

## **A30 Chiverton to Carland Cross TR010026**

### **7.4.2 STATEMENT OF COMMON GROUND BETWEEN HIGHWAYS ENGLAND AND NATURAL ENGLAND**

Planning Act 2008

APFP Regulation 5(2)(q)  
Infrastructure Planning (Applications: Prescribed  
Forms and Procedure) Regulations 2009

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# 1 Introduction

## 1.1 Purpose of this document

- 1.1.1 This document is a Statement of Common Ground (SoCG) between Highways England and Natural England in relation to the A30 Chiverton to Carland Cross scheme. It has been prepared in accordance with DCLG Guidance on the pre-application process<sup>1</sup>.
- 1.1.2 The document identifies the following between the two parties:
- Matters which have been agreed
  - Matters currently outstanding (there are now no matters outstanding)

## 1.2 Structure of this SoCG

- 1.2.1 The SoCG is structured as follows:
- Section 1 describes the organisations party to this SoCG and the status of the agreement.
  - Section 2 states the role of Natural England in the application, and sets out the consultation undertaken.
  - Section 3 presents the topics covered in this SoCG.
  - Section 4 lists those matters which have been agreed, including the date that this matter was agreed.
  - Section 5 is a table of matters outstanding, incorporating a description of the matter, the position of Natural England, the position of Highways England and any actions taken to address the matter, and the date of the latest position including any further meetings planned regarding the matter.
  - Appendix A includes the signing sheet.
  - Appendix B includes Natural England's Response to the PEIR.
  - Appendix C includes Natural England's Response to the draft Statement to Inform an Appropriate Assessment Report.
  - Appendix D includes Natural England's Letter of No Impediment for the Bat and Badger Draft Licence Applications.

## 1.3 Status of this SoCG

- 1.3.1 This SoCG is a correct reflection of the position of the parties as of 19 March 2019. All matters have been agreed with Natural England, including those relating to Protected Species Licencing. The SoCG is now signed.

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<sup>1</sup> Department for Communities and Local Government. Planning Act 2008: Guidance for the examination of applications for development consent. (2015)

## 2 Consultation

### 2.1 Role of Natural England

- 2.1.1 Natural England is a statutory body established under the Natural Environment and Rural Communities Act 2006 (NERC Act). Natural England is the statutory advisor to Government on nature conservation in England and promotes the conservation of England's wildlife and natural features. It is financed by the Department for Environment, Food and Rural Affairs (Defra) but is a Non-Departmental Public Body, which forms its own views based on the best scientific evidence available.
- 2.1.2 Natural England works for people, places and nature, to enhance biodiversity, landscapes and wildlife in rural, urban, coastal and marine areas; promoting access, recreation and public well-being, and contributing to the way natural resources are managed so that they can be enjoyed now and by future generations.
- 2.1.3 Status in relation to the application –
- Statutory consultee

### 2.2 Summary of consultation

- 2.2.1 Highways England has been in consultation with Natural England since 14 June 2016. The parties have continued communicating throughout the progression of the project. The consultation with Natural England is set out below:

**Table 2-1 Pre-Application Consultation**

Date	Method	Topic	Consultation Details
14/06/2016	Email and memo dated 10/06/16	Ecological survey methodology	WSP request on ecological survey methodology, in particular regarding bat survey methodology in light of the recent Berthinussen & Altringham (2015) publication on bat survey of linear schemes. Email included a memo dated 10/06/16 which outlined the approach for bat assessment, including desk study, roost surveys and activity surveys, crossing point surveys and reasons why advanced bat survey techniques were not proposed.
18/07/2016	Email	Bat survey methodology	Natural England raised concerns that the methodology being proposed did not include landscape scale transect surveys as set out in the Berthinussen & Altringham (2015). Natural England described that any deviation from these proposals would come under a high level of scrutiny.
22/07/2016	Conference Call	Bat survey methodology	Conference call between WSP and Natural England on the above bat survey methodology.
01/09/2016	Email and memo dated 01/09/16	Bat survey methodology	WSP to Natural England – Memo on Bat Survey Approach v2 (update to previous version with clarification of deviations from the Defra study, where this is proposed).
13/12/2016	Email with meeting notes of workshop 03/09/16	Bat survey methodology	WSP highlighted discussions between John Altringham and Anna Berthinussen at a workshop during National Bat Conference on the pros and cons of the landscape scale effects survey methodology. The fact it does not help inform where crossing points are and is debatable whether it helps describe activity and diversity levels compared to the Collins (2016) methodology.
26/01/2017	Memo dated 26/01/16	Bat survey methodology	Natural England's Senior Mammal Specialist's (Katherine Walsh) response to memo (01/09/16) and meeting notes (03/09/16) stating that the landscape scale effects methodology should be used in combination with existing transect survey methodology for identifying key foraging areas and so on, and reiterated the importance of including them to inform a baseline by which to compare monitoring results post-development.
27/01/2017	Workshop	Value Management Workshop	Natural England confirmed they consider the Dorset heathland to be the same value as within Newlyn Downs (SAC). Natural England noted that SSE plc is required to create new heathland to the northeast of Carland Cross to mitigate for their project. Suggested creation of habitat in the barrow field to the south. Loss of Dorset heath would need to be compensated for (by more than 1 to 1).
31/01/2017	Meeting tele-conference	Bat survey methodology	To come to a final agreement on the bat survey proposals for the scheme, including recommendations on the landscape-scale survey methodology. Actions – Natural England to conclude on methodology for trees. Building proposals accepted as reasonable survey effort. WSP – Described deviation from crossing-point methodology (deviation from a dusk/dawn to scope in/out crossing point locations. WSP have used transects/SM2 surveys to inform location of crossing points

Date	Method	Topic	Consultation Details
			<p>together within knowledge of landscape to avoid significant cost without additional gain in understanding). Natural England considers this approach reasonable to determine crossing point survey locations.</p> <p>WSP described method of scoping in/out advanced survey techniques. Current thoughts are that they are unlikely to be needed as WSP have a good understanding of species composition and distribution/use of the site and relevant surrounding area. Natural England considered scoping out should not occur until in receipt of results of initial building/tree inspections. WSP confirmed advanced techniques would be required prior to July and/or September. Data would be required to inform impact assessment and potentially shadow licensing.</p> <p>Natural England stated John Altringham was currently producing a guidance document for consultants with regards to application of the research. Highways England cautioned that they would require schemes to be assessed on a case-by-case basis as to the benefits of applying the landscape-scale survey methods as clearly this will not be necessary across the board.</p>
01/02/2017	Email	Bat survey methodology	<p>Natural England are satisfied that WSP will be undertaking the landscape scale transect methodology as laid out in Berthinussen and Altringham (2015) for the scheme.</p> <p>Natural England are satisfied with approach to the building surveys, which follow methodology set out in Collins (2016) and the crossing point survey methodology, which is a combination of Berthinussen and Altringham (2015) and other methods.</p> <p>As discussed, the tree survey methodology will form the basis for any follow up/additional survey work, for example using more advanced techniques to locate barbastelle roosts if this proves necessary. Currently, approach to tree surveys is appropriate bearing in mind that additional surveys may be necessary.</p> <p>WSP to Natural England – WSP are proposing to Highways England that the landscape scale transect methodology will be undertaken by a team of surveyors over a single week in June / July 2017.</p>
08/02/2017	Email	Information on SSE habitat creation work south of Newlyn Downs SAC	<p>WSP requesting information on SSE habitat creation work south of Newlyn Downs SAC. In particular, whether the habitat creation is compensation for direct or indirect impacts on the SAC and therefore whether the habitat creation would be legally considered part of the SAC, or priority habitat. WSP queried whether there was a Habitats Regulations Assessment related to the proposal.</p> <p>NENatural England to WSP – Natural England understands this is being carried out by Scottish Power as part of a planning condition following the repowering of their Carland Cross Windfarm.</p>
03/03/2017	Meeting (minutes provided)	Outline mitigation and compensation proposals	<p>Meeting proposed to provide Natural England with an overview of the current ecological baseline, and the proposals for further ecological input into the project design / early mitigation design.</p> <p>Natural England agreed in this meeting that the bisection of the heathland fragment in this location (near Carland Cross) was preferable to the alternatives described, and (later) that it is not considered to be 'functionally linked' supporting habitat to the SAC.</p>

Date	Method	Topic	Consultation Details
			<p>Natural England also agreed to the principle of like-for like (1:1) end point to habitat creation in this area (the heathland) with improvements on baseline where possible.</p> <p>Natural England agreed with the conclusions of 'No Significant Effects Report' taking account the results of the HRA completed under Stage 1 and 2 of the project.</p> <p>Natural England reiterated the importance of providing multi-species passages where possible.</p>
05/06/2017	Email	Bat Survey Methodology – Tree Surveys	WSP proposed diversion from Collins 2016: trees classified as having moderate to high potential and can be exhaustively searched during the tree climbing surveys (100% of all features can be surveyed), are re-climbed for the recommended number of survey visits as for emergence / re-entry surveys as per the BCT Good Practice Guidelines (2016) i.e. a tree with high potential will be climbed three times and a tree with moderate potential will be climbed twice (should no roost be found). If a roost is found or if the tree cannot be 100% surveyed, then emergence / re-entry surveys will be undertaken in order to characterise the roost (however the climbing surveys will constitute a survey visit).
27/06/2017	Email	Bat Survey Methodology – Tree Surveys	Natural England raised concerns over characterisation of tree roosts through aerial inspection only, if no dusk emergence or dawn re-entry survey undertaken. Also swarming activity around the trees would be missed if no dusk/dawn surveys. Concern over disturbance caused by repeated endoscope survey in known/potential maternity tree roosts. In essence, Natural England are happy for WSP to use more tree climbing surveys and not rely as much on the emergence/re-entry surveys but would not wish them to remove the emergence/dusk re-entry surveys altogether.
28/06/2017	Email	Bat Survey Methodology – Tree Surveys	WSP agree to amend methodology as follows: undertake emergence / re-entry surveys on confirmed tree roosts in most cases (unless it is possible to characterise the type of roost sufficiently by aerial inspections). The repeat aerial tree climbing surveys will be used as presence / likely absence surveys (where the tree can be 100% surveyed at height).
24/08/2017	Email	Bat Survey Methodology – Tree Surveys	<p>WSP to Natural England – Due to the number of day roosts of individual/small numbers of bats identified within 100m radius of the scheme during 2017, we propose that where roosts have been characterised sufficiently between 50 and 100m for common species (45 pips and BLE), surveys are ceased.</p> <p>For buildings within the scheme footprint and up to 50m radius, proposal is to continue to fully survey (up to 3 visits).</p> <p>Between 50m and 100m - only high potential buildings and confirmed roosts will continue to be surveyed plus any roosts or rarer species.</p>
06/09/2017	Email	Introducing Arup	Arup to Natural England – Introducing Arup and explaining that Arup have been awarded Stage 3 of the DCO application for the scheme and will be submitting a new DAS request.
16/10/2017	Email	DAS contract	Natural England to Arup – Enquiring what input would be required from Natural England by Arup under the DAS contract.



Date	Method	Topic	Consultation Details
18/10/2017	Email	Scheme Update	Arup to Natural England – Detailing programme dates and input required from Natural England, which included consultation on methodology, baseline results and findings, mitigation and enhancements proposed, and the approach and results of the HRA.
20/10/2017	Email	Bat Survey Methodology – Tree Surveys	Natural England are satisfied with approach set out 24/08/17, although if the surveys were conducted very early or very late in the season or were otherwise badly affected by inclement weather, they suggest these roosts may require further categorisation survey.
23/10/2017	Email	Ecology survey methodologies	Natural England to Arup – Natural England will phone Arup regarding ecology survey methodologies. Arup to Natural England – Confirming dates for phone meeting.
25/10/2017	Email and minutes dated 25/10/2017	Ecology survey methodologies	Arup to Natural England – Attaching minutes from phone meeting on the morning of 25/10/2017 and summarising actions, which included arranging a face-to-face meeting in November, and for Natural England to look into how specialists will be used to provide comments on methods and any other issues. Bat figures and bat survey methodology were also attached for Natural England to review. The minutes from the phone meeting include discussions around bats, dormice, badger, scoped out surveys, section 41 species, ornithology, habitats, NVC, hedgerow, invertebrates, reptiles, aquatics, and otters, with the conclusion for most being to discuss further at November meeting.
26/10/2017	Email	Ecology survey methodologies	Natural England to Arup – Approving phone meeting minutes from 25/10/2017 and adding action for Arup to check that any underground sites along the route have been identified and assessed for bat activity/roost potential.
30/10/2017	Email	Ecology survey methodologies	Arup to Natural England – Confirming addition of action for Arup to 25/10/2017 phone meeting minutes. Confirming that Natural England's bat specialist had given similar advice regarding underground sites to WSP, and Arup is currently gathering relevant email conversations.
31/10/2017	Email	Ecology survey methodologies	Natural England to Arup – Suggesting date for November meeting, as per 25/10/2017 email. Arup to Natural England – Confirming date for November meeting.
08/11/2017	Email	Ecology survey methodologies	Arup to Natural England – Arup have added a sentence to the 25/10/2017 phone meeting minutes following discussions with WSP, stating that some of the results from the bat surveys cannot be used in the assessment as they only provide a yearly summary, with Natural England agreeing that a monthly break down of bat results is required to determine effects. Natural England to Arup – Agreeing with the edit to the 25/10/2017 phone meeting minutes.
14/11/2017	Email	Bat records	Arup to Natural England – Requesting information on the current status of the greater horseshoe bat breeding colony at Trehane Barton SSSI, 6km south of the scheme.
20/11/2017	Email	Bat records	Natural England to Arup – Cornwall Bat Group may have undertaken bat monitoring, but they are unaware of the progress or results and offered to pass on Steve Marshall's contact details.

