Trust are concerned about two things. Firstly, the road improvement scheme is unlocking new housing near the canal. Secondly, journey times to the canal could be reduced. They are concerned that both of these things could lead to increased recreational pressure on the canal, which is functionally linked to the Severn Estuary.</p> <p>On their first concern, they are correct that the scheme is unlocking new housing development. However the applications for these housing developments will be subject to their own HRAs, and planning permission cannot be granted unless these developments can rule out an adverse effect on the integrity of the Severn Estuary. It is not reasonable to expect the HRA of the road improvement scheme to assess of the development sites that will be unlocked as so little information about these development sites is known at present.</p> <p>Their second concern is more relevant as they are suggesting there may be a direct link between the road improvement scheme and reduced journey times to the canal, which may cause more people to visit. As far as we are aware this was not considered by the applicant. A level of investigation into</p>

		this may be helpful and the Trust may be able to assist with this as we understand they have conducted visitor surveys which provide information on where people who visit the canal live. However our initial view is that the road improvement scheme is unlikely to increase visitor pressure because its main effect will be to reduce bottlenecks during rush-hour, rather than deliver considerable reductions in journey times
Q 3.1.5.	<p>Stage 1 screening - Severn Estuary sites</p> <p>The relevant representation provided by the joint councils indicates that they wish to raise matters relating to the potential water quality impact to the Severn Estuary and a robust justification for it being scoped out. However, it is not clear if the Joint Councils consider that there are any concerns over the assessment of the Severn Estuary SPA / RAMSAR / SAC in the HRA Screening [APP-099] or HRA SIAA [APP-100] reports. (i) The Joint Councils are requested to provide their position on the HRA. (ii) Natural England are also invited to comment on these matters.</p>	We are of the opinion that the assessment of water quality impacts on the Severn estuary has been conducted appropriately.
Q 3.1.6.	<p>Stage 1 screening - Severn Estuary sites In combination</p> <p>Paragraph 4.2.26 of the HRA Screening [APP-099] identifies five pathways that are to be taken forwards to appropriate assessment. Paragraphs 4.2.28 and 4.2.29 then state four pathways are considered relevant to the in-combination assessment. However, this only includes 2 of the 5 effects in paragraph 4.2.26 identified as having potential LSE alone and introduces 2 pathways that have no LSE alone. Limited explanation is provided for this. (i) The Applicant is requested to provide additional justification for the pathways scoped in to the in-combination assessment. (ii) Natural England are also invited to comment on these matters</p>	<p>Our reading of this section is:</p> <ul style="list-style-type: none"> • Paragraphs 4.2.26 and 4.2.27 describe the impacts that will have a likely significant effect alone. As such there is no need to assess these impacts in combination. • Paragraphs 4.2.28 and 4.2.29 describe the impacts that do not have a likely significant effect alone and as such require an in combination assessment. • Paragraphs 4.30 to 4.43 and provide this in combination assessment.
Q 3.1.9.	<p>Assessment of in-combination effects</p> <p>It is noted that a table (Table 8-1) containing a more detailed consideration of in-combination plans and projects was included within the draft version of the SIAA (current version provided as APP-100). This has not been included within the version submitted with the DCO application, as the Applicant considers that the SIAA concludes that mitigation will be successful for both the project alone and in combination effects and therefore no</p>	Our recollection is that the table was prepared when a number of residual effects required an in-combination assessment. However when the applicant incorporated improved mitigation measures the number of residual impacts requiring in-combination assessment was much reduced. The table was therefore not necessary.

	<p>detailed assessment is required.</p> <p>(i) The Applicant is requested to provide the detail of this table and information on how this was utilised within the assessment, including providing a list of the developments or allocations which formed part of the in-combination assessment.</p> <p>(ii) Natural England are also invited to comment on these matters</p>	
<p>Q 3.1.10.</p>	<p>Consultation agreement</p> <p>Appendix G of the SIAA [APP-100] provides a repeated summary of Appendix N of the screening document [APP-099], and the additional 30 November 2022 consultation from the NE freshwater team, which indicates that whilst NE were in general agreement of the findings of both the draft HRA screening and draft SIAA, they provided some specific comments in relation to the assessment methodologies. These were summarised as:</p> <ol style="list-style-type: none"> 1. Avoidance of the use of “de-minimis” arguments (line 1.1.5, 6.3.3, 6.6.2, Table 6.1, Table 6.2 row 8). 2. Requesting that the Applicant consider standard pollution prevention measures as being required rather than being considered as (additional) mitigation (6.3.4, 6.5.3). 3. Inclusion of details of proposed drainage and subsequent operational water quality (6.7.1). 4. Quantification of changes to run off, to potentially include beneficial effects of SuDS (such as consideration of the potential for Biodiversity Net Gain) as run off to the River Chelt is currently unmitigated (8.1.1). 5. Additional assessment of in-combination effects (Table 8.1) - The potential effects of the Proposed Development with three known housing / other land use allocations (Warners of Cheltenham, North West Cheltenham Site B and Safeguarded land northeast of J10). <p>Whilst a specific assessment of these is not included within the SIAA as NE requested (see question above in relation to draft Table 8-1), the HRA screening report includes 3 Proposed Developments referred to as North West Cheltenham Development area, safeguarded land to the north-west of Cheltenham, and west Cheltenham development area as in paragraph 4.2.36. It is therefore not clear which sites have been</p>	<p>Please see our answer to 3.1.9</p>

	<p>included in the in-combination effects assessment (including any from the ES chapter APP-074. However, there is no further correspondence provided with the application to determine the current status of these matters. A</p> <p>(i) The Applicant and NE are invited to provide an update</p>	
Q3.1.11.	<p>Lamprey Ammocoetes relocation</p> <p>The Applicant does not appear to be planning to implement the Natural England Recommendation [APP-099, 6.3.13, Appendix N] to relocate Lamprey Ammocoetes during dewatering in order to reduce mortality. (i) Can the Applicant confirm why this is not considered as part of the additional mitigation for the Severn Estuary sites, as a potential impact remain even if the HRA does not consider that it results in AEOI? (ii) Natural England are also invited to comment on these matters.</p>	<p>We understand that the applicant does intend to implement this recommendation (please see point 5 of Paragraph 7.2.3 of the HRA SIAA)</p>
Q 3.1.12.	<p>River Chelt Mitigation Strategy</p> <p>The Relevant Representation provided by Natural England [RR-027] Section 5.1 notes that a “River Chelt mitigation strategy” is required to be secured and subsequently implemented. The ExA cannot find reference to this term in the HRA Screening [APP-099] or HRA SIAA [APP-100]. Can Natural England and the Applicant confirm what their understanding of this strategy to be, and if it is a standalone document, how this is secured in the DCO</p>	<p>Please accept our apologies if this has caused confusion. This was not intended to be a reference to a stand-alone document. Rather, it was a request that all of the mitigation for the River Chelt, as outlined in the HRA, should be secured in the DCO in the most appropriate manner.</p>