



The Planning Inspectorate

Our ref: XA/2024/100153/01

M5Junction10@planninginspectorate.gov.uk

Your ref: TR010063

Date: 30 September 2024

Dear Sir/Madam

The M5 Junction 10 Improvements Scheme: Development Consent Order: The Examining Authority's written questions and requests for information (ExQ2)

Comments on the Examining Authority's written questions and requests for information (ExQ2).

We have now reviewed and answered the question Q3.1.1 Habitats Regulations Assessment, which were uploaded to the PINS website dated 10 September 2024 and have the following comments.

EXQ2	Question to:	Answer
3. Biodiversity, Ecology and Natural Environment		
Q3.1.1	<p>Habitats Regulations Assessment</p> <p>Within the Relevant Representation [RR-013], the Environment Agency raise a number of points related to the aquatic environment (5.1, 5.2, 5.3, 5.4, 5.5, 5.7). A number of matters are also raised in the SOCG [REP1-036] (Entries 7.1, 7.2 and 7.3 of Table 5-1 matters outstanding). However, these entries do not provide an indication as to whether the EA consider that these have the potential to affect the conclusions of the Habitats Regulations Assessment provided to date (most recent versions provided as REP3-024 and REP3-026). Can the EA confirm their current position on the Habitats Regulation Assessment?</p>	<p>Following a review of the Habitats Regulations Assessment (HRA) documents (Appendices 7.13 & 7.14), the designated site of most relevance to the Environment Agency is the Severn Estuary SAC/SPA/Ramsar. We agree with the conclusion that the scheme would have likely significant impacts to migratory fish (a qualifying feature under the SAC/Ramsar) in the absence of mitigation, including direct and indirect impacts too European eel, Atlantic salmon, sea trout and river lamprey during construction and operation phases.</p> <p>The proposed mitigation (Section 7, Appendix 7.14) is proportionate to the identified likely significant impacts, such as the provision of silt control measures and construction of SuDs to prevent deterioration of water quality, along with measures to prevent disturbance, injury or mortality of migratory fish through commitments in the REAC (such as timing works to avoid ecologically sensitive periods). Therefore, from a biodiversity perspective, we believe the HRA addresses the concerns raised previously by the Relevant Reps, and within the SoCG (Entries 7.1,7.2 and 7.3) which have been agreed.</p> <p>We also concur with the decision to rule out likely significant impacts to habitats within the SAC/Ramsar and wintering migratory birds, due to the provision of pollution prevention methods, and the reported results from an ornithological survey from the applicant indicating that the scheme area and functionally linked land was not important for some qualifying bird species. However, these qualifying features are more within the remit of Natural England.</p>

Yours faithfully

Noreen

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