

**M42 Junction 6 Improvement  
Scheme Number TR010027  
Volume 6  
6.3 Environmental Statement  
Appendix 9.17 Consultation**

Regulation 5(2)(a)

Planning Act 2008

Infrastructure Planning (Applications: Prescribed  
Forms and Procedure) Regulations 2009

January 2019

Infrastructure Planning

Planning Act 2008

**The Infrastructure Planning  
(Applications: Prescribed Forms  
and Procedure) Regulations 2009**

**M42 Junction 6 Improvement  
Development Consent Order 202[ ]**

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**6.3 Environmental Statement  
Appendix 9.17 Consultation**

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<b>Regulation Number</b>	Regulation 5(2)(a)
<b>Planning Inspectorate Scheme Reference</b>	TR010027
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<b>Author</b>	M42 Junction 6 Improvement Project Team and Highways England

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## Appendix 9.17 - Consultation

### 1 Introduction

#### 1.1 Purpose of this document

- 1.1.1 The purpose of this appendix is to provide further detail to that contained in Volume 1, Chapter 9 of the Environmental Statement on the consultations carried out on biodiversity.

#### 1.2 Structure of this document

- 1.2.1 The document consists of a summary of the consultation, which outlines the consultees, the method of consultation, the separate consultation comments and guidance on where the comments are considered within the Environmental Statement.
- 1.2.2 The details of the consultations are provided in Annex A of this report.

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## 2 Consultation Summary

2.1.1 Consultation regarding biodiversity was undertaken with the following organisations:

- a. Natural England;
- b. Environment Agency;
- c. Solihull Metropolitan District Council; and
- d. Warwickshire Wildlife Trust.

2.1.2 The dates and outcome of the consultation are presented in Table 1. In each case Table 1 indicates where each element of the consultation has been addressed in the Environmental Statement.

**Table 1 Consultation Summary**

Consultee	Date (method of consultation)	PINS Reference from Scoping Opinion	Summary of consultee comments	Summary of response/ how comments have been addressed
Natural England	16.08.2017 (meeting)  25.08.2017 (telephone conversation)  14.09.2017 (email response)	n/a	<p><b>Bat - Transect surveys</b></p> <p>It was agreed that the EclA would be based on transect data from July – October 2017 and May to June 2018. Transect surveys would then continue once a month until October 2018 and the environmental information would be provided as an update to the baseline data.</p> <p>It was agreed that the bat data would be reviewed with Natural England at the end of the 2017 survey season and also during May/June 2018 to confirm the survey scope going forward.</p> <p>Static detector surveys were not carried out during 2017. It was agreed that static detector surveys from May to October 2018 would be sufficient for EclA provided that, where high levels of activity are recorded, it is followed-up with manual transect or spot count survey. The environmental information would also be provided as an update to the baseline data.</p>	Bat transect and static surveys to August 2018 have been used in the EclA. There was consultation with Natural England about surveys in 2017. Surveys were continued to October 2018 as agreed and an updated baseline report will be prepared.
Natural England	16.08.2017 (meeting)  25.08.2017 (telephone)	n/a	<p><b>Bats - Tree Surveys</b></p> <p>It was agreed that if the climb and inspect survey of High / Moderate roost potential trees confirms that roosts are absent from potential roost features (PRFs) and the potential roost feature is downgraded to Low or</p>	<p>As detailed in Section 9.6 of Chapter 9 [TR010027/APP/6.1], Appendix 9.5 [TR010027/APP/6.3].</p> <p>Climb and inspect surveys have been</p>

Consultee	Date (method of consultation)	PINS Reference from Scoping Opinion	Summary of consultee comments	Summary of response/ how comments have been addressed
	conversation) 14.09.2017 (email response)		<p>Moderate potential, then further dusk/dawn surveys would not be required.</p> <p>If following the climb and inspect survey the PRF of the tree is still considered to be High, then trees that will be directly affected by the route alignment will be subject to emergence/re-entry surveys. For High potential trees that are not directly affected by the route they will not require any further surveys unless the ecologist considers that a survey should be undertaken.</p> <p>For trees that are still considered to have Moderate potential to support a bat roost following the climb and inspect surveys then no further surveys will be required, even if the tree will be directly affected by the route, as long as mitigation such as soft felling is detailed and carried out during construction of the scheme.</p> <p>It is considered that as long as the climb and inspect survey has been able to survey all PRF's then this can be considered as one of the three surveys for a High potential tree. Dusk and dawn surveys will be undertaken in August/September and also May/June if required.</p> <p>Wherever possible the need to fell trees to accommodate working areas and compounds should be avoided. If this is not possible then additional</p>	<p>completed in line with what was agreed.</p> <p>Three nocturnal surveys have been completed on all High potential trees within the proposed scheme boundary in line with what was agreed.</p> <p>Two nocturnal surveys have been completed on all Moderate potential trees that fall within 50m of the General Arrangement boundary, which is over and above what was agreed by Natural England.</p> <p>Climb and inspect surveys and nocturnal surveys have been completed on all individual trees within woodland blocks that have Moderate or High potential. This is over-and-above what was agreed with Natural England.</p>

Consultee	Date (method of consultation)	PINS Reference from Scoping Opinion	Summary of consultee comments	Summary of response/ how comments have been addressed
			<p>surveys will need to be considered.</p> <p>An area of woodland (Aspbury's Copse pLWS) which would be affected by the Scheme has trees of Negligible to High potential and it is not possible to assess every tree in this woodland. However, one of the transects follows the entire woodland boundary and the transect data would give a good indication of the presence of a roost in this woodland therefore no dusk/dawn surveys are proposed at present on this woodland. If the transect survey data returns positive results then further surveys would be necessary.</p>	
	Meeting (16.04.18)	n/a	<p><b>Ancient Woodland</b></p> <p>Measures have been included in the Scheme, for the purpose of minimising impacts upon the ancient woodland of Aspbury's Copse pLWS. Mitigation for Aspbury's Copse PLWS will take account of the lichen and fungi present.</p> <p>There would be no direct impacts upon other areas of ancient woodland, including Barber's Coppice pLWS.</p>	Refer Section 9.7 & 9.8 of Chapter 9 for consideration of effects upon ancient woodland and description of mitigation measures
			<p><b>Bats</b></p> <p>The scope of bat activity surveys was agreed with Natural England, limiting this to four separate transects</p>	Refer to Chapter 9, Section 9.6 [TR010027/APP/6.1] and Appendix 9.5: Bat Report [TR010027/APP/6.3]



