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# London Luton Airport Expansion

Planning Inspectorate Scheme Ref: TR020001

Volume 8 Additional Submissions (Examination)

**8.42 Statement of Common Ground between London  
Luton Airport Limited and Natural England (Tracked  
Change Version)**

Infrastructure Planning (Examination Procedure) Rules 2010

Application Document Ref: TR020001/APP/8.42

**The Planning Act 2008**

**The Infrastructure Planning (Examination Procedure) Rules 2010**

**London Luton Airport Expansion Development Consent  
Order 202x**

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**8.42 STATEMENT OF COMMON GROUND BETWEEN LONDON  
LUTON AIRPORT LIMITED (TRADING AS LUTON RISING) AND  
NATURAL ENGLAND (TRACKED CHANGE VERSION)**

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## **STATEMENT OF COMMON GROUND**

**This Statement of Common Ground has been prepared and agreed by (1) London Luton Airport Limited (trading as Luton Rising) and (2) Natural England.**

Signed on Behalf of LONDON LUTON AIRPORT LIMITED (TRADING AS LUTON RISING)

Signature:

Name:

Position:

Date:

Signed on Behalf of NATURAL ENGLAND

Signature:

Name:

Position:

Date:

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# 1 INTRODUCTION AND PURPOSE

## 1.1 Purpose of Statement of Common Ground

- 1.1.1 This Statement of Common Ground (SoCG) relates to an application made by London Luton Airport Limited, trading as Luton Rising (“the Applicant”), to the Secretary of State for Transport under section 37 of the Planning Act 2008 (“the Act”).
- 1.1.2 The application is for an order granting development consent, known as a Development Consent Order (DCO). The draft DCO is referred to as the London Luton Airport (Expansion) Development Consent Order. The DCO, if granted, would authorise an increase of the permitted capacity of London Luton Airport (“the airport”) to 32 million passengers per annum (mppa) (“the Proposed Development”).
- 1.1.3 This SoCG has been prepared by the Applicant and Natural England in respect of the Proposed Development. In particular, this SoCG focuses on:
- a. The methodology, baseline conditions, proposed mitigation, construction and operation assessment results, residual effects, mitigation measures, and study area, for the air quality, landscape and visual effects, biodiversity, geology and soils, waste and resources, noise and vibration, and water resources assessments.
  - b. The rationale behind which designated sites were included in the air quality modelling.
  - c. The assessment of impacts (cumulative and landscape and visual) on the Chilterns Area of Outstanding Natural Beauty.
  - d. Biodiversity net gain proposals and green infrastructure.
  - e. Impacts on ancient woodland.
  - f. Protected species mitigation strategies.
- 1.1.4 The purpose and possible content of SoCGs is set out in paragraphs 58-65 of the Department for Communities and Local Government’s guidance entitled “Planning Act 2008: examination of applications for development consent” (26 March 2015). Paragraph 58 of that guidance explains the basic function of SoCGs:
- “A statement of common ground is a written statement prepared jointly by the applicant and another party or parties, setting out any matters on which they agree. As well as identifying matters which are not in real dispute, it is also useful if a statement identifies those areas where agreement has not been reached. The statement should include references to show where those matters are dealt with in the written representations or other documentary evidence.”*
- 1.1.5 SoCGs are therefore a useful and established means of ensuring that the evidence at the DCO examination phase focuses on the material differences

between the main parties, and so aim to help facilitate a more efficient examination process.

## 1.2 Parties to this SoCG

- 1.2.1 The Applicant is the owner of the airport and is a private limited company wholly owned by Luton Borough Council (LBC). The airport is managed and operated by London Luton Airport Operations Ltd through a Concession Agreement with the Applicant and LBC. This agreement lasts until 2032.
- 1.2.2 Natural England is the government's adviser for the natural environment in England, helping to conserve, enhance and manage the natural environment. It is listed as a prescribed consultee in Schedule 1 of the Infrastructure Planning (Applications: Prescribed Forms and Procedure) Regulations 2009 and so has been consulted throughout the course of the Proposed Development.
- 1.2.3 The Applicant and Natural England are collectively referred to in this SoCG as 'the parties'. The parties have been, and continue to be, in direct communication in respect of the Proposed Development.

## 1.3 Proposed Development description

- 1.3.1 The Proposed Development builds on the current operational airport with the construction of a new passenger terminal and additional aircraft stands to the north east of the runway. This will take the overall passenger capacity [from 19](#) to 32 mppa<sup>1</sup>. In addition to the above and to support the initial increase in demand, the existing infrastructure and supporting facilities will be improved in line with the incremental growth in capacity of the airport.
- 1.3.2 Key elements of the Proposed Development include:
- (i) extension and remodelling of the existing passenger terminal (Terminal 1) to increase the capacity;
  - (ii) new passenger terminal building and boarding piers (Terminal 2);

