

# **M60/M62/M66 Simister Island Interchange**

**TR010064**

## **7.10 Statement of Common Ground with Natural England**

APFP Regulation 5(2)(q)

Planning Act 2008

Infrastructure Planning (Applications: Prescribed  
Forms and Procedure) Regulations 2009

Infrastructure Planning

Planning Act 2008

**The Infrastructure Planning  
(Applications: Prescribed Forms and  
Procedure) Regulations 2009**

**M60/M62/M66 Simister Island Interchange  
Development Consent Order 202[ ]**

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**Statement of Common Ground with Natural England**

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<b>Regulation Reference</b>	Regulation 5(2)(q)
<b>Planning Inspectorate Scheme Reference</b>	TR010064
<b>Document Reference</b>	TR010064/APP/7.10
<b>Author</b>	M60/M62/M66 Simister Island Interchange Costain Jacobs Partnership Project Team & National Highways

<b>Version</b>	<b>Date</b>	<b>Status of Version</b>
P01	24 September 2024	Examination Deadline 1

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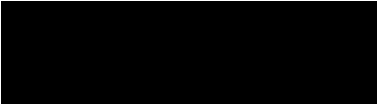
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## **STATEMENT OF COMMON GROUND**

**This statement of Common Ground has been prepared and agreed by National Highways Company Limited and (2) Natural England.**

**Signed**



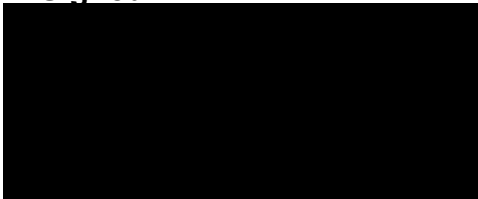
**Nicola Eastwell**

**Project Manager**

**On behalf of National Highways**

**Date: 23/09/2024**

**Signed**



**Alice Watson**

**Senior Officer**

**On behalf of Natural England**

**Date: 23/09/2024**

# 1 Introduction

## 1.1 Purpose of this document

- 1.1.1 This Statement of Common Ground (SoCG) has been prepared in respect of the M60/M62/M66 Simister Island Interchange (the “Scheme”) following the application made by National Highways (the “Applicant”) to the Secretary of State for Transport, via the Planning Inspectorate (the “Inspectorate”) for a development consent order (DCO) under section 37 of the Planning Act (the “2008 Act”). The application was made on 2 April 2024 and was accepted for examination on 30 April 2024. A detailed description of the Scheme can be found in Chapter 2: The Scheme of the Environmental Statement [APP-041].
- 1.1.2 This SoCG does not seek to replicate information which is available elsewhere with the application documents. All application documents have been made available on the Planning Inspectorate website.
- 1.1.3 This SoCG has been produced to confirm to the Examining Authority where agreement has been reached between the parties to it, and where agreement has not yet been reached. SoCGs are an established means in the planning process of allowing all parties to identify and focus on specific issues that may need to be addressed during the examination.

## 1.2 Parties to this Statement of Common Ground

- 1.2.1 This SoCG has been prepared between 1) National Highways as the Applicant and 2) Natural England.
- 1.2.2 National Highways (previously known as Highways England) became the Government-owned Strategic Highways Company on 1 April 2015. It is the highway authority in England for the strategic road network and has the necessary powers and duties to operate, manage, maintain, and enhance the network. Regulatory powers remain with the Secretary of State. The legislation establishing National Highways made provision for all legal rights and obligations, including in respect of the application, to be conferred upon or assumed by National Highways.
- 1.2.3 Natural England is a non-departmental public body established in 2006 and sponsored by the Department for Environment, Food and Rural Affairs (Defra). They are the government’s advisor for the natural environment in England and help to protect and restore the natural world. They have a role in the protection of statutory designated sites and are the authority for issuing wildlife licences, including those in relation to development projects.
- 1.2.4 Natural England is a prescribed consultee for the application under sections 42(1)(a) and 56(2)(a) of the 2008 Act.
- 1.2.5 Collectively National Highways and the Natural England are referred to as ‘the parties’.

## 1.3 Terminology

1.3.1 Within the table in Section 3, Issues of this SoCG, the terminology is as follows:

- “Agreed” indicates area(s) of agreement;
- “Under Discussion” indicates area(s) of current disagreement where resolution remains possible, and where parties continue discussing the issue(s) to determine whether they can reach agreement by the end of the examination; and
- “Not Agreed” indicates a final position for area(s) of disagreement where the resolution of the divergent positions will not be possible, and parties agree on this point.

1.3.1 It can be assumed that any matters not specifically referred to in Section 3, Issues of this SoCG are not of material interest or relevant to Natural England and therefore have not been subject of any discussions between the parties. As such, those matters can be read as agreed, only to the extent that they are either not of material interest or relevance to Natural England.

## 2 Record of Engagement

2.1.1 A summary of the meetings and correspondence that has taken place between National Highways and Natural England in relation to the application is outlined in Table 2.1.1 below.

**Table 2.1.1 Record of Engagement**

Date	Form of Correspondence	Key topics discussed and key outcomes
08/12/21	Call by the Applicant to Natural England, with follow up email	The Applicant contacted Natural England to discuss use of District Level Licencing (DLL) for great crested newts, specifically Natural England’s data requirements for providing a quotation for DLL. DLL is a scheme which enables developers to comply with their legal duty to protect great crested newts by paying for off-site compensation ponds instead of carrying out detailed surveys and applying for a mitigation licence. This enables great crested newt mitigation to be delivered strategically with better conservation outcomes for the species.
13/03/23	Email from the Applicant to Natural England	The Applicant request for a meeting to update Natural England on the current position on the Scheme and the discuss the next steps in terms of production of the Environmental Statement and the Scheme’s application for development consent.
18/04/23	Email from the Applicant to Natural England	The Applicant submitted a completed DLL enquiry form, great crested newts Survey Results and provisional Order Limits for the Scheme.
12/05/23	Call by the Applicant to Natural England, with follow up email	The Applicant contacted Natural England to state that they wished to provide an update on the Scheme following the

		statutory consultation and Natural England statutory consultation response.
09/06/23	Email from the Applicant to Natural England	The Applicant provided updated great crested newt information for the District Level Licence for the Scheme, including the updated shapefiles for the provisional Order Limits.
12/06/23	Email from Natural England to the Applicant	Natural England requested clarification on a number of matters relating to the great crested newt information provided by the Applicant on 09/06/23.
04/07/23	Email from the Applicant to Natural England	The Applicant submitted to Natural England a written response providing the Applicant's response to Natural England's comments on the Preliminary Environmental Information Report (PEIR) as part of the statutory consultation response.
07/07/23	Email from Natural England to the Applicant	Natural England confirm receipt of the Applicant's response to Natural England's comments on the PEIR.
06/07/23 to 07/07/23	Emails between the Applicant to Natural England	The Applicant and Natural England agreed to meet on 11/08/2023 so the Applicant could give an update on the Scheme design following statutory consultation and to discuss the Applicant's response to the comments raised by Natural England on the PEIR.
11/07/23	Microsoft Teams Meeting between the Applicant and Natural England	<p>The Applicant provided an update on Scheme design following statutory consultation. The Applicant's response to the comments raised by Natural England on the PEIR was also discussed (provided on the 04/07/24) with the main points covering updates to the Order Limits and land assembly, peat, Places For Everyone (Joint Development Plan promoted by Greater Manchester Combine Authority) examination, Habitats Regulations Assessment, Traffic Modelling and developing this SoCG.</p> <p>Actions agreed including, provision of the traffic modelling documents provided at statutory consultation, provision of a map which enabled identification of soil survey logs, and SoCG coordination and sign off</p>
19/07/23	Email to Natural England from the Applicant	The Applicant emailed Natural England with the draft minutes from the meeting held on 11/07/23 including the agreed actions.
21/07/23	Call between the Applicant and Natural England, with a follow up email from the Applicant	Discussion to confirm and agree priorities for engagement and order of consideration.
01/08/23	Microsoft Teams Meeting invite sent from Natural England	Natural England requested a meeting with the Applicant on the 3/08/23. Meeting to address Natural England's concerns relating to potential presence of and preservation of peat within the Order Limits of the Scheme.
01/08/23	Email from Natural England to the Applicant	Agenda for the meeting provided by Natural England was as follows;

		<p>Confirmation of peat classification (0-3) and their corresponding locations within the Scheme's provisional order limits</p> <p>Annex I habitat description</p> <ul style="list-style-type: none"> <li>• Peat as an irreplaceable habitat in line with JPA1.1 Heywood / Pilsworth within the Examination of Places for Everyone Joint Development Plan – <a href="#">IN37-Further-Action-Points-July-2023-Final-Publication.pdf (hwa.uk.com)</a></li> <li>• Presence of deep peat within specified borehole locations</li> <li>• Deep peat locations correspond to attenuation basin, soil/material storage and road loop as shown in Map Book 2 – Land Use Plans, Sheet 3 <a href="#">nationalhighways.citizenspace.com/he/m60-junction18-simisterisland-designconsultation/supporting_documents/M60_M62_M66_Simister_Island_Interchange_Preliminary_Design_Consultation_Map_Book_2_Land_Use_Plans_Feb_23.pdf</a></li> </ul>
03/08/23	Microsoft Teams Meeting between the Applicant and Natural England	<p>The focus of the meeting was in relation to peat. The Applicant presented the following to Natural England at the meeting;</p> <ul style="list-style-type: none"> <li>• Detailed explanation of soil classification, based on limiting percentages of organic matter, clay, and sand for peaty and organic mineral texture classes</li> <li>• Presentation/explanation of the soil survey logs for locations requested by Natural England</li> <li>• Presentation of two intersecting transects of soil survey logs across an area of the Scheme that is described as the north-west quadrant to show the soil classification across a section of land to be affected by the Scheme and its interface with the permanent and/or temporary works.</li> <li>• Presentation of a transect of soil survey logs across an area of the Scheme that is described as the north-east quadrant to show the soil classification across a section of land to be affected by the Scheme and its interface with the permanent and/or temporary works. Relationship of the Scheme with the Places for Everyone Joint Development Plan discussed.</li> <li>• Discussion relating to the Annex 1 Habitats description. The Applicant confirmed that there are no lowland dry acid grasslands within the Order Limits. The habitats and species recorded within the Order Limits identified are not classified as a degraded raised bog capable of regeneration (Code 7120).</li> </ul>
03/08/23	Natural England Email following meeting on the 3 August between Natural	Natural England set out that the agreed next steps following the meeting on the 3 August between Natural England and the Applicant as follows:



	England and the Applicant	<ul style="list-style-type: none"> <li>To demonstrate the extent of the peat on a map with an overlay of the Scheme i.e. storage/compound with the extent of known made ground.</li> <li>To supply further habitat description (including Habitat Suitability Index information and any species data from walkover surveys or pond surveys) for areas with a peat presence.</li> <li>To provide a summary of peat handling details.</li> <li>To assess whether peat pockets will be kept preserved.</li> <li>To send maps/shapefiles to Natural England.</li> </ul> <p>Natural England confirmed they are in conversation with specialists regarding protected sites and the Habitats Regulations Assessment (HRA).</p>
03/08/23	Email from the Applicant to Natural England	The Applicant responded to queries raised by Natural England on the 12/06/23 relating to the great crested newt District Level License, including confirmation of which updated GIS shape files to use.
07/08/23	Email from Natural England to the Applicant	Natural England confirmed endorsement of the assessment used to inform the HRA in relation to air quality impacts on Rochdale Canal Special Area of Conservation (SAC) and advised that there was sufficient evidence to conclude that there will be no adverse impacts on Rochdale Canal SAC as a result of increased traffic relating to the Scheme.
08/08/23	Email from Natural England to National Highways	Natural England requesting pdf map with the permanent land use and temporary land use boundaries and confirmation that Habitats Suitability Index assessments are not taken into account when calculating costs for DLL.
09/08/23	Email from the Applicant to Natural England	The Applicant acknowledged the position from Natural England relating to the HRA and noted that this will be included in the SoCG. The Applicant acknowledged the further actions relating to the Scheme's potential impact on peat and confirmed that an update would be provided in due course.
18/08/23	Email from the Applicant to Natural England	The Applicant provided Natural England with a figure on great crested newts detailing the temporary and permanent works boundaries as requested by Natural England on the 08/08/23.
22/08/23	Email from Natural England to the Applicant	Natural England provide advice on the areas of focus for the engagement noting that impact on peat and designated sites is the main area of concern, in addition to Best and Most Versatile Land. It is accepted that the design change of the Scheme resulting in the retention of ancient woodland alleviate concerns in relation to the removal of irreplaceable habitat.
04/09/23	Email from Natural England to National Highways the Applicant	Natural England confirmed in writing their preference for additional information relating to the Scheme's potential impact on peat to be a provided in writing, with only a meeting subsequent to this where necessary.

08/09/23	Email from Natural England to the Applicant	Natural England issue of a provisional Impact Assessment and Conservation Payment Certificate (IACPC). The document detailed the impacts, level of compensation habitat and associated financial payment required to obtain a District Level Licence for great crested newts.
17/10/23	Email from the Applicant to Natural England – including document issue	<p>The Applicant provided a revised response in relation to comments raised by Natural England on the PEIR.</p> <p>Natural England requested additional information on the presence of peat/peaty soils within the Scheme Order Limits and how this relates to the current Scheme design. Additional information was provided by the Applicant.</p>
19/10/23	Email from Natural England to the Applicant	<p>Natural England provided comments in relation to the information provided on 17/10/23 as follows:</p> <ul style="list-style-type: none"> <li>• Natural England confirmed evidence has been supplied which demonstrates the peat mass is not continuous and impacts would be localised.</li> <li>• Natural England confirmed support for the storage compound and spoil pile locations which avoids deep peat southeast of Cowl Gate Farm.</li> <li>• Natural England confirmed the evidence provided suggests that there are areas which have a peat depth of approximately 3 metres, however this is present under a series of made ground and clay (relating to the southern region nearest to the motorway). Whilst they acknowledged this peat may be more difficult to restore, Natural England strongly recommended it is re-used on-site, should it be extracted as part of the sustainable drainage systems (SUDs)/pond creation. The peat can be used to provide biodiversity opportunities to enhance ponds and assist with marginal planting and other areas which are proposed to be wet. Natural England confirmed they support peat handling strategy during excavation.</li> </ul>
02/11/23	Email from the Applicant to Natural England	<p>Email from the Applicant summarising the meeting which took place 02/11/23.</p> <p>The Applicant confirmed they would be issuing draft documents in relation to peat, the HRA, Biodiversity Net Gain (BNG) and minutes of meetings within the next two weeks. The Applicant confirmed they were progressing the SoCG which would be shared with Natural England in due course.</p>
09/11/23	Email from the Applicant to Natural England – including document issue	<p>The Applicant issued the draft BNG Report and metric, the draft HRA, and associated figures for comment.</p> <p>The Applicant confirmed they were seeking required authorisations to enable the return of the signed IACPC in relation to the great crested newt DLL.</p> <p>The Applicant advised they were intending to submit a draft badger licence for Natural England to review.</p> <p>The Applicant provided a link to information describing the development of traffic models that have been used to assess</p>

		<p>the impact of the Scheme. It also which also summarised key results from the traffic models.</p> <p>The Applicant confirmed they would respond separately to Natural England's email dated 19/10/23 in relation to peat.</p>
10/11/23	Email from Natural England to the Applicant	<p>Email from Natural England in relation to Local Nature Recovery Strategy (LNRS) which confirmed "<i>Natural England welcome the reflection of the prototype LNRS in Greater Manchester as per our original comments. The applicant should note that the LNRS Regulations and Statutory Guidance were published in March 2023. Greater Manchester are now preparing an LNRS in line with those regulations and statutory guidance. This document will replace the Prototype LNRS with a planned adoption in December 2024</i>".</p>
29/11/23	Email from the Applicant to Natural England	<p>The Applicant submitted to Natural England a signed provisional IACPC for the great crested newt DLL.</p>
01/12/23	Email from Natural England to the Applicant	<p>Following review of the draft Biodiversity Net Gain Report Natural England provided the following comments;</p> <ul style="list-style-type: none"> <li>• Natural England welcomed the increase in biodiversity units from the proposal, particularly the 58% hedgerow unit increases. They also welcomed 'no net loss' in river and stream habitat.</li> <li>• Natural England encouraged any scheme to achieve at least 10% net gain on all unit type as good practice.</li> <li>• Natural England confirmed the use of Metric 3.1 is satisfactory as this was the newest metric when the initial proposal was brought forward.</li> <li>• Natural England welcomed that a precautionary approach in accordance with Section 2.5.8 of the BNG Report has been taken.</li> <li>• Within Section 2.5.12 a check area warning has been identified, suggesting trading rules have not been met. Once BNG becomes mandatory, future projects will need to meet the trading rules.</li> <li>• Within Section 3.2.5 of the BNG Report, Natural England offered the following comment, "<i>medium distinctiveness habitats require delivery of same broad habitat type or higher distinctiveness habitat of habitats being lost to avoid the loss of habitats as they are deemed to be of particular importance</i>". <i>We encourage habitats to not be lost but acknowledge this is yet to become mandatory. We support reference to the creation of wet woodland, where appropriate</i>".</li> <li>• Regarding Section 3.2.8 of the BNG report, we accept the justification provided but noted this is on a case-by-case basis.</li> </ul> <p>Natural England provided general advice relating to green infrastructure:</p> <ul style="list-style-type: none"> <li>• Natural England referenced their GI Mapping Toolkit which shows that places with the greatest need for more access to greenspace coincide with some of</li> </ul>

		<p>Greater Manchester's most deprived areas, these are the places where GI interventions will have the most positive effects.</p> <ul style="list-style-type: none"> <li>Natural England highlighted the launch of the Green Infrastructure Framework (GIF) in January 2023. This provides a set of GI Principles; GI Standards; a Mapping Toolkit; Planning and Design Guides; and Process Journeys that should be adhered to when designing and delivering good quality GI.</li> </ul>
07/12/23	Email from Natural England to the Applicant	Following review of the draft HRA, Natural England advise that that generally they support the approach to the draft HRA and that they are of the opinion that sections 6.1.1 through to 6.2.4 are sufficient to inform the Appropriate Assessment. Minor suggestions are made to order of contents and representation of advice.
13/12/23	Email from the Applicant to Natural England	The Applicant request review of the draft badger licence.
13/12/23	Email from the Applicant to Natural England	The Applicant issued a revised draft HRA to Natural England for review and comment. The Applicant sought agreement to the amended documents addressing comments made by Natural England on 07/12/23.
13/12/23	Email from Natural England to the Applicant	Natural England provide further minor comments on the HRA (see entry below for 15/12/23).
13/12/23	Email from Natural England to the Applicant	Advice from Natural England in relation to Pre-Submission Screening Service (PSS) for a draft Badger Licence Letter of No Impediment (LONI), providing form and advice on information to submit with the application.
15/12/23	Email from the Applicant to Natural England	The Applicant provided feedback on minor comments wording from Natural England on the 13/12/24.
18/12/23	Email from Natural England to the Applicant	Natural England confirmed their endorsement of the assessment within the draft HRA and some further minor suggestions relating to wording.
04/01/24	Email from the Applicant to Natural England	The Applicant issued the draft badger licence and associated figures to Natural England for Natural England's review.
09/01/24	Microsoft Teams Meeting between the Applicant and Natural England	<p>Meeting to discuss the request to review the draft badger licence LONI.</p> <p>The Applicant provided a summary of the Scheme and ran through the draft badger licence figures explaining the setts that had been identified and the impacts from the Scheme.</p> <p>Natural England inquired regarding other protected species and designated sites.</p>
12/01/24	Microsoft Teams Meeting between the Applicant and Natural England	Discussion relating to proposed application for a Badger Licence LONI, continued work on the draft HRA, ongoing work on SoCG, scope of engagement and timescales.
29/01/24	Email from Natural England to the Applicant	Email confirmation from Natural England and provision of countersigned IACPC for the Scheme's great crested newt DLL.

29/01/24	Document File Transfer from the Applicant to Natural England	<p>The Applicant provided the following draft application documents to Natural England for review and comment:</p> <ul style="list-style-type: none"> <li>• Draft Chapter 9 Geology and Soils of the Environmental Statement including figures and appendices</li> <li>• Draft Chapter 10 Materials Assets and Waste of the Environmental Statement including figures and appendices</li> <li>• Draft First Iteration Environmental Management Plan (EMP) main text including Register of Environmental Actions and Commitments (REAC) and the following draft appendices to the EMP</li> <li>• Draft Appendix F Outline Soil Handling Management Plan</li> <li>• Draft Appendix G: Outline Materials Management Plan</li> </ul>
31/01/24	Email from Natural England to the Applicant in relation to the draft badger licence	Natural England confirmed completion of review of the draft Badger Licence LONI application and requested a call to discuss a few minor points.
08/02/24	Email from Natural England to the Applicant	Feedback received from Natural England on review of the draft HRA. Natural England agreed with the draft HRA approach based on the evidence and justification provided. Natural England confirm that they concur with the findings of the assessment. Some minor comments made on the wording of section 6.3.
08/02/24	Email from Natural England to the Applicant	<p>Natural England provided initial feedback on the draft First Iteration EMP and associated management plans including Appendix F Soil Management Plan and Appendix G Outline Materials Management Plan.</p> <p>Initial feedback provided by Natural England on the peat handling strategy is positive. It is recommended that all efforts are made to use peat on site, and that timeframes for peat storage are given.</p>
13/02/24	MS Teams meeting to discuss the draft badger licence	Natural England asked for clarification on several points relating to the draft badger licence; including programme for the consenting process and construction, and the period the licence is required to cover; and photographs of sett entrances provided by the Applicant. Natural England asked for amendments to the draft licence with respect to works within 20m of a sett, as there is a preference to close the setts where there is a risk of disturbance due to activities within 20m.
13/02/24	Email from Natural England confirming advice given in meeting of 13/02/24	Email from Natural England confirming in writing the points discussed during the meeting held 13/02/24 (see entry above).
14/02/24	Microsoft Teams Meeting between the Applicant and Natural England	Update by the Applicant on work being undertaken on draft HRA.