Consultee	Date (method of consultation)	PINS Reference from Scoping Opinion	Summary of consultee comments	Summary of response/ how comments have been addressed
			and eight static detectors that covered the Scheme.	
Natural England	Meeting (18.09.18) Letter (02.10.18)	n/a	<b>Habitat Regulations Assessment</b>  It was agreed that there would be no likelihood of a significant adverse effect upon any European sites of nature conservation importance and therefore that an Appropriate Assessment would not be required.	Refer Habitats Regulations Assessment: No Significant Effects Report [TR010027/APP/6.8].
			<b>Bickenhill Meadows SSSI</b>  Natural England referred to the need to understand the potential impacts on the source of water to the springs to the north-western unit of the SSSI  The principal of the approach for mitigating potential adverse effects upon Bickenhill Meadows SSSI was agreed. This involved an engineered solution to maintain the existing supply of water to the sensitive grassland habitats present. The need for mitigation would be informed by a period of monitoring before, during and after construction  Natural England accepted that a pumping solution is	Hydrological investigation has ruled out the likelihood of an effect of the Scheme upon the groundwater supply to the north-west unit of the SSSI (refer Chapter 14 [TR010027/APP/6.1] and Appendix 14.2 [TR010027/APP/6.3]).  Refer Chapters 9 and 14 [TR010027/APP/6.3] of Environmental Statement and Appendix 14.2 [TR010027/APP/6.3]

Consultee	Date (method of consultation)	PINS Reference from Scoping Opinion	Summary of consultee comments	Summary of response/ how comments have been addressed
			likely to be an effective means of mitigation for impacts upon the south east SSSI unit.	
			<p><b>Ancient Woodland</b></p> <p>It was agreed that the approach to scheme design that minimised the direct impact upon Aspbury's Copse pLWS was acceptable and also that the proposed approach to the translocation of ancient woodland soils was acceptable</p> <p>Natural England deemed a compensation ratio of 3:1 newly planted woodland to ancient woodland is likely too low for an irreplaceable habitat</p> <p>Natural England have advised that they will provide further advice once the information collected by the Fungi and Lichen surveys are available. The Lichen survey can be completed at any time of year but the fungi survey can only be conducted March-May &amp; August-October and so will remain outstanding until next year.</p> <p>Natural England requested that opportunities to enhance the ancient woodland habitat should be considered, including positive woodland management and additional woodland creation</p>	<p>See Chapter 9 [TR010027/APP/6.1], Section 9.8</p> <p>Compensation will be provided at a minimum ratio of 3:1 (refer Chapter 9, Section 9.8) [TR010027/APP/6.1]</p> <p>The existing data is considered sufficient for the assessment, with the updated surveys to be provided as other environmental information (refer Chapter 9, Section 9.4) [TR010027/APP/6.1]</p> <p>The Scheme includes woodland management of Aspbury's Copse and additional woodland creation to the north of the existing woodland of Aspbury's Copse (refer on <b>Figure 8.8</b> [TR010027/APP/6.2] and Section 9.8</p>

Consultee	Date (method of consultation)	PINS Reference from Scoping Opinion	Summary of consultee comments	Summary of response/ how comments have been addressed
			<p>Natural England requested that soil surveys should be completed at the donor and receiver (receptor) sites to assist translocation success</p> <p>Natural England requested that a cumulative impact assessment of effects upon the ancient woodland should be undertaken</p>	<p>[TR010027/APP/6.1].</p> <p>Soil survey is proposed prior to translocation (refer Chapter 9, Section 9.8) [TR010027/APP/6.1]</p> <p>Refer Chapter 16. [TR010027/APP/6.1]</p>
			<p><b>Protected Species Licences</b></p> <p>It was agreed that as required by PINS, draft protected species licences (badger, bat and GCN) would be submitted for review by Natural England in advance of the formal submission</p> <p>Natural England have stated that ownership needs to be made clear for any compensatory habitat for protected species covered by the draft licences (bats, GCN &amp; badgers)</p>	<p>Mitigation would be within the Order Limits; as mentioned previously this will mainly affect the receptor areas for GCN and also include the locations used to install bat boxes which are mostly sited on boundaries of the soft estate.</p> <p>Refer Appendix 9.18 &amp; 9.19 [TR010027/APP/6.3]</p>
Environment Agency	16.11.17 (scoping opinion) & 20.02.2018 (email)	1	<p><b>White-clawed crayfish and water vole</b></p> <p>The presence of water vole, white-clawed crayfish and grass snake (<i>Natrix helvetica</i>) is possible within the working area and a precautionary approach should be undertaken to minimise the possibility of harm to these species. With regard to a precautionary approach the</p>	<p>Refer Appendix 9.13 &amp; Appendix 9.14. [TR010027/APP/6.3]</p> <p>Refer to Chapter 9 Section 9.6 [TR010027/APP/6.1] for further assessment of likely presence of white-clawed crayfish and water vole</p>

Consultee	Date (method of consultation)	PINS Reference from Scoping Opinion	Summary of consultee comments	Summary of response/ how comments have been addressed
			EA stated, <i>'The precautionary approach for White Clawed Crayfish, Water Voles and Grass Snakes would be to brief the contractors about what to do if they see them. I would not expect more than that.'</i>	
			<b>Otter</b>  The EA have confirmed that otters are now relatively common on the Blythe and are present on Hollywell Brook and possibly also Shadow Brook (the Environment Agency no longer record their presence. The EA stated <i>'They should be considered as likely to be present on even small streams within the area and road crossings designed accordingly wherever possible. It is not necessary to carry out an otter survey'</i>	Refer to Chapter 9 Section 9.6 [TR010027/APP/6.1]
	16.11.17 (scoping opinion)	7	<b>River Blythe SSSI and Relationship to Proposed Scheme</b>  Balancing ponds should be included into the drainage system, with consideration given to at least the provision of small wet pools	Refer to Chapter 9 Section 9.6 [TR010027/APP/6.1]
Solihull Metropolitan District	15.11.17 (scoping opinion)	n/a	<b>River Blythe SSSI &amp; Bickenhill Meadows SSSI</b>  Further work to evaluate the potential hydrological and air quality effects upon the SSSIs should be	Refer Chapter 13 [TR010027/APP/6.1]

