



THE PLANNING ACT 2008

THE INFRASTRUCTURE PLANNING (EXAMINATION PROCEDURE) RULES

2010

West Midlands Interchange Strategic Rail Freight Interchange

Planning Inspectorate Reference:TR050005

Summary of Natural England's written representations

5 April 2019

Summary

1. Natural England's written representations update the examining authority on progress since our relevant representations dated 29 October 2018. In those representations Natural England expressed our satisfaction with the applicant's assessment of the following matters within our remit:
 - 1.1. European (or 'Habitats') sites
 - Cannock Extension Canal Special Area of Conservation (SAC)
 - Cannock Chase SAC
 - Motte Meadows SAC
 - 1.2. Nationally designated sites
 - Chasewater and the southern Staffordshire Coalfield Heaths SSSI
 - Stowe Pool and Walkmill Claypit SSSI
 - 1.3. European protected species – Great crested newt and otter.
 - 1.4. Nationally protected species - Nesting birds, Reptiles, Water vole, Polecat and White clawed crayfish.
2. The following matters were also agreed as satisfactory subject to mitigation:
 - 2.1. Cannock Chase Area of Outstanding Natural Beauty
 - 2.1.1. We agreed that impacts upon views from the Shoal Hill part of the AONB would be moderate adverse during construction and operational phases. Natural England accepted this on the basis that the visual impacts of the new buildings would be mitigated as far as reasonably possible (Section 7.5 of design & Access Statement).
 - 2.2. European and nationally protected species
 - 2.2.1. European protected species - A 'letter of no impediment' has been issued for mitigation works involving 5 species of bats.
 - 2.2.2. Nationally protected species – The need to close a number of badger setts was identified and the requirement in principle for a corresponding development licence was therefore agreed.
3. We identified the following areas as needing clarification or further information:
 - 3.1. Following recent case law¹ and in recognition of corresponding new guidance on the assessment of aerial emissions from road traffic schemes² we sought further information on cumulative and in combination effects upon air quality for the following SSSIs:
 - Belvide Reservoir
 - Doxey & Tillington Marshes
 - 3.2. The scope for SSSI enhancement measures in the context of elevated background levels of air pollution at these sites and the NPPFs biodiversity net gain expectations.

¹ Wealden v SSCLG [2017] ('the Wealden Judgment 2017')

² NEA001 - 'Natural England's approach to advising competent authorities on the assessment of road traffic emissions under the Habitats Regulations – NEA001' - <http://publications.naturalengland.org.uk/publication/4720542048845824>

- 3.3. The need for clarity over the soils resources on site and their sustainable use as part of the proposed landscaping scheme consistent with the Defra 'Code of practice for the sustainable use of soils on construction sites'.
4. With regard to the DCO requirements we set out the relevant requirements for soils, landscaping and biodiversity and highlighted the need to ensure these requirements act together to deliver effective mitigation.
5. In our written representations we describe progress on the above issues including records of our dialogue with the applicant (Annex A) and providing supporting information on nationally designated sites in Annex B (SSSI)

5.1. Belvide Reservoir air quality assessment

The applicant's assessment (modelling) predicts elevated levels of NO_x (concentrations) and nitrogen (deposition) during the development's construction and affecting a zone close to the A5, overlapping the SSSI. However the wild birds forming this SSSI's notified interest are not directly affected by such air pollution. Consideration of indirect effects i.e. on the birds' supporting habitats, showed that no such habitats lie within the affected zone and the dilution effects of the water body mean no significant effects are likely to occur. The applicant has referenced NEA001 guidance in respect of in combination effects. Natural England therefore agrees that suitable evidence has been used to assess these impacts and no mitigation is needed.

5.2. Doxey & Tillington Marshes air quality assessment

The applicant's assessment (modelling) shows that levels of NO_x (concentrations) and nitrogen (deposition) in the zone where the M6 passes this SSSI during the construction of the development fall below the relevant significance threshold (1% of critical levels or loads). The applicant has referenced NEA001 guidance in respect of in combination effects. Natural England therefore agrees that suitable evidence has been used to assess these impacts and no mitigation is needed.

5.3. SSSI enhancement in respect of air quality (background levels)

The applicant is not minded to pursue scoping potential enhancement measures at the two SSSIs in question. They point to the commitments made in respect of the two on site community parks and off site farmland bird compensation scheme as adequate biodiversity enhancement works. Natural England has therefore sought clarification over the applicant's approach to the natural environment in terms of the international/national, regional and local context for the project. We have considered the information received in the context of the wider on and off site mitigation and enhancement measures and concluded that further work to scope potential SSSI enhancement measures in relation to background levels of air pollution is not needed.

5.4. Soils resources

In response to our concerns about the maintenance of soils functionality the applicant has agreed to use Soils Resources Plans for each phase of the project and for these to be based on specific plans and soils volumes. The submitted ALC report³ will inform decisions and the applicant has expressed confidence that sufficient soils exists to achieve the project design. The use of landscaping bunds also allows a degree of flexibility in relation to each phase's soil volumes if necessary. Natural England is satisfied that this approach, together with related requirements will maintain soils functionality.

³ APP066 -

6.2 Environmental Statement - Appendix 6.1 Agricultural Land Classification (ALC)

6. DCO

6.1. Our comments at the relevant representations stage regarding the effective delivery of soils, biodiversity and landscape outcomes through the requirements still apply. Our relevant representations refer (Section 5 DCO).

Natural England