		<p>Discussion on SoCG being developed, presentation of current draft and discussions around content, style, delegation and sign off process.</p> <p>Discussion on Natural England resource for post DCO acceptance/pre-examination phase.</p>
19/02/24	Email from the Applicant to Natural England	<p>The Applicant confirmed agreement of the email dated 13/02/24 summarising the points of the meeting regarding the draft badger licence.</p> <p>The Applicant confirmed they were looking at alternative solutions to avoid the disturbance of setts 4, 5 and 7. The draft Badger Licence would be revised on this basis and submitted in due course.</p>
23/02/24	Email from Natural England to the Applicant	<p>Confirmation that the review of draft application documents shared by Applicant on the 29/01/24 for Natural England review (see details above) had commenced.</p> <p>Feedback from the Natural England DLL team that a counter-signed IACPC is now in place. Natural England noted that the formal licence will need to be submitted prior to works beginning on site.</p>
05/03/24	Email from the Applicant to Natural England	<p>The Applicant provided the draft HRA following the final Applicant's review process for Natural England's review and feedback.</p> <p>The Applicant requested an update on Natural England's review of the draft application documents provided on 29/01/24</p>
14/03/24	Email from Natural England to the Applicant	<p>Natural England provided feedback on the review of the draft application documents shared by Applicant on the 29/01/24;</p> <p>Natural England confirmed they had few comments to make – noting support of information contained within all documents. Natural England highlighted some points in relation to the draft Appendix F Outline Soil Handling Management Plan of the First Iteration EMP relating to mixing of soil materials, re-use of peat, need to maintain hydrological conditions, irrigation of stockpiled peat, timeframes for peat storage and peat excavation.</p>
14/03/24	Email from Natural England to the Applicant	<p>Natural England confirmed they had concluded their review of the draft HRA with no further comments to make.</p> <p>Natural England updated on their review by peat specialists and confirmed general support of the material presented.</p>
26/04/24	Microsoft Teams Meeting between the Applicant and Natural England	<p>Meeting to update on Scheme progress, and next steps in relation to SoCG.</p>
22/05/24	Email from the Applicant to Natural England	<p>The Applicant provided a revised badger licence to address the comments discussed with Natural England on 13/02/24 (and confirmed in an email on the same day).</p>
05/06/24	Email from Natural England to the Applicant	<p>Natural England provided a response on the revised badger licence with minor points which required addressing. Natural</p>

		England advised they could issue the LONI and condition the amendments, or would be happy to receive a further amended licence to address these points prior to issue of the LONI.
05/06/24	Email from the Applicant to Natural England	The Applicant confirmed a preference to address the minor outstanding points relating to the badger licence and would advise Natural England when this document could be expected.
12/06/24	Meeting between the Applicant and Natural England, and follow up email	Meeting to clarify no impacts on Setts 2 and 4 justifying their removal from the licensable impacts section to the non-licensable works section, and to discuss possible conditional requirements of the proposed LONI for badgers.
13/06/24	Meeting between the Applicant and Natural England, and follow up email	Meeting for the Applicant to present the first draft of the Statement of Common Ground to Natural England. The draft SoCG was then sent via email subsequent to the meeting to request Natural England's review and comment.
02/07/24	Email from Natural England to the Applicant	Conditional LONI issued for badgers (Appendix A) based on the assessment of the revised Appendix 8.14 Draft Badger Licence of the Environmental Statement Appendices.
11/07/24	Meeting between the Applicant and Natural England, and follow up email	Discussion of Natural England's Relevant Representation that has been submitted to the Planning Inspectorate. Discussion on the draft SoCG. Advice on change of key contact.
15/07/24	Email from Natural England to the Applicant	Following up on actions from meeting of the 11/07/2024.
17/07/24	Email from the Applicant to Natural England	Issue of revised Appendix F: Outline Soil Management Plan for review
22/07/24	Email from Natural England to the Applicant	Return of draft SoCG signing off a number of now agreed positions with only 2 area remaining under discussion
23/07/24	Meeting between the Applicant and Natural England, and follow up email	Discussion on draft SoCG status and next steps. Noting provision of response on two remaining areas shortly.
08/08/23	Email from the Applicant to Natural England	Update on the progress of the SoCG
04/09/24	Meeting between the Applicant and Natural England, and follow up email	Meeting to discuss final matters on the SoCG focusing on Biodiversity Net Gain.
05/09/24	Email from the Applicant to Natural England	Email with Draft SoCG between Natural England and the Applicant shared with Natural England for comment.
19/09/24	Meeting between the Applicant and Natural England, and follow up email	Meeting to discuss final matters on the SoCG. Natural England returned comments on the final document.
20/09/24	Email from the Applicant to Natural England	Email with further Draft SoCG between Natural England and the Applicant shared with Natural England for comment.

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23/09/24	Email from Natural England to the Applicant	Natural England confirm sign off of the SoCG.
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- 2.1.2 It is agreed that this is an accurate record of key meetings and other forms of consultation and engagement undertaken between 1) National Highways and 2) Natural England in relation to issues addressed in this SoCG.



### 3 Issues

#### 3.1 Issues agreed, not agreed or under discussion

3.1.1 Table 3.1.1 below details the issues which have been agreed, not agreed or are under discussion between 1) National Highways and 2) Natural England.

**Table 3.1 Issues**

Ref	Issue	Doc Ref	Natural England's Position	Applicant's Position	Agree-ment Likely	Status	Date
<b>1 Ancient Woodland</b>							
1.1	Ancient Woodland - Removal of irreplaceable habitat	Chapter 8: Biodiversity of the Environmental Statement [APP-047].  Figure 8.2: Ancient Woodland and Priority Habitats of the Environmental Statement Figures [APP-068].	Concerns relating to the removal of irreplaceable habitat, such as Ancient Woodland, raised in Natural England's response to the Scheme's statutory consultation in March 2023, have been alleviated based on the submitted design which does not result in the removal of Ancient Woodland.  Natural England welcomes the commitment of the Scheme to retain existing vegetation where practicable including existing woodland. We have reviewed sections 8.10.234 to 8.10.236 within Chapter 8: Biodiversity of the Environmental Statement [APP-047] (page 134) and based on the information provided are satisfied the Scheme will have no	Section 8.10: Assessment of likely significant effects of Chapter 8: Biodiversity of the Environmental Statement [APP-047] together with Figure 8.2: Ancient Woodland and Priority Habitats of the Environmental Statement Figures [APP-068] demonstrates that there would be no direct impacts on Ancient Woodland as a result of the Scheme.  Whilst there would be no removal of ancient woodland, commitment LV3 of the Register of Environmental Actions and Commitments within the First Iteration Environmental Management Plan [APP-127] commits to minimising vegetation clearance within the temporary works areas as far as practicable.	Yes	Agreed	22/08/23

Ref	Issue	Doc Ref	Natural England's Position	Applicant's Position	Agree-ment Likely	Status	Date
			direct or indirect impacts on existing Ancient Woodland or veteran trees within the order limits or surrounding area.	Particular attention will be given to the retention of mature vegetation including individual trees, linear tree belts and woodlands.			
1.2	Ancient Woodland - Indirect impacts to ancient woodland	Chapter 8: Biodiversity of the Environmental Statement [APP-047].  Appendix 8.2: Designated Sites Air Quality Assessment of the Environmental Statement Appendices [APP-090].	<p>Natural England encourages a full assessment of impacts to Ancient Woodland to include drainage, discharges (flow, depth and chemistry) and operational use of the Scheme including air quality changes at each location of ancient woodland and for any associated planting.</p> <p>Natural England welcomes the commitment of the project to retain existing vegetation where practicable including existing woodland. We have reviewed sections 8.10.234 to 8.10.236 within Chapter 8: Biodiversity of the Environmental Statement [APP-047] and based on the information provided are satisfied the Scheme will have no direct or indirect impacts on existing Ancient Woodland or veteran trees within the order limits or surrounding area.</p>	<p>Indirect impacts to Ancient Woodland are assessed within Section 8.10 of Chapter 8: Biodiversity of the Environmental Statement [APP-047] supported by Appendix 8.2: Designated Sites Air Quality Assessment of the Environmental Statement Appendices [APP-090].</p> <p>Paragraphs 8.10.60-8.10.62 of Chapter 8: Biodiversity of the Environmental Statement [APP-047] assesses the likely significant effects on ancient woodland identified within 1km of the Order Limits. No effects are identified due to ground water flows, levels of quality, and ground water pollution, and there are no pathways to effect due to surface water run-off.</p> <p>Paragraph 8.8.12 of Chapter 8: Biodiversity of the Environmental Statement [APP-047] concludes none of the Ancient Woodlands with 200m of the construction affected road network (Philips Wood Ancient Woodland, Mere</p>	Yes	Agreed	22/07/24

Ref	Issue	Doc Ref	Natural England's Position	Applicant's Position	Agree-ment Likely	Status	Date
				<p>Clough Ancient Woodland, Clifton Wood Ancient Woodland and North Wood Ancient Woodland) would have potentially significant effects during construction due to nitrogen deposition.</p> <p>Paragraph 8.8.16 of Chapter 8: Biodiversity of the Environmental Statement [APP-047] states there are no areas of Ancient Woodland within 200m of the Order Limits and so there would be no impacts due to dust deposition during construction.</p> <p>Paragraph 8.10.61 of Chapter 8: Biodiversity of the Environmental Statement [APP-047] states that would be no effect on ground water flows, levels or quality or risk of pollution to the two Ancient Woodlands supporting ground water dependent terrestrial ecosystems.</p> <p>Paragraph 8.10.62 of Chapter 8, Biodiversity of the Environmental Statement [APP-047] states there is no pathway to effect with respect to surface water impacts for Ancient Woodlands.</p> <p>As stated in Paragraph 8.10.237 of Chapter 8, Biodiversity of the</p>			

