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Dear Sir/Madam

NSIP Reference Name / Code: TR040011 The Portishead Branch Line (Metrowest Phase 1) Order – Natural England Response to The Examining Authority’s Further written questions and requests for information (ExQ2) Issued on 26 January 2021

Thank you for seeking Natural England’s views on the above.

Natural England is a non-departmental public body. Our statutory purpose is to ensure that the natural environment is conserved, enhanced, and managed for the benefit of present and future generations, thereby contributing to sustainable development.

Natural England response on questions BIO 2.2 and BIO 2.4

Biodiversity 2.2, Amphibian Mitigation

Natural England is satisfied with the mitigation approach proposed but will defer to North Somerset Council on the mechanism needed to secure agreed mitigation for the toads at Lodway Farm.

Biodiversity 2.4, Avon Gorge Vegetation Management Plan

The ExA’s further written questions invites Natural England (NE) and Network Rail (NR) to respond on the specific points raised by the Applicant in section 3 of REP4-018, and in particular the Applicant’s conclusion that *“in practice there will be a clear distinction between the works being undertaken under the AGVMP compensation measures and the normal management activities undertaken by Network Rail”*.

As set out in representations previously submitted, NE has advised that compensation measures for woodland and grassland delivered on NR land within the SAC should be shown to be over and above the ‘normal’ requirements on NR, as the site owner and a public body, to manage the site towards

favourable condition. The applicant has accepted this principle, re-stated in section 3 of REP4-018, and has developed an alternative package of compensation measures that we understand is expected to be agreed during the period of the Examination process.

In its statement the Applicant notes that *“Natural England considers the “normal” measures to be those detailed in Natural England’s Site Improvement Plan for the SAC (January 2015) together with Supplementary Advice, and Network Rail’s Site Management Statement and Vegetation Management Plan as they develop (SOCG section 6.1.8).* This reflects advice we have provided and these documents collectively provide for the best understanding of what site owners or managers are doing, plan to do or should do for the management of the SAC, and on NR land specifically.

In the view of the Applicant *“..in practice there will be a clear distinction between the works being undertaken under the AGVMP compensation measures and the normal management activities undertaken by Network Rail”* and that current positive management measures (as per the Site Improvement Plan, Supplementary Advice, and NR’s Site Management Statement and Vegetation Management Plan) are *“for whatever reason are not occurring in the form envisaged in these documents and there is no reason to suppose that situation would change. There is no detail on how they would be achieved or assurance that they will be.”*

The Site Improvement Plan (SIP) was developed in 2015 in partnership with the majority of the Avon Gorge Woodlands SAC landowners and interested parties, including representatives from NR. The plan provides a high level overview of the issues (both current and predicted) affecting the condition of the SAC features and outlines the priority measures required to improve the condition of the features. The SIP provides a basis for agreeing and implementing detailed actions with delivery bodies and landowners, such as through NR’s Site Management Statement (SMS) and Vegetation Management Plan (VMP).

Natural England considers that NR’s SMS and VMP represents a commitment by NR to undertake proactive positive management works that are required to safeguard the interest features of the SAC. These documents, informed by the Site Improvement Plan and Supplementary Advice for the SAC, were granted formal Assent by NE on 13 April 2018.

The VMP was produced by NR with the specific objective of *“helping define vegetation management, beyond the scope of the SMS, to ensure the safe operation of the railway infrastructure and include the conservation and enhancement of the qualifying features of the Avon Gorge SSSI & SAC.”* It detailed a 5 year plan for works which were *“designed to restore the areas designated features.”* Over the 5 years NR’s aim was to plan, complete, monitor and review these works. Year 1 aims were to use data *“to develop the vegetation management work bank for years 2-4, prioritising zones which require more work to develop the qualifying features.”* Year 2-4 aims include delivery of a key priority to remove Invasive non-native species (INNS). As we approach year 3 of the plan NE is not aware of any works on the ground or been informed of any further developments from NR regarding their plans for delivery of positive management works. The VMP includes as a measure of success *“Reduction of cover and abundance (and ideally eradication) of INNS and seed source which is spreading to and from NR land and impacting on the wider SAC/SSSI habitat.”*

In NE’s view, there is duplication between positive management measures that NR has committed to and should deliver and the positive management compensation measures proposed by the Applicant on NR land within the SAC. The precise extent of duplication is difficult to determine, in part because as the Applicant states it has provided greater detail on its proposals than NR. Nonetheless, it is evident that NR’s SMS/VMP and the Applicant’s positive management proposals on NR land both commit to prioritised management and removal of invasive non-native species.

NE accepts that NR has made little progress to date on implementing agreed measures in the SMS and VMP and that the Applicant has set out detailed proposals for positive management measures that would likely be achieved more quickly. It is worth noting that other delivery bodies cited in the SIP have made progress with implementing actions agreed for management and removal of invasive non-native species. We also accept that the positive management measures identified by the Applicant would deliver significant ecological benefit. We would, however, question whether the lack of progress by a public body like NR in meeting its responsibilities and implementing the SMS and VMP - including those relating to management and removal of invasive non-native species - should be taken to be grounds for authorising similar positive management measures on NR land within the SAC as compensation for the Metrowest Phase 1 project. We acknowledge that this is a matter of interpretation of legislation and guidance for the Examining Authority, as the Competent Authority under the Habitats Regulations.

Yours sincerely,

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Natural England

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