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<sup>1</sup>. On 1 December 2021, the local planning authority (Luton Borough Council) resolved to grant permission for the current airport operator (LLAOL) to grow the airport up to 19 mppa, from its previous permitted cap of 18 mppa. However, the application was then called-in and referred to the Secretary of State for determination instead of being dealt with by the local planning authority, and an inquiry to consider the called-in application took place between Tuesday 27 September 2022 and Friday 18 November 2022. At the time the application for development consent was submitted, the outcome of the inquiry was still unknown and, therefore, all of the core assessment undertaken for the application used a "baseline" of 18 mppa. The application by LLAOL has however since been approved, with a joint decision to grant planning permission issued by the Secretary of State for Transport and Secretary of State for Levelling Up, Housing and Communities on 13 October 2023. In anticipation of this, the Applicant's environmental assessments included sensitivity analysis of the implications of the permitted cap increasing to 19mppa. As a result, the Applicant believes that the environmental assessments are sufficiently representative of the likely significant effects of expansion, whether the baseline is 18 mppa or 19 mppa. Where the change of the baseline does affect an assessment topic, in most cases it means that the "core" assessments (using an 18 mppa baseline) report a marginally greater change than would be the case with a 19 mppa baseline. The findings of the assessment, including the sensitivity analysis, are presented in the Environmental Statement submitted with the application for development consent.

- (iii) earthworks to create an extension to the current airfield platform; the vast majority of materials for these earthworks would be generated on site;
- (iv) airside facilities including new taxiways and aprons, together with relocated engine run-up bay and fire training facility;
- (v) landside facilities, including buildings which support the operational, energy and servicing needs of the airport;
- (vi) enhancement of the existing surface access network, including a new dual carriageway road accessed via a new junction on the existing New Airport Way (A1081) to the new passenger terminal along with the provision of forecourt and car parking facilities;
- (vii) extension of the Luton Direct Air to Rail Transit (Luton DART) with a station serving the new passenger terminal;
- (viii) landscape and ecological improvements, including the replacement of existing open space; and
- (ix) further infrastructure enhancements and initiatives to support the target of achieving zero emission ground operations by 2040<sup>2</sup>, with interventions to support carbon neutrality being delivered sooner including facilities for greater public transport usage, improved thermal efficiency, electric vehicle charging, on-site energy generation and storage, new aircraft fuel pipeline connection and storage facilities and sustainable surface and foul water management installations.

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<sup>2</sup> This is a Government target, for which the precise definition will be subject to further consultation following the *Jet Zero Strategy*, and which will require further mitigations beyond those secured under the DCO.

## 2 ENGAGEMENT WITH NATURAL ENGLAND

### 2.1 Summary of engagement

- 2.1.1 The pre-application statutory consultation carried out by the Applicant, and the way in which it has informed the application for development consent, is set out in full in the **Consultation Report [AS-048]**. As a statutory consultee, Natural England was consulted on the proposals in accordance with section 42 of the [Act](#), and [Act and](#) submitted a formal response to the consultation carried out by the Applicant.
- 2.1.2 The parties continue to be in direct communication in respect of the Proposed Development.
- 2.1.3 This SoCG between the parties is based on a programme of consultation and ongoing engagement which are summarised in Table 2-1. This sets out the meetings and substantive correspondence that took place and the topics discussed. Matters under discussion are set out in section 3.

Table 2-1: Engagement between the Applicant and Natural England

Date	Form of correspondence	Details
18 February 2020	Meeting – Biodiversity Technical Working Group meeting 4	Overview of project provided to bring NE up to speed. Discussion on land ownership of wider hedgerow network, clarified <del>that</del> <u>what</u> the Applicant will seek to do through landowner agreement or <u>acquired</u> rights through DCO.
4 April 2022	Email/letter	Response submitted to the 2022 statutory consultation.
7 June 2022	Meeting – Biodiversity Technical Working Group meeting 5	Provided update on Proposed Development and ongoing ecology assessment work and associated methodologies. Discussed consultation responses, and approach to Biodiversity Net gain.
27 September 2022	Meeting - Mitigation	Provided further update on Proposed Development, discussed approach to Biodiversity Net gain, licensing requirements and Statement of Common Ground (SoCG) process.
7 June 2023	Meeting - SoCG	Provided further update on the Proposed Development and discussed the issues in the SoCG following NE's initial comments.
18 July 2023	Meeting - SoCG	Discussion of issues following submission of NE's Relevant Representations and further updates to SoCG.



<u>25 October</u> <u>2023</u>	<u>Meeting - SoCG</u>	<u>Discussion of issues following submission</u> <u>of additional information and further</u> <u>updates to SoCG.</u>
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### 3 MATTERS AGREED, ONGOING, OR NOT AGREED

Table 3-1: Summary of matters

SOCG ID	Matter	Natural England position	The Applicant position	Source of Agreement	Agreed / Ongoing / Not agreed
<b>3.1 Project Description</b>					
3.1.1	Description of the proposed development	Natural England are working proactively with the Applicant to ensure that the proposals take into account environmental impacts and any required mitigation measures. Natural England's statutory remit is to ensure that the natural environment is conserved and enhanced.	Noted.	Topic specific meeting on 07.06.2023	Agreed
<b>3.2 Assessment of Alternatives</b>					
3.2.1	Assessment of Alternatives	Natural England has no comment to make regarding whether alternative options have been adequately assessed within <b>Chapter 3</b> of the <b>Environmental Statement (ES) [AS-026]</b> .	Noted.	Topic specific meeting on 07.06.2023	<del>Agreed</del> Applicable