Date	Method	Topic	Consultation Details
22/11/2017	Email	Bat records	Arup to Natural England – Confirming request for Steve Marshall's contact details. Natural England to Arup – Passing on Steve Marshall's contact details.
22/11/2017	Email	Ecology survey methodologies, results and mitigation	Arup to Natural England – Sending proposed agenda to Natural England for face-to-face meeting, including summary report of methodology, baseline results, and current mitigation and enhancement strategies.
04/12/2017	Email	Heathland values	Arup to Natural England – Found previous consultation showing that Jeremy Clitherow (Natural England) had considered that the heathland area adjacent to the quarry pond was of the same value as the SAC, which is in conflict with the AIES which states that this heathland area is not considered to be 'functionally linked' to the SAC. Natural England to Arup – Requesting survey data on the heathland area. Arup to Natural England – Giving details on the NVC survey on the heathland area.
06/12/2017	Email	Heathland values	Natural England to Arup – Agreeing that the heathland area is not of SAC quality or functionally linked to Newlyn Downs, and that the conclusion within the AIES is fine as it stands. Natural England requested the area of the site, emphasising that it was important to replace the lost heathland aiming for no-net-less and potential net-gain. Arup to Natural England – Stating that current plans are to link habitat to connected habitat with the heathland at Newlyn Downs SAC, thus providing connectivity to a presently isolated area of heathland and providing 2:1 heathland creation to loss.
07/12/2017	Email	Heathland values	Arup to Natural England – Confirming the area of the isolated heathland patch as 6832m <sup>2</sup> based on WSP's 2017 Phase 1 map.
27/11/2017	Meeting	Ecology survey methodologies, results and mitigation - Meeting	Arup meeting with Natural England to discuss ecology survey methodologies, results and mitigation. Discussions captured in meeting notes dated 27/11/2017.
12/12/2017	Email and meeting notes dated 27/11/2017	Ecology survey methodologies, results and mitigation - Meeting	Arup to Natural England – Sending minutes from face-to-face meeting between Natural England and Arup on 27/11/2017 under the DAS contract. Topics discussed include scoped out surveys, bat surveys, heathland restoration and air quality, habitats, dormice, badger, otter, birds, reptiles, terrestrial invertebrates, aquatic ecology, and section 41 species. Natural England are satisfied with the method by which water vole and great crested newt have been scoped out. They are also content with assessing S41 species (other than those of higher protection) at a habitat level.

Date	Method	Topic	Consultation Details
			<p>Following meeting, an action with Arup was to send a summary of all bat survey methodology and relevant consultation between WSP and Natural England to allow Natural England to decide whether further survey work is required for bats. Natural England were going to pull together information on potential roost presence at Chyverton Estate.</p> <p>Habitat calculations were discussed with Natural England stating that they would prefer Arup to use their own habitat calculator which is due to come out in September 2018, but Natural England will send this to Arup when required.</p> <p>Arup and Natural England agreed on the likely absence of dormice.</p> <p>Natural England stated that they would like to see the justification within the otter report regarding the deviation from guidance in reducing the recommended 500m study area to 250m.</p> <p>Natural England stated that they would prefer habitat manipulation and creation rather than fencing/translocation for reptile mitigation.</p> <p>Natural England were satisfied that no specific amphibian surveys took place, and that Section 41 species are assessed on a habitat level rather than an individual species survey level. Standard construction mitigation and safe places of refuge would be sufficient.</p>
13/12/2017	Email	Ecology survey methodologies, results and mitigation - Meeting	Natural England to Arup – Confirming receipt of minutes and giving details on possible ways to find out more about the potential day roost at Chyverton Estate, including talking to the Cornwall Wildlife Trust, a contact at the Cornwall Bat Group, and the Environment Agency.
07/02/2018	Email and document dated 07/02/2018	Consultation Response on the PEIR	<p>Natural England consultation response to the PEIR, covering: air quality; climate change adaptation; designated sites; net gain; designated landscape and landscape character; protected species; water quality; and hydrology.</p> <p>The consultation response is provided in Appendix B, and details of which are covered in the Matters Agreed and Matters Outstanding.</p>
15/02/2018	Email	Bat methodology, results and mitigation	Arup to Natural England – Sending bat summary report, pulling together survey methods, efforts, and coverage, and highlighted where Arup considered there may be gaps in the data. Mitigation and preliminary dimensions for wildlife crossings were also included.
21/02/2018	Emails	Bat methodology, results and mitigation	<p>Natural England to Arup – Requesting that Arup provide specific question for the Natural England bat specialist to answer.</p> <p>Arup to Natural England – Clarifying that the summary report has been produced to allow Natural England to review the survey coverage and results of the bat surveys against the proposed mitigation, to answer the following questions:</p>

Date	Method	Topic	Consultation Details
			<ul style="list-style-type: none"> <li>Do Natural England consider the survey methods, coverage and results for bat activity to be satisfactory to inform the DCO assessment?</li> <li>Do Natural England consider survey methods, coverage and results for bat roosts to be satisfactory to inform the DCO assessment?</li> <li>Do Natural England consider the survey methods, coverage and results for bat roosts to be satisfactory to inform EPS licences?</li> <li>Do Natural England consider the existing surveys for bat roosts alongside the proposed top-up surveys as identified in the report to be satisfactory to inform EPS licences?</li> <li>Do Natural England consider the mitigation proposed in the form of landscape planting and crossing structures (both under and over passes) sufficient to ensure no significant effects to bats based on the results obtained?</li> <li>At present Arup have not proposed the specific bat mitigation for the effects on bat roosts other than draft licence applications will be submitted with the DCO application. All bat roosts within 50m of the development will be considered in terms of disturbance and appropriate mitigation agreed with Natural England will be drafted. Are Natural England satisfied with this approach?</li> </ul>
27/02/2018	Email	Loss Priority Woodland and potential for Ancient Woodland status	Arup to Natural England – Requesting advice from Natural England on the holding objection from the Woodland Trust received 02/02/2018 through the formal PEIR consultation response (The Woodland Trust suggested that an area of woodland at grid reference SW7950149771 may be unmapped ancient woodland, based on the presence of this woodland on 1st Edition OS maps. The Woodland Trust placed a holding objection on the preferred route option until the status of the ancient woodland was determined).
28/02/2018	Email	Loss Priority Woodland and potential for Ancient Woodland status and HRA methodology	<p>Arup to Natural England – Expanding on holding objection from the Woodland Trust, including a summary on the area of woodland in question. Arup queried whether, based on the information available to Natural England, they think it is viable to classify the area of woodland as ancient woodland.</p> <p>Natural England to Arup – Natural England will check whether they have specialists available to look into the area of woodland and provide an answer.</p> <p>Natural England to Arup – Querying what input Arup require on HRA methodology.</p>
05/03/2018	Email, forwarding email dated 02/03/2018	Terrestrial Invertebrates survey report and Heathland	Natural England to Arup – Forwarding email from Natural England Invertebrate specialist, who reviewed the Terrestrial Invertebrates survey report and concluded that the isolated heathland area is too small to make a good SSSI, but that it is too valuable to put a road through and stating that the invertebrate assemblage in this heathland area is the premise for the West Penwith pSSSI. Natural England queried what the options are to go around this area of heathland rather than through it. The specialist also

Date	Method	Topic	Consultation Details
			highlighted that some of the IUCN statuses of species have changed and may therefore change the outputs from Pantheon/ISIS.
06/03/2018	Email	Nightjar Surveys	Arup to Natural England – Attached Nightjar Survey Report produced by WSP, expressing concern that surveys in Areas 2 and 3 may not have been carried out within Gilbert et al., 1998 guidance, and requesting advice from Natural England as to whether the results from the Nightjar Survey would be sufficient to inform the DCO application.
15/03/2018	Email	Terrestrial Invertebrates survey report and Heathland	Arup to Natural England – Forwarding response from Invertebrate Report author to Natural England, requesting that Natural England Invertebrate specialist responds to queries raised by the author. Having checked the IUCN statuses and checked the output of the revised Pantheon the author states that the F003 assemblage recorded from sites 3, 4, and 5 combined still show Favourable Condition Status, whilst the F001 Scrub edge assemblage also registered as in Favourable Condition for these sites which was not the case in the original analysis. Natural England to Arup – Natural England Invertebrate specialist detailing some status updates on Pantheon.
19/03/2018	Email and review dated 13/03/2018	Nightjar Surveys	Natural England to Arup – Attached a review from Natural England's ornithological specialist. The review expressed the requirement for further desk survey work to scope in or scope out additional areas, and to subsequently justify not conducting further survey work, or to conduct additional survey work as appropriate.
19/03/2018	Email	Loss Priority Woodland and potential for Ancient Woodland status	Natural England to Arup – Confirming that they have secured an ancient woodland specialist to look into queries.
29/03/2018	Email	Air Quality and HRA	Arup to Natural England – Querying what Natural England wish to see relating to air quality and how this will inform the HRA.
03/04/2018	Email and meeting minutes dated 22/03/2018	Bat Surveys and Mitigation	Arup to Natural England – Attaching minutes from phone meeting between Arup and Natural England bat specialist, and summarising main points from meeting. Natural England approve of the ten proposed underpasses designed and suitable for bats. Arup described the issue of potential lighting for walkers, cyclists, and horse riders (WCHs) use at Church Lane and Newlyn Downs underpass, explaining the option for motion sensor lighting triggered by WCHs but not by

Date	Method	Topic	Consultation Details
			<p>bats/other wildlife, assuming that lighting would likely only be required in winter months. Natural England are satisfied that this is a practical compromise but stated that Arup need to ensure lighting is avoided in the bat activity period.</p> <p>Natural England questioned why radio-tracking had not been undertaken, and Arup stated that activity surveys were extensive and referred Natural England to previous consultation between them and WSP. Natural England agreed that a suitable solution to the gap identified on bat activity information at the quarry pond is to deploy an automated static detector (SM2 or equivalent) at the quarry pond for a minimum of five nights in May/June/July 2018. Natural England stated that deployment in August might be useful but not essential.</p> <p>Following gaps identified in baseline information on certain roosts, Natural England and Arup is in agreement on the following further bat roost surveys:</p> <ul style="list-style-type: none"> <li>• Update ground level tree assessment (GLTA) along proposed realigned section of existing A30 south of Chyverton Estate/woodland (April 2018);</li> <li>• Tree climbing survey of T94 and T99 (April 2018);</li> <li>• Emergence and trapping survey, followed by dawn re-entry survey, at building 35 Nancarrow Farm barn (May/June 2018);</li> <li>• Daytime inspection of 3x buildings at Pennycomequick, followed by one emergence survey of the complex of buildings (May/June 2018);</li> <li>• Daytime inspection of Building 32 at Marazanvose, followed by 2x emergence surveys of the building on separate occasions (May and July); and</li> <li>• Daytime inspection of Zelah Farm buildings adjacent to proposed new Tolgroggan bridge (April/May 2018).</li> <li>• Natural England agreed that a wildlife pond adjacent to a proposed attenuation pond at Carland Cross would be sufficient to mitigate for the impacted quarry pond.</li> </ul>
04/04/2018	Email	Outstanding DAS queries	Arup summarising outstanding queries under DAS contract which include justifications of why the heathland area around the quarry pond and the woodland between Town and County Motors and the solar farm are being directly impacted; the feasibility of accommodating a wildlife pond around Carland Cross; advice on the HRA and air quality impacts; and the methodology of nightjar surveys to be carried out by Arup in Summer 2018.
04/04/2018	Email	Loss Priority Woodland and potential for Ancient	Natural England to Arup – Forwarding advice from the ancient woodland specialist, who concluded that there is not enough evidence to support the woodland as being 'ancient'. Natural England questioned whether Arup would like the findings summarised in a report.

Date	Method	Topic	Consultation Details
		Woodland status	
10/04/2018	Email	Loss Priority Woodland and potential for Ancient Woodland status	Arup to Natural England – Arup will forward the response from Natural England's ancient woodland specialist to the Woodland Trust to see if this is sufficient for the Woodland Trust to remove their holding objection. If not, Arup may request a report summarising the specialist's findings.
10/04/2018	Email	Air Quality and HRA	Arup to Natural England – Expressing that based on recent consultation there is the potential that more sites in addition to Newlyn Downs SAC may need to be considered relating to air quality criteria.
16/04/2018	Email and attached advice	Air Quality and HRA	Natural England to Arup – Attaching guidance regarding HRA screening and the potential differences between DMRB and Natural England significance screening for road schemes. The guidance states that designated sites within 200m of the edge of the road should be screened for significance. Goss Moor SAC is within 200m of the edge of the road network (not within 200m of the scheme) but may still be subject to adverse air quality impacts due to the increase in traffic on the road network at this point, triggered by the proposed scheme.
17/04/2018	Email	Biodiversity Calculators	Arup to Natural England – Stating that in the absence of the Natural England biodiversity calculator, Arup have compared habitat in terms of hectares of Phase 1 Habitats lost vs. Phase 1 Habitats gained through the Environmental Masterplans, giving area figures which can be compared. Would Natural England see this level of detail as sufficient to inform net loss vs. net gain for the application or would Natural England see a Biodiversity Offset Calculator necessary for a DCO application?
17/04/2018	Email	Biodiversity Calculators	Arup to Natural England – Confirming that the consultation response (07/02/2018) requested use of the Defra Biodiversity Metric.
24/04/2018	Email	Biodiversity Calculators	Natural England to Arup – Confirming that use of the Defra metric is acceptable.
25/04/2018	Email	Air Quality and HRA	Arup to Natural England – Requesting clarity on difference between DMRB and Natural England guidance in Air Quality assessment.
02/05/2018	Email	Air Quality and HRA	Natural England clarified differences in guidance. Natural England guidance differed from DMRB in certain situations where Natural England's own investigations have highlighted potential issues with the DMRB methodology. One of those situations is a change of less than 200 HDVs for single and dual carriageway roads. DMRB would screen that scenario out as insignificant change, but Natural England investigations have shown



Date	Method	Topic	Consultation Details
			that is not necessarily the case and it may lead to a significant change i.e. >1% of Critical Level. Natural England require further assessment where change in AADT for HDVs is <200 in this instance.
02/05/2018	Email	Alignment at Nanteague Farm and Carland Cross	Arup issued a Memo (dated 01/05/2018) on the justification of the alignment near Nanteague Farm and Carland Cross relating to the scheme going through a Priority Woodland and Heathland. The Memo provided an assessment of alternatives based on environmental impacts, road safety and buildability. Within this email Arup inform that the note was sufficient for The Woodland Trust to remove their holding objection relating to the woodland. Arup also confirm that heathland and woodland planting will be at least 2:1.
10/05/2018	Email	Alignment at Nanteague Farm and Carland Cross	Arup informing Natural England that the Woodland Trust had removed their holding objection and requesting a further meeting.
22/05/2018	Phone Call and email summary following	Alignment at Nanteague Farm and Carland Cross, Statement of Common Ground (SoCG) meeting	Call between Arup and Natural England - discussions on HRA and set up of meeting to finalise SoCG. Natural England in theory agree with justification of alignment but to look through memo and capture their position in the SoCG. Arup described current position with HRA and methodologies/assessments applied to determine potential effects. Natural England in theory agree with approach but requested further details to discuss in meeting. Arup informed that HE had declined the use of the The Defra Biodiversity Metric, but a full assessment and calculation of habitats to be lost versus those being created / replaced through the Environmental Masterplan will be provided. Natural England agreed that this will be sufficient to inform the Biodiversity assessment. Agree meeting date 06/06/2018 to discuss matters above, mitigation measures and SoCG. Email that followed highlighted topics to be discussed in the agreed meeting and what Arup was to provide ahead of meeting, being: 1. the Draft SoCG, 2. Outline to HRA approach, and 3. Information to inform on mitigation, at least a week ahead of meeting – being 30th May. The email also confirmed that no other designated site is predicted to have an increase on HGVs on the Affected Roads Network as a result of scheme.
23/05/2018	Email	Otter Survey Methods, Cattle Grazing for SAC and LVIA Methods	Arup requested Natural England's position on 1. Deviation to DMRB guidance for otter, 2. Loss of supplementary grazing field for cattle used to graze SAC, and 3. LVIA methodology used as agreed with Cornwall Council.