Ref	Issue	Doc Ref	Natural England's Position	Applicant's Position	Agree-ment Likely	Status	Date
				Environmental Statement [APP-047] Mere Clough Ancient Woodland, North Wood Ancient Woodland and Philips Wood Ancient Woodland have been excluded from the assessment of effects due to nitrogen deposition and hydrological impacts during operation. There are no other pathways to effect for these receptors during operation.			
<b>2. Peat and Habitats Directive Annex 1 Habitats</b>							
2.1	Methodology for assessing soils and avoidance of Best and Most Versatile and Sensitive Soils	Chapter 9: Geology and Soils of the Environmental Statement [APP-048]. Chapter 2: The Scheme of the Environmental Statement [APP-041]. Chapter 3: Assessment of Alternatives of the Environmental Statement [APP-042]	The methodology for the assessment of significance should take account of the pattern of Agricultural Land Classification (ALC) grades on a site so that the highest significance value for the agricultural land receptor is that which is then applied to the land subject to permanent and temporary land take as a whole. The environmental statement should clearly demonstrate how the master planning has considered the ALC grades and avoided Best and Most Versatile (BMV) and sensitive soils (including peat) where possible. Natural England have assessed Chapter 9: Geology and Soils of	A detailed breakdown of the land take by ALC grade is provided in section 9.9 of Chapter 9 Geology and Soils of the Environmental Statement [APP-048]. The pattern of ALC grades has been taken into account within the assessment of effects, but this does not mean that the highest receptor value (very high for Grade 2) has been applied to the entire extent of land take, as Grade 2 soils are only present in one limited area. Chapter 2: The Scheme [APP-041] and Chapter 3: Assessment of Alternatives of the Environmental Statement [APP-042] includes information on how Scheme footprints have evolved to	Yes	Agreed	19/10/23 and 14/03/24

Ref	Issue	Doc Ref	Natural England's Position	Applicant's Position	Agree-ment Likely	Status	Date
		<p>Appendix 9.2. Agricultural Land Classification Survey Report of the Environmental Statement appendices APP-107</p> <p>Appendix 9.3. Geotechnical Investigation Report of the Environmental Statement Appendices of the Environmental Statement appendices [APP-108].</p>	<p>the Environmental Statement [APP-048] including Appendix 9.1: Soil chemical results screening table APP-106], Appendix 9.2: Agricultural Land Classification Survey Report APP-107 and Appendix 9.3. Geotechnical Investigation Report [APP-108] of the Environmental Statement Appendices and have very few comments to make, noting support of information contained within all documents.</p> <p>Natural England has assessed Chapter 9: Geology and Soils of the Environmental Statement [APP-048], together supporting information provided by the Applicant, on 17/10/23 which demonstrates that the Temporary Works Plans, including details of the location of the storage compound and spoil pile locations, show the avoidance of deep peat on the area south east of Cowl Gate Farm.</p>	<p>reduce land-take where practicable, thereby avoiding potential impacts on BMV land and sensitive soils.</p> <p>The Applicant presented to Natural England on the 17/10/23 the relationship between the Temporary Works (Figure 2.4: Temporary Works of the Environmental Statement Figures [APP-057] and the data provided in Appendix 9.2. Agricultural Land Classification survey report APP-107 and Appendix 9.3. Geotechnical Investigation Report [APP-108] of the Environmental Statement Appendices), to visually demonstrate how the Scheme has been developed to avoid sensitive soils.</p>			
2.2	Extent of peat within the Scheme Order Limits	Chapter 9: Geology and Soils of the Environmental Statement [APP-048].	Peat is a precious resource that can take thousands of years to form and should therefore be considered an irreplaceable habitat. Peat represents the largest terrestrial carbon store in	Chapter 9: Geology and Soils of the Environmental Statement [APP-048], supported by the soil logs set out in the Ground Investigation Report Appendix 9.3: Ground Investigation Report [APP-108] and	Yes	Agreed	19/10/23 14/03/24 and 04/07/24

Ref	Issue	Doc Ref	Natural England's Position	Applicant's Position	Agree-ment Likely	Status	Date
		<p>Appendix 9.1. Soil chemical results screening table of the Environmental Statement Appendices [APP-106]</p> <p>Appendix 9.2: Agricultural Land Classification Survey Report of the Environmental Statement Appendices APP-107</p> <p>Appendix 9.3: Ground Investigation Report of the Environmental Statement Appendices [APP-108]</p> <p>Appendix 13.4: Ground Water Assessment Report of the Environmental</p>	<p>the UK and performs an important role in water catchment management. Natural England do not support the principle of developing on restorable peat.</p> <p>Natural England has been in receipt of evidence, provided on the 17/10/23 which demonstrates the peat mass is not continuous and impacts would be localised. Evidence suggests that there are areas which have a peat depth of approximately 3 meters, however this is present under a series of made ground and clay.</p> <p>Natural England have also subsequently assessed Chapter 9: Geology and Soils of the Environmental Statement [APP-048] including draft Appendix 9.1. Soil chemical results screening table APP-106], Appendix 9.2. Agricultural Land Classification survey report APP-107 and Appendix 9.3. Geotechnical Investigation Report [APP-108] of the Environmental Statement Appendices and have very few comments to make, noting support of information contained within all documents.</p>	<p>Appendix 9.2: Agricultural Land Classification Survey Report of the Environmental Statement Appendices [APP-107] demonstrate that peat is very limited with no wider peat mass within the Scheme Order Limits.</p> <p>Additional information provided to Natural England on the 17.10.23 presented spatially the relationship between the Scheme works, including temporary works, and the results of the Agricultural Land Classification Survey Report and the Ground Investigation Report (now forming the Appendix 9.2: Agricultural Land Classification Survey Report APP-107 and Appendix 9.3: Ground Investigation Report [APP-108] of the Environmental Statement Appendices demonstrates that peat is very limited and that where possible, interaction with localised peat has been avoided.</p>			

Ref	Issue	Doc Ref	Natural England's Position	Applicant's Position	Agree-ment Likely	Status	Date
		Statement Appendices [APP-119]	Natural England is satisfied based on the information submitted within final versions of Chapter 9 of the Environmental Statement [APP-048], and Appendices 9.2: Agricultural Land Classification Survey Report [App-107], 9.3:Ground Investigation Report [APP-108] and 13.4:Groundwater Assessment Report [APP-119] of the Environmental Statement Appendices submitted to the Planning Inspector, that the Scheme will not impact potentially restorable deep peaty soils.				
2.3	Extent of Annex 1 Habitat 7120: Degraded raised bogs still capable of natural regeneration within the Scheme Order Limits	Chapter 8 Biodiversity of the Environmental Statement [APP-047] Chapter 8 Biodiversity Environmental Statement Figures 8.1-8.3 [APP-047] Appendix 8.1 UK Habitat Classification Report of the	Under the Habitats Directive Annex 1 there is a specific habitat (7120) described as 'Degraded raised bog still capable of natural regeneration' which is of high significance. Areas of lowland dry acid grassland, modified grassland with mixed broadleaves woodland and scrub with an underlying peat presence, under appropriate management, can be returned to peat forming vegetation.  Natural England has been in receipt of evidence 17/10/23, which demonstrates the peat	Section 8.7 of Chapter 8: Biodiversity of the Environmental Statement [APP-047] summarises the baseline information available with respect to potential peatland habitats. Section 8.10 of Chapter 8: Biodiversity of the Environmental Statement [APP-047] also assesses the effects of the Scheme on peat, including loss of peat and impacts on peat-dependent habitats. This chapter is supported by Chapter 8: Biodiversity Figures 8.1-8.3 of the Environmental Statement Figures [APP-068] and Appendix 8.1 UK Habitat Classification Report [APP-087] of	Yes	Agreed	19/10/23 14/03/24 and 22/07/24

Ref	Issue	Doc Ref	Natural England's Position	Applicant's Position	Agree-ment Likely	Status	Date
		<p>Environmental Statement Appendices [APP-087]</p> <p>Chapter 9: Geology and Soils of the Environmental Statement [APP-048]</p> <p>Appendix 9.2: Agricultural Land Classification Survey Report of the Environmental Statement Appendices APP-107</p> <p>Appendix 9.3: Ground Investigation Report of the Environmental Statement Appendices [APP-108]</p> <p>Chapter 10: Materials Assets and</p>	<p>mass is not continuous and impacts would be localised. Evidence suggests that there are areas which have a peat depth of approximately 3 meters, however this is present under a series of made ground and clay. Further, Natural England has assessed further information provided by the Applicant that confirms that there is no Annex 1 Habitat present in the Scheme Order Limits and acknowledges that the peat that is present may be more difficult to restore we strongly recommend its re-use on site, should it be extracted as part of SUDs/Pond creation. Natural England support a peat handling strategy during excavation.</p> <p>Natural England subsequently assessed the following;</p> <ul style="list-style-type: none"> <li>Chapter 9 Geology and Soils of the Environmental Statement) including associated Environmental Statement Figures and associated Environmental Statement Appendices.</li> </ul>	<p>the Environmental Statement Appendices, which confirms that no Annex 1 Habitats, including Annex 1 Habitats 7120, have been identified within 200m of the affected road network or Order Limits. No areas of lowland acid grassland were identified within the Order Limits.</p> <p>Under the Habitats Directive, degraded bogs have been identified and catalogued across the UK and must contain several peatland species found on active bogs, but not all species. Field surveys (Appendix 8.1 UK Habitats Classification Report of the Environmental Statement Appendices [APP-087]) identified a single species of soft reeds, and therefore would not be classified as a degraded bog using this classification. Soft rush (<i>Juncus effusus</i>) can grow in a wide variety of habitats from moorlands to coastlands and are supported by a wide variety of soil types from peaty soils to sandy soils. The presence of <i>Juncus effusus</i> is related to high soil moisture content rather than soil type and therefore is not a good indicator of peat(y) soils. The Scheme area is not considered</p>			



Ref	Issue	Doc Ref	Natural England's Position	Applicant's Position	Agree-ment Likely	Status	Date
		Waste of the Environmental Statement [APP-049]	<ul style="list-style-type: none"> <li>Chapter 10 Materials Assets and Waste of the Environmental Statement including associated Environmental Statement Figures and associated Environmental Statement Appendices</li> <li>First Iteration EMP main text including REAC and the following accompanying appendices to the First Iteration EMP;                             <ul style="list-style-type: none"> <li>Appendix F: Outline Soil Handling Management Plan</li> <li>Appendix G: Outline Materials Management Plan</li> </ul> </li> </ul> <p>Natural England advised on the 14/03/24 that they support the information contained within all the documents, but noted some points in relation the Appendix F Outline Soil Management Plan of the First Iteration. Natural England encouraged these points to be addressed in a revision of Appendix F.</p>	<p>suitable for peatland restoration when taken in combination with the baseline UK habitat data.</p> <p>Natural England were presented with information on the 17/10/23 from the emerging Chapter 8 Biodiversity of the Environmental Statement together with the results of the ALC Survey Report and the Ground Investigation Report (now forming the Appendix 9.2: Agricultural Land Classification Survey Report [APP-107] and Appendix 9.3: Ground Investigation Report [APP-108] of the Environmental Statement Appendices to demonstrate that that there are no peat-dependent habitats within the Order Limits.</p> <p>A revision of Appendix F: Outline Soil Management Plan of the First Iteration EMP [APP-133] addressing Natural England's comments made on the 14/03/24, will be submitted to the Planning Inspectorate in tandem with this Statement of Common Ground, at Examination Deadline 1. The measures will be secured by Requirement 4 of the draft</p>			