Consultee	Date (method of consultation)	PINS Reference from Scoping Opinion	Summary of consultee comments	Summary of response/ how comments have been addressed
Council	letter)		undertaken	
			<b>Non-statutory Sites</b>  Local Wildlife Sites are designated by the Local Wildlife Sites Partnership for Warwickshire, Coventry & Solihull	It is acknowledged that LWSs are designated by the Partnership
			Marston Green Millenium Wood LMR, Elmdon Coppice LNR & Elmdon Manor LNR are also designated as non-statutory LWSs and are therefore of County importance	See Chapter 9 [TR010027/APP/6.1]
			<b>No Net Loss</b>  An assessment of No Net Loss of biodiversity should be completed in accordance with guidance in section 5.25 of the NPSNN  Irreplaceable habitats, such as ancient woodland, should not be included in any no net loss assessment	See Chapter 9 [TR010027/APP/6.1]

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## Annex A - Consultation Responses

Date: 02 October 2018  
Our ref: 257747 M42 J6 s42 PEIR FINAL1  
Your ref: TR010027/S42(1)(a)/September 2018



FAO Mr Jonathon Pizzey submitted via  
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**BY EMAIL ONLY**

Dear Mr Pizzey

**Nationally Significant Infrastructure Project:** M42 J6 Improvement Scheme  
**Location:** Solihull, West Midlands

Thank you for contacting Natural England regarding the above development. Your consultation is dated 30 August 2018. Our comments to this consultation are provided below, following a brief outline of engagement with Natural England.

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.

I am Natural England's case officer for this project. Please do not hesitate in contacting me should you wish to discuss any natural environment issues arising from the proposal. We are keen to work with developers during the pre-application stages of NSIP's in particular, in an attempt to resolve any potential impacts on the natural environment and help remove potential delays to the submission and consideration of a Development Consent Order (DCO).

Please find outlined below an introduction to engagement with Natural England in respect of an NSIP.

**NATURAL ENGLAND AND 'NSIP' ENGAGEMENT**

The Planning Inspectorate's Advice Note 11, Annex C 'Working with Public Bodies in the NSIP process' sets out in detail the legislative basis and scope of Natural England's role as the Government's advisory body on developments affecting nationally designated wildlife and geological conservation sites, and nationally protected landscapes. Annex C describes the need for Environmental Impact Assessment, Habitat Regulations Assessment and species licensing and the statutory requirement for consultation by the developer under Section 42 of the Planning Act 2008 on these matters. The Advice Note also describes the importance of early engagement as an opportunity to identify and resolve issues that may otherwise delay the approval of the project or that may reduce effort for all parties during the examination stages of the NSIP.

Natural England often provides written representations and attends NSIP hearings. Our experience of the NSIP process is that development proposals with potentially serious impacts can often be resolved if both ourselves and the developer invest time early on in the pre-application phase to understand each other's concerns. This allows discussion of potential impacts and how they might

be reduced through mitigation measures, or collection of further evidence which may allay the concerns. We also support the development of Evidence Plans in appropriate cases, which can give a developer more certainty up front about what environmental evidence it will need to collect to ensure that environmental impacts are considered properly.

### **Discretionary Advice Service (DAS)**

We welcome your early engagement with Natural England via our Discretionary Advice Service (DAS) <https://www.gov.uk/guidance/developers-get-environmental-advice-on-your-planning-proposals> and hope that this level of valuable engagement continues.

Natural England developed this service in order to be able to provide additional advice beyond that which we give in our response to the required statutory consultations, enabling us to invest in increased capacity to provide more, and earlier access to our expertise, which we hope will improve our customer service, support sustainable development and achieve better environmental outcomes through the planning system.

### **STATUTORY CONSULTATION UNDER SECTION 42 OF THE PLANNING ACT 2008**

The development proposal consists of improvements to junction 6 of the M42 motorway near Solihull in Birmingham. This development is deemed necessary by Highways England to enable better movement of traffic; support improved access to the airport; and provide capacity on the road network for future traffic associated with the planned High Speed 2 (HS2) Birmingham International Station.

Natural England understands the scheme comprises the following key elements:

- A new junction located approximately 1.8km south of junction 6;
- A new 2.4km long dual carriageway road to link the new junction to the Clock Interchange junction;
- Upgrades to junction 6; and
- Realignment and improvement of local roads west of the M42.

These proposals fall within the definition of a Nationally Significant Infrastructure Project (NSIP) to which the Planning Act 2008 applies. Development consent for this development will then be granted by a Development Consent Order (DCO) made by the Secretary of State for Transport following a Planning Inspectorate (PINS) recommendation. Natural England understands the DCO application will eventually be accompanied by the Environmental Statement (ES) currently in production.

In accordance with Section 10 of the Planning Act 2008, a Preliminary Environmental Information Report (PEIR) was prepared to inform the initial Section 42 consultation undertaken January to March this year. This presented the information available on the proposed scheme and likely environmental impacts at that time. We have also accessed further historical online documentation at [www.highwaysengland.co.uk/m42-j6](http://www.highwaysengland.co.uk/m42-j6) associated with this consultation.

Following that initial Section 42 consultation, the Scheme has been further refined.

Notably, Scheme revisions which are the subject of this consultation include:

- Minor alterations to the M42 5a junction and realignment of slip roads at new southern junction (which have been moved closer to the M42 carriageway);
- Reduction in span of Solihull Road Overbridge;
- Roundabout near Barber's Coppice has been moved closer to Catherine de Barnes Lane and reduced in size;
- A new bridge to Bickenhill (potentially a Green Bridge? Unconfirmed); and



- Additional land (temporarily) required from Bickenhill Meadows SSSI) for potential environmental mitigation and on-going surveys.