SOCG ID	Matter	Natural England position	The Applicant position	Source of Agreement	Agreed / Ongoing / Not agreed
<b>3.3 Air Quality</b>					
3.3.1	Approach to assessment methodology	Natural England agrees that the air quality impact assessment methodology is appropriate for assessing the air quality effects of the scheme with specific regard to the use of the National Highways Ammonia Nitrogen Deposition Tool (version 2) to calculate ammonia emissions from road traffic for inclusion in the assessment.	Noted.	Topic specific meeting on 18.07.2023	Agreed
3.3.2	Baseline conditions	Natural England agrees that the baseline data gathering effort including monitoring for air quality is appropriate and <a href="#">the</a> baseline described is adequate for assessing the ecological effects of the scheme.	Noted.	Topic specific meeting on 18.07.2023	Agreed
3.3.3	Proposed mitigation	Natural England agrees with the mitigation measures set out in the chapter.	Noted.	Topic specific meeting on 18.07.2023	Agreed

<b>SOCG ID</b>	<b>Matter</b>	<b>Natural England position</b>	<b>The Applicant position</b>	<b>Source of Agreement</b>	<b>Agreed / Ongoing / Not agreed</b>
3.3.4	Assessment results (construction)	Natural England agrees with the assessment results in relation to the construction elements of the scheme.	Noted.	Topic specific meeting on 18.07.2023	Agreed
3.3.5	Assessment results (operation)	Natural England agrees with the assessment results in relation to the scheme operations.	Noted.	Topic specific meeting on 18.07.2023	Agreed
3.3.6	Residual effects	Natural England agrees with the assessment of residual effects.	Noted.	Topic specific meeting on 18.07.2023	Agreed
3.3.7	Methods for securing mitigation	Natural England is content with the mitigation proposed within the ES regarding air quality and associated Requirements in the draft DCO.	Noted.	Topic specific meeting on 18.07.2023	Agreed
3.3.8	Study area	Natural England is satisfied with the study area for air quality assessment, in line with its Air Quality Distance Criteria for airports.	Noted.	Topic specific meeting on 18.07.2023	Agreed
3.3.9	Air quality modelling	Natural England requests further information on the rationale as to why	The sites not included in the air quality modelling have been	Topic specific	Agreed

SOCG ID	Matter	Natural England position	The Applicant position	Source of Agreement	Agreed / Ongoing / Not agreed
		<p>some designated sites within the 15km x 15km grid were not included in the air quality modelling, and why they have been screened out.</p>	<p>screened out as they do not fall within the study area. The study area is defined as within 5km and 2km of the Main Application Site for designated and non-designated ecological sites respectively, and designated and non-designated sites within <del>0.2km</del>200m from the Affected Road Network (ARN), which extends beyond the 5km criteria, capturing potential effects from road traffic as a result of the Proposed Development.</p> <p>The criteria for determining the ARN is provided in <b>Chapter 7</b> of the <b>ES [AS-076]</b> and follows current IAQM guidance.</p>	<p>meeting on 18.07.2023</p>	
3.3.10	Air quality results	<p>Results for N deposition, NOx and NH<sub>3</sub> for Dallow Downs and Winsdon Hill SSSI, Cowslip Meadows SSSI, Wain Wood SSSI, Galley and Warden Hills SSSI, and Smithcombe, Sharpenhoe and Sundon Hills SSSI, were requested.</p> <p>Natural England has received the air quality assessment and has no further concerns.</p>	<p>Air quality results have been provided to Natural England and we note there are no further questions about air quality as confirmed via email (received 31.7.23).</p>	<p>Topic working group meeting 18/7/23 and via email 31.07.23</p>	<p>OngoingAgreed</p>

SOCG ID	Matter	Natural England position	The Applicant position	Source of Agreement	Agreed / Ongoing / Not agreed
<h3>3.4 Landscape and Visual Effects</h3>					
3.4.1	Approach to assessment methodology	<p><del>Natural England seeks clarification on why the LVIA rates the sensitivity of receptors within the AONB as 'high' rather than 'very high, and how if adjusted this would alter the LVIA's assessment.</del> NE is otherwise content that the landscape and visual impact assessment methodology reflects the guidance for <a href="#">Landscape and Visual Impact Assessment (LVIA)</a> provided by the Landscape Institute, although we have not assessed its application to landscape beyond the AONB and its 'setting'. NE normally only provides landscape and visual planning advice for designated landscapes. The LVIA does need to be supplemented with an assessment of effects on the defined special qualities of the AONB and this is covered later in this SoCG.</p>	<p>The presence of the <a href="#">Chilterns Area of Outstanding Natural Beauty (AONB)</a> does not automatically confer a rating of very high sensitivity to receptors within the AONB. The sensitivity of landscape and visual receptors is derived from a combination of landscape value, <del>and</del> susceptibility and classified as low, medium or high, which is in line with guidance set out by the Landscape Institute (LI) and IEMA (<a href="#">Institute of Environmental Management and Assessment</a>).</p> <p>An <del>additional</del> assessment of effects on the special qualities of the Chilterns AONB <del>will is being be prepared.</del> <del>The proposed methodology has been issued to NE for comment.</del></p> <p>NE provided comment on <del>the methodology on 22.08.23 and on a draft version of the assessment on 23.10.23</del> <del>the additional</del> <del>An updated</del></p>	<p><a href="#">Topic specific meeting on 25.10.23</a></p>	<p><a href="#">Ongoing Agreed</a></p>