Ref	Issue	Doc Ref	Natural England's Position	Applicant's Position	Agree-ment Likely	Status	Date
			Natural England has reviewed a revised Appendix F: Outline Soil Handling Management Plan of the First Iteration of the Environmental Management Plan([APP-133] received on the 17/07/24 and is satisfied it now addresses our points previously raised. It is understood that this revised appendix will be submitted to the Planning Inspectorate in due course.	Development Consent Order [PD1-005].			
2.4	Impacts of peat – construction	<p>First Iteration Environmental Management Plan [APP-127]</p> <p>Appendix F: Outline Soils Management Plan of the First Iteration EMP [APP-133]</p>	<p>Natural England has assessed the draft First Iteration EMP, including the REAC and the following draft appendices to the First Iteration EMP;</p> <ul style="list-style-type: none"> <li>Appendix F: Outline Soil Handling Management Plan</li> <li>Appendix G: Outline Materials Management Plan</li> </ul> <p>Natural England advised on the 14/03/24 that they support the information contained within all the documents. Natural England also provide comment on draft Appendix F: Outline Soil Management Plan of the First Iteration EMP and encouraged</p>	<p>The Applicant has engaged soil scientists/peat specialists to advise on soil handling and reuse. This has resulted in production of Appendix F: Outline Soils Management Plan of the First Iteration EMP [APP-133] to ensure that adequate controls are in place to manage peaty soils appropriately.</p> <p>A draft revision of Appendix F: Outline Soil Management Plan of the First Iteration EMP [APP-133] addressing Natural England's comments made on the 14/03/24 will be submitted to the Planning Inspectorate in tandem with this Statement of Common Ground, at Examination Deadline 1. The</p>	Yes	Agreed	22/07/24

Ref	Issue	Doc Ref	Natural England's Position	Applicant's Position	Agree-ment Likely	Status	Date
			<p>that these be addressed in a revision of Appendix F.</p> <p>Natural England has reviewed the updated draft Appendix F: Outline Soil Management Plan received on the 17/07/24 and is satisfied it now addresses our points previously raised.</p>	<p>agreed measures will be secured by Requirement 4 of the draft Development Consent Order [PD1-005].</p>			
2.5	Impacts on deep peat - tree planting	<p>Figure 2.3: Environmental Masterplan of the Environmental Statement Figures [APP-057]</p> <p>Appendix N: Outline Landscape and Ecology Management Plan of the First Iteration [APP-141]</p> <p>Requirement 4 of the draft Development Consent Order [PD1-005].</p>	<p>Natural England encourage early considerations of planting. This should include tailored location of tree planting and species type. Natural England does not support tree planting on deep peat. It is inappropriate to establish new woodland on peat or adjacent to peat-based sites, and that the mitigation design should be more tailored and site specific. The design should not compromise future restoration of the peat.</p> <p>Natural England has been in receipt of evidence, provided on the 17/10/23 which demonstrates the peat mass is not continuous and impacts would be localised. The evidence suggests that there are areas which have a peat depth of approximately 3 metres, however this is present under a series of made ground and clay</p>	<p>The Environmental Statement (as demonstrated in the above sections) has demonstrated that the extent of peat is very limited such that this should not be a constraint to the localised tree planting to be provided; the planting mixes will be specified cognisant of the soil properties. The planting will be managed and maintained to ensure the planted areas and grassland habitats establish as intended, including within areas of peaty soils. Short term landscape maintenance covering the first five years, and longer-term management and maintenance of the planting design, shown on Figure 2.3: Environmental Masterplan of the Environmental Statement Figures [APP-057], is included in Appendix N: Outline</p>	Yes	Agreed	22/07/24

Ref	Issue	Doc Ref	Natural England's Position	Applicant's Position	Agreement Likely	Status	Date
			<p>(relating to the southern region nearest to the motorway). Whilst Natural England acknowledge this peat may be more difficult to restore, they strongly recommend it is re-used on-site, should it be extracted as part of the SUDs/pond creation. This peat can be used to provide biodiversity opportunities to enhance ponds and assist with marginal planting and other areas which are proposed to be wet.</p> <p>Natural England has reviewed Figure 2.3: Environmental Masterplan of the Chapter 2: The Scheme Figures [APP-057] , Appendix N: Outline Landscape and Ecology Management Plan [APP-141] of the First Iteration Environmental Management Plan [APP-127] and Requirement 4 of the draft Development Consent Order [PD1-005] together with the Chapter 9: Geology and Soils of the Environmental Statement [APP-048], supported by the soil logs set out in the Ground Investigation Report Appendix 9.3: Ground Investigation Report [APP-108] and Appendix 9.2: Agricultural Land Classification Survey Report of the</p>	<p>Landscape and Ecology Management Plan of the First Iteration Environmental Management Plan [APP-141]. The Outline Landscape and Ecology Management Plan will be developed into a Landscape and Ecology Management Plan as part of the Second Iteration EMP secured by Requirement 4 of the draft Development Consent Order [PD1-005]). Requirement 5 of the draft Development Consent Order [PD1-005] requires the detailed landscaping plan must reflect the mitigation measures set out in the register of environmental actions and commitments and must be based on the illustrative masterplan annexed to the environmental statement and the Outline Landscape and Ecology Management Plan.</p>			

Ref	Issue	Doc Ref	Natural England's Position	Applicant's Position	Agree-ment Likely	Status	Date
			Environmental Statement Appendices [APP-107] and is satisfied that the planting and landscaping design will not compromise any potential future restoration of the deep peat.				
2.6	Impacts to peat – carbon release from damaging peat habitat	Chapter 14: Climate of the Environmental Statement [APP-053]	<p>Natural England requires that the impacts from damaging peat habitat and the subsequent carbon release should be carefully considered in Chapter 14 Climate of the Environmental Statement [APP-053]</p> <p>Evidence has been supplied through Chapter 9: Geology and Soils of the Environmental Statement [APP-048], supported by the soil logs set out in the Ground Investigation Report Appendix 9.3: Ground Investigation Report [APP-108] and Appendix 9.2: Agricultural Land Classification Survey Report [APP-107] of the Environmental Statement Appendices which demonstrates the peat mass is not continuous and impacts would be localised. Natural England support a peat handling strategy during excavation.</p>	<p>Chapter 9: Geology and Soils of the Environmental Statement, [APP-048] supported by the soil logs set out in the Ground Investigation Report Appendix 9.3: Ground Investigation Report [APP-108] and Appendix 9.2: Agricultural Land Classification Survey Report [APP-107] of the Environmental Statement Appendices demonstrate that peat is very limited with no wider peat mass within the Scheme Order Limits.</p> <p>Notwithstanding, potential impacts to peat habitats are considered in Chapter 8 Biodiversity of the Environmental Statement [APP-047], and greenhouse gas emissions associated with the extraction of peat soils are considered in Chapter 14 Climate of the Environmental Statement [APP-053] with construction phase GHG emissions summarised with a more detailed breakdown provided in Appendix 14.1 Estimation of</p>	Yes	Agreed	22/07/24

Ref	Issue	Doc Ref	Natural England's Position	Applicant's Position	Agree-ment Likely	Status	Date
			<p>Natural England has reviewed the First Iteration Environmental Management Plan [APP-127]) including the accompanying Appendix F: Outline Soil Handling Management Plan [APP-133] which includes strategies to manage peat to minimise carbon loss.</p> <p>Natural England noted positive comments being made in relation to greenhouse gas emissions. We also highlighted some points in relation the Appendix F: Outline Soil Management Plan of the First Iteration EMP [APP-133].</p> <p>Natural England has reviewed the updated draft Appendix F received 17/07/24 and is satisfied the strategies to manage peat including using rainwater or water of a nutrient low value for stockpiling where practical will help minimise carbon realise.</p>	<p>GHG Emissions [APP-123] of the Environmental Statement Appendices.</p> <p>Consideration has been given to whether GHG emissions could be offset through on-site peat restoration. Figures 8.1-8.3 of the Chapter 8: Biodiversity Figures [APP-068] Environmental Statement Figures and Appendix 8.1: UK Habitat Classification Report [APP-087] of the Environmental Statement Appendices confirm no Annex 1 Habitats, within the Order Limits. The Scheme area is not considered suitable for peatland restoration when taken in combination with the baseline UK habitat data.</p> <p>Any peat/peaty material excavated during the works would be handled in accordance with Appendix F: Outline Soils Management Plan of the First Iteration EMP [APP-133], which has been developed in accordance with good practice guidance, including feedback raised from Natural England, and would help mitigate potential adverse effects on all soil resources. The Outline Soils Management Plan will</p>			

Ref	Issue	Doc Ref	Natural England's Position	Applicant's Position	Agree-ment Likely	Status	Date
				be developed into the Soils Management Plan as part of the Second Iteration EMP secured by Requirement 4 of the draft Development Consent Order [PD1-005].			
<b>3. Designated Sites</b>							
3.1	Impacts to Rochdale Canal Special Area of Conservation (SAC) due to potential air quality impacts	Chapter 8: Biodiversity of the Environmental Statement [APP-047]  Appendix 8.13 Habitats Regulations Assessment Report of the Environmental Statement Appendices [APP-103]	Rochdale Canal SAC is scoped into Chapter 8: Biodiversity of the Environmental Statement [APP-047] and a Habitats Regulations Assessment (HRA) set out in Appendix 8.13 Habitats Regulations Assessment Report of the Environmental Statement Appendices [APP-103] has been undertaken.  Following review of the draft HRA in March 2024, Natural England confirmed (14/03/24) that they agreed with the conclusions of the draft HRA and had no further comments to make.  Natural England has reviewed the application version of Appendix 8.13 Habitats Regulations Assessment Report of the Environmental Statement Appendices [APP-103] submitted to the Planning Inspectorate in	Rochdale Canal SAC is scoped into Chapter 8: Biodiversity of the Environmental Statement [APP-047] and an HRA has been undertaken as summarised in Appendix 8.13: Habitats Regulations Assessment Report [APP-103] of the Environmental Statement Appendices.  The Stage 1 Screening Assessment within the HRA at Appendix 8.13 of the Environmental Statement Appendices [APP-103] concluded that likely significant effects could not be discounted, as a result of the changes in air quality from operational vehicle emissions on the M62 for the Rochdale Canal SAC when considered alone and in-combination with other plans and projects. The HRA was therefore progressed to Stage 2.	Yes	Agreed	14/03/24 and 22/07/24