Under Section 42 of the Planning Act 2008 you have provided us with:

- Further Statutory Consultation Section 42(1)(a) letter including Appendix 1 (outlining design changes) – dated 30 August 2018

Further pre-application dialogue between ourselves and the associated consultant team has also provided us with the following:

- Habitat Regulations Assessment: No Significant Effects Report HE551485-ACM-LSI-ZZ\_SW\_ZZ\_ZZ-RP-DC-0608 AECOM (Version 1 – Issued for comment – September 2018);
- Technical Note for Licensing of Protected Species – AECOM 14/09/18;
- Technical Note for Translocation of Ancient Woodland – AECOM 14/09/18;
- Bickenhill Meadows SSSI – Preliminary Hydrological Investigation Technical Note (V3) AECOM 21/08/18 (60543032);
- A series of 3 plans issued by AECOM at the 18 September 2018 meeting indicating Ecological Constraints (Bats, GCN and Badger); and
- Minutes of 18 September 2018 meeting – AECOM and Natural England.

Furthermore, since the September 2018 meeting there has been further dialogue between NE and the applicant consultant team regarding Ancient Woodland digital data and Protected Species licensing.

Natural England wishes to relay the following advice at this stage of the projects development.

## **THE CONSERVATION OF HABITATS AND SPECIES REGULATIONS 2010 (AS AMENDED) WILDLIFE AND COUNTRYSIDE ACT 1981 (AS AMENDED)**

### **Internationally designated sites**

European sites are afforded protection under the Conservation of Habitats and Species Regulations 2010, as amended (the 'Habitats Regulations'). The application site is located in excess of 15km of the following (i.e. it's closest) European designated sites (also commonly referred to as Natura 2000 sites):

- Ensor's Pool SAC
- Fens Pools SAC
- Cannock Extension Canal SAC
- The River Mease SAC

Natural England has reviewed the evidence contained in the applicant's draft (shadow) Habitat Regulations Assessment – No Significant Effects Report. The HRA screening exercise has concluded that there is no potential for Likely Significant Effects or Adverse Effects on the Integrity of any of the sites in question, either as a result of the scheme, either alone or in combination with other plans or projects. Given the intervening distance and the lack of specific environmental pathways between the application site and the designated sites in question, NE concurs with its conclusions.

**In summary, Natural England advises that there will be no need for the Secretary of State for Transport to progress the assessment to Appropriate Assessment stage.**

## Nationally designated sites

The application site is located in close proximity to the following sites which are also notified at a national level as Sites of Special Scientific Interest (SSSI's):

- Bickenhill Meadows SSSI;
- The River Blythe SSSI; and
- Coleshill and Bannerley Pools SSSI.

Natural England has considered the evidence and advises that the development is unlikely to impact upon the special features of either The River Blythe SSSI or Coleshill and Bannerley Pools SSSI. However, the interest features of Bickenhill Meadows SSSI are sensitive to impacts to its hydrological system. We consider the proposed development is likely to impact upon the SSSI both directly (for 'mitigation' purposes) and indirectly, due to changes to hydrology.

### ***Bickenhill Meadows SSSI***

Bickenhill Meadows SSSI comprises of two separate units (NW Unit and SE Unit) located either side of the proposed link road. The SSSI includes areas of wet woodland and wet meadows that support a range of plants and other species. The cutting and associated works are also in close proximity to streams that flow through both SSSI units, which may be impacted during the construction and operation phases.

In accordance with best practice, the Scheme's design should follow the mitigation hierarchy. Natural England is informed by the applicant that the potential to alter the horizontal or vertical alignment of the road any further is limited in that it has already moved as far east as possible to avoid impact upon the NW Unit. We accept, therefore, that approaches now need to focus upon options for mitigation and compensation.

Natural England's advice has informed the ground investigation, monitoring, design and assessment work undertaken to date regarding Bickenhill Meadows SSSI. This work has been undertaken in order to better understand the underlying geology, hydrogeology, the potential for the scheme to affect groundwater flows / levels and to try and establish whether the SSSI's grassland communities at critical times are more sensitive to groundwater levels or rainfall.

The emerging findings of the studies into the SSSI were presented at a meeting on 18 September 2018. From this, we understand that the evidence gathered so far suggests that it is unlikely that the scheme would affect groundwater flows associated with the NW Unit (See 18 September Minutes Comment 8.4). However, there needs to be a better understanding of the source of water to the springs to the SSSI NW unit.

There are currently two working hypotheses associated with the hydrology of the SE Unit (See 18 September Minutes Comment 8.5). We recognise that further baseline monitoring and investigations are required. In particular, for one hypothesis we are informed that the proposed link road may remove a significant part of the SSSI's groundwater catchment (approximately 14%). We need to understand if this is indeed the case, and if so, what that means for water resource. Furthermore, greater clarity is required over the potential impact of the gas pipeline in the southeastern SSSI unit upon groundwater flow. We recommend adaptation to the conceptual model to take up to date data into account.

Natural England has queried whether the proposed baseline monitoring will be sufficient to fully understand how the hydrology of the how the site operates, given natural variability including this year's exceptionally dry summer. However, we also understand that the dipwell monitoring will continue throughout examination of the DCO which is likely to provide us with 2-3 years of further evidence.

As it stands, the potential for effects on groundwater flows and the SSSI grassland communities has yet to be determined. We have been informed that the applicants are therefore developing a series of 'precautionary mitigation solutions' focused on the avoidance and reduction of impact, consistent with the mitigation hierarchy. Specifically, the applicants have proposed an emerging design that focuses on maintaining the existing hydrological regime of the SSSI, including the placement of an impermeable barrier within the cutting to the east and installation of a pumping system to infiltration system design. Whilst Natural England accepts that the proposed pumping solution is likely to be effective, it would require assurances that the infrastructure would be financed, maintained and monitored by Highways England into the future. Natural England would require this system to be in place ahead of any development likely to impact upon the SSSI hydrology. Therefore, a phased approach would be required in order to ensure that there would be no harm to the SSSI. Natural England would not accept proposals which only implemented mitigation after the site had been impacted.