Date	Method	Topic	Consultation Details
29/05/2018	Email	Air Quality and HRA	Natural England agreed with the rational and methodology relating to air quality, and in relation to assessing designated sites the 200 HDV threshold is either exceed (and thus being considered) or have a predicted reduction or no change in HDV.
30/05/2018	Email	Otter Survey Methods, Cattle Grazing for SAC and LVIA Methods	Natural England confirmed (relating to email from Arup 22/05/2018) that 1. The deviation from DMRB guidance for otter surveys was currently being assessed by a Natural England mammal specialist, as to whether the deviation was appropriate in light of otter populations in Cornwall, and the author's (Paul Chanin) knowledge , 2. Grazing rights etc. for the field adjacent to Newlyn Downs SAC being looked into, 3. Agreed with the justification of AONB. Arup sent Natural England the draft Statement of Common Ground, a note laying out the proposed approach to the HRA, and a summary and justification of species crossings and mitigation design, ready for discussion at subsequent meeting.
30/05/2018	Email	Meeting	Arup to Natural England – Confirming the Agenda for the 04/06/2018 meeting, to include: 1. Arup to inform Natural England of the main changes to scheme since PEIR; 2. Arup to talk Natural England through the matters agreed and outstanding within the Statement of Common Ground; 3. Confirm matters agreed and where possible address any matters outstanding, including those relating to HRA and mitigation proposed; 4. HRA Approach – work towards agreement; and 5. Proposed Mitigation – work towards agreement.
31/05/2018	Email	Meeting	Arup to Natural England – Attaching figures displaying locations of crossings suitable for otter and badger, and showing the bat survey effort, coverage, and results for discussion at the 04/06/2018 meeting.
04/06/2018	Meeting	SoCG	A meeting between Natural England and Arup to go through the draft SoCG and confirm matters agreed and matters outstanding as of 04/06/2018.
06/06/2018	Email	SoCG, HRA, Otter Survey Methods	Arup to Natural England – Attaching minutes from 04/06/2018 meeting, and confirm actions for Natural England of 1. Sending through ecological survey information and associated citations for the Mid-Cornwall Moors SSSI to inform the HRA, 2. To provide information and a decision relating to the cattle grazing and part loss of grazing field due to the scheme, for inclusion within the HRA, 3. To confirm with Natural England's mammal specialist that Paul Chanin's deviation from DMRB otter guidance is acceptable in light of otter populations in Cornwall and his knowledge. Natural England to Arup – Providing confirmation the mammal specialist agrees with the methodology used by Paul Chanin during the otter surveys. Arup to Natural England – Attaching updated SoCG based on 04/06/2018 meeting.

Date	Method	Topic	Consultation Details
11/06/2018	Email	Protected Species Licensing	Natural England to Arup – Giving information on Natural England’s pre-submission screening service (PSS), which allows draft licence applications to be screened prior to formal submission, with Natural England giving advice on whether the draft submission would meet licensing requirements.
12/06/2018	Email	Summary of position and actions	<p>Natural England to Arup – Summarising position on various topics as follows: Air Quality – Issues bottomed out and no further discussion needed, Alignment justifications – Natural England in agreement with alignment justification (as of 04/06/2018 meeting), Species crossings – Natural England in agreement of species crossings (as of 04/06/2018 meeting), 04/06/2018 Meeting minutes – will review as soon as possible (aware that some actions still lie with Natural England), SoCG - will review as soon as possible, Note of approach to HRA – will review as soon as possible.</p> <p>Arup to Natural England – Confirming actions required by Natural England of 1. To provide information and a decision relating to the cattle grazing and part loss of grazing field due to the scheme, for inclusion within the HRA, 2. Sending through ecological survey information and associated citations for the Mid-Cornwall Moors SSSI to inform the HRA</p>
19/06/2018	Email	HRA	<p>Natural England to Arup – Attaching map of supplementary cattle grazing field adjacent to Newlyn Downs SAC, and the Part 3 HLS – Management of environmental features relating to this grazing field. Natural England confirmed in this email that the area lost to the scheme would significantly affect the ability of the agreement holder to manage the SAC, resulting in a negative impact on the European Sites designation.</p> <p>Natural England to Arup – Attaching maps displaying up to date NVC data for Goss and Tregoss Moor, and a location map for Mid Cornwall Moors SSSI.</p> <p>Natural England to Arup – Attaching Mid Cornwall Moors SSSI supporting information document, notification document, and least favourable condition tables.</p> <p>Arup to Natural England – Requesting further information on:</p> <ol style="list-style-type: none"> <li>1. SSSI units (within the Mid Cornwall Moors SSSI) and what is recorded within them;</li> <li>2. What the lack of colour on the SSSI map signifies, whether it signifies a lack of survey;</li> <li>3. Requesting the GIS files of the Mid Cornwall Moors SSSI NVC to give clearer detail than the PDF; and</li> <li>4. Any surveys for Marsh Fritillary or Devil’s bit scabious within the areas near Mid Cornwall Moors SSSI / Breney Common and Goss and Tregoss Moors SAC, particularly close to the road.</li> </ol>
20/06/2018	Email	HRA, Terrestrial Invertebrates	<p>Natural England to Arup – Attaching site unit maps for Mid-Cornwall Moors SSSI</p> <p>Natural England to Arup – Attaching marsh fritillary distribution and habitat map, and NVC survey data commissioned by Natural England and non-NVC data submitted by Highways England to inform the Mid Cornwall Moors SSSI designation.</p>

Date	Method	Topic	Consultation Details
			<p>Arup to Natural England – Stating that Arup have not changed the text within the Terrestrial Invertebrate report to reflect the slight changes in conservation statuses identified within the Pantheon assessment, but that instead a justification will be provided within the main text of the Environmental Statement chapter explaining that despite the changes in conservation status, the Condition Statuses from the Pantheon assessment have not changed. Arup requested confirmation that Natural England agree with this approach, and that statement that ‘status changes would not significantly alter key findings’.</p> <p>Natural England to Arup – Attaching reviewed Statement of Common Ground with very minor comments from Natural England and agreeing with all that had been added to it by Arup since the 4<sup>th</sup> June 2018 meeting.</p>
21/06/2018	Email	Terrestrial Invertebrates	Natural England to Arup – Confirming agreement with the approach described in 20/06/2018 email regarding conservation status changes.
25/06/2018	Email	HRA	<p>Natural England to Arup – Expressing that in Natural England’s view, the DMRB methodology relating to air quality screening (i.e. &lt;200 HDV vehicles or &lt;10kmh average speed increase) is not sufficient to be compliant with Habitat Regulations Assessment and does not follow the methodology Natural England recommend for air quality assessment on roads.</p> <p>However, Natural England also state that they likely agree with the ultimate conclusions of the HRA, and it is their understanding that none of those designated sites screened out as no LSE have been done so based in part on the two DMRB criteria that Natural England believe may not be sufficiently precautionary (ie &lt;200 HDV vehicles or &lt;10kmh average speed increase), and this should be stated in the assessment document.</p> <p>The assessment should acknowledge the advice Natural England have already provided regarding certain DMRB criteria not being sufficiently precautionary to be compliant with Habitat Regulations Assessment in certain situations based on Natural England’s evidence.</p> <p>Furthermore, Natural England request that Arup ground truth findings from aerial photography around Breney Common and Goss and Tregoss Moors SAC.</p>
26/06/2018	Email	HRA	<p>Arup to Natural England – Requesting GIS shapefiles for the Mid Cornwall Moors SSSI NVC survey, and a Marsh Fritillary distribution map to inform the HRA.</p> <p>Arup to Natural England – Stating that all other designated sites within 200m of the network are predicted to stay similar or reduce in HDVs, and as such, if the assessment were to utilise Natural England’s &lt;200 HDV figure (wherever that is set), the assessment would remain the same.</p> <p>Also expressing that it may be difficult to do a ground truthing exercise in time for DCO submission, but it may be something that can be obtained for examination.</p> <p>Natural England to Arup – Requesting that Natural England methodology is acknowledged within the HRA in case of challenge.</p>

Date	Method	Topic	Consultation Details
28/06/2018	Email	HRA	Natural England to Arup – Attaching GIS shapefiles of the Mid-Cornwall Moors SSSI NVC data.
23/07/2018	Email	HRA	Highways England to Natural England – Sending HRA documents and requesting comments by Friday 3 <sup>rd</sup> August.
24/07/2018	Email	HRA	Natural England to Highways England – Confirming receipt of HRA documents and requesting extension to Wednesday 8 <sup>th</sup> August for returning comments. Arup to Natural England – Agreeing with extension to Wednesday 8 <sup>th</sup> August.
07/08/2018	Email with memo attached	HRA	Natural England to Arup – Agreeing with findings and stating that they therefore have provided no further comments. The attached memo states that Natural England concur with the assessment conclusions (of no adverse effects on the integrity of any of the sites in question due to the scheme), providing that all mitigation measures are appropriately secured in any permission given.
08/08/2018	Email	SoCG	Issue of updated Statement of Common Ground to Natural England.
13/08/2018	Email	SoCG	Natural England to Arup – Confirming that Natural England has reviewed the Statement of Common Ground and added in a few comments.
20/08/2018	Email	SoCG	Arup to Natural England – Confirming that the Statement of Common Ground has been updated to reflect comments from Natural England on 13/08/2018.
27/09/2018	Email	Protected Species Draft Licensing	Arup to Natural England – Responding to email regarding the PSS by attaching the PSS request form and expressing that discussions on the draft licences should start as soon as possible. Information on bat roosts was also included and the requirement for a letter of no impediment from Natural England for the DCO examination was highlighted.
02/10/2018	Email	Protected Species Draft Licensing	Arup to Natural England – Attaching the Badger Survey Report and confirming that the 2018 Bat Survey Report was being reviewed at the time but will be sent to Natural England soon, and that the 2018 Bat Survey Report did not cause any big changes to the conclusions of the ES.
10/10/2018	Email	Protected Species Draft Licensing	Natural England to Arup – Querying whether the 2018 Bat Survey Report would be sent to Natural England soon, and giving an approximate figure for the cost of the PSS.
11/10/2018	Email	Protected Species Draft Licensing	Arup to Natural England – Stating that the 2018 Bat Survey Report was with Highways England for a review, but would be sent to Natural England soon, and explaining that badger figures showing setts affected with details of adjacent construction activities are in the process of being produced.
15/10/2018	Email	Protected Species Draft Licensing	Arup to Natural England – Attaching the 2018 Bat Survey Addendum report.

Date	Method	Topic	Consultation Details
23/10/2018	Email	Protected Species Draft Licensing	Arup to Natural England – Expressing the aim of sending information to Natural England by the end of the week (26 <sup>th</sup> October 2018) regarding specific distances of badger setts and bat roosts from construction works and what those construction works are and suggesting a dial-in meeting to discuss.
24/10/2018	Email	Protected Species Draft Licensing	Arup to Natural England – Attaching information including figures, on distances of badger setts from works and what those works are to inform a discussion and decision on which setts require closure, what type of closure is required, and which require the provision of an artificial sett. Natural England to Arup – Confirming receipt of badger information and date of meeting. Arup to Natural England – Invite to dial-in meeting to discuss draft protected species licences.
25/10/2018	Meeting	Protected Species Draft Licensing	A phone meeting between Arup and Natural England to discuss what Natural England require with regard to the draft bat and badger licences.
26/10/2018	Email	Protected Species Draft Licensing	Natural England to Arup – Forwarding a preview of the new Application Form and Method Statement template for bats and attaching a blank version of the latest bat mitigation Annex that Advisors need to complete. Arup to Natural England – Confirming receipt of documents. Natural England to Arup – Attaching a photo of a lesser horseshoe bat artificial night roost built using construction materials in the Forest of Dean and querying the possibility of funding bat enhancements, incorporating a hibernation site for horseshoe bats as in the example.
14/11/2018	Email with meeting minutes attached	Protected Species Draft Licensing	Arup to Natural England – Requesting more details on the Forest of Dean artificial roost. Stating that potential disturbances to bats are still being assessed, including in terms of type and duration, with details to be sent shortly. Requesting confirmation that simply the location and comment to design principles of both the replacement roost and artificial setts are sufficient at this stage (i.e. no detailed design is required at this stage). Meeting minutes from 25 <sup>th</sup> October 2018 meeting were also attached for Natural England's comment and approval.
15/11/2018	Email	Protected Species Draft Licensing	Arup to Natural England – Attaching spreadsheet detailing the level of disturbance to each bat roost within 50 metres of the scheme and suggesting a phone discussion to run through these. Requesting information on the previous bat licence at NFH. Requesting a copy of a draft bat licence for a similar NSIP or highways project.
19/11/2018	Email	Protected Species Draft Licensing	Natural England to Arup – Attaching a copy of the previous licence granted at NFH and giving details from the application form and method statement, and on how to retrieve the relevant bat survey results.