SOCG ID	Matter	Natural England position	The Applicant position	Source of Agreement	Agreed / Ongoing / Not agreed
			<u>draft</u> assessment will be submitted to NE shortly. <a href="#">(see 3.4.8 below)</a>		
3.4.2	Baseline conditions	<p>Natural England is not able to advise definitively that the baseline data for an LVIA in relation to the AONB is comprehensive. However, assuming that the relevant Landscape Character Assessment(s), the AONB Management Plan have been used, and viewpoints have been agreed with the Chilterns Conservation Board, then the baseline should be adequate.</p> <p>The relevant LPAs will need to advise on the appropriateness of the baseline for the wider non-designated landscape.</p>	Noted.	Topic specific meeting on 18.07.2023	Agreed
3.4.3	Proposed mitigation	<p>Natural England is unable to confirm that the mitigation proposed within the ES in relation to the AONB and the continuing delivery of its statutory purpose, is adequate. There is a particular issue of whether any mitigation is possible for the significant effects of increased air traffic over the AONB for the operational phase.</p>	<p><del>Noted. An additional assessment of effects on the special qualities of the Chilterns AONB will be prepared, the proposed methodology has been issued to NE for comment. No significant visual effects are identified in relation to the AONB. Similarly no significant landscape effects are identified during Phases</del></p>		Ongoing Agreed

SOCG ID	Matter	Natural England position	The Applicant position	Source of Agreement	Agreed / Ongoing / Not agreed
		Currently none is proposed but with no explanation of why.	<p><u>1 and 2a of the Proposed Development.</u></p> <p><u>No landscape mitigation measures are available to mitigate the significant effects of increased air traffic over the AONB for Phase 2b and the operational phase.</u></p>		
3.4.4	Assessment results (construction)	Natural England has not reviewed the assessment results in relation to the construction elements of the scheme. Because NE was not consulted on the LVIA prior to the submission of the ES we have had to focus on the operational effects of the scheme on the AONB as a more pressing matter.	Noted.	Topic specific meeting on 18.07.2023	Agreed
3.4.5	Assessment results (operation)	<p>Natural England requires the question raised about the LVIA methodology to be answered, and effects on the AONB's special qualities to be assessed in order to reach agreement with the applicant on the assessment results in relation to the scheme operations.</p> <p>We have also raised the issue of increased road traffic generated by the scheme potentially increasing traffic on</p>	<p>The question regarding the LVIA methodology <u>and effects on the AONB's special qualities</u> are addressed at 3.48.1. <del>An additional assessment of effects on the special qualities of the Chilterns AONB will be prepared. The proposed methodology has been issued to NE for comment.</del> A comprehensive Transport Assessment has been submitted with the application and</p>	Topic specific meeting on 18.07.2023	Agreed



SOCG ID	Matter	Natural England position	The Applicant position	Source of Agreement	Agreed / Ongoing / Not agreed
		<p>minor roads within the AONB with consequences for relative tranquillity and pressures to upgrade those roads to cope with greater traffic volumes. Any traffic modelling for other parts of the ES ought to be factored into the assessment of landscape and visual impacts and/or effects on special qualities.</p>	<p>modelling did not show that any works to roads in the AONB were required. The noise assessment reported in the ES included road traffic noise and no significant effects were identified in the AONB. Traffic will be considered in the further assessment of effects on specific qualities of the AONB.</p>		
3.4.6	Residual effects	As above.	Noted. See responses to <a href="#">3.4.1</a> and <a href="#">3.4.5</a> .	Topic specific meeting on 18.07.2023	Agreed
3.4.7	Cumulative impacts	<p>Natural England is not able to confirm that there would not be a cumulative impact with 'other projects' which may impact the statutory purpose of the Chilterns AONB, notably Heathrow, Gatwick and Stanstead. Pre-application consultation with NE may have allowed us to consider this matter further. However, in the circumstances, we are content to accept the applicant's assessment and position subject to the Chiltern's Conservation Board, with its direct local knowledge, not raising</p>	<p>The extent of the applications and allocations search is based on the Zone of Influence (ZOI) identified by each of the environmental topics.</p> <p>The search area and 'other developments' has been amended throughout the Environmental Impact Assessment based on PINS and Chilterns Conservation Board (CCB) commentary, to include airports in the south east. These changes have been detailed in <b>Chapter 21 In-combination and</b></p>	Topic specific meeting on 18.07.2023	Agreed

SOCG ID	Matter	Natural England position	The Applicant position	Source of Agreement	Agreed / Ongoing / Not agreed
		<p>significant concerns about this through the examination phase.</p>	<p><b>cumulative effects</b> in the <b>ES [AS-032]</b>. The assessment has included consideration of Stansted, Heathrow, Gatwick and London City airports, and has shown there would be no overlap with the core ZOIs for the Proposed Development. Accordingly, cumulative effects with other airport expansion in the south east have not been considered further.</p>		
3.4.8	Impact on AONB	<p>Natural England notes that an assessment of the landscape and visual impacts of the proposals on the Chilterns AONB has been carried out. This requires a degree of clarification (see earlier in this SoCG) and should be supplemented by an assessment of effects on the defined special qualities of the AONB. The applicant will propose how that further assessment will be carried out.</p> <p>Natural England would like to see an acknowledgement that the permanent deterioration of the sense of tranquillity within the AONB is a significant adverse effect on the AONB’s statutory purpose.</p>	<p>The landscape and visual impacts of the proposals on the Chilterns AONB are assessed in <b>Chapter 14 Landscape and Visual</b> of the <b>ES [AS-079]</b>.</p> <p>There is no agreed methodology for assessing effects on tranquillity. An outline of how tranquillity is assessed in the ES is provided in <b>Chapter 5 [AS-075]</b> and <b>Section 16.5 of Chapter 16</b> of the <b>ES [REP1-003AS-080]</b>.</p> <p>The LVIA regards tranquillity when undertaking the assessment of effects on landscape receptors</p>		Ongoing