Crucially, however, Natural England would stress the importance of investigating of an alternative solution which is more innovative, passive, and maintains ecological processes, as a matter of priority. The proposed heavily engineered solution outlined above is an end of pipe solution which, whilst would likely ensure the site was not damaged, cannot adequately replace a naturally functioning ecosystem. The proposed solution relies heavily on continued human intervention for to ensure effectiveness. We would strongly encourage the applicants to, instead, design a solution which is able to safeguard the Site's features via more passive adaptation of the natural hydrological processes.

Furthermore, we would encourage further work to explore the potential for habitat enhancement features such as swales or ponds. Importantly, Natural England notes the SE Unit of Bickenhill Meadows SSSI is owned by Warwickshire Wildlife Trust (in addition to a designated Local Wildlife Site to the south of the Unit), and is surrounded by Shadowbrook Meadows Local Nature Reserve (LNR). We advise ongoing dialogue with the Warwickshire Wildlife Trust and the local authority in respect of potential impacts, mitigation and a project wide compensation package.

**In summary, Natural England confirms that based on the information provided to date, the proposed development is likely to adversely impact upon Bickenhill Meadows SSSI SE Unit. We welcome the commitment to undertake further groundwater monitoring and further hydrological investigations as necessary. The applicants are currently considering mitigation through use of either a heavily engineered solution or a more passive solution which we would prefer. We are content that the agreed monitoring and continuing dialogue around mitigation will bring to bear an appropriate solution, however, we suggest that a heavily engineered solution should be seen as a last resort.**

## **Ancient Woodland**

Aspbury's Copse is the only ancient woodland shown on the Ancient Woodland Inventory where loss, as well as direct impacts, will definitely occur. The construction of two new slips roads to service the new motorway junction 5A, will bisect both halves of Aspbury's Copse, resulting in direct loss of irreplaceable habitat, and severe disturbance. Likely impacts are habitat loss, disturbance to soils and hydrology, impacts of noise, vibration, light and air pollution, species disturbance and restriction of movement. The slip road construction will cause further fragmentation of this already fragmented woodland habitat, impacting upon ecosystem and wider ecological network functioning.

Natural England recognises another ancient woodland in the vicinity – Barbers Coppice – which may occur impacts such as noise, light and air pollution both during construction and operation. We welcome efforts to reduce potential impact directly and indirectly.

Natural England reminds the applicant that ancient woodland is irreplaceable habitat (NPPF 2018). Specifically, NPPF Paragraph 175 sub-section (c) makes it clear that

*‘development resulting in the loss or deterioration of irreplaceable habitats (such as ancient woodland and ancient or veteran trees) should be refused, unless there are **wholly exceptional** reasons and a suitable compensation strategy exists’..*

Further Standing Advice in respect of Ancient Woodlands is provided at the link below.  
<https://www.gov.uk/guidance/ancient-woodland-and-veteran-trees-protection-surveys-licences>

Natural England notes that a number of the Scheme revisions which are the subject of this consultation have been made in order to help minimise the extent of permanent land take required from within Aspbury's Copse. These include realignment of the J5A slip roads and reduction in span of Solihull Road overbridge. These measures are welcomed by Natural England and are in accordance with the mitigation hierarchy.

Additionally, Natural England has already confirmed that the 'highly disturbed area' within Aspbury's Copse no longer constitutes ancient woodland and has been removed from the Ancient Woodland Inventory. Natural England provided the digital data for this to your consultants on 19 September 2018. Based on this digital data and the most recent Scheme, Natural England calculates a loss of ancient woodland to both parcels (0.06ha from the eastern parcel, to a total of 1.05ha) and a greater 0.27ha loss from the western parcel to 1.22ha). The total reduction in classified ancient woodland, from this removal of 'highly disturbed land', is 0.33ha. We understand this digital data will help further inform detailed design work going forward.

The proposed compensation package for the loss of and damage to ancient woodland at Aspbury's Copse is the creation of woodland by planting on a site immediately south of the eastern half of the wood, where translocated ancient woodland topsoil will be spread. The current compensation ratio is 3:1; this may alter slightly when ancient woodland polygons are altered on the Ancient Woodland Inventory due to the removal of the 'highly disturbed land'. However, Natural England deems this compensation ratio likely too low for an irreplaceable habitat.

In addition to the compensation area, we would encourage the applicant to seek further opportunities to enhance Aspbury's Copse and the ecological networks in the wider area e.g. new woodland planting and hedgerows. The current condition and management of ancient woodland in the area should be considered when designing the compensation package, including measures to ensure positive management of Aspbury's Copse and nearby Barber's Coppice. We understand that both Aspbury's Copse and nearby Barber's Coppice are narrowly located outside the airport safeguarding zone and hence opportunities for further planting may apply.

In particular, as ancient woodland losses will occur in both halves of the Aspbury's Copse wood it would be useful to explore further woodland creation contiguous with the western half of the wood. This could further extend and buffer Aspbury's Copse. Furthermore, additional woodland creation north of Aspbury's Copse would buffer the woodland from potential impacts of the proposed new motorway service junction.

Natural England has no objections to the proposed soil translocation methodology, the allocated area of soil translocation or the allocated area for contiguous replanting proposed, as detailed in the associated Technical Note, provided that the soil types are suitable. However, we would urge that methods to translocate an intact soil profile and field layer are further explored. Such techniques are widely used in grassland translocation, and whilst we recognise the additional difficulties that woodland soils represent, we think that taking this type of approach were practicable will be beneficial.

We advise the completion of a soil survey at the receiver site, because evidence shows that translocations have only been successful where the receiver site soil types have been matched to the donor site. If the soil types do not match, an alternative site (preferably close to another ancient woodland) should be sought. We understand such a survey is planned for October 2018. We further advise long term monitoring of the translocated site.

Importantly, Natural England has requested that the title of the associated Ancient Woodland Technical Note be adjusted to reflect that the translocation of Ancient Woodland relates to the soils, i.e. 'Translocation of ancient woodland soils', as this helps prevent confusion that we are not suggesting that ancient woodland can be moved.

