

The Examining Authority's Written Questions and Requests for Information (ExQ1)

Response due: Friday 4th March 2022

ExQ1	Question:	Natural England response:
Q1.1.6	Apart from the Planning Obligation, EPs and protected species licences, are any other consents, licenses or agreements required to implement the Proposed Development. If so, please set out their scope, status and any implications for the Development Consent Order DCO [APP-017].	Not that we are aware of.
Q1.2.2	Please comment on the methodological approaches used in the ES which are relevant to your areas of responsibility.	Methodology is good, we have no specific concerns though cannot comment on protected species (see comments under 3.4.1).
Q1.2.3	ES Chapters 12 to 25 include assessments of cumulative impacts with other developments or facilities. Are there any other existing or planned developments or facilities which should be included in these assessments?	N/A – not within Natural England's remit.
Q1.3.2	Appendix ES5.1 [APP-083] sets out the design principles for stand-off distances to be adopted in the Proposed Development for various features. Please comment on these principles for the features in which you have an interest.	The agreed 10m stand-off distance from woodland is satisfactory.
Q2.2.2	Please comment on the finding at ES paragraph 21.4.6 that a PM10 level of 10mcg/m ³ would not have an adverse effect on plants and animals.	Natural England advises that modelled emissions are unlikely to have an impact on internationally or nationally designated sites.
Q2.3.4	Please comment on the Applicant's contention (ES paragraph 21.5.2) that no controls over dust and particulate matter are necessary in the DCO.	With reference to the Statement of Common Ground, NE has no dust concerns, given the continued controls on current permits.
Q3.2.1	ES paragraphs 9.3.7 and 9.3.8 advise that NE and others would like to see the restoration scheme planting linking the wooded areas around the site. The ES considers that planting grassland with pockets of trees would provide more biodiversity over time than new woodland planting. Please comment on how this approach to planting would link with the adjoining woodland, particularly having regard to the mowing regime for the grassland (see ES paragraph 9.3.6) and the objective of providing public access to the restored site.	Further details on the management plan are necessary. Ideally, we would like to see the restoration plan before commenting. The pockets of trees will provide the landscape with habitat steppingstones. Seasonal mowing is acceptable management, though grazing may be preferable.
Q3.2.3	It is proposed to remove two 'important' hedgerows (Hedgerow Removal Plan [APP-013]) and replace them as part of the restoration scheme. Please comment on the effectiveness and timescale for the replacement hedgerows to provide a comparable level of	Important hedgerows may relate more closely to the remit of the Local Authority; NE is interested in seeing the restoration scheme and believes this may, however

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	connectivity for reptiles (ES paragraph 13.5.3) to the existing hedgerows.	have implications for species licensing (see paragraph 3.4.1)
Q3.4.1	Noting Q3.3.1 with regard to GCN, are any other protected species licences required to implement the Proposed Development? If so, would NE please comment on any letters of no impediment.	<p>Natural England has advised the applicant to assess whether any offences are likely to be committed by the scheme, and thus whether a licence will be needed to proceed. Natural England's Licensing Service for bespoke licences have not been informed of the outcome of any such assessment and assume that the applicant has made a decision that does not require a bespoke licence. We understand that the Applicant intends to utilise a District Level Licensing approach and is in contact with NatureScape who are delivering the scheme in the area.</p> <p>It is a scheme's responsibility to determine whether a licence or needed, and Natural England's Wildlife Licensing Service (NEWLS), is unable to advise on this. It is noted that the scheme has been considering whether they should apply for a standard or District Level Licence for GCN. This remains the responsibility of the scheme to decide, but the scheme should be aware that if an application for an EPS licence is required, we would encourage the submission of a full draft licence application as soon as possible. This will ensure NEWLS and the applicant can negotiate appropriate timeframes for timely feedback as necessary and a LONI from Natural England where appropriate.</p>
Q.3.4.2	Please provide a copy of the standing advice for protected species as referenced in the hyperlink at paragraph 2.10.2 of [RR-010].	Protected species and development: advice for local

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		planning authorities - GOV.UK (www.gov.uk)
Q3.5.2	<p>The Applicant has concluded in its NSER (paragraphs 9.1 and 9.2 and Appendix 4) that there are no LSE on the qualifying features of any European Sites. NE was satisfied that the then scheme would not have LSE.</p> <p>(i) Are you still satisfied that the scheme as submitted would not have LSE and that an HRA / Appropriate Assessment is not required?</p> <p>(ii) (ii) Are you content that the controls necessary to achieve this outcome would be provided by dDCO and the existing and anticipated EPs for the existing site and Proposed Development?</p>	<p>(i) Yes, no Appropriate Assessment is necessary.</p> <p>(ii) Yes.</p>
Q4.2.14	Please comment on the need for documents other than those listed in the submitted dDCO to be certified under Art 18.	No comment.
Q4.4.1	Requirements (R) 1 to 18 Please identify where it would be helpful, for example to bring certainty or to avoid misunderstandings, for further specific provisions to be included in any of the Requirements. Please explain why any such changes are necessary.	No comment.
Q4.4.4	R4 Clause 4 requires the restoration of the site to be carried out in accordance with the latest phasing, landscaping and restoration scheme. Please comment on the need or otherwise for this R to include a provision requiring interim phases to be constructed in accordance with the latest phasing, landscaping and restoration scheme approved at the time.	Yes, there is a need for this R to include a provision requiring the interim phases to be constructed in accordance with the latest phasing, landscaping and restoration scheme approved at the time.
Q10.1.7	Please comment on the findings of the noise and vibration assessments (ES Chapter 20 and Appendix ES20.1) with regard to effects on the adjoining SSSI.	We are satisfied there are no adverse effects on the adjoining SSSI.