Ref	Issue	Doc Ref	Natural England's Position	Applicant's Position	Agree-ment Likely	Status	Date
			April, and is satisfied with the approach (methodology and assumptions used to inform the assessment) set out in the HRA to assess for impacts, and agrees with the conclusions of the Stage 1 Screening and appropriate assessment stage, and justification for reaching them. Natural England are satisfied the Scheme will have no adverse effects on Rochdale Canal SAC.	The statement to inform an appropriate assessment concludes, beyond reasonable scientific doubt, that the Scheme will not adversely affect the integrity of the Rochdale Canal SAC during its construction or operational phases, either alone or in combination with other plans or projects.			
3.2	Impacts on Ashclough Site of Special Scientific Interest (SSSI) and Nob End SSSI due to potential pollution of connecting waterbodies	Chapter 8: Biodiversity of the Environmental Statement [APP-047].	<p>Natural England reviewed Chapter 8 Biodiversity of the Environmental Statement [APP-047], which concludes the Scheme would not impact Ashclough SSSI and Nob End SSSI due to the embedded and essential and best practice mitigation measures in the design of the Scheme, which will treat any surface or ground water before it is discharged into nearby watercourses.</p> <p>Natural England concurs with this conclusion, on the basis these design, mitigation and enhancement measures (especially those in relation to attenuation storage in the form of ponds, swales and pipes) are</p>	Ashclough SSSI and Nob End SSSI are scoped into Chapter 8: Biodiversity of the Environmental Statement [APP-047] Paragraphs 8.10.5-8.10.8 and 8.10.190-8.10-191 assess the likely significant effects on the sites due to construction and operation of the Scheme respectively. The assessment concludes that with mitigation there would be no significant adverse effects on Ashclough SSSI and Nob End SSSI.	Yes	Agreed	22/07/24



Ref	Issue	Doc Ref	Natural England's Position	Applicant's Position	Agree-ment Likely	Status	Date
			included within the final design of the Scheme.				
<b>4. Biodiversity Net Gain Matters</b>							
4.1	Defra Metric Version 3.1	Appendix: 8.12 Biodiversity Net Gain report of the Environmental Statement Appendices [APP-102]	Natural England's review of Appendix: 8.12: Biodiversity Net Gain Report of the Environmental Statement Appendices [APP-102] concludes for this Scheme, the use of Defra Metric 3.1, is satisfactory as this was the newest metric when the initial proposal was brought forward.	Appendix 8.12: Biodiversity Net Gain Report of the Environmental Statement Appendices [APP-102] sets out which Defra Metric has been used for the assessment of BNG. The Defra Metric 3.1 has been used to calculate biodiversity losses and compensation as it was the version of the metric that was current at the time the Biodiversity Net Gain was first assessed for the Scheme, and it has been used throughout the design development of the Scheme.	Yes	Agreed	01/12/23
4.2	Biodiversity net gain target – Scheme's target of no net loss	Appendix: 8.12 Biodiversity Net Gain Report of the Environmental Statement Appendices [APP-102]	Natural England welcome the increase in biodiversity units from the Scheme as set out in Appendix: 8.12 Biodiversity Net Gain Report [APP-102] of the Environmental Statement Appendices, particularly the 58% hedgerow unit increases. Natural England also welcome ' <i>no net loss</i> ' in river and stream habitat. However, although it is not mandatory to achieve a 10% net gain in biodiversity units (for each	The Environment Act 2021 sets out the mandatory provision of biodiversity net gain which should be at least a 10% gain in habitats of that lost to a Scheme. This is expected to be mandatory for all NSIPs by November 2025. There is currently no legal requirement for the Scheme to provide biodiversity net gain.  The Applicant has sought to maximise biodiversity delivery	Yes	Agreed	18/09/24

Ref	Issue	Doc Ref	Natural England's Position	Applicant's Position	Agree-ment Likely	Status	Date
			<p>unit type) on NSIPs until 2025, we would encourage the Scheme to achieve at least 10% net gain on all unit type as good practice. Natural England strongly support the ambition to identify opportunities to further reduce habitat loss and minimise lags between habitat loss as the detailed design stage develops. As well as aiming to avoid habitat loss, we advise that during the detailed design stage there should also be a focus on identifying opportunities for enhancement to achieve greater BNG, and maximise the condition and distinctiveness of habitats to be created.</p>	<p>within the Order Limits through provision of new habitats within the landscaping scheme and enhancement of existing retained vegetation, forecasting an overall net gain of 3.68% for habitats and 58.50% for hedgerows and 0% for rivers and streams on-site post-construction as detailed in Appendix 8.12, Biodiversity Net Gain Report of the Environmental Statement Appendices [APP-102]. Therefore, the Scheme's target of no net loss is likely to be achieved.</p> <p>The Applicant notes that whilst 10% biodiversity net gain is desirable and is expected to become mandatory for NSIPs in November 2025, the lack of policy/legislative imperative to deliver 10% net gains in biodiversity make it challenging to justify the compulsory acquisition of land to do so. In the context of a Scheme where most of the land will be acquired through compulsory acquisition, it is likely not to be possible to deliver 10% net gains in biodiversity through the DCO process for this particular Scheme.</p> <p>The environmental design shown on Figure 2.3: Environmental Masterplan of the Chapter 2:</p>			

Ref	Issue	Doc Ref	Natural England's Position	Applicant's Position	Agree-ment Likely	Status	Date
				<p>Figures [APP-057] shows the location of mitigation planting. The Environmental Masterplan would be developed into a detailed landscaping design at the Detailed Design stage of the Scheme. As this design evolves the Applicant will continue to seek to maximise biodiversity delivery.</p> <p>Appendix N: Outline Landscape and Ecology Management Plan [APP-141] of the First Iteration Environmental Management Plan [APP-127] includes details of the maintenance of the landscape and ecological features including timescales. The Outline Landscape and Ecology Management Plan will be developed into the Landscape and Ecology Management Plan as part of the Second Iteration Environmental Management Plan for implementation during construction, and developed into the Third Iteration Environmental Management Plan securing the long term commitments to aftercare. This is secured by Requirement 4 of the draft Development Consent Order [PD1-005]. Measures within the management plan would seek to ensure the condition of new and</p>			

Ref	Issue	Doc Ref	Natural England's Position	Applicant's Position	Agree-ment Likely	Status	Date
				retained habitats is maximised, to increase the overall number of BNG units achieved by the Scheme.			
4.3	Ratio for sealed surface and vegetated gardens used to represent gardens, housing and associated road networks	Appendix: 8.12 Biodiversity Net Gain Report of the Environmental Statement Appendices [APP-102]	Natural England's review of Appendix: 8.12 Biodiversity Net Gain Report of the Environmental Statement Appendices welcomed the precautionary approach taken, in relation to the ratio used for sealed surface and vegetated gardens used to represent gardens, housing and associated road networks, as set out in Section 2.5.8 of Appendix 8.12: Biodiversity Net Gain Report of the Environmental Statement Appendices [APP-102].	<p>Section 2.5.8 of Appendix: 8.12 Biodiversity Net Gain Report of the Environmental Statement Appendices [APP-102] sets out the ratio used for sealed surface and vegetated gardens used to represent gardens, housing and associated road networks.</p> <p>Approximately 34% of the survey area was carried out using aerial imagery as it comprised private residential areas. Within the Biodiversity Metric 3.1 User Guide (Panks, et al., 2022) it suggests a 70:30 ratio between sealed surface and vegetated gardens be used to represent the gardens and housing, including associated road networks. A more precautionary approach was taken in this assessment, following assessment of the aerial imagery, and a 50:50 approach was applied to ensure the coverage of vegetated garden was not undervalued. This approach is reflected in both the baseline and post development calculations and inputted into the Metric as areas of</p>	Yes	Agreed	01/12/23

Ref	Issue	Doc Ref	Natural England's Position	Applicant's Position	Agree-ment Likely	Status	Date
				sealed surface and vegetated garden.			
4.4	Identifying habitats in BNG assessment in line with the Prototype Greater Manchester Local Nature Recovery Strategy (LNRS)	Appendix: 8.12 Biodiversity Net Gain Report of the Environmental Statement Appendices [APP-102]	<p>The Scheme is within a Prototype Greater Manchester LNRS for Greater Manchester. It informs the preferences for habitat types as shown on Greater Manchester's Odin Portal. The main types of habitat that have been agreed through consultation include grassland, lowland wetland and some tree planting. The Prototype LNRS document on pages 95 to 98 clearly outline the desired outcomes and high to medium priority levels.</p> <p>Where the BNG Metric is used to inform the design of habitats, it should be noted that identification of sites within an LNRS as 'opportunity sites' is reflected as a 1.15 uplift for strategic significance where the Metric references 'Formally identified in local strategy'.</p> <p>Based on our review of draft Appendix: 8.12 Biodiversity Net Gain Report of the Environmental Statement Appendices Natural England advised (via email on the 10/11/23 and the 01/12/23) that</p>	<p>For the purposes of the BNG assessment, Appendix: 8.12 Biodiversity Net Gain Report [APP-102] of the Environmental Statement Appendices, habitats within the Order Limits have been considered as being formally identified in the local strategy which is the highest level of strategic significance that can be applied within the Defra metric. This is based on the mapping exercise undertaken by Greater Manchester Ecology Unit (GMEU) to plot opportunity parcels for habitat creation, restoration and enhancement across the Greater Manchester city-region as part of the Greater Manchester Local Nature Recovery Strategy (LNRS) Opportunities, 2021 pilot (GM Open Data Infrastructure Map   MappingGM).</p> <p>The Applicant notes Natural England's comments in relation to the LNRS.</p>	Yes	Agreed	10/11/23 and 01/12/23

Ref	Issue	Doc Ref	Natural England's Position	Applicant's Position	Agree-ment Likely	Status	Date
			they welcome the reflection of the prototype LNRS in Greater Manchester in the BNG assessment. The Applicant should note that the LNRS Regulations and Statutory Guidance were published in March 2023. Greater Manchester are now preparing an LNRS in line with those regulations and statutory guidance. This document will replace the Prototype LNRS with a planned adoption in December 2024. Natural England has no further comment to make.				
4.5	Trading rules	Appendix: 8.12 Biodiversity Net Gain [APP-102] Report of the Environmental Statement Appendices	<p>Within Section 2.5.12 of Appendix: 8.12 Biodiversity Net Gain Report of the Environmental Statement Appendices [APP-102] a check area warning has been identified. This suggests the trading rules have not been met within the metric. Natural England note, that once BNG become mandatory, future projects will need to meet the Trading rules.</p> <p>Within Section 3.2.5 of Appendix: 8.12 Biodiversity Net Gain Report of the Environmental Statement</p>	As explained in Paragraph 2.5.12 of Appendix 8.12 Biodiversity Net Gain Report [APP-102] within the Metric the 'check areas' warning is present. The area of habitat lost equates to 40.89ha, with the habitat creation amounting to 41.07ha. This is a difference of 0.18ha where the Metric tool expects losses and creation to match exactly. This mismatch is considered likely due to the mapping process which can result in small gaps and overlaps between the habitat parcels, and	Yes	Agreed	01/12/23