In order to fully assess the impacts on ancient woodland Natural England would need to examine relevant environmental surveys and ecological impact assessments of relevant ancient woodland and surrounding land. Notably, we understand the fungi and lichen surveys will be carried out in 2018 to re-validate the surveys from 2015. When this information is available Natural England could provide further advice.

Finally, the impacts of the scheme are likely to be compounded by a separate proposal for a new motorway service area. Therefore, the EIA will need to take into account cumulative impacts in this respect.

**In summary, Natural England confirms that, based on the information provided to date, the proposed development is likely to result in direct loss to Aspbury's Copse Ancient Woodland. We understand from AECOM that the location of the new junction cannot be moved, and therefore, direct loss is unavoidable. Further Scheme changes are seeking to mitigate loss and compensation in the form of soil translocation and compensatory planting is proposed. Further evidence and detailed dialogue is required in order to ensure the loss of this irreplaceable habitat is fully compensated.**

## **Protected Species**

### ***Protected Species Standing Advice***

Natural England has published [Standing Advice](#) on protected species. The Standing Advice includes a habitat decision tree which provides advice on deciding if there is a 'reasonable likelihood' of protected species being present. It also provides detailed advice on the protected species most often affected by development, including flow charts for individual species to enable an assessment to be made of a protected species survey and mitigation strategy.

The Planning Inspectorate should apply our Standing Advice to the DCO application as it is a material consideration in the determination of applications in the same way as any individual response received from Natural England following consultation.

The Standing Advice should not be treated as giving any indication or providing any assurance in respect of European Protected Species (EPS) that the proposed development is unlikely to affect the EPS present on the site; nor should it be interpreted as meaning that Natural England has reached any views as to whether a licence may be granted.

If you have any specific questions on aspects that are not covered by our Standing Advice for European Protected Species or have difficulty in applying it to this application please contact me at the number provided below. You should also refer to our advice on protected species and NSIP's in the Advice Note 11, Annex C detailed above. This contains details on licence arrangements and pre application consultations.

[http://www.naturalengland.org.uk/Images/WML-G36\\_tcm6-28566.pdf](http://www.naturalengland.org.uk/Images/WML-G36_tcm6-28566.pdf)

### ***Other Comments in respect of Species Licensing and Mitigation***

Natural England understands that the applicants are looking to submit draft licence applications to us around the end of October 2018. Natural England has also since confirmed to the applicant the level of commitment and certainty it requires in respect of land ownership and precise locations of compensatory habitats.

We also understand that a focused report will be forthcoming to support the review and evaluation of draft licence applications. We have agreed that this only needs to identify areas where protected species are found to be present and presenting a legal constraint, and not where absence of species is noted.

We understand that the applicant is seeking Letters of No Impediment (LONI) from Natural England to be submitted in support of the application for DCO (currently planned for November 2018). We are content that, subject to the required information being submitted, that we are able to meet this timeframe. We have also already confirmed that we will be able to issue a LONI which confirms whether or not the 3 related tests are likely to be satisfied subject to (i) purchase of the land by CPO and (ii) the precise location of the compensation being confirmed.

Natural England has discussed the principle of mitigation measures currently proposed within the accompanying Technical Note with the applicants' ecologists and has generally welcomed the measures proposed. Key areas of general agreement are as follows:

- Badgers - there should be no need to create artificial setts as no main setts are being impacted. Natural England accepts the proposed inclusion of a badger tunnel as a means of restoring the connectivity of badger setts and habitats that would be severed by the new link road. We confirm we would need to have sight of the confidential badger surveys ahead of submission of a draft licence application for this species.
- Bats – impacts are very low and can be adequately compensated by erecting bat boxes in suitable locations.
- Great crested newts – no ponds will be lost but there is a need to protect GCN that may be using terrestrial habitats affected by the scheme, through fencing, capture and relocation.

**In summary, badgers, bats and great crested newts are likely to be affected by the Scheme, and licences will be required. Natural England is in agreement with the general principle of the mitigation provided in the associated Technical Note. We have agreed a timescale for submission of draft licence applications to obtain a Letter of No Impediment, providing the required information from the applicant is forthcoming and timely.**

### **Biodiversity Net Gain**

Natural England advises the adoption of a Biodiversity Net Gain approach to the project. Net Gain is strongly referenced within the NPPF.

We understand the applicants are using the Defra Metric (2012) in order to establish the extent of habitat loss and to calculate the area and type of habitat required to offset this loss. Natural England has no comments to make in this regard but does advise liaison with Warwickshire County Council's Ecology Services team, particularly in consideration of their adopted Biodiversity Offsetting Metric. Natural England would also wish to stress that whilst metric approaches to compensation are extremely valuable, these are simply a tool to help the development team make better informed decisions. Natural England considers that due to the scale of the Scheme, together with the impacts upon local wildlife sites and habitat connectivity, the design team should seek to maximise the environmental benefits from the

development.

Natural England would also stress the importance of excluding ancient woodland from Net Gain calculations given that it constitutes 'irreplaceable habitat'. Therefore, the proposed woodland compensation measures (including proposed soil translocation and planting for loss of ancient woodland) was not factored into the calculation, this is in accordance with the DEFRA biodiversity offsetting metric.

As one specific measure, we would welcome the greening of the new pedestrian footbridge.

Natural England has requested that the applicants detail specifically which biodiversity measures proposed within the Scheme are biodiversity mitigation, compensation or enhancement. We are informed by AECOM that a separate report ('Biodiversity Offsetting Report') will be submitted as part of the DCO application and we welcome this measure.

**Natural England confirms that, at this stage, we welcomes the applicants embracing of Net Gain principle, although we are presently unsure as to whether the current Scheme achieves this. We would support a landscape-scale response to habitat connectivity and await the Biodiversity Offsetting Report with interest.**

#### **Other Advice**

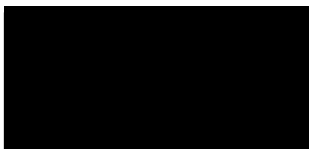
We would expect you to assess and consider the other possible impacts resulting from this proposal on the following when determining this application:

- local sites (biodiversity and geodiversity)
- local landscape character
- local or national biodiversity priority habitats and species.