Date	Method	Topic	Consultation Details
20/11/2018	Email	Protected Species Draft Licensing	<p>Arup to Natural England – Confirming receipt of the NFH bat licence details and confirming that Arup will get in touch with the surveyor for information on the locations of the compensatory roosts and any monitoring results.</p> <p>Natural England to Arup – Confirming receipt of meeting minutes from 25<sup>th</sup> October 2018 meeting. Explaining Natural England's role for the draft bat and badger licences, which for the bat licence includes providing an early view on the three tests under the Habitats Regulations (i.e. 1. The Purpose test; 2. The No-satisfactory Alternative (NSA) test; and 3. The Favourable Conservation Status (FCS) test). Only when Natural England are satisfied that the application will meet the above tests in principle will a Letter of No Impediment be issued, which can detail minor issues that must be addressed in the formal licence application (e.g. including the detailed design of a replacement roost). The draft badger licence is simpler, with the application only consisting of an application form, method statement, and maps.</p>
26/11/2018	Email	Protected Species Draft Licensing	<p>Arup to Natural England – Querying the new Natural England bat licence template regarding replacement roosts for each species.</p> <p>Natural England to Arup – Providing clarification on the structure of the new Natural England bat licence template.</p>
27/11/2018	Email	Protected Species Draft Licensing	<p>Arup to Natural England – Querying the presence of previous applications for badger around the scheme, for the draft badger licence application.</p> <p>Natural England to Arup – Providing clarification that only applications that the applicant/ecology is aware of need be included within the licence application.</p> <p>Natural England to Arup – Attaching spreadsheet of bat roost disturbances, with comments added from Natural England, and suggesting where impacts can be managed by avoidance measures thus removing the need for them to be on the licence. Suggesting a phone meeting to discuss the updated spreadsheet.</p> <p>Arup to Natural England – Agreeing to meeting to discuss bat roost spreadsheet.</p>
03/12/2018	Email	Protected Species Draft Licensing	<p>Natural England to Arup – Sending web link to new bat mitigation licence application forms and stating that the final bat licence application should be completed using the new forms.</p>
04/12/2018	Email	Protected Species Draft Licensing	<p>Arup to Natural England – Informing Natural England of the likely programme for delivery of the draft bat and badger licence applications and querying what the deliverables and timeframe would be for Natural England.</p> <p>Natural England to Arup – Informing Arup that Natural England guarantee PSS delivery within 30 workings days of draft application pack submission. Confirming what Natural England will provide under the PSS agreement:</p> <ul style="list-style-type: none"> <li>• An opinion on whether scheme wide licences would be suitable for bats and/or badgers;</li> </ul>

Date	Method	Topic	Consultation Details
			<ul style="list-style-type: none"> <li>Review of the draft licence application documents (application form, method statement and reasoned statement);</li> <li>A written report providing advice highlighting issues which need to be addressed to meet the favourable conservation status licensing test;</li> <li>If/when Natural England is satisfied the draft licence application will meet the relevant tests, issue of A Letter of No Impediment (LONI).</li> </ul>
12/12/2018	Email	Protected Species Draft Licensing	<p>Natural England to Arup – Requesting an update on submission dates of the draft badger and bat licence applications.</p> <p>Arup to Natural England – Confirming submission likely to be on 14<sup>th</sup> December 2018.</p>
13/12/2018	Email	Protected Species Draft Licensing	<p>Arup to Natural England – Sending the following documents as part of the draft bat licence application:</p> <ul style="list-style-type: none"> <li>Application form</li> <li>Method Statement</li> <li>Figures to support the Method Statement</li> <li>Supporting information to the Method Statement (x5)</li> <li>Annex H1 Pre-Existing Survey Reports (x1)</li> </ul> <p>Also confirming that Figure E4 will be sent on the 14<sup>th</sup> December 2018, and the Reasoned Statement will be sent w/c 17<sup>th</sup> December 2018.</p> <p>Arup to Natural England – Apologising for delay on draft badger licence application and confirming it should be sent w/c 17<sup>th</sup> December 2018, due to further looking into requirement for artificial sett for sett 26.</p>
14/12/2018	Email	Protected Species Draft Licensing	<p>Natural England to Arup – Confirming receipt of draft bat licence documents and stating that assessment of both draft licence applications will commence w/c 17<sup>th</sup> December 2018.</p> <p>Arup to Natural England – Confirming that draft badger licence application will be submitted on 17<sup>th</sup> December 2018.</p>
17/12/2018	Email	Protected Species Draft Licensing	<p>Arup to Natural England – Submitting the draft badger licence application, comprising the following documents:</p> <ul style="list-style-type: none"> <li>Draft badger licence method statement</li> <li>Draft badger licence application form</li> <li>Work in progress Statement of Common Grounds with Natural England</li> </ul> <p>Natural England to Arup – Confirming receipt of draft badger licence application documents, and requesting that the documents for both the draft bat and badger licences are also sent to the wildlife licensing section.</p>



Date	Method	Topic	Consultation Details
			Arup to Natural England – Submitting draft badger licence application to wildlife licensing section within Natural England (multiple emails and CD in post due to size of documents). Natural England to Arup – Requesting completion of the Applicant and Ecologist declaration within the draft badger licence application form.
18/12/2018	Email	Protected Species Draft Licensing	Arup to Natural England – Submitting Figure E4 for the draft bat licence application.
19/12/2018	Email	Protected Species Draft Licensing	Arup to Natural England – Submitting draft badger licence application form with Applicant and Ecologist declarations completed.
20/12/2018	Email	Protected Species Draft Licensing	Natural England to Arup – Querying whether Figure E3 was submitted with the draft bat licence application. Arup to Natural England – Stating that Arup did not consider Figure E3 to be necessary at this stage, due to the fact that detailed design of the bat house at NFH had not yet commenced. Natural England to Arup – Requesting that Figure E3 is submitted at this stage to mitigation, and to allow for assessment of the draft licence application. Arup to Natural England – Submitting the Reasoned Statement and Figure E3 for the draft bat licence application and confirming that the entire draft bat licence application was also submitted on memory stick to the wildlife licensing section.
21/12/2018	Email	Protected Species Draft Licensing	Natural England to Highways England – Confirming receipt of draft badger licence application to the wildlife licensing section and raising reference 2018-38646-SPM-WLM for the licence.
02/01/2019	Email	Protected Species Draft Licensing	Natural England to Highways England – Changing reference for draft badger licence application from 2018-38646-SPM-WLM to 2019-38681-SPM-NSIP1. Highways England to Natural England – Confirming receipt of new reference number.
04/01/2019	Email	Protected Species Draft Licensing	Natural England to Arup – Requesting answers to queries on the draft badger licence application, including: <ol style="list-style-type: none"> <li>1. How close tree removal will be to sett 26, and whether these are mature trees or scrub;</li> <li>2. What is the proposed planting around artificial setts 12 and 17 and where is this shown;</li> <li>3. Highlighting issues surrounding the proposed location of artificial sett 26 within the construction compound. Requesting that a new location be identified if possible;</li> <li>4. Requesting latest version of 'Summary and justification for multispecies crossings and mitigation design' table; and</li> <li>5. Requesting photographs of affected badger setts.</li> </ol>



Date	Method	Topic	Consultation Details
07/01/2019	Email	Protected Species Draft Licensing	Natural England Wildlife Licensing Service confirming receipt of hard copy of figures for the draft badger licence.
09/01/2019	Email	Protected Species Draft Licensing	Arup to Natural England – Responding to queries on the draft badger licence application, as follows: <ol style="list-style-type: none"> <li>1. Tree removal will be located at 15m from existing sett 26 in an area currently identified as semi-natural broadleaved woodland. Arup queried whether Natural England would prefer to see closure of this sett based on this measurement;</li> <li>2. Stating that the proposed planting around artificial sett 12 is 'species rich grassland and scattered deciduous trees' and that the planting around artificial sett 17 will be specified during the detailed design stage. Arup queried whether Natural England would expect fencing around artificial setts to be specified at this stage, as both artificial setts 12 and 17 are to be located in fields with cows or sheep present;</li> <li>3. Stating that the decision around the location of artificial sett 26 is still ongoing;</li> <li>4. Sending the most up-to-date version of the mitigation table; and</li> <li>5. Explaining that no photographs were included within the original badger report by WSP, and asking whether photographs are an absolute requirement for the Draft Licence Application?</li> </ol>
10/01/2019	Phone meeting and Email	Protected Species Draft Licensing	Phone meeting between Arup and Natural England to go through queries on the draft badger licence application. Natural England sent summary of phone meeting by email as follows: <ol style="list-style-type: none"> <li>1. Natural England agree that the application should be updated to close sett 26 at least temporarily.</li> <li>2. Natural England agree that the planting around artificial sett 12 is suitable but highlighted that tree planting and other operations involving excavations and earth moving close to the artificial sett should be carried out at the same time as the artificial sett is created, so as to avoid disturbance close to the artificial sett once it is occupied. Natural England also emphasised that it would be better to locate artificial setts on the edge of woodland or hedgerows, rather than in animal pasture or arable land. If the setts are to be located in an area without any cover, Natural England would expect vegetation (such as hawthorn or blackthorn) to be planted nearby at the same time as the artificial sett is created.</li> <li>3. Natural England recommended including a version of the mitigation table specific to badger within the method statement.</li> <li>4. Natural England stated that photographs of affected setts are not an absolute requirement but would be extremely helpful in the formal licence application.</li> </ol>
11/01/2019	Email	Protected Species Draft Licensing	Arup to Natural England – Agreeing with Natural England's summary of 10/01/2019 phone meeting.

Date	Method	Topic	Consultation Details
29/01/2019	Phone meeting and Email	Protected Species Draft Licensing	<p>Phone meeting between Arup and Natural England regarding the draft bat and badger licences, followed up by an email summary from Arup to Natural England as follows:</p> <ul style="list-style-type: none"> <li>• Confirmation from Natural England that the bat licence was been formally registered;</li> <li>• Natural England confirmed that they have reviewed both badger and bat draft licences, and produced a letter of comments on each which will be issued shortly;</li> <li>• Discussions relating to whether all comments within that letter need to be addressed to gain the Letter of No Impediment and action to further discuss on receipt of comments;</li> <li>• Arup updated Natural England on the further surveys currently being conducted on badger sett 26 to determine whether it is a main sett. Further review of main setts sizes within this landscape in Cornwall has lead Arup to question the previous classification of this small sett as a main. Arup will update Natural England on results to discuss implications on the licence and subsequent changes to the Method Statement for the draft badger licence;</li> <li>• Natural England confirmed that their senior meeting is planned for 30<sup>th</sup> February 2019 to discuss the draft bat licence before issue of comments. Natural England agreed to send through comments relating to building 35 ahead of this for Arup to discuss;</li> <li>• Natural England stated that that there are a number of comments on both draft licences, however none are likely to be considered 'an impediment'; and</li> <li>• Natural England confirmed there are no comments on the Reasoned Statement.</li> </ul> <p>Natural England to Arup – Sending survey-related comments in advance of the advice letters to be provided by Natural England. Survey-related comments on the draft bat licence application included the following:</p> <ol style="list-style-type: none"> <li>1. Justify the roost characterisation of building 35, through a further explanation of bat use during the surveys;</li> <li>2. Explain why it was considered the Myotis species was likely to be Natterer's in the section C6 or C7 explanation boxes;</li> <li>3. Explain the reason for determining the presence of transitional roosts; and</li> <li>4. Comment on hibernation potential, most importantly for building 35.</li> </ol> <p>Survey-related comments on the draft badger licence application included the following:</p> <ol style="list-style-type: none"> <li>1. Highlighting need for an update on the badger survey prior to the formal licence application, and a final walkover survey within 3 months prior to the proposed start of licensable activities;</li> <li>2. Bait marking may be beneficial prior to the formal licence application in determining badger social groups.</li> <li>3. During scheme construction, at least annual update badger surveys should be undertaken to identify any new setts created.</li> </ol>

Date	Method	Topic	Consultation Details
			4. In order for badger sett 26 to be re-classified as a subsidiary sett evidence to show how it is linked to other setts should be submitted. Querying whether sett 26 could remain open during the works by retaining a thicker band of woodland between the cutting and the sett.
31/01/2019	Email and attached letters	Protected Species Draft Licensing	<p>Natural England to Highways England – Attaching two letters through their Pre-submission Screening Service, providing advice on the initial draft bat and badger licence applications.</p> <p>Summary of comments provided within the letter on the draft bat licence application:</p> <ul style="list-style-type: none"> <li>• Natural England recommend that the application include the capture and transport, by hand, static hand-held net and endoscopes of the bat species present in building 35. The number of bats of each species to be captured at the time of the works must be specified. For all species present in building 35, the methods should also include permanent exclusion and destructive search by soft demolition.</li> <li>• For the formal licence application, surveys should be from the most recent survey season, with hibernation potential of buildings and trees specifically considered.</li> <li>• Survey-related comments as outlined in the email of 29<sup>th</sup> January 2019.</li> <li>• Need to compare roost losses for the other design options.</li> <li>• If bat boxes are intended to be mitigation for impacts they should be added to Table E3.3a.</li> <li>• The minimum dimensions of bat access to the bat house suitable for lesser horseshoe bats to fly-in (e.g. a 20cm x 30cm 'letterbox') must be specified to ensure that the replacement roost would be acceptable.</li> <li>• Natural England suggest adding in internal features for bats in the bat house, such as a 'cool tower'. Other additional details are normal expected for bat houses: Materials for walls, roof and any cladding; Internal baffles may be required to reduce light and drafts internally; Confirm no breathable roofing membranes used; Lockable access for monitoring; No lighting; and Vandalism proofing where appropriate.</li> <li>• Permissions for new roost creation and other mitigation must be in place if the land is not owned by the developer.</li> <li>• The lengths/areas of habitat re-instatement and creation, separating into the following categories, will be needed for the formal application so these can be included on the Annex: Bat flight lines; Hedgerow planting; Woodland planting; and Other.</li> <li>• Natural England recommend that further monitoring, in addition to the one year of monitoring required under the licence, should be undertaken to assess whether the bat populations have responded favourably to the mitigation and to inform continuing site maintenance operations.</li> <li>• Numerous comments on the figures, included a request for architects drawings to detail the bat house dimensions, aspect, materials used, bat access features, roosting features, security features, access/loft hatches etc.</li> </ul>

