

Date: 9 January 2014
Our ref: 6466/106646
Your ref: WW010001



Mr Mark Wilson
Principal Case Manager
The Planning Inspectorate
3/18 Eagle Wing
Temple Quay House
2 The Square
Bristol
BS1 6PN

Natural England
Area 1C Nobel House
17 Smith square
London
SW1P 3JR

T 0300 060 1373
F 020 7932 2201

Dear Mr Wilson,

Procedural Questions in respect of the Thames Tideway Tunnel Nationally Strategic Infrastructure Project – Ref: 10018172

Thank you for the Inspectorates recent correspondence in respect of the above Nationally Strategic Infrastructure Project (NSIP), seeking clarification on Natural England's relevant representations.

The document poses five questions of interest to Natural England with regards the procedural aspects of this project, under the Biodiversity, Biological Environmental and Ecology section (Section 21) and I will answer them in the order they are raised in your letter.

Q21.1 Requirement for a Report on the Implications for European Sites (RIES)

Natural England does not consider that a Report on the Implications for European Sites (RIES) is required for this project. Thames Water have undertaken and completed an acceptable Habitats Regulation Assessment, under the appropriate legislation. The conclusion of this Assessment was that there is No Likely Significant Effect

Natural England continues to have constructive discussions with Thames Water Utilities Limited to consider topics and issues relating to the project, approach, timings and methodology for surveys, in respect of areas of interest for Natural England. Drafts continue to be submitted and commented upon; suggestions for improvements and to strengthen the document have been made where appropriate and undertaken by Thames Water Utilities and their Agents. This on-going consultation continues as the scheme develops.

Q21.2 European Protected Species relating to Cremorne Wharf

Natural England and Thames Water Utilities Limited, together with their consultants have met and discussed this issue.

Measures ('mitigation') are included in the Code of Construction Practice (CoCP) Part B for Cremorne Wharf Depot and the works shall be carried out in accordance with the CoCP, which has been tailored for this site and issue

Natural England
Head Office
1 East Parade
Sheffield S1 2ET

www.naturalengland.org.uk

The mitigation related to the transitory bat roost at Cremorne Wharf Depot is identified in the second and third para of Section 11 of the latest CoCP Part B. The requirement PW6 in the latest draft DCO requires that the works shall be carried out in accordance with the CoCP. As such, the specific actions and their required timing as detailed in the CoCP must be complied with. Therefore, the Applicant and Natural England agree that this approach is sufficient to ensure that the necessary mitigation will be carried out.

The Applicant also notes that the design principle (CREWD.10) referred to by the ExA in their question is not mitigation related to this case. As stated above, appropriate measures are included in the CoCP Part B as they are construction related controls. The design principle referred to was included prior to the identification of the need for mitigation and was included as an ecological enhancement. The bat boxes that are now included in the CoCP Part B would remain in situ permanently, irrespective of the creation of bat roosting opportunities in the replacement depot building referred to in Design Principle CREWD.10.

Q21.3 Compensation Measures

Natural England believes that this is an issue for the Environment Agency, as lead authority for the aquatic ecology and biodiversity for the scheme and the Greater London Authority. Natural England maintains its offer to help and facilitate dialogue and discussion between the parties.

The Biodiversity Compensation Working Group should establish the necessary mitigation proposals, and a Legal Agreement, such as a Memorandum of Agreement or Understanding or a s106 should be sufficient to ensure delivery of this.

Q21.4 Delivery Measures

Natural England refers to our response under Q21.3 above. The Biodiversity Compensation Working Group has set itself a scheduled timescale for agreement on this matter, and once resolved a legal agreement should enable the measures to be delivered.

Q21.5 Dredging

Natural England does not wish to offer a view on this question, we defer to the Environment Agency as Lead Authority for this matter.

I hope that this makes Natural England's position clear but if you have any further questions about this letter or require further information please do not hesitate to contact me.

Yours Sincerely,

David Hammond
Lead Advisor
Land Use Services

Direct Dial: 0300 060 1373

Email: david.hammond@naturalengland.org.uk

Improving the overall quality of our service

The overall quality of our service throughout your consultation process:

- 2) *In relation to your particular consultation, do you have any suggestions, ideas or feedback on how we can improve our service to you? If you have responded 'dissatisfied' or 'very dissatisfied' for question 1, please provide further information on why this is the case.*

If you would like to be contacted about this consultation please tick this box and add your direct e-mail address here:

Thank you for taking the time to let us have your views.

Rob Cooke, Director for Land Use.

Using and sharing your information

The data controller is Natural England, Foundry House, 3 Millsands, Riverside Exchange, Sheffield S3 8NH

Your information will be stored and processed in accordance with the Data Protection Act 1998. This Act gives you, as an individual, the right to know what data we hold on you, how we use it, with whom we share it and for it to be accurate.

Any information you provide will only be used by Natural England for the purposes of service standard monitoring.

Submit by Email