Natural England does not hold locally specific information relating to the above. These remain material considerations in the determination of this planning application and we recommend that you seek further information from the appropriate bodies (including Warwickshire County Council Ecology Services and Warwickshire Wildlife Trust) in order to ensure you have provided sufficient information to fully understand the impact of the proposal before determination of the application. A more comprehensive list of local groups can be found at [Wildlife and Countryside link](#).

Should I be able to assist you in clarifying any points contained within this letter please do not hesitate to contact me on the number below.

Yours sincerely



Susan Murray  
Planning for a Better Environment - Lead Adviser  
Natural England  
07920 594 142  
[susan.murray@naturalengland.org.uk](mailto:susan.murray@naturalengland.org.uk)

Wainwright-Hicks, Marcus

---

From: Lewis, Dagmar (NE) <Dagmar.Lewis@naturalengland.org.uk>  
Sent: 14 September 2017 10:55  
To: King, Lorraine M  
Subject: RE: M42 Junction 6 - Bat Surveys

Importance: High

Follow Up Flag: Follow up  
Flag Status: Flagged

Hi Lorraine

My apologies for not getting back to you sooner. Things were rather hectic after my return from leave. I have made some comments below, all in all it is a correct summary of what was discussed at the meeting. Please do not hesitate to get in touch if you want to discuss further.

Kind regards

Ms Dagmar Lewis

Wildlife Adviser West Midlands Sustainable Development

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Mob: 07768 987 391

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In an effort to reduce Natural England's carbon footprint I will, wherever possible, avoid travelling to meetings and attend via audio, video or web conferencing.

**Natural England offers two chargeable services – The Discretionary Advice Service ([DAS](#)) provides pre-application, pre-determination and post-consent advice on proposals to developers and consultants as well as pre-licensing species advice and pre-assent and consent advice. The Pre-submission Screening Service ([PSS](#)) provides advice for protected species mitigation licence applications.**

**These services help applicants take appropriate account of environmental considerations at an early stage of project development, reduce uncertainty, reduce the risk of delay and added cost at a later stage, whilst securing good results for the natural environment.**

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From: King, Lorraine M [mailto:[lorraine.king@aecon.com](mailto:lorraine.king@aecon.com)]  
Sent: 14 September 2017 09:33  
To: Lewis, Dagmar (NE) <[Dagmar.Lewis@naturalengland.org.uk](mailto:Dagmar.Lewis@naturalengland.org.uk)>  
Subject: RE: M42 Junction 6 - Bat Surveys

Hi Dagmar,

I hope you had a good holiday. I am wondering if you have had chance to review my e-mail below and if you have any comments on this.

Regards

**Lorraine King**, BSc(Hons), MCIEEM, CEnv, MRSB  
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From: King, Lorraine M  
Sent: 25 August 2017 15:05

To: 'dagmar.lewis@naturalengland.org.uk'  
Subject: M42 Junction 6 - Bat Surveys

Dear Dagmar,

It was good to meet you last week and thank you for taking the time to discuss the bat surveys of trees this morning.

Below is a brief summary of our meeting last week and conversation this morning.

As discussed at the meeting the following bat surveys are being undertaken:

#### Bat transect surveys

The habitat within vicinity of the route has been assessed as having moderate suitability for bats, therefore 1 survey visit a month is being undertaken across 6 transects. The first transect was undertaken in July and surveys will be carried out every month, between July and October 2017. Statics are not being installed during these transect surveys.

Natural England would usually expect 2 years' worth of bat survey data for a scheme of this size. However the DCO is being submitted in Summer 2018, therefore it will not be possible to provide a full year of data for the submission. However it was agreed that the EclA could be submitted using transect data from July – October 2017 and May to June 2018. Transect surveys should then continue once a month until October 2018 and an addendum submitted so that data collected over 2 years (half a data set and complete data set) would be available to Natural England during the DCO period. **Agreed, please note, as mentioned in the meeting, that survey data informing any licence application has to be from the current or previous survey season. Licences can only be issued 3 months in advance of the works to be carried out.**

It was agreed that the bat data would be reviewed with Natural England at the end of the 2017 survey season and also during May/June 2018 to confirm the survey scope going forward. **Agreed, this would have to be done under a further DAS agreement however.**

In terms of static surveys, it is proposed that remote recorders are used during transect surveys next year. Could you confirm if this is sufficient? **Yes provided that where high levels of activity are recorded, it will be followed up using a manual transect or spot count survey.**

#### Tree Surveys

Trees have been assessed from ground level for Potential Roost Features (PRFs) and we are now undertaking climb and inspect surveys of trees with moderate and high potential (surveys of low potential trees are not required) to reclassify PRFs and determine the presence/absence of bats at the time of the survey and the need for further survey and/or mitigation.

At the meeting it was agreed that if the climb and inspect survey of high / moderate roost potential trees confirms that all PRFs have been fully inspected and that no roost is present nor is there any signs of activity within the tree then further dusk/dawn surveys are not required. **Agreed, provided that you use your professional judgement if the results are ambiguous or can't be obtained safely and that if the tree needs to be felled, soft felling is being carried out.**

As discussed this morning, whilst the surveyors have been able to confirm that all PRFs have been inspected and that no bats were found during the climb and inspect surveys, it has not been possible to reclassify all the trees. Therefore some of the trees are still classified as having high/moderate potential following the climb and inspect survey. As discussed where the tree is still assessed as having high roost potential or are upgraded to high potential and will be directly affected by the preferred route alignment then dusk/dawn surveys will be carried out on these trees. Trees with high potential that will not be directly affected by the route alignment will not require any further surveys unless the ecologist considers that a survey should be undertaken. **Agreed, given the same reservations as above.**

For trees that are still considered to have moderate potential to support a bat roost following the climb and inspect surveys then no further surveys will be required, even if the tree will be directly affected by the route, as long as mitigation such as soft felling is detailed and carried out during construction of the scheme. **Agreed.**

Where it is not possible to fully inspect all PRFs on a high/moderate potential tree then further dusk/dawn surveys will be undertaken. **Agreed.**