Date	Method	Topic	Consultation Details
			<ul style="list-style-type: none"> <li>Numerous comments on the Work Schedule which must be resubmitted with additional information as requested by Natural England within the letter.</li> </ul> <p>Summary of comments provided within the letter on the draft badger licence application:</p> <ul style="list-style-type: none"> <li>Natural England recommend including closure of sett 26 within the formal licence application, with the provision of an appropriate artificial sett to be constructed and available prior to main sett closure.</li> <li>Natural England do not favour the proposed location of artificial sett 26 within the construction compound as indicated in the plan <i>Badger setts to be closed/disturbed and mitigation</i>, due to the likely disturbance to badgers. Natural England request that an alternative location which will remain undisturbed during and after construction of the scheme be chosen.</li> <li>Survey-related comments as outlined in the email of 29<sup>th</sup> January 2019.</li> <li>Natural England provided additional information on the methodology of sett closure, to be included within Section 4.2 of the Method Statement, and further guidance on artificial sett creation.</li> <li>Natural England request that the multi-species road crossings which are mitigation to be included in the badger licence should be clearly defined on a map to accompany the formal application, as well as a table in the Method Statement. This should include proposed guide fencing and planting.</li> <li>Natural England also requested that clarification is included that no construction vehicles will be allowed within 30m of both artificial and all setts to remain open.</li> <li>Natural England recommend that the site be registered under the badger class licence (CL35) once all consents have been granted.</li> </ul>
01/02/2019	Phone meeting and Email	Protected Species Draft Licensing	<p>Phone meeting between Arup and Natural England to discuss the comments provided by Natural England in the Pre-submission Screening Service letter on the draft bat licence application. A follow-up and summary of the phone meeting was sent by Natural England to Arup as follows:</p> <ul style="list-style-type: none"> <li>Arup are not required to re-submit the draft Method Statement.</li> <li>Arup are no longer required to include detailed bat house specifications within the draft bat licence application.</li> <li>Collating all remaining comments from the Pre-submission Screening Service letter on the draft bat licence application, which need to be addressed prior to the formal licence application.</li> <li>Stating that Arup must discuss the specified changes with Highways England and confirm to Natural England by 08/02/2019 that Highways England has agreed to the changes and re-submit the documents as necessary. If Highways England does not agree to the changes, or a response is not received by 08/02/2019, an in principle 'Further Information Request' will be issued to allow time to resolve the changes. A 'Further Information Request' will require a resubmission of the draft Method</li> </ul>

Date	Method	Topic	Consultation Details
			Statement together with all figures and appendices and may take up to 30 working days in which to receive a licensing decision.
06/02/2019	Email	Protected Species Draft Licensing	Arup to Natural England – Requesting an extension to the deadline of 08/02/2019 to respond to comments on the draft bat licence application. Natural England to Arup – Querying what date would be feasible for Arup to respond to comments.
14/02/2019	Email	Protected Species Draft Licensing and SoCG	Arup to Natural England – Attaching spreadsheet of Arup's responses to Natural England's comments on the draft bat licence application. Also giving an update on the programme of when the DCO is likely to be granted and the likely period of land acquisition by HE to inform when construction of the building 35 is likely to be able to commence. Natural England to Arup – Requesting responses to comments on the draft badger licence application. Arup to Natural England – Stating that Arup will provide an update regarding badgers w/c 25 <sup>th</sup> February 2019, but that the main point at present is that sett 26 will no longer require mitigation within the draft licence. Arup also highlighted the single matter outstanding within the SoCG regarding Natural England's request to translocate the trees from the priority woodland (near Nanteague Farm) to adjacent woodland landscape planting, and queried whether Natural England agreed with Highways England's position: "This woodland comprises mature trees. It is difficult to translocate mature trees successfully. If the trees were to be translocated, it is likely that the crowns would need considerable reduction to allow them to establish, which would change the trees' habit and result in the loss of their distinctive character.  Translocation of the trees within the priority woodland is therefore not considered to be practical or proportionate to mitigate the impact predicted. Instead a substantial stand of Oak rich woodland will be planted on adjacent land within the scheme boundary. This is shown on the Environmental Masterplans (Volume 6, Doc Ref 6.3, Figure 7.6)."
15/02/2019	Email	Protected Species Draft Licensing	Arup to Natural England – Attaching figure of updated location of sett 26, as identified by Cornwall Environmental Consultants (CEC) as well as a newly identified outlier sett to the north, and giving updated distance of these setts from the scheme and querying whether Natural England agree with Arup that these setts do not need to be included within the draft badger licence application, due to being more than 30m from the scheme.
18/02/2019	Email	Protected Species Draft Licensing	Natural England to Arup – Confirming receipt of responses to comments on the draft bat licence application, and requesting clarification on roost numbering of 56A and B and 65A and B as well as requesting an update to the Work Schedule to show planting around the bat house being carried out in the winter, rather than June 2020.

Date	Method	Topic	Consultation Details
			Arup to Natural England – Clarifying roost numbering due to typo and confirming that the Work Schedule has been amended to state that planting around the bat house will be carried out in December 2020 to January 2021.
18/02/2019	Email	SoCG	Natural England to Arup – Querying whether Arup looked into the possibility of using tree spades to translocate the priority woodland before ruling translocation out.
19/02/2019	Email	Protected Species Draft Licensing	<p>Natural England to Arup – Confirming receipt of updated draft bat licence application documents and confirming that the next stage will be the production of the LONIs, although Natural England would like to co-ordinate the LONIs for bats and badgers once Natural England have received the updated draft badger licence application.</p> <p>Arup to Natural England – Requesting reasoning behind co-ordination of LONIs as Arup are keen to get the LONI for bats ahead of the LONI for badgers due to ongoing surveys for badger.</p>
21/02/2019	Email	Protected Species Draft Licensing and SoCG	<p>Natural England to Arup – Stating that co-ordinating the LONIs will make QA simpler for Natural England.</p> <p>Arup to Natural England – Querying availability for discussion on draft badger licence application.</p> <p>Arup to Natural England – Giving summary of results of further badger surveys carried out by CEC and highlighting that sett 26 no longer needs to be included within the badger licence, and a newly identified outlier sett needs to be added to the badger licence. Arup would like Natural England to confirm whether they agree with this approach in order that Arup can update the Method Statement and figures appropriately.</p> <p>Natural England to Arup – Confirming that Natural England agree with Arup's suggestions about which setts require inclusion on the draft badger licence based on surveys by CEC. Also stating that Natural England would appreciate the comments from the 31/01/2019 pre-submission screening service letter to also be incorporated into the Method Statement before returning the documents to Natural England.</p> <p>Arup to Natural England – Clarifying that parts of the scheme have been realigned so that some of the trees within the priority woodland will be retained and confirming that Arup did seek buildability advice from a contractor on the use of tree spades within the priority woodland, and the advice was that the density of the woodland canopy suggested translocation may not be successful due to the indicative density of root balls. Arup queried whether Natural England would now consider this a matter agreed, given that translocation would constitute enhancement over and above the mitigation provided, the southern area of the woodland would be retained and protected, a substantial stand of oak rich woodland will be planted on adjacent land within the scheme boundary and translocation of the trees is not considered practical from a buildability point of view.</p>
25/02/2019	Email	SoCG	Natural England to Arup – Confirming that Natural England are in agreement with the ruling out of the priority woodland translocation, based on the email of 21/02/2019.

Date	Method	Topic	Consultation Details
26/02/2019	Email	SoCG	Arup to Natural England – Querying whether Natural England would be able to sign off the SoCG before the next Examination deadline of 'Deadline 2 – 19 <sup>th</sup> March'.
01/03/2019 and 05/03/2019	Email	Protected Species Draft Licensing	Arup to Natural England – Issue of final Draft Badger Licence Application documents and Arup's responses to Natural England's comments on the draft badger licence application. Natural England to Arup – Confirming receipt of all updated documents.
05/03/2019	Email	SoCG	Arup to Natural England – issue of the updated Statement of Common Ground for review and signing by Natural England.
13/03/2019	Email	Protected Species Draft Licensing	Natural England to Highways England and Arup – Issue of the Letter of No Impediment on the Draft Bat and Badger Licences.
13/03/2019	Email	SoCG	Arup to Natural England – Enquiring on the progression of the SoCG review now that the LONI's have been issued. Natural England to Arup – Confirming Nik Ward as reviewed and requesting final draft SoCG. Arup to Natural England – Issue of final draft SoCG for review.

### 3 Topics covered in this SOCG

3.1.1 The following table is a summary of the topics which are considered within this SOCG.

Topic number	Topic
1	Ecological and Protected Species Methodology
2	Ecological Assessment Methodology
3	Designated Sites
4	Potential Ecological Effects
5	Ecological Design, Mitigation and Enhancement
6	Habitat Regulation Assessment
7	Air Quality
8	Designated Landscapes and Landscape Character
9	Landscape and Visual Impacts
10	Water Quality
11	Hydrology
12	Climate Change Adaptation
13	Protected Species Licensing



## 4 Matters agreed

4.1.1 The table below shows those matters which have been agreed by the parties, including that matter's reference number, and the date and method by which it was agreed.

Reference number	Matter agreed	Date and method of agreement
<b>1. Ecological and Protected Species Methodology</b>		
<b>1.1</b>	<b>Scoped Out Surveys</b>	
1.1.1	Natural England agree with the method by which water vole, white clawed crayfish and great crested newt have been scoped out. They are also happy with assessing S41 species (other than those listed below) at a habitat level.	27/11/2017 meeting (in meeting note 12/12/17) and 04/06/2018 meeting
<b>1.2</b>	<b>Protected Species Surveys</b>	
1.2.1	Natural England agrees with the text within the PEIR regarding protected species surveys, and those further detailed within specific consultation, particularly regarding bats and badger.	Consultation response 07/02/18 and meeting 04/06/2018
1.2.2	Natural England are satisfied with the methodology and results of reptile surveys.	27/11/2017 meeting
1.2.3	Natural England agreed that there is nothing of particular significance in terms of aquatic ecology along the scheme. This topic was therefore not consulted on further.	27/11/2017 meeting
1.2.4	Natural England agreed that two years' worth of surveys is sufficient for dormouse survey and agree with likely absence of dormice.	27/11/2017 meeting (in meeting note 12/12/17)
1.2.5	Natural England stated they would want to see the justification of survey guidance deviation to decide if they agree / will accept the deviation from standard DMRB otter survey methodology by Paul Chanin, who reduced the search buffer from the recommended 500m to 250m, and instead assumed presence throughout and focussed survey on identifying otter breeding and resting places. Arup provided justification via email 23/05/2018, to which Natural England responded in agreement to deviation on 06/06/2018 via email.	27/11/2017 meeting (in meeting note 12/12/17) and 06/06/2018 email

Reference number	Matter agreed	Date and method of agreement
1.2.6	Natural England requested further desk survey work to scope in or scope out additional areas, and to subsequently justify not conducting further survey work, or to conduct additional survey work as appropriate. Arup accept and currently conducting further surveys.	19/03/2018 Email
1.2.7	Natural England would like to see temperatures included in the ES for all bat surveys undertaken. Temperature will be provided in the ES and any deviations from guidance will be clearly stated.	Consultation response 07/02/18
1.2.8	Natural England are in agreement with the bat activity and bat roost methodologies employed however gaps were identified on bat activity information at the quarry pond and in baseline information on certain roosts. Suitable solutions were agreed between Natural England and Arup as described within the 22/03/2018 meeting minutes. Arup is currently conducting the agreed surveys. Radio tracking was discussed and Natural England agreed that the mitigation provided was extensive as were the activity survey coverage as to determine effects.	22/03/2018 Meeting minutes
1.2.9	Due to further surveys for bats as agreed in 1.3.2 above the draft licence application (as required for DCO process) will be formally submitted during examination. However, discussions with Natural England's protected species licence team leading up to this will ensure that the licence mitigation has been agreed prior to submitting.	04/06/2018 meeting minutes
1.2.10	Natural England did not think bait marking would add much value, and agreed with Arup's approach not to undertake any. Natural England stated that Arup, however, need to justify in licence application why bait marking has not been done.	27/11/2017 meeting (in meeting note 12/12/17)
1.2.11	Licences from Natural England will be required in relation to European Protected Species, badgers and other species listed on Schedule 5 of the Wildlife and Countryside Act 1981. Natural England has suggested a project-wide licence may be suitable for badgers. Arup will consult with the protected species licence team regarding this.	27/11/2017 meeting (in meeting note 12/12/17) and 04/06/2018 meeting
1.2.12	Natural England agrees with the surveys and mitigation proposed for badgers.	07/02/18 Consultation response
1.2.13	Natural England agrees with Arup's approach to addressing Conservation status changes of terrestrial invertebrates in the terrestrial invertebrates report.	21/06/2018 Email
<b>2. Ecological Assessment Methodology</b>		
<b>2.1</b>	<b>Net Gain</b>	