Ref	Issue	Doc Ref	Natural England's Position	Applicant's Position	Agree-ment Likely	Status	Date
			<p>Appendices [APP-102], Natural England offers the following comment; medium distinctiveness habitats require delivery of same broad habitat type or higher distinctiveness habitat of habitats being lost to avoid the loss of habitats as they are deemed to be of particular importance. We encourage habitats to not be lost but acknowledge this is yet to become mandatory. We support reference to the creation of wet woodland, where appropriate.</p> <p>Natural England has reviewed Section 3.2.8 of Appendix: 8.12 Biodiversity Net Gain Report of the Environmental Statement Appendices [APP-102],and accept the justification provided for not meeting the trading rules. However, please note this is on a case-by-case basis.</p>	<p>the Metric tool rounding the data which is inputted to four decimal points.</p> <p>The Applicant notes Natural England's comments in relation to the trading rules and mandatory BNG.As explained in Paragraph 2.5.12 of Appendix 8.12 Biodiversity Net Gain Report [APP-102] the Metric results highlight that trading rules are not met for medium distinctiveness habitats, specifically 'other woodland; broadleaved', with the trading deficit being -34.48 units. Medium distinctiveness habitats require the delivery of the same broad habitat type or higher distinctiveness habitat to the same value of the habitat units being lost.</p> <p>In order to address this trading rule issue, extensive discussions with the design team were undertaken to seek changes to the design to minimise loss of 'other woodland; broadleaved'. This resulted in retention of small area of woodland in the southern part of the Order Limits (connected to Hazlitt Wood Site of Biological Importance). However, it was not possible to</p>			

Ref	Issue	Doc Ref	Natural England's Position	Applicant's Position	Agree-ment Likely	Status	Date
				<p>avoid impacts to other areas of 'other woodland; broadleaved' habitat, because most of this habitat is immediately adjacent to the existing highway and has to be cleared to enable construction of the Scheme.</p> <p>Next a review of the landscape design was undertaken with the aim of mitigating the loss of 'other woodland; broadleaved' by increasing the area of woodland within the landscape design. This resulted in changes to the design which incorporated an additional 2.63ha of 'lowland mixed deciduous woodland and other woodland; broadleaved' and a reduction in grassland, wet woodland and coniferous woodland creation, which whilst having an overall impact of the predicted net gain figure (a reduction of 2.44%), meant that the net loss of units associated with 'other woodland; broadleaved' was reduced, which moved the Scheme closer to addressing the trading rules.</p> <p>To fully satisfy the trading rules, would result in the entire Order</p>			



Ref	Issue	Doc Ref	Natural England's Position	Applicant's Position	Agree-ment Likely	Status	Date
				Limits being landscaped with woodland planting, leading to a reduction in the diversity of habitats and therefore associated fauna which is a less optimal approach for biodiversity.			
4.6	Management of BNG	<p>Appendix 8.12 – Biodiversity Net Gain Report of the Environmental Statement Appendices [APP-102]</p> <p>Appendix N: Outline LEMP of the First Iteration Environmental Management Plan [APP-141]</p> <p>Draft Development Consent Order [PD1-005]</p>	<p>Natural England acknowledge that a Landscape and Ecological Management Plan (LEMP) is being developed for the Scheme.</p> <p>Further detail within the draft LEMP should be provided on how the newly created habitats will be managed and monitored. For mandatory BNG the legislation requires a 30-year Habitat management and monitoring plan (HMMP). Natural England advise any management and monitoring for BNG for this Scheme should follow the same principles so that any created habitats are subject to long term management and monitoring as part of the LEMP. The LEMP should cover a period of at least 30 years.</p> <p>Natural England has reviewed Appendix N: Outline LEMP of the First Iteration Environmental Management Plan [APP-141, and</p>	<p>Appendix N: Outline LEMP of the First Iteration Environmental Management Plan [APP-141] was submitted with the DCO application. Requirement 4 of the draft DCO[PD1-005] secures the development of the First iteration Environmental Management Plan [APP-127] and associated appendices (which includes the Outline LEMP), into the Second iteration Environmental Management Plan and Third iteration Environmental Management Plan. It also requires that the Scheme must be operated and maintained substantially in accordance with the Third iteration Environmental Management Plan.</p> <p>Appendix N: Outline LEMP [APP-141] of the First Iteration Environmental Management Plan [APP-127] summarises broad habitat management measures for</p>	Yes	Agreed	18/09/24

Ref	Issue	Doc Ref	Natural England's Position	Applicant's Position	Agree-ment Likely	Status	Date
			<p>note whilst it does not include any details at this stage of long term management and monitoring of the newly created habitats, in Section N.7.4 it is sets out that the Third Iteration EMP would then be subject to a process of ongoing review and amendment during the lifetime of the Scheme.</p> <p>Appendix N: Outline LEMP of the First Iteration Environmental Management Plan [APP-141] includes long term management and monitoring in place for the lifetime of scheme, Natural England advise that we find this acceptable.</p>	<p>the short term (years 0-5) and longer term (years 5 onwards) management of the site. Short term management would be undertaken by a landscaping contractor as part of the aftercare period for planting. Thereafter, the soft estate would be managed by the Applicant in perpetuity. Typical maintenance activities for land not retained by the Applicant post the five-year aftercare period would be subject to landowner agreement and defined within the LEMP.</p>			
4.7	Securing biodiversity net gain	Appendix 8.12 – Biodiversity Net Gain Report of the Environmental Statement Appendices [APP-102]	In Natural England's response to relevant representations, we recommend that the target increase in BNG is secured by a suitably worded requirement in the Development Consent Order.	After consideration, the Applicant will not be including a BNG requirement in the draft Development Consent Order [PD1-005]. Compliance with BNG policies and achievement of a 10% net gain (as per Environment Act 2021) is not yet a requirement for NSIPs.	Yes	Agreed	18/09/24

Ref	Issue	Doc Ref	Natural England's Position	Applicant's Position	Agree-ment Likely	Status	Date
		<p>Figure 2.3: Environmental Masterplan of the Environmental Statement Figures [APP-057]</p> <p>Draft Development Consent Order [PD1-005]</p>	<p>As BNG is not yet a requirement for NSIP Developments, Natural England recommend this to secure the delivery of BNG as part of the scheme.</p> <p>The Applicant has clarified whilst the BNG target will not be secured by a separate requirement on the DCO, they have explained how it will be secured under other proposed requirements, in this case through Requirement 4 and 5 of the draft Development Consent Order [PD.-005]. Natural England advise that this mechanism to secure BNG is acceptable.</p>	<p>However, the Scheme is forecasting an overall net gain of 3.68% for habitats and 58.50% for hedgerows and 0% for rivers and streams on-site post-construction as detailed in Appendix 8.12, Biodiversity Net Gain Report of the Environmental Statement Appendices [APP-102]. This would be achieved through enhancement of retained habitats and through new landscape planting as shown on Figure 2.3: Environmental Masterplan of the Environmental Statement Figures [APP-057] on land acquired for landscape mitigation for screening of visual impacts, landscape integration and other purposes such as ecological mitigation for protected species. These mitigation measures and implementation of the Environmental Masterplan are secured by Requirement 5 of the draft DCO [PD1-005]. This planting would have a secondary benefit of contributing towards biodiversity net gain. However, the measures designed to achieve BNG are already secured under Requirement 4 of the draft DCO [PD1-005] in relation to the Second</p>			

Ref	Issue	Doc Ref	Natural England's Position	Applicant's Position	Agree-ment Likely	Status	Date
				Iteration Environmental Management Plan which includes the Register of Environmental Actions and Commitments and the Outline Landscape and Ecology Management Plan, and Requirement 5 of the draft DCO [PD1-005] which secures the Environmental Masterplan.			
<b>5. Licensing matters</b>							
5.1	Mitigation for great crested newts	Appendix 8.15 Great Crested Newt District Level Licence Impact Assessment and Conservation Payment Certificate of the Environmental Appendices [APP-105]  Appendix 8.8 Great Crested Newt Survey Report of the Environmental Statement	Natural England issued a countersigned Great Crested Newt District Level Licence Impact Assessment and Conservation Payment Certificate (IACPC) on the 29/01/24. The date of the certificate is given as the 06/12/23.	Working with Natural England the Applicant has secured a countersigned Great Crested Newt District Level Licence Impact Assessment and Conservation Payment Certificate (IACPC).  The IACPC is provided within Appendix 8.15: Great Crested Newt District Level Licence Impact Assessment and Conservation Payment Certificate of the Environmental Appendices [APP-105].	Yes	Agreed	29/01/24

Ref	Issue	Doc Ref	Natural England's Position	Applicant's Position	Agreement Likely	Status	Date
		<p>Appendices [APP-098]</p> <p>Chapter 8: Biodiversity of the Environmental Statement [APP-047].</p>					
5.2	Licence and mitigation for badgers	<p>Appendix 8.14: Draft badger licence of the Environmental Statement Appendices (Confidential) [APP-104]</p> <p>Appendix 8.4 Badger Survey Report of the Environmental Statement Appendices (Confidential) [APP-092]</p> <p>Chapter 8: Biodiversity of the Environmental Statement [APP-047].</p>	<p>Natural England reviewed the draft Badger Licence Badger Licence of the Environmental Statement Appendices and provided feedback in a meeting and follow up email on the 14/02/24.</p> <p>A revised Draft Badger Licence was submitted to Natural England on the 22/05/24. This has been assessed and a LONI was issued on the 02/07/24. On the basis of the information and proposals provided, Natural England sees no impediment to a licence being issued, should the Development Consent Order be granted. This is conditional on the following:</p> <ul style="list-style-type: none"> <li>An updated walkover survey of the area must be completed prior to the formal submission. The results of this should be</li> </ul>	<p>The Applicant's revised Draft Badger Licence has been assessed by Natural England. Natural England issued a LONI for a badger licence for the Scheme on the 02/07/24. The LONI is provided in Appendix A of this SoCG. The revised Draft Badger Licence will be submitted at Examination Deadline 1 to replace the submitted Appendix 8.14: Draft Badger Licence of the Environmental Statement Appendices [APP-104].</p> <p>The Applicant has reviewed and updated Chapter 8: Biodiversity of the Environmental Statement [APP-047]. The First Iteration EMP [APP-127] including Appendix D Outline General Ecology Plan to be in alignment with the agreed Draft Badger Licence These documents will be submitted to the Planning Inspectorate In tandem with this</p>	Yes	Agreed	02/07/24