SOCG ID	Matter	Natural England position	The Applicant position	Source of Agreement	Agreed / Ongoing / Not agreed
			<p>(specifically where identifying the value of a landscape receptor and when considering the magnitude of landscape impacts on that receptor). Further detail on this is provided in <b>Appendix 14.1</b> of the <b>ES [AS-036]</b>.</p> <p>The Chilterns AONB is located approximately 3km north and 5km west of the airport. The study area for the LVIA includes, for the purpose of considering impacts on tranquillity, land within the Chilterns AONB where aircraft would be below 7,000 ft. (AMSL) as identified on <b>Figures 14.14 to 14.17</b> of the <b>ES [REP4-037AS-102]</b>.</p> <p>An <del>additional</del> assessment of effects on the special qualities of the Chilterns AONB <del>will is being be prepared, the proposed methodology has been issued to NE for comment.</del></p> <p><del>NE provided comment on 22.08.23 and the additional assessment will be submitted to NE shortly.</del></p> <p><del>A draft Assessment</del></p>		

SOCG ID	Matter	Natural England position	The Applicant position	Source of Agreement	Agreed / Ongoing / Not agreed
			<p><u>An assessment of the impacts on the special qualities of the AONB was submitted to NE on 23.10.23. NE commented on 31.10.23 with comments that there are key issues which will need to be addressed in the next iteration of the assessment and an endorsement of comments made by Chilterns Conservation Board.</u></p>		
3.4.9	Green Infrastructure Linkages	<p>Natural England would like confirmation of whether potential GI linkages with adjacent allocations and the Chilterns Way have been considered and how the Masterplan has taken them into account.</p>	<p>GI Linkages within and adjacent to the proposed development are shown in the <b>Strategic Landscape Masterplan [APP-172]</b> submitted as part of the DCO Application</p>		Ongoing
3.4.10	Replacement Open Space	<p><u>The Applicant has provided</u> Natural England <del>would like</del><u>with</u> confirmation of the level of community engagement <del>is</del> happening on the design of replacement open space provision.</p>	<p>Community engagement on the design of replacement open space provision to date has taken place principally via statutory consultation on the proposed development in autumn 2019 and spring 2022 and will continue during the Examination period.</p>	<p><u>Topic specific meeting on 25.10.2023</u></p>	<p><u>Ongoing Agreed</u></p>

SOCG ID	Matter	Natural England position	The Applicant position	Source of Agreement	Agreed / Ongoing / Not agreed
<b>3.5 Biodiversity</b>					
3.5.1	Approach to assessment methodology	Natural England agrees that the ecological impact assessment methodology is appropriate for assessing the ecological effects of the scheme.	Noted.	Topic specific meeting on 07.06.2023	Agreed
3.5.2	Baseline conditions	Natural England agrees that the baseline data gathering effort including field surveys for biodiversity is appropriate for those species requiring a licence and the baseline described is adequate for assessing the ecological effects of the scheme on those species. For all other species we have no comment	Noted.	Topic specific meeting on 07.06.2023	Agreed
3.5.3	Bats	<p>Natural England notes the loss of foraging habitats, commuting routes, and roosting sites for bats as a result of the proposed development.</p> <p>Natural England's standing advice provides guidance on how protected species should be dealt with in the planning system, and whether a mitigation licence is required. We</p>	<p>The Applicant has discussed the baseline and predicted impacts to bats through the <a href="#">Thematic Working Group (TWG)</a>.</p> <p>A bat mitigation strategy has been produced and has been shared with Natural England prior to <a href="#">the</a> DCO submission. This details the baseline, impacts, mitigation, and</p>	Email from NE to applicant 31.07.2023	Agreed

SOCG ID	Matter	Natural England position	The Applicant position	Source of Agreement	Agreed / Ongoing / Not agreed
		provide advice and Letters of No Impediment through our licensing team. We have received the draft licence application documents and the applicant has agreed to our recommendations. We are now in position to issue a Letter of No Impediment.	approach to bat licensing for the Proposed Development.  <u><a href="#">A letter of no impediment regarding a licence under section 55 of the Conservation of Habitats and Species Regulations 2017, for affecting bats, has been received from Natural England.</a></u>		
3.5.4	Bats	Natural England agrees that the baseline survey work and assessment of effects presented for bats are adequate.	Noted.	Topic specific meeting on 07.06.2023	Agreed
3.5.5	Great crested newts	We provide standing advice for great crested newts affected by development where a licence is not required.	Noted.	Topic specific meeting on 07.06.2023	<u><a href="#">Agreed</a></u> <u><a href="#">Not</a></u> <u><a href="#">Applicable</a></u>
3.5.6	Dormice	We provide standing advice for dormice affected by development where a licence is not required.	Noted.	Topic specific meeting on 07.06.2023	<u><a href="#">Agreed</a></u> <u><a href="#">Not</a></u> <u><a href="#">Applicable</a></u>