Reference number	Matter agreed	Date and method of agreement
2.1.1	Natural England request that net gain is calculated for this development using The Defra Biodiversity Metric. Highway England declined use, but Arup described (22/05/2018) that a full assessment and calculation of habitats to be lost versus those being created / replaced through the Environmental Masterplan will be provided. Natural England agreed that this will be sufficient to inform the Biodiversity assessment.	Consultation response 07/02/18. Phone Call 22/05/2018
<b>3. Designated Sites</b>		
3.1	<p>Natural England requested that the road corridor captures any opportunities to provide connectivity links between Newlyn Downs SSSI, Carrick Heaths SSSI, and Carnkief Ponds and Ventongimps SSSI, but also building links between statutory designated sites, non-statutory sites such as County Wildlife Sites as well as other areas of semi-natural habitat.</p> <p>Arup have explained that due to distance from the scheme, direct connectivity has not been possible between SSSIs and non-statutory sites such as County Wildlife Sites. Areas of semi-natural habitat along the scheme have however been connected through extensive Landscape planting of species rich habitats, which are connected to designated sites. The scheme therefore demonstrates a commitment to delivery of the NPPF (in particular Para 109).</p> <p>Natural England agreed with this approach, as described in the 04/06/2018 meeting minutes.</p>	Consultation response 07/02/18 and 04/06/2018 meeting
3.2	<p>The land between scheme and Newlyn Downs SAC provides important back up grazing for cattle which graze the SAC (which are used for the conservation management of the SAC). Natural England request that the scheme does not constrain the land manager's ability to manage the SAC.</p> <p>Arup confirmed the amount of grazing land to be lost amounts to approximately 2.67ha in an email to Natural England on 23/05/2018. Natural England replied in an email on 19/06/2018 that this loss would affect the ability of the agreement holder to manage the SAC, and would impact the SAC's designation.</p> <p>Arup consulted with the land manager on 20/06/2018, who identified an area for conversion of arable land to grazing land to ensure that cattle can continue to be used to graze the European Site. The land available is viable for conversion and an adequate size and can be secured through agreement. This approach was laid out in the Statement to Inform an Appropriate Assessment (SIAA) Report (Volume 6 Document Ref 6.5). In a memo dated 07/08/2018, Natural England concurred with the assessment conclusions in the SIAA report of no Likely Significant Effect on Newlyn Downs SAC, providing that all mitigation measures are appropriately secured in any permission given.</p>	Consultation response 07/02/18, 23/05/2018 email, 19/06/2018 email, 20/06/2018 emails, 07/08/2018 memo.
<b>4. Potential Ecological Effects</b>		
<b>4.1</b>	<b>Priority Woodland</b>	
4.1.1	Natural England concluded that there is not enough evidence to support the woodland (near Nanteague Farm) as being ancient woodland and would not be added to the Ancient Woodland Inventory.	04/04/2018 Email and 04/06/2018 meeting

Reference number	Matter agreed	Date and method of agreement
	Arup produced memo (01/05/2018) showing alternative alignments and the environmental constraints involved with regard avoiding the woodland near Nanteague Farm. Natural England agreed the bisection of the woodland preferable to the alternatives described in memo 2018.	
4.1.2	Natural England agree that translocation of the woodland near Nanteague Farm is not required, due to translocation constituting enhancement over and above the mitigation provided, the southern area of the woodland would be retained and protected, a substantial stand of oak rich woodland will be planted on adjacent land within the scheme boundary and translocation of the trees is not considered practical from a buildability point of view.	25/02/2019 email
<b>4.2</b>	<b>Priority Heathland</b>	
4.2.1	<p>Natural England agreed that the bisection of the heathland fragment near Carland Cross was preferable to the alternatives described in 03/03/2017 meeting.</p> <p>Natural England confirmed that the isolated heathland area is too small to make a good SSSI although the invertebrate assemblage in this heathland area is the premise for the West Penwith pSSSI. Natural England queried what the options are to go around this area of heathland rather than through it.</p> <p>Arup produced memo (01/05/2018) showing alternative alignments and the environmental constraints involved. Natural England agreed the bisection of the heathland fragment preferable to the alternatives described in memo 2018.</p> <p>Natural England queried whether heather from the heathland to be lost could be translocated to an area of proposed heathland planting. Arup have included within Chapter 8 of the Environmental Statement (Volume 6 Document Ref 6.2) that the heathland to be lost will be translocated to a receptor site within the scheme, most likely to be adjacent to the eastern edge of Newlyn Downs SAC, which will then form the heathland connection from the isolated heathland to the SAC.</p>	03/03/2017 meeting, and 04/06/2018 meeting.
4.2.2	Loss of heathland will be compensated by more than 1 to 1.	04/06/2018 meeting
4.2.3	Natural England agree that the heathland area (adjacent to the quarry pond near Carland Cross) is not of SAC quality or functionally linked to Newlyn Downs, and that the conclusion within the AIES is fine as it stands (being that this heathland area is not considered to be 'functionally linked' to the SAC). Natural England requested the area of the site, emphasising that it was import to replace the lost heathland aiming for no-net-loss and potential net-gain.	06/12/2017 Email
<b>4.3</b>	<b>Ponds</b>	
4.3.1	Arup has investigated the proposal for a wildlife pond (as previously requested by Natural England) adjacent to the proposed attenuation pond and determined this would be ineffective as a wildlife pond, and unnecessary as the scheme design includes for the retention of the quarry pond, therefore no replacement pond is deemed necessary.	04/06/2018 meeting

Reference number	Matter agreed	Date and method of agreement
	Natural England agreed with this approach in the 04/06/2018 meeting.	
<b>5. Ecological Design, Mitigation and Enhancement</b>		
5.1	Natural England would prefer habitat manipulation and creation rather than fencing/translocation regarding reptiles.	27/11/2017 meeting (in meeting note 12/12/17)
5.2	Standard construction mitigation and safe places of refuge would be sufficient for amphibians.	27/11/2017 meeting (in meeting note 12/12/17)
5.3	Natural England approve of the ten proposed underpasses designed and suitable for bats. Arup described the issue of potential lighting for walkers, cyclists, and horse riders (WCHs) use at Church Lane and Newlyn Downs underpass, explaining the option for motion sensor lighting triggered by WCHs but not by bats/other wildlife, assuming that lighting would likely only be required in winter months. Natural England are satisfied that this is a practical compromise but stated that Arup need to ensure lighting is avoided in the bat activity period.	22/03/2018 Meeting minutes
5.4	Natural England approve of the badger mitigation (21 underpasses and fencing throughout) and that it seems comprehensive and suitable for a road scheme.	22/03/2018 Meeting minutes
5.5	Natural England are satisfied with the mitigation proposed (otter fencing and the 23 crossings suitable for otter).	22/03/2018 Meeting minutes
<b>6. Habitat Regulations Assessment</b>		
6.1	The recent court ruling in respect to HRA (European [April 2018] C323/17, People Over Wind, Peter Sweetman v Coillte Teoranta) that screening should not take account of the measures intended to avoid or reduce the harmful effects of the plan or project on that site. As such, construction mitigation will not be considered at screening, thus Newlyn Downs SAC will be screened in to appropriate assessment (for construction mitigation and possible hydrological and sediment effects). Brenay Common and Goss and Tregoss Moors SAC will be screened in to appropriate assessment based on potential effects relating to air quality on the affected road network.	04/06/2018 meeting
6.2	Arup provided the Statement to Inform an Appropriate Assessment to Natural England for their review/comment. In response to this, Natural England agree with the assessment conclusions of no adverse effects on the integrity of any of the sites in question due to the scheme, providing that all mitigation measures are appropriately secured in any permission given. Natural England's response is provided in Appendix C of this SoCG for reference. Natural	07/08/2018 Email with memo attached and

Reference number	Matter agreed	Date and method of agreement
	England was in agreement with the Planning Inspectorate response on the methodology of including construction mitigation in the screening matrix.	13/08/2018 NE comments received on SoCG
<b>7. Air Quality</b>		
7.1	Natural England agreed with the rational and methodology relating to air quality, and in relation to assessing designated sites the 200 HDV threshold is exceed (and thus being considered) or have a predicted reduction or no change in HDV.	29/03/2018 email
<b>8. Designated Landscapes and Landscape Character</b>		
8.1	Natural England agreed with the methodology and justification provided by the Cornwall Council AONB Unit and the Landscape Officer, both of which have stated that they do not require effects on the AONB to be assessed (see Statement of Common Ground with Cornwall Council).  For completeness, Highways England is assessing the indirect landscape effects on this designation, as well as including a representative viewpoint from St Agnes Beacon. All effects (landscape and visual) on the AONB are assessed as neutral and insignificant.	30/05/2018 email
<b>9. Landscape and Visual Impacts</b>		
9.1	Natural England agreed with the methodology and justification that the Landscape Officer at Cornwall Council has advised that the Landscape Description Units (LDU's) are inappropriate for use in assessing this scheme, and has requested that the Landscape Character Areas (LCA's) are used instead (agreed on 9th August 2017). Four LCA's are therefore included in the landscape assessment of effects.	30/05/2018 email
9.2	Natural England agreed with the methodology and justification that the Landscape and Visual Impact Assessment will be undertaken with reference to GLVIA3 and to DMRB IAN 135/10 Landscape and Visual Effects Assessment. This was agreed to by Cornwall Council on 9th August 2017. An assessment of cumulative effects will also be carried out.	30/05/2018 email
<b>10. Water Quality</b>		
10.1	As requested by Natural England in the Consultation Response 07/02/2018, the ES will consider all water quality impacts on surface or groundwater relevant to designated sites, as well as wider catchment issues during construction and operation.  The design of runoff pathways and attenuation ponds have considered wildlife in terms of position, planting and where suitable allowing access for otter.  Water management features will be designed and considered as a key element in a Green Infrastructure approach to the design and management of the road corridor.	04/06/2018 meeting
<b>11. Hydrology</b>		

Reference number	Matter agreed	Date and method of agreement
11.1	As requested by Natural England in the Consultation Response 07/02/2018 the ES will consider and assess potential hydrological impacts on heathland and designated sites and where required appropriate mitigation designed.	04/06/2018 meeting
<b>12. Climate Change Adaptation</b>		
12.1	As requested by Natural England in the Consultation Response 07/02/2018 the biodiversity assessment for A30 has been conducted in line with the principles set out in the "England Biodiversity Strategy: Climate Change Adaptation Principles. Conserving biodiversity in a changing climate". Impacts of the proposed scheme on the natural environment in combination with climate change have been qualitatively assessed and documented in Chapter 15 of the Environmental Statement.	04/06/2018 meeting
<b>13. Protected Species Licensing</b>		
<b>13.1</b>	<b>Bat Licence Application</b>	
13.1.1	Natural England agree that detailed bat house specifications do not need to be included within the draft bat licence application.	01/02/2019 phone meeting and email
13.1.2	Natural England have issued a LONI confirming it sees no impediment to a licence being issued, should the Development Consent Order (DCO) be granted. The LONI gives advice on additional information that will be required for the formal licence application. Provided in Appendix D.	13/03/2019 email
<b>13.2</b>	<b>Badger Licence Application</b>	
13.2.1	Details of the setts requested for closure in the draft licence were revised in Feb 2019 following updated survey work, and superseded previous discussions.	21/02/2019 email
13.2.3	Natural England have issued a LONI confirming it sees no impediment to a licence being issued, should the Development Consent Order (DCO) be granted. The LONI gives advice on additional information that will be required for the formal licence application. Provided in Appendix D.	13/03/2019 email

## 5 Matters outstanding

### 5.1 Principal matters outstanding


- 5.1.1 The table below sets out the matters that are outstanding between Highways England and Natural England.
- 5.1.2 The table describes the matter being discussed and the Natural England / Highways England position, and any action that may be taken by Natural England / Highways England in relation to the outstanding matter.

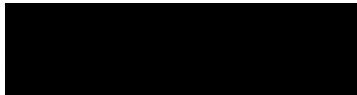
Ref.	Matter	Natural England position	Highways England position	Date of the position
<b>1. Ecological and Protected Species Methodology</b>				
	No matters outstanding.			
<b>2. Ecological Assessment Methodology</b>				
	No matters outstanding.			
<b>3. Designated Sites</b>				
	No matters outstanding.			
<b>4. Potential Ecological Effects</b>				
	No matters outstanding			
<b>5. Ecological Design, Mitigation and Enhancement</b>				
	No matters outstanding.			
<b>6. Habitat Regulation Assessment</b>				
	No matters outstanding			
<b>7. Air Quality</b>				
	No matters outstanding.			
<b>8. Designated Landscapes and Landscape Character</b>				
	No matters outstanding.			
<b>9. Landscape and Visual Impacts</b>				
	No matters outstanding.			



Ref.	Matter	Natural England position	Highways England position	Date of the position
<b>10. Water Quality</b>				
	No matters outstanding.			
<b>11. Hydrology</b>				
	No matters outstanding.			
<b>12. Climate Change Adaptation</b>				
	No matters outstanding.			
<b>13. Protected Species Licensing</b>				
	No matters outstanding.			

# Appendix A Signing Sheet

For signing	
Signed	
On Behalf of	Natural England
Name	Nik Ward
Position	Team Leader
Date	15/03/2019

For signing	
Signed	
On Behalf of	Highways England
Name	Josh Hodder
Position	Project Manager
Date	18/03/2019

# Appendix B   Natural England’s Response to the PEIR

Date: 07 February 2018  
Our ref: 237049



**BY EMAIL ONLY**

A30ChivertontoCarlandCross@highwaysengland.co.uk

Customer Services  
Hornbeam House  
Crewe Business Park  
Electra Way  
Crewe  
Cheshire  
CW1 6GJ

T 0300 060 3900

Dear Sir/Madam,

**Consultation:** Development Consent Order (DCO) in accordance with the Section 42 Planning Act 2008 as amended. A30 Chiverton to Carland Cross – review of Preliminary Environmental Information Report (PEIR)

Thank you for seeking our advice on the Preliminary Environmental Information Report HA551502-ARP-EAC-SW-RP-LE-000119 | P02, S3) dated 15 December 2017. Please note this is not an Environmental Impact Assessment Scoping Consultation (Regulation 15 (3) (i) of the EIA Regulations 2011).

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.

Within this letter we have commented specifically on the Preliminary Environmental Information Report (December 2017) and have highlighted some details that have come out of our recent discussions regarding protected species, specifically bats. Further detailed comments have been made on topic areas Air Quality and Water Quality, as these are the areas you have requested further advice on. General advice has been given regarding the other topic areas.

We would be happy to comment further should the need arise but if in the meantime you have any queries please do not hesitate to contact us. For any queries relating to the specific advice in this letter only please contact myself. For any new consultations, or to provide further information on this consultation please send your correspondences to [consultations@naturalengland.org.uk](mailto:consultations@naturalengland.org.uk).

Yours sincerely

Laura Jones  
Natural England, Sustainable Development, Cornwall and the Isles of Scilly

Page 1 of 6



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## Advice related to PEIR

### 1. General Principles

Even though this is not an EIA Scoping report, a similar structure of the PEIR has been used and Natural England concurs with this decision. It is important that these sections are expanded once further details are confirmed once the project develops.