Ref	Issue	Doc Ref	Natural England's Position	Applicant's Position	Agree-ment Likely	Status	Date
			<p>detailed for Natural England to assess accordingly.</p> <ul style="list-style-type: none"> <li>Relevant plans must be provided to include communication duct routes in the proximity of setts where appropriate.</li> </ul>	<p>Statement of Common Ground, at Examination Deadline 1.</p> <p>Pre-construction surveys for badgers are secured by Commitment B13 of the REAC within the First Iteration EMP [APP-127] and would be submitted to Natural England with the final badger licence application if and when the DCO is made.</p> <p>The final badger licence would also include plans showing the communication duct routes in the proximity of setts where appropriate.</p>			
<b>6. Public Rights of Way and access to the countryside</b>							
6.1	Public rights of way and access to the countryside	<p>Chapter 12: Population and Human Health of the Environmental Statement [APP-051]</p> <p>Figure 2.3 Environmental Masterplan of the Environmental Statement</p>	<p>The Scheme should consider potential impacts on access land, common land and rights of way. Natural England encourages measures to help improve people's access to the natural environment.</p> <p>Measures, such as reinstating existing footpaths together with the creation of new footpaths and bridleways, should be considered.</p> <p>Natural England have reviewed the information provided in relation to impacts on Public</p>	<p>As the Scheme is required to deliver capacity improvements at the Simister Island Interchange, it has limited impact on access land, common land and rights of way.</p> <p>Chapter 12: Population and Human Health of the Environmental Statement [APP-051] assess the effects on Walking, Cycling and Horse Riding (WCH) during operation of the Scheme as not significant. The operational effects on footpaths are set out in Table 12.21 of Chapter 12: Population</p>	Yes	Agreed	01/12/23

Ref	Issue	Doc Ref	Natural England's Position	Applicant's Position	Agree-ment Likely	Status	Date
		Figures [APP-057] Streets and Rights of Way Plan [APP-008]	Rights of Way and access to the countryside and have no comments.	and Human Health of the Environmental Statement [APP-051]. The Scheme would not cause any new severance of existing routes for WCH.  The Scheme as set out on Figure 2.3 Environmental Masterplan of Chapter 2: The Scheme Figures [APP-057] the Environmental Statement Figures and the Streets, Rights of Way and Access Plans [APP-008] includes for a modest enhancement for recreational walkers through the realignment of public footpaths 28aPRE and 29aPRE through an ecological mitigation area in the south-east part of the Scheme. This would create an extended right of way which would help connect people with nature.			
6.2	Green Networks/Green Infrastructure	Chapter 12: Population and Human Health of the Environmental Statement [APP-051] Figure 2.3 Environmental Masterplan of	Links to other green networks and urban fringe areas should also be explored to help promote the creation of wider green infrastructure. Relevant aspects of local authority green infrastructure strategies should be delivered where appropriate.  Natural England's GI Mapping Toolkit tool shows that places with	Chapter 12: Population and Human Health of the Environmental Statement [APP-051] assesses the effects on WCH during operation of the Scheme as not significant. The operational effects on footpaths are set out in Table 12.21 of Chapter 12: Population and Human Health of the Environmental Statement [APP-051]. The Scheme would not	Yes	Agreed	01/12/23

Ref	Issue	Doc Ref	Natural England's Position	Applicant's Position	Agree-ment Likely	Status	Date
		the Environmental Statement Figures [APP-057]  Streets, Access and Rights of Way Plan [APP-008]	the greatest need for more access to greenspace coincide with some of Greater Manchester's most deprived areas, these are the places where GI interventions will have the most positive effects.  Natural England reviewed the information provided on the 04/07/23, and the application submission documents, and has no specific comments on the Scheme in relation to Green Infrastructure other than to offer broader general advice on green infrastructure with reference to our Green Infrastructure Framework (2023).	cause any new severance of existing routes for WCH.  The Scheme as set out on Figure 2.3 Environmental Masterplan of the Environmental Statement Figures [APP-057] and the Streets, Access and Rights of Way Plan [APP-008] includes for a modest enhancement for recreational walkers through the realignment of public footpaths 28aPRE and 29aPRE through an ecological mitigation area in the south-east part of the Scheme. This would create an extended right of way which would help connect people with nature.			
<b>Development Consent Order</b>							
	Requirement 4 Environmental Management Plan	Draft Development Consent Order [PD1-005]	Natural England confirms no comment on the wording of Requirement 4 of the draft Development Consent Order [PD1-005].	The Applicant notes Natural England's position of no comment.	Yes	Agreed	19/09/24
	Requirement 5 Landscaping	Draft Development Consent Order [PD1-005]	Natural England confirms no comment on the wording of Requirement 5 of the draft Development Consent Order [PD1-005].	The Applicant notes Natural England's position of no comment.	Yes	Agreed	19/09/24



Ref	Issue	Doc Ref	Natural England's Position	Applicant's Position	Agree-ment Likely	Status	Date
	Requirement 7 Protected Species	Draft Development Consent Order [PD1-005]	Natural England confirms no comment on the wording of Requirement 7 of the draft Development Consent Order [PD1-005].	The Applicant notes Natural England's position of no comment.	Yes	Agreed	19/09/24

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## **Appendix A : Letter of No Impediment - Badgers**

Date: 02 July 2024  
Our ref: 2023-66817-SPM-AD1  
(NATIONALLY SIGNIFICANT INFRASTRUCTURE  
PROJECT)



Mr Ben Wade,  
Project Director, Costain  
Costain House, Vanwell Business Park,  
Maidenhead, Berkshire, SL6 4UB,  
United Kingdom,  
[REDACTED]

*Sent by e-mail only*

Dear Mr Wade,

**DRAFT MITIGATION LICENCE APPLICATION STATUS:** SUBSEQUENT DRAFT APPLICATION

**LEGISLATION:** THE PROTECTION OF BADGERS ACT 1992 (as amended)

**NSIP:** M60/M62/M66 Simister Island Interchange

**SPECIES:** Badger (*Meles meles*)

Thank you for your subsequent draft badger mitigation licence application in association with the above NSIP site, received in this office on 05/06/2024. As stated in our published guidance, once Natural England is content that the draft licence application is of the required standard, we will issue a 'letter of no impediment'. This is designed to provide the Planning Inspectorate and the Secretary of State with confidence that the competent licensing authority sees no impediment to issuing a licence in future, based on information assessed to date in respect of these proposals.

### **Assessment**

Following our assessment of the resubmitted draft application documents received on 05/06/2024, I can now confirm that, on the basis of the information and proposals provided, Natural England sees no impediment to a licence being issued, should the DCO be granted.

This is conditional on the following:

- An updated walkover survey of the area must be completed prior to the formal submission. The results of this should be detailed for Natural England to assess accordingly.
- Relevant plans must be provided to include communication duct routes in the proximity of setts where appropriate.

### **Next Steps**

Should the DCO be granted then the mitigation licence application must be formally submitted to Natural England. At this stage any modifications to the timings of the proposed works, e.g. due to ecological requirements of the species concerned, must be made and agreed with Natural England before a licence is granted. Please note that there will be no charge for the formal licence application determination, should the DCO be granted, or the granting of any licence.

If other minor changes to the application are subsequently necessary, e.g. amendments to the work schedule/s then these should be outlined in a covering letter and must be reflected in the formal submission of the licence application. These changes must be agreed by Natural England before a licence can be granted. If changes are made to proposals or timings which do not enable us to meet reach a 'satisfied' decision, we will issue correspondence outlining why the proposals are not acceptable and what further information is required. These issues will need to be addressed before any licence can be granted.

Full details of Natural England's licensing process with regards to NSIP's can be found at the following link:

[http://webarchive.nationalarchives.gov.uk/20140605090108/http://www.naturalengland.org.uk/Images/wml-g36\\_tcm6-28566.pdf](http://webarchive.nationalarchives.gov.uk/20140605090108/http://www.naturalengland.org.uk/Images/wml-g36_tcm6-28566.pdf)

As stated in the above guidance note, I should also be grateful if an open dialogue can be maintained with yourselves regarding the progression of the DCO application so that, should the Order be granted, we will be in a position to assess the final submission of the application in a timely fashion and avoid any unnecessary delay in issuing the licence.

I hope the above has been helpful. However, should you have any queries then please do not hesitate to contact me.

Yours sincerely

Owen Turner

Tel: [REDACTED]

E-mail: [REDACTED]@naturalengland.org.uk

## **Annex - Guidance for providing further information or formally submitting the licence application.**

**Important note: when submitting your formal application please mark all correspondence 'FOR THE ATTENTION OF OWEN TURNER'.**

### **Submitting Documents.**

Documents must be sent to the Customer Services Wildlife Licensing (postal and email address at the top of this letter).

### **Changes to Documents –Reasoned Statement/Method Statement.**

Changes must be identified using one or more of the following methods:

- underline new text/strikeout deleted text;
- use different font colour;
- block-coloured text, or all the above.

### **Method Statement**

When submitting a revised Method Statement please send us one copy on CD, or by e-mail if less than 5MB in size, or alternatively three paper copies. The method statement should be submitted in its entirety including all figures, appendices, supporting documents. Sections of this document form part of the licence; please do not send the amended sections in isolation.

# Customer Feedback – EPS Mitigation Licensing

To help us improve our service please complete the following questionnaire and return to:

Customer Services, Natural England, First Floor, Temple Quay House, 2 The Square, Bristol, BS1 6EB.

Fax: 0845 6013438 or email to [wildlife@naturalengland.org.uk](mailto:wildlife@naturalengland.org.uk)



[Redacted]	<b>Natural England Reference Number (optional):</b>	Please tick to indicate your role:	Consultant	<input type="checkbox"/>
			Developer (Applicant/Licensee)	<input type="checkbox"/>

## 1. How easy was it to get in contact with the Wildlife Management & Licensing team of Natural England?

*Difficult (1)*                      *OK (2)*                      *Easy (3)*                      *Very Easy (4)*  
                                                                 

If 1 please specify who you initially contacted in relation to your issue/enquiry?

## 2. Please tell us how aware you were (BEFORE you contacted us) of wildlife legislation and what it does/does not permit in relation to your enquiry?

*Unaware (1)*                      *Very Limited Awareness (2)*                      *Partially Aware (3)*                      *Fully Aware (4)*  
                                                                 

## 3. How would you rate the service provided by Natural England?

	<i>Poor</i> 1	<i>Fair</i> 2	<i>Good</i> 3	<i>Excellent</i> 4	<i>Not applicable</i>
Ease of completion of application	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Advice provided by telephone (if applicable)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Our web site (if applicable)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Clarity and usefulness of published guidance	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Helpfulness and politeness of staff	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Advice and clarity of explanations provided during Method Statement assessment	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Advice and clarity of explanations provided during Reasoned Statement assessment	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Speed of process	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Overall service	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

If 1 or 2 to any of the above please specify why:

## 4. Was your issue/enquiry resolved by the activity authorised under licence or advice provided by us?

*Fully*                      *Partially*                      *Unresolved*  
                                           

If not fully resolved please state what you think could have been done instead (note legislation affects which actions can be licensed):

## 5. Was there a public reaction to any action taken under the licence or as a result of our advice?

*Positive support*                      *No reaction*                      *Negative reaction*  
                                           

## 6. Would you use a fully online licensing service if it could be made available in the future?

*Definitely*                      *Possibly*                      *Unlikely*                      *No*  
                                                                 

7. Do you have any further comments to make or suggestions for improving our service, if yes please specify (continue comments on an additional sheet if necessary). *If you are happy to be contacted at a later date to explore possible improvement options, please tick this box  and ensure your Natural England reference number is at the top of this page.*