SOCG ID	Matter	Natural England position	The Applicant position	Source of Agreement	Agreed / Ongoing / Not agreed
3.5.7	Reptiles	We provide standing advice for reptiles affected by development	Noted	Topic specific meeting on 07.06.2023	<a href="#">Agreed</a> <del>Not</del> <a href="#">Applicable</a>
3.5.8	Otter and water vole	We provide standing advice for otter and water vole affected by development where licences are not required.	Noted.	Topic specific meeting on 07.06.2023	<a href="#">Agreed</a> <del>Not</del> <a href="#">Applicable</a>
3.5.9	Badger	Natural England agrees that the baseline survey work, assessment of effects and mitigation presented for badgers are adequate. Natural England have provided comment on a draft strategy for this species on 5th April 2023, concluding the baseline survey work and proposed mitigation for badger is acceptable. We have received the draft licence application documents and the applicant has agreed to our recommendations. We are now in position to issue a Letter of No Impediment.	Noted. <a href="#">A letter of no impediment regarding a licence under section 16 of the Wildlife and Countryside Act 1981 and Badger Act 1992 for affecting badgers has been received from Natural England.</a>	Email received 31.07.2023	Agreed
3.5.10	Roman snail	Natural England agrees that the baseline survey work, assessment of effects and mitigation presented for	Noted.	Topic specific	Agreed

<b>SOCG ID</b>	<b>Matter</b>	<b>Natural England position</b>	<b>The Applicant position</b>	<b>Source of Agreement</b>	<b>Agreed / Ongoing / Not agreed</b>
		Roman snail are adequate. Natural England have provided comment on a draft strategy for this species on 9th May 2023, concluding the mitigation and monitoring strategy for Roman snail mitigation is acceptable.		meeting on 07.06.2023	
3.5.11	Birds	We provide standing advice for birds affected by development where these are not interest features of designated sites	Noted.	Topic specific meeting on 07.06.2023	<a href="#">Agreed</a> <del>Not</del> <a href="#">Applicable</a>
3.5.12	Assessment results (construction)	Natural England agrees with the assessment results regarding designated sites and protected species requiring a licence in relation to the scheme construction.	Noted.	Topic specific meeting on 07.06.2023	Agreed
3.5.13	Residual effects	Natural England agrees with the assessment of residual effects regarding designated sites and protected species requiring a licence.	Noted.	Topic specific meeting on 07.06.2023	Agreed
3.5.14	Methods for securing mitigation	Natural England is content with the mitigation proposed for protected species requiring a licence within the ES	Noted.	Topic specific meeting on 07.06.2023	Agreed



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		regarding biodiversity and associated Requirements in the draft DCO.			
3.5.15	Biodiversity net gain	Natural England advises that biodiversity net gain will be difficult to achieve considering the likely unavoidable adverse impacts on Wigmore Park County Wildlife Site and potential impacts to ancient woodland.	<p>The Applicant has discussed the scheme design and approach to biodiversity net gain, through the Biodiversity Technical Working Group (TWG), since this comment was received as part of consultation. The revised scheme delivers biodiversity net gain of 10% and full details of the biodiversity metric calculation are presented in <b>Appendix 8.5</b> of the <b>ES [APP-067]</b>.</p> <p>The Applicant is continuing to liaise with Natural England on some points of detail relating to the net gain assessment, including further justification for predicted condition scores predicted for grassland and woodland habitats.</p>		Ongoing
3.5.16	Biodiversity net gain	Natural England notes the Applicant's submission on Biodiversity Net Gain provision ( <b>Appendix 8.5 Biodiversity Net Gain Report [APP-067]</b> ). Natural England is not a statutory consultee on Biodiversity Net Gain but has provided	Noted. The Applicant is continuing to liaise with Natural England on some points of detail relating to the net gain assessment.		Ongoing.

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		<p>the Applicant with feedback on this document.</p> <p>Natural England requests further justification as to why the condition scores have been chosen, as well as more detail regarding measures to manage and mitigate impacts from visitors.</p>			
3.5.17	Open space and biodiversity net gain	<p>Natural England requires further information on the intentions for the open space outlined, and whether it is expected to contribute towards biodiversity net gain, as open space has also been proposed for health and community purposes.</p>	<p>The Applicant has discussed the scheme design and approach to biodiversity net gain with the Biodiversity TWG since this comment was received as part of <del>consultation, and</del> <u>consultation and</u> has provided Natural England with <del>the</del> draft biodiversity net gain calculations. During the Biodiversity TWG, the Applicant clarified that open space will contribute towards biodiversity net gain, as all habitats are included within these calculations.</p> <p>The revised scheme delivers biodiversity net gain and full details of the biodiversity metric calculation</p>		Ongoing

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			<p>are presented in <b>Appendix 8.5</b> of the <b>ES [APP-067]</b>.</p> <p><u>The Applicant has committed to monitoring all habitats every five years and implementing corrective/replacement measures to ensure that biodiversity net gain is achieved. This is detailed in Table 7.2 Outline schedule and responsible parties for habitat monitoring onsite, presented in <b>Appendix 8.2</b> of the <b>ES [AS-029]</b>.</u></p>		
3.5.18	Irreplaceable habitat	<p>Natural England advises that the loss of an area of irreplaceable habitat, such as ancient woodland, should be omitted from the main biodiversity metric calculation for the proposed development. Irreplaceable habitats would need to be treated separately and require bespoke mitigation-/ compensation in addition to the 10% net gain commitment outlined.</p>	<p>This has been discussed further through the Biodiversity TWG. The scheme design has avoided the loss of irreplaceable habitats such as ancient woodland. As such, bespoke mitigation-/compensation is not required. Full details of the biodiversity metric calculation are presented in <b>Appendix 8.5</b> of the <b>ES [APP-067]</b>.</p> <p>Regarding veteran trees, tree 343 will be re-coppiced and translocated to retain the tree (<b>Chapter 14</b>, of the</p>	Pre-application discussions with NE in June and July 2023	Agreed