Specifically, details should include:

- A description of the development – including physical characteristics and the full land use requirements of the site during construction and operational phases.
- Expected residues and emissions (water, air and soil pollution, noise, vibration, light, heat, radiation, etc.) resulting from the operation of the proposed development.
- An assessment of alternatives and clear reasoning as to why the preferred option has been chosen.
- A description of the aspects of the environment likely to be significantly affected by the development, including, in particular, population, fauna, flora, soil, water, air, climatic factors, material assets, including the architectural and archaeological heritage, landscape and the interrelationship between the above factors.
- A description of the likely significant effects of the development on the environment – this should cover direct effects but also any indirect, secondary, cumulative, short, medium and long term, permanent and temporary, positive and negative effects. Effects should relate to the existence of the development, the use of natural resources and the emissions from pollutants. This should also include a description of the forecasting methods to predict the likely effects on the environment.
- A description of the measures envisaged to prevent, reduce and where possible offset any significant adverse effects on the environment.
- A non-technical summary of the information.
- An indication of any difficulties (technical deficiencies or lack of know-how) encountered by the applicant in compiling the required information.

It will be important for any assessment to consider the potential cumulative effects of this proposal, including all supporting infrastructure, with other similar proposals and a thorough assessment of the 'cumulative' effects of the proposed development with any existing developments and current applications. A full consideration of the implications of the whole scheme should be included in the ES. All supporting infrastructure should be included within the assessment.

### 2. Topic areas

(comments in order of Preliminary Environmental Information Report [PEIR])

#### 2.1 Air Quality

The Environmental Assessment Scoping report states that the guidance presented in the DMRB Volume 11, Section 3, Part 1 (HA 207/07) will be used to determine whether traffic effects are significant or not with regard to air quality. It should be noted that Natural England applies slightly different significance screening criteria for the protection of designated sites than those set out in the DMRB. The differences in approach are highlighted in the table below and should be taken into account and applied where appropriate.

Road Type	Further assessment required: (Schemes which may be incorrectly screened for air quality impacts by HA DMRB approach because they do not trigger the screening thresholds listed below)	Accept DMRB Approach: (Schemes which are likely to be correctly screened for air quality impacts by the HA DMRB approach because they do not trigger the screening thresholds listed below)

Page 2 of 6



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Motorways	<ul style="list-style-type: none"> <li>daily average speed will change by 10 km/hr or more</li> </ul>	<ul style="list-style-type: none"> <li>heavy duty vehicle flows (HDV) will change by 200 AADT or more</li> <li>daily traffic flows will change by 1000 AADT or more</li> </ul>
Dual A Roads	<ul style="list-style-type: none"> <li>heavy duty vehicle flows (HDV) will change by 200 AADT or more</li> <li>daily average speed will change by 10 km/hr or more</li> </ul>	<ul style="list-style-type: none"> <li>daily traffic flows will change by 1000 AADT or more</li> </ul>
Single A Roads	<ul style="list-style-type: none"> <li>heavy duty vehicle flows (HDV) will change by 200 AADT or more</li> <li>daily average speed will change by 10 km/hr or more</li> </ul>	<ul style="list-style-type: none"> <li>daily traffic flows will change by 1000 AADT or more</li> </ul>
Rural Roads	<ul style="list-style-type: none"> <li>heavy duty vehicle flows (HDV) will change by 200 AADT or more</li> </ul>	<ul style="list-style-type: none"> <li>daily average speed will change by 10 km/hr or more</li> <li>daily traffic flows will change by 1000 AADT or more</li> </ul>

Any potential impacts from dust should be demonstrated as having no significant impacts on designated sites, particularly within the 200m corridor either side of the road and during the construction phase.

Of particular relevance is air quality issues potentially impacting the SAC. Once the Temple improvements works on Bodmin Moor are complete, weekend queuing of peak period traffic (often in the summer) has the potential to move from Bodmin Moor to Carland Cross until the Carland Cross to Chiverton Improvements have been completed. It is important that baseline Air Quality monitoring commences now so that the potential air quality impacts on Newlyn Downs SAC as a consequence of this change in traffic movements can be understood.

Air quality in the UK has improved over recent decades but air pollution remains a significant issue; for example over 97% of sensitive habitat area in England is predicted to exceed the critical loads for ecosystem protection from atmospheric nitrogen deposition ([England Biodiversity Strategy](#), Defra 2011). A priority action in the England Biodiversity Strategy is to reduce air pollution impacts on biodiversity. The planning system plays a key role in determining the location of developments which may give rise to pollution, either directly or from traffic generation, and hence planning decisions can have a significant impact on the quality of air, water and land. The assessment should take account of the risks of air pollution and how these can be managed or reduced. Further information on air pollution impacts and the sensitivity of different habitats/designated sites can be found on the Air Pollution Information System ([www.apis.ac.uk](http://www.apis.ac.uk)). Further information on air pollution modelling and assessment can be found on the Environment Agency website.

#### Climate Change Adaptation

The [England Biodiversity Strategy](#) published by Defra establishes principles for the consideration of biodiversity and the effects of climate change. The ES should reflect these principles and identify how the development's effects on the natural environment will be influenced by climate change, and how ecological networks will be maintained. The development of an innovative Green Infrastructure proposal as an integral part of the new road corridor has the potential for this scheme to help in delivering climate change resilience in this part of Cornwall in terms of both wildlife connectivity and catchment management. The NPPF requires that the planning system should contribute to the enhancement of the natural environment 'by establishing coherent ecological networks that are more resilient to current and future pressures' (NPPF Para 109), which should be demonstrated through the ES.





## 2.2 Ecology and Nature Conservation: Internationally and Nationally Designated Sites

All the proposed route corridor options would cross within approximately 200m of Newlyn Downs Special Area of Conservation.

Further detailed assessment of the proposal should consider the potential to affect designated sites. The proposed scheme is approximately 140m south of Newlyn Downs Special Area of Conservation (SAC). Land between the scheme and Newlyn Downs SAC provides important back up grazing for cattle which graze the SAC. You should ensure that the new road alignment does not constrain the land manager's ability to manage the SAC.

European sites (eg designated Special Areas of Conservation and Special Protection Areas) fall within the scope of the Conservation of Habitats and Species Regulations 2010. In addition paragraph 118 of the National Planning Policy Framework requires that potential Special Protection Areas, possible Special Areas of Conservation, listed or proposed Ramsar sites, and any site identified as being necessary to compensate for adverse impacts on classified, potential or possible SPAs, SACs and Ramsar sites be treated in the same way as classified sites.

Under Regulation 61 of the Conservation of Habitats and Species Regulations 2010 an appropriate assessment needs to be undertaken in respect of any plan or project which is (a) likely to have a significant effect on a European site (either alone or in combination with other plans or projects) and (b) not directly connected with or necessary to the management of the site.

Should a Likely Significant Effect on a European/Internationally designated site be identified or be uncertain, the competent authority (in this case the Local Planning Authority) may need to prepare an Appropriate Assessment, in addition to consideration of impacts through the EIA process.

Natura 2000 network site conservation objectives are available on our internet site <http://publications.naturalengland.org.uk/category/6490068894089216>

### Sites of Special Scientific Interest (SSSIs) and sites of European or international importance (Special Areas of Conservation, Special Protection Areas and Ramsar sites)

It has been confirmed within PEIR, that four Sites of Special Scientific Interest are within 2km of the proposed route corridor. These sites include Newlyn Downs SSSI, Carrick Heaths SSSI, Camkief Ponds SSSI and Ventongimps SSSI. The SSSIs in this central part of Cornwall are characterised by their small size and dispersed distribution. We would like to see the road corridor capture any opportunities to provide connectivity links between these SSSIs, but also building links between statutory designated sites, non-statutory sites such as County Wildlife Sites as well as other areas of semi-natural habitat. By using the road corridor to build links between sites that support important wildlife features, the new road would demonstrate commitment to the delivery of the NPPF (in particular para 109) through the establishment of coherent ecological networks which are resilient over time.

Further information on the SSSI and its special interest features can be found at [www.magic.gov](http://www.magic.gov). A full assessment of the direct and indirect effects of the development on the features of special interest is required and this should identify mitigation measures in order to avoid, minimise or reduce any adverse significant effects.

### Net Gain

Net gain is an approach that uses the development process to leave biodiversity in a better state than it was before the development started and secures wider benefits for people and the environment. It complements the mitigation hierarchy, it does not replace it (National Planning Policy Framework [NPPF] paragraph 152).





Net gain should be calculated for this development and should be delivered within the site boundary of a development (where possible) or offsite at another location or through a combination of these. It can be achieved by creating new habitat, enhancing the biodiversity quality of existing habitats or a combination of both.

Net gain is achieved by auditing the existing biodiversity that a development will impact, establishing a numeric value for that biodiversity (ideally using the [Defra metric](#)) and then calculating how much additional biodiversity is needed to secure a net gain legacy.

The Defra Biodiversity Metric (2012) Biodiversity Offsetting Pilots are currently being updated by Natural England and a new matrix is anticipated in September 2018. If you require further advice regarding the calculation of Net Gain, Natural England would be happy to provide advice. This calculation may be particularly relevant to the area of isolated heathland west of Carland Cross.

## 2.3 Designated Landscapes and Landscape Character

### Nationally Designated Landscapes

The PEIR confirms the St Agnes section of the Cornwall Area of Outstanding Natural Beauty (AONB) lies approximately 5km north west of the A30. Consideration should be given to the direct and indirect effects upon this designated landscape and in particular the effect upon its purpose for designation, as well as the content of the relevant management plan.

### Landscape and visual impacts

Natural England would wish to see details of local landscape character areas mapped at a scale appropriate to the development site as well as any relevant management plans or strategies pertaining to the area. Full assessment should also be made of the potential impacts of the development on local landscape character using landscape assessment methodologies. The road corridor is known to support important archaeological features which are prominent in the local landscape. These landscape features will require particular consideration.

Natural England supports the publication *Guidelines for Landscape and Visual Impact Assessment*, produced by the Landscape Institute and the Institute of Environmental Assessment and Management in 2013 (3rd edition). The methodology set out is almost universally used for landscape and visual impact assessment. The assessment should also include the cumulative effect of the development with other relevant existing or proposed developments in the area.

## 2.4 Protected Species - Species protected by the Wildlife and Countryside Act 1981 (as amended) and by the Conservation of Habitats and Species Regulations 2010

The PEIR has identified a number of protected and notable species. Natural England does not hold comprehensive information regarding the locations of species protected by law, but advises on the procedures and legislation relevant to such species. Records of protected species should be sought from ERCCIS (Environment Record Centre for Cornwall and the Isles of Scilly), the National Biodiversity Network, Cornwall Wildlife Trust and local Recording groups. Consideration must be given to the wider context of the site for example in terms of habitat linkages along and across the road corridor and protected species populations in the wider area will be impacted or could be benefited by the new road, to assist in the impact assessment.

The conservation of species protected by law is explained in Part IV and Annex A of Government Circular 06/2005 *Biodiversity and Geological Conservation: Statutory Obligations and their Impact within the Planning System*. The area likely to be affected by the proposal should be thoroughly surveyed by competent ecologists at appropriate times of year for relevant species and the survey results, impact assessments and appropriate accompanying mitigation strategies included.

In order to provide this information there may be a requirement for a survey at a particular time of year. Surveys should always be carried out in optimal survey time periods and to current guidance





by suitably qualified and where necessary, licensed, consultants. Natural England has adopted standing advice for protected species which includes links to guidance on survey and mitigation.

#### Further detailed information regarding protected species

Natural England has been in discussions with Arup regarding a detailed survey methodology for a number of specific protected species, especially badgers and bats. Natural England agrees with the text within the PEIR regarding protected species surveys. Natural England hopes to continue to have discussions regarding survey timings in the future.

A number of specific comments are outlined below:

#### Bats

Bat surveys should be carried out in conditions suitable for bats to be active, ideally with temperatures no less than 10°C at sunset. So, we'd expect temperatures to be a minimum of 7°C throughout the surveys not less. It's disappointing that there is no reference to temperature in relation to any of the bat surveys carried out other than this one:

*"The landscape scale transect surveys were undertaken in accordance with best practice guidance and methodology [3]. They were carried out in July 2017, in appropriate weather conditions (temperature less than 7°C, wind less than 20 kilometres/hour, and no rain)..."*

**Continued discussion with Natural England is occurring regarding Bat survey and mitigation.**

#### Badgers

Natural England agrees with the surveys and mitigation proposed

### 2.5 Water Quality

Any potential water quality impacts on surface or groundwater relevant to designated nature conservation sites should be assessed both during the construction and operation phases. Impacts should be considered locally but also in the wider catchment where issues of run-off of silt and pollutants may potentially impact some distance from the construction location. The design of runoff pathways and attenuation structures has the potential to significantly benefit not only the management of water resources in the catchments through which the road corridor runs, but along these features can play an important role in benefiting wildlife using the road corridor. Water management features should be designed and considered as a key element in Green Infrastructure approach to the design and management of the road corridor.

### 2.6 Hydrology

Heathland sites whose catchment area falls within the road corridor will be sensitive to hydrological changes such as drainage. The significance of any such potential hydrological impacts on relevant designated nature conservation sites must be assessed and mitigation designed in at an early stage

# Appendix C Natural England's Response to the draft Statement to Inform an Appropriate Assessment Report

Date: 07 August 2018  
Our ref: 253535



Customer Services  
Hornbeam House  
Crewe Business Park  
Electra Way  
Crewe  
Cheshire  
CW1 6GJ

T 0300 060 3900

**BY EMAIL ONLY:**

A30ChivertontoCarlandCross@highwaysengland.co.uk

Dear Sir/madam,

**Planning consultation:** A30 Chiverton to Carland Cross: Statement to Inform an Appropriate Assessment Report (HA551502-ARP-ERD-SW-RP-LE000012)

**Location:** Chiverton to Carland Cross, Cornwall

Thank you for your consultation on the above dated and received by Natural England on 23 July 2018.

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.

**No objection**

Natural England notes that the Statement to Inform an Appropriate Assessment Report has not been produced by the competent authority, but by the applicant. It will be the competent authority's responsibility to produce the HRA. We provide the advice enclosed on the assumption that the authority intends to adopt this HRA to fulfil its duty as competent authority.

The Statement to Inform an Appropriate Assessment Report concludes that the proposal will not result in adverse effects on the integrity of any of the sites in question. Having considered the assessment, and the measures proposed to mitigate for all identified adverse effects that could potentially occur as a result of the proposal, Natural England advises that we concur with the assessment conclusions, providing that all mitigation measures are appropriately secured in any permission given.

No further information has been given regarding the application so this letter only relates to the provisions of the Habitat Regulations. If you have any queries relating to any other queries regarding this application or the advice in this letter please contact me on 02080267476.

Should the applicant wish to discuss the further information required and scope for mitigation with Natural England, we would be happy to provide advice through our Discretionary Advice Service.

Yours sincerely

Laura Jones  
Lead Adviser  
Devon, Cornwall and Isles of Scilly Team

# Appendix D Natural England's Letters of No Impediment (LONI) for the Bat and Badger Draft Licence Applications

Date: 12 March 2019  
Our ref: 2019-38809-EPS-NSIP1  
NATIONALLY SIGNIFICANT INFRASTRUCTURE  
PROJECT



Josh Hodder  
Highways England  
Temple Quay House  
2 The Square  
Temple Quay, Bristol  
BS1 6HA  
*Sent by e-mail only*

Dear Mr Hodder,

**DRAFT MITIGATION LICENCE APPLICATION STATUS:** SUBSEQUENT DRAFT APPLICATION, submitted 14<sup>th</sup> and 18<sup>th</sup> February 2019.

**LEGISLATION:** THE CONSERVATION OF HABITATS AND SPECIES REGULATIONS 2017 THE WILDLIFE AND COUNTRYSIDE ACT 1992 (as amended)

**NSIP:** A30 upgrade, Chiverton to Carland Cross, Cornwall

**SPECIES:** BATS

Thank you for your subsequent draft bat mitigation licence application in association with the above NSIP site, received in this office on the 14<sup>th</sup> and 18<sup>th</sup> February 2019. As stated in our published guidance, once Natural England is content that the draft licence application is of the required standard, we will issue a 'letter of no impediment'. This is designed to provide the Planning Inspectorate and the Secretary of State with confidence that the competent licensing authority sees no impediment to issuing a licence in future, based on information assessed to date in respect of these proposals.

### Assessment

Following our assessment of the resubmitted draft application documents, I can now confirm that, on the basis of the information and proposals provided, Natural England sees no impediment to a licence being issued, should the Development Consent Order (DCO) be granted.

However, please note the following issues have been identified within the current draft of the method statement that will need to be addressed before the licence application is formally submitted. Our wildlife adviser, Alison Slade, discussed this matter with Catherine Jones of Arup via e-mail correspondence on the 14<sup>th</sup> February 2019 where it was confirmed that the necessary amendments would be made. Please do ensure that the Method Statement is revised to include these changes prior to formal submission. For clarity these include:

1. Application form Section 10: The Named Ecologist must demonstrate they have relevant qualifications and experience of a project of similar scale, methodology and



mitigation. Guidance on the experience requirements for the Named Ecologist can be found here: <https://www.gov.uk/government/publications/reference-to-support-a-protected-species-licence/protected-species-licences-guidance-on-getting-references-to-support-applications>

2. The Applicant and Ecologist declarations need to be signed on the formal application form. In addition, permissions for new roost creation and other mitigation on land not owned by the developer must be agreed in writing prior to issue of the licence.
3. For the formal licence application surveys should be conducted within the current and/or previous optimal season prior to the destructive works. The hibernation potential of buildings and trees must be specifically considered, particularly for building 35. The need for on-going walkover surveys of existing and potential bat roosts should be programmed into the scheme. Where there are changes in conditions at roosts there may be a need for 'top-up' bat surveys during the road construction period.
4. The numbers of bats (by species) to be captured and transported *at the time the works are proposed to be undertaken on the work schedule* need to be given. The impacts will be minimised by careful timing of works so the actual numbers of bats affected will be less than the total bat population on site. Please note for information that the number of bats disturbed will not be specified on the licence.
5. Please consider the receptor sites for captured bats in the methodology. Bat boxes are generally appropriate for most vesper bats. Any captured horseshoe bats should be transported to a suitable building, such as the mitigation bat house. Please note however that these details will be specified by a standard condition in the licence Annex.
6. Please explain why this scheme design was chosen over other potential solutions. To support the choice of scheme design, the roost losses for the other road alignment options should be briefly compared. Other bat mitigation options considered, such as alternative bat house/box locations should be discussed.
7. Additional details of the proposed bat house mitigation must be provided. The following details are normally expected in licence applications:
  - The minimum dimensions of bat access suitable for lesser horseshoe bats to fly-in e.g. a 20cm x 30cm 'letterbox' must be specified to ensure that the replacement roost would be acceptable.
  - Details of materials for walls, roof and any cladding;
  - Internal baffles may be required to reduce light and drafts internally;
  - Confirm no breathable roofing membranes will be used;
  - Lockable access for monitoring;
  - No artificial lighting;
  - Vandalism proofing where appropriate.
8. We suggest that the bat house design includes internal features to create further bat roosting opportunities. One example could be to add in a 'cool tower' suitable for bat hibernation or transitional roosts. An example of a design is given in the Lesser Horseshoe Bat Conservation Handbook.
9. Figures for the lengths/areas of habitat re-instatement and creation, separated into the following categories, are needed so these can be included on the Annex.
  - a) Bat flight lines
  - b) Hedgerow planting,
  - c) Woodland planting

## d) Other

10. The additional monitoring should be adequate to assess whether the bat populations have responded favourably to the mitigation and to inform continuing site maintenance operations. In addition to monitoring the bat house and boxes we suggest that repeat surveys at the identified bat road crossing points and any other specific bat mitigation habitat creation are proposed. Where disturbance of roosts is proposed to be licenced we suggest that the original summer emergence or re-entry surveys are repeated to determine roost status during and after the disturbing works. This will be particularly important for maternity roosts at greatest risk of disturbance. This monitoring could overlap with top-up bat surveys during the scheme construction period.

## 11. Changes required to figures:

- Figure B2.2 will be necessary for the formal application to show the locations of other bat licensed sites.
- Figure C6 - To allow a clear picture of bat use of building 35 we suggest providing an extra Fig C6 to include all survey results and roost types present, as well as survey results for all adjacent transects.
- Figure E3 - architect's drawings should detail the bat house dimensions, aspect, materials used, bat access features, roosting features, security features, access/loft hatches etc.
- Figure E3 should include the relevant roosts numbers where specific mitigation for impacts is identified to allow these to be specified on the Annex, for example noise barriers and bat crossing points.
- Figure E3 Marazanvose - The planting to be provided around the bat house initially should be made clear and separated from that to be planted after the road is completed. The new hedgerow linking the bat house to the green bridge should be made clearer.
- Figures E3 and E4 should differentiate between the mitigation and enhancement planting. In terms of what habitat re-instatement should be included in the licence, 'flight-lines' and bat foraging habitat often includes hedgerows and woodland. Grassland and pollinator strips are less likely to perform this function for bats.
- Figure E4 should identify all the habitat management and maintenance that will need to be included under licence.

## Next Steps

Should the DCO be granted then the mitigation licence application must be formally submitted to Natural England. At this stage any modifications to the timings of the proposed works, e.g. due to ecological requirements of the species concerned, must be made and agreed with Natural England before a licence is granted.

If other minor changes to the application are subsequently necessary, e.g. amendments to the work schedule/s then these should be outlined in a covering letter and must be reflected in the formal submission of the licence application. These changes must be agreed by Natural England before a licence can be granted. If changes are made to proposals or timings which do not enable us to reach a 'satisfied' decision, we will issue correspondence outlining why the proposals are not acceptable and what further information is required. These issues will need to be addressed before any licence can be granted.

Full details of Natural England's licensing process with regards to NSIP's can be found at the following link:

[http://webarchive.nationalarchives.gov.uk/20140605090108/http://www.naturalengland.org.uk/Images/wml-g36\\_tcm6-28566.pdf](http://webarchive.nationalarchives.gov.uk/20140605090108/http://www.naturalengland.org.uk/Images/wml-g36_tcm6-28566.pdf)

As stated in the above guidance note, I should also be grateful if an open dialogue can be maintained with yourselves regarding the progression of the DCO application so that, should the Order be granted, we will be in a position to assess the final submission of the application in a timely fashion and avoid any unnecessary delay in issuing the licence.

I hope the above has been helpful. However, should you have any queries then please do not hesitate to contact me.

Yours sincerely



*Alison Slade*  
*Lead Advisor*  
*Devon, Cornwall and Isles of Scilly Team*  
Tel: 02082 257504  
E-mail: [Alison.Slade@naturalengland.org.uk](mailto:Alison.Slade@naturalengland.org.uk)

c.c. Catherine Jones and Pippa Wood, Arup



## **Annex - Guidance for providing further information or formally submitting the licence application.**

**Important note: when submitting your formal application please mark all correspondence 'FOR THE ATTENTION OF ALISON SLADE' and quote the reference at the top of this letter.**

### **Submitting Documents.**

Documents must be sent to the Customer Services Wildlife Licensing at [Wildlife@naturalengland.org.uk](mailto:Wildlife@naturalengland.org.uk).

### **Changes to Documents –Reasoned Statement/Method Statement.**

Changes must be identified using one or more of the following methods:

- underline new text/strikeout deleted text;
- use different font colour;
- block-coloured text, or all the above.

### **Method Statement**

When submitting a revised Method Statement please send us one copy on CD, or by e-mail if less than 5MB in size, or alternatively three paper copies. The method statement should be submitted in its entirety including all figures, appendices, supporting documents. Sections of this document form part of the licence; please do not send the amended sections in isolation.

Date: 12 March 2019  
Our ref: 2019-38681-SPM-NSIP1  
NATIONALLY SIGNIFICANT INFRASTRUCTURE  
PROJECT



Josh Hodder  
Highways England  
Temple Quay House  
2 The Square  
Temple Quay, Bristol  
BS1 6HA  
*Sent by e-mail only*

Dear Mr Hodder,

**DRAFT LICENCE APPLICATION STATUS:** SUBSEQUENT DRAFT APPLICATION, submitted  
5<sup>th</sup> March 2019

**LEGISLATION:** BADGER ACT 1992, THE WILDLIFE AND COUNTRYSIDE ACT 1992  
(as amended)

**NSIP:** A30 upgrade, Chiverton to Carland Cross, Cornwall

**SPECIES:** BADGER

Thank you for your subsequent draft badger licence application in association with the above NSIP site, received in this office on the 5<sup>th</sup> March 2019. As stated in our published guidance, once Natural England is content that the draft licence application is of the required standard, we will issue a 'letter of no impediment'. This is designed to provide the Planning Inspectorate and the Secretary of State with confidence that the competent licensing authority sees no impediment to issuing a licence in future, based on information assessed to date in respect of these proposals.

### Assessment

Following our assessment of the resubmitted draft application documents, I can now confirm that, on the basis of the information and proposals provided, Natural England sees no impediment to a licence being issued, should the Development Consent Order (DCO) be granted.

However, please note the following issues have been identified within the current draft of the method statement that will need to be addressed before the licence application is formally submitted. Our wildlife adviser, Alison Slade, discussed this matter with Eloise Arif of Arup via e-mail correspondence on the 1<sup>st</sup> March 2019 where it was confirmed that the necessary amendments would be made. Please do ensure that the Method Statement is revised to include these changes prior to formal submission. For clarity these include:

- Application form, question 11: The Named Ecologist must demonstrate they have relevant qualifications and/or experience of the methods and procedures proposed. In this case that includes successful closure of multiple main setts and construction of artificial setts under licence.

- Given the dynamic nature of badger setts (that they can change in usage, size and status over time), the badger survey will need to be updated prior to the formal licence

application and a final walkover survey should be undertaken within three months prior to the proposed start of licensable activities. The Method Statement will need to be amended and updated if badger usage of the site has changed significantly since the 2017 surveys were carried out. In preparing the formal licence application bait marking may be beneficial in determining badger social groups. Photographs of affected setts are not an absolute requirement but would be extremely helpful to support the formal licence application.

- Please ensure that the artificial setts are completed and that monitoring shows that they have been investigated by badgers *before* main sett closure takes place.

## Next Steps

Should the DCO be granted then the mitigation licence application must be formally submitted to Natural England. At this stage any modifications to the timings of the proposed works, e.g. due to ecological requirements of the species concerned, must be made and agreed with Natural England before a licence is granted.

If other minor changes to the application are subsequently necessary, then these should be outlined in a covering letter and must be reflected in the formal submission of the licence application. These changes must be agreed by Natural England before a licence can be granted. If changes are made to proposals or timings which do not enable us to reach a 'satisfied' decision, we will issue correspondence outlining why the proposals are not acceptable and what further information is required. These issues will need to be addressed before any licence can be granted.

Full details of Natural England's licensing process with regards to NSIP's can be found at the following link:

[http://webarchive.nationalarchives.gov.uk/20140605090108/http://www.naturalengland.org.uk/Images/wml-g36\\_tcm6-28566.pdf](http://webarchive.nationalarchives.gov.uk/20140605090108/http://www.naturalengland.org.uk/Images/wml-g36_tcm6-28566.pdf)

As stated in the above guidance note, I should also be grateful if an open dialogue can be maintained with yourselves regarding the progression of the DCO application so that, should the Order be granted, we will be in a position to assess the final submission of the application in a timely fashion and avoid any unnecessary delay in issuing the licence.

I hope the above has been helpful. However, should you have any queries then please do not hesitate to contact me.

Yours sincerely



*Alison Slade*  
*Lead Advisor*  
*Devon, Cornwall and Isles of Scilly Team*  
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cc. Eloise Araf and Pippa Wood, Arup Consulting

## **Annex - Guidance for providing further information or formally submitting the licence application.**

**Important note: when submitting your formal application please mark all correspondence 'FOR THE ATTENTION OF ALISON SLADE'.**

### **Submitting Documents.**

Documents must be sent to the Customer Services Wildlife Licensing (wildlife@naturalengland.org.uk).

## **6 Changes to Documents –Reasoned Statement/Method Statement.**

Changes must be identified using one or more of the following methods:

- underline new text/strikeout deleted text;
- use different font colour;
- block-coloured text, or all the above.

### **Method Statement**

When submitting a revised Method Statement please send us one copy on CD, or by e-mail if less than 5MB in size, or alternatively three paper copies. The method statement should be submitted in its entirety including all figures, appendices, supporting documents. Sections of this document form part of the licence; please do not send the amended sections in isolation.



If you need help accessing this or any other Highways England information, please call **0300 123 5000** and we will help you.