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			<p><b>ES [AS-079]</b>), although it is acknowledged that the success of translocation cannot always be guaranteed.</p>		
3.5.19	Green infrastructure	<p>Natural England considers that the Proposed Development is within an area that could benefit from enhanced green infrastructure provision. Advice consideration is given to how biodiversity and wider environmental net gains can be maximised through good design of green infrastructure, including creating links between existing environmental assets.</p>	<p>The Applicant has discussed the scheme design and approach to green infrastructure provision and biodiversity net gain since this comment was received as part of consultation.</p> <p>Further design work has included enhanced green infrastructure provision, including hedgerow and marginal corridor creation and enhancement to strengthen ecological networks in the local landscape.</p> <p>The revised scheme delivers biodiversity net gain and full details of the biodiversity metric calculation are presented in <b>Appendix 8.5</b> of the <b>ES [APP-067]</b>.</p>	Pre-application discussions with NE in June and July 2023	Agreed
3.5.20	Ancient woodland	<p>Natural England advises that any impacts on ancient woodland should be considered in line with paragraph 175 of</p>	<p>The Applicant has considered impacts to ancient woodland in line with the suggested guidance. These</p>	Pre-application discussions	Agreed

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		the NPPF. Natural England has standing advice on ancient woodland.	are presented within <b>Chapters 8 (Biodiversity, AS-027) and 14 (Biodiversity Landscape and Visual, AS-079) Revision 1</b> of the ES [AS-079].	with NE in June and July 2023	
3.5.21	Orchid translocation	Natural England <u>previously requested</u> clarity on the protection that translocated orchids will receive in the open space area. <u>Natural England commented that <del>The</del> the</u> hydrology of donor and receptor sites needs to be considered for translocations and habitat creation.	The Applicant has provided details of the proposed translocation within <b>Appendix 8.10 Ecological Mitigation Strategy - Orchid and Invertebrate [AS-035]</b> . The use of temporary fencing will be considered within the open space areas along with information boards to inform site users of the purpose of the exercise. The Applicant will also include a hydrology assessment of receptor sites alongside proposed soil testing in advance of translocation.	<u>-Topic specific meeting on 18.7.23</u>	<u>OngoingAgreed</u>
3.5.22	Sensitive receptors	Natural England agree with the sensitive receptors for the biodiversity assessments (designated nature conservation sites; important habitats including section 41 priority habitats; protected species; and notable flora and fauna).	Noted.	Pre-application discussions with NE in June and July 2023	Agreed

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3.5.23	Climate change effects and mitigation measures	Natural England has no comment to make on climate change effects and mitigation measures	Noted. Information gathered through this engagement has been used to inform the habitat and landscape proposals and the ES.	Pre-application discussions with NE in June and July 2023	<a href="#">Agreed</a> <del>Not</del> <a href="#">Applicable</a>
3.5.24	Habitats Regulations Assessment	Natural England agrees with the approach to, and associated results and conclusions contained within the Appendix 8.3, the <b>Habitats Regulations Assessment No Significant Effects Report [APP-171]</b> .	Noted.	Topic specific meeting on 07.06.2023	Agreed
<b>3.6 Soils and Geology</b>					
3.6.1	Approach to assessment methodology	<p>Natural England agrees that the impact assessment methodology used in Chapter 17 of the ES (Soils and Geology) is appropriate for assessing the effects on geology and soils from the scheme.</p> <p>We stated in our response in June 2023 that we agree with the general conclusion that effects on BMV would be moderate adverse (significant).</p>	Noted.		Ongoing

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		<p>However, we recommended that the agricultural land and soils were assessed in line with the IEMA (2021) Guidelines: 'A New Perspective on Land and Soil in Environmental Impact Assessment' (2022).</p>			
3.6.2	Baseline conditions	<p>We require simple land take breakdowns for each phase and component. For example, total agricultural area impacted by scheme (split by scheme phase and by Agricultural Land Classification (ALC) grade), and total BMV agricultural area permanently and temporarily required for the development (split by phase).</p> <p>We require a soil balance to clearly identify the soil volume breakdowns for each phase and soil type.</p>	<p><del>Noted.</del> <u>The Applicant provided NE with the requested information via email on 19 October 2023 and following further comment discussions, and update. NE confirmed on 28<sup>th</sup> November 2023 that their specialist has considered the responses and is now satisfied that they address <del>our</del> their comments regarding a soil balance breakdown phase by phase. <del>provided comments on the information on 6 November 2023 which are being reviewed by the Applicant and to which responses will be provided shortly.</del></u></p>		OngoingAgreed
3.6.3	Proposed mitigation	<p>Natural England agrees with the baseline conditions used.</p>	Noted.	Topic specific meeting on 18.07.2023	Agreed

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3.6.4	Assessment results (construction)	Natural England agrees with the assessment results in relation to the construction elements of the scheme.	Noted.	Topic specific meeting on 18.07.2023	Agreed
3.6.5	Assessment results (operation)	Natural England agrees with the assessment results in relation to the scheme operations.	Noted.	Topic specific meeting on 18.07.2023	Agreed
3.6.6	Residual effects	Natural England agrees with the assessment of residual effects.	Noted.	Topic specific meeting on 18.07.2023	Agreed
3.6.7	Methods for securing mitigation	The Soil Management Plan (SMP) needs to be clearer that the aim is for BMV agricultural land subject to temporary development or a change in land use, to be returned to, or retain, its original land quality.	<u><a href="#">The Outline SMP provided at Appendix 6.6 of the ES [APP-060] does not preclude BMV agricultural land subject to temporary development to be returned to its original use. The detailed Soil Management Plan to be produced by the Contractor post consent can set this out.</a></u> <del>Noted.</del> <u><a href="#">The required wording in the Outline SMP can be discussed with NE to secure this clarity in final SMP which is already</a></u>		Ongoing



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			<a href="#">secured by Requirement 7 in the draft DCO.</a>		
<b>3.7 Waste and Resources</b>					
3.7.1	Approach to assessment methodology	Natural England confirmed in the topic specific meeting that they have no comment on waste and resources and expect the Environment Agency to comment on this topic.	Noted.	Topic specific meeting on 07.06.2023	<a href="#">Agreed</a> <del>Not applicable</del>
3.7.2	Baseline conditions	Natural England confirmed in the topic specific meeting that they have no comment on waste and resources and expect the Environment Agency to comment on this topic.	Noted.	Topic specific meeting on 07.06.2023	<a href="#">Agreed</a> <del>Not applicable</del>
3.7.3	Proposed mitigation	Natural England confirmed in the topic specific meeting that they have no comment on waste and resources and expect the Environment Agency to comment on this topic.	Noted.	Topic specific meeting on 07.06.2023	<a href="#">Agreed</a> <del>Not applicable</del>
3.7.4	Assessment results (construction)	Natural England confirmed in the topic specific meeting that they have no comment on waste and resources and	Noted.	Topic specific meeting on 07.06.2023	<a href="#">Agreed</a> <del>Not applicable</del>

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		expect the Environment Agency to comment on this topic.			
3.7.5	Assessment results (operation)	Natural England confirmed in the topic specific meeting that they have no comment on waste and resources and expect the Environment Agency to comment on this topic.	Noted.	Topic specific meeting on 07.06.2023	<a href="#">Agreed</a> <del>Not applicable</del>
3.7.6	Residual effects	Natural England confirmed in the topic specific meeting that they have no comment on waste and resources and expect the Environment Agency to comment on this topic.	Noted.	Topic specific meeting on 07.06.2023	<a href="#">Agreed</a> <del>Not applicable</del>
3.7.7	Methods for securing mitigation	Natural England confirmed in the topic specific meeting that they have no comment on waste and resources and expect the Environment Agency to comment on this topic.	Noted.	Topic specific meeting on 07.06.2023	<a href="#">Agreed</a> <del>Not applicable</del>
<b>3.8</b>	<b>Water Resources</b>				
3.8.1	Approach to assessment methodology	Natural England confirmed in the topic specific meeting that they have no comment on water resources and	Noted.	Topic specific meeting on 07.06.2023	<a href="#">Agreed</a> <del>Not applicable</del>

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		expect the Environment Agency to comment on this topic.			
3.8.2	Baseline conditions	Natural England confirmed in the topic specific meeting that they have no comment on water resources and expect the Environment Agency to comment on this topic.	Noted.	Topic specific meeting on 07.06.2023	<a href="#">Agreed</a> <del>Not applicable</del>
3.8.3	Proposed mitigation	Natural England confirmed in the topic specific meeting that they have no comment on water resources and expect the Environment Agency to comment on this topic.	Noted.	Topic specific meeting on 07.06.2023	<a href="#">Agreed</a> <del>Not applicable</del>
3.8.4	Assessment results (construction)	Natural England confirmed in the topic specific meeting that they have no comment on water resources and expect the Environment Agency to comment on this topic.	Noted.	Topic specific meeting on 07.06.2023	<a href="#">Agreed</a> <del>Not applicable</del>
3.8.5	Assessment results (operation)	Natural England confirmed in the topic specific meeting that they have no comment on water resources and expect the Environment Agency to comment on this topic.	Noted.	Topic specific meeting on 07.06.2023	<a href="#">Agreed</a> <del>Not applicable</del>

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3.8.6	Residual effects	Natural England confirmed in the topic specific meeting that they have no comment on water resources and expect the Environment Agency to comment on this topic.	Noted.	Topic specific meeting on 07.06.2023	<del>Agreed</del> Not applicable
3.8.7	Methods for securing mitigation	Natural England confirmed in the topic specific meeting that they have no comment on water resources and expect the Environment Agency to comment on this topic.	Noted.	Topic specific meeting on 07.06.2023	<del>Agreed</del> Not applicable
3.8.8	Groundwater supply	Natural England confirmed in the topic specific meeting that they have no comment on water resources and expect the Environment Agency to comment on this topic.	Noted.	Topic specific meeting on 07.06.2023	<del>Agreed</del> Not applicable