It is considered that as long as the climb and inspect survey has been able to survey all PRF's then this can be considered as one of the three surveys for a high potential tree, please could you confirm that you agree. Dusk and dawn surveys will be undertaken in August/September and also May/June if required. **Agreed.**

As discussed at present we don't know the working areas and site compounds, however wherever possible the need to fell trees to accommodate working areas and compounds will be avoided. If this is not possible then additional surveys will need to be considered. **Correct.**

There are three areas of woodland which will be affected by the scheme two areas have been assessed as having low potential and one has negligible to high potential. No detailed bat roost surveys are required on the woodlands with low potential. For the woodland with negligible to high potential it is not possible to assess every tree in this woodland, however this woodland is included in the transect surveys and the transect follows the entire woodland boundary, therefore the transect data would give a good indication of the presence of a roost in this woodland, therefore no dusk/dawn surveys are proposed at present on this woodland. **Agreed. However, if the transect survey data returns positive results then further surveys would be necessary.**

I trust this is a true reflection of our discussions. I look forward to hearing from you and confirmation that you agree with the above.

Regards

**Lorraine King**, BSc(Hons), MCIEEM, CEnv, MRSB  
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Jonathan Pizzey, Senior Project Manager  
M42 Junction 6 Improvement  
Highways England  
Floor, 5 Two Colmore Square  
Birmingham  
B4 6BN

**BY EMAIL ONLY**

2<sup>nd</sup> October 2018

Dear Jonathan,

**RE: M42 Junction 6 Improvement Scheme  
Response from Warwickshire Wildlife Trust to the Highways England consultation:  
Planning Act 2008 Section 42(1)(d) and 44: Duty to consult on a proposed application**

Thank you for consulting Warwickshire Wildlife Trust as an owner of land affected by the proposed scheme and as an organisation with interest in land affected by the proposed scheme.

Warwickshire Wildlife Trust is a local nature conservation charity established in 1970 to further the protection and enhancement of wildlife and wild places and to encourage a greater appreciation of all aspects of the natural environment across Warwickshire, Coventry and Solihull. We have over 23,000 members and over 500 volunteers. We manage 70 nature reserves across the sub-region, totalling over 770ha, but work beyond these to promote our objectives throughout our area. We are a lead partner in three landscape scale nature conservation schemes which aim to restore and create wildlife habitat and promote opportunities for local communities to access wildlife. We also campaign to promote and secure positive outcomes for wildlife through the planning system and are recognised by local authorities across that region as a consultee on planning applications, strategic planning documents, and other matters affecting the area in which those whom it represents live. We act as secretariat for our Local Nature Partnership.

We have read the Scheme documents sent to us via post; dated 30<sup>th</sup> August 2018 and also those available on the public website. We also met with representatives of the scheme on 25<sup>th</sup> Sept 2018.

**Chair**  
Crishni Waring  
**Chief Executive**  
Ed Green

**Warwickshire Wildlife Trust**  
Brandon Marsh Nature Centre  
Brandon Lane, Coventry, CV3 3GW  
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Warwickshire Wildlife Trust

[www.warwickshirewildlifetrust.org.uk](http://www.warwickshirewildlifetrust.org.uk)

Text 'Giving 70070' with the words 'WKWT01' and the donation amount (e.g. WKWT01 £10) to help support our planning work.

We wish to express our strong concerns regarding the impacts of this scheme on the environment and in particular, ecology.

#### **Bickenhill Meadow SSSI (aka Shadowbrook Nature Reserve)**

Warwickshire Wildlife Trust have owned and managed this meadow for the last 30 years to protect the rare nationally significant meadow grassland and allow access to the public. Shadowbrook meadow is the south eastern of the Bickenhill Meadow SSSI units. Our nature reserve includes the SSSI unit and additional land to the south which is designated as a Local Wildlife Site. The grassland community relies on the damp conditions at the site alongside a sensitive grazing and cutting regime.

The chosen route option cuts in-between the two SSSI meadows and destroys sections of supporting grassland habitat designated as Local Wildlife Sites.

During our meeting with scheme representatives, we were told that insufficient information had been gathered to adequately understand the hydrology of the SSSI but that there is the potential that the new road may impact the flow of ground water to the SSSI which if not mitigated would destroy the grassland for which the site is designated.

We understand that a mitigation plan is being put forward based on the possibility that the proposed road interrupts the groundwater supply to the SSSI. This mitigation plan will involve a pump, infiltration system and trenches dug into the SSSI meadow. Such an artificial solution to retain adequate water supply to the site will require ongoing maintenance and management by Highways England to work correctly.

We understand that there is the possibility that our SSSI meadow could be destroyed if this system doesn't function as intended.

As a landowner we object to the proposals as they currently stand. We believe that a the scheme should be required to gather adequate evidence so as to have reasonable confidence in its impacts and so that a more natural mitigation plan can be designed to protect the SSSI.

We do not wish to be reliant on Highways England correctly monitoring and maintaining a pump system in perpetuity so that our land can be retained as meadow grassland.

Paragraph 5.29 of the National Policy Statement for National Networks state that 'the Secretary of State should ensure that the applicant's proposals to mitigate the harmful aspects of the development and, where possible, to ensure the conservation and enhancement of the site's biodiversity or geological interest, are acceptable.'

#### **Destruction of Ancient Woodland; Apsbury Copse**

The Scheme will destroy part of Apsbury Copse ancient woodland where the slip roads have been proposed. Ancient woodlands are irreplaceable habitats and this woodland has already been damaged when the M42 was first created.

Irreplaceable habitats are protected by planning policy; paragraph 5.32 of the National Policy Statement for National Networks states that ‘ancient woodland is a valuable biodiversity resource both for its diversity of species and for its longevity as woodland. Once lost is cannot be recreated. The Secretary of State should not grant development that would result in the loss or deterioration of irreplaceable habitats including ancient woodland and the loss of aged and veteran trees found outside ancient woodland, unless the national need and benefits of the development, in that location, clearly outweigh the loss.’

The creation of the slip roads will destroy a section of this ancient woodland and potentially have further indirect impacts on the remaining woodland. The Wildlife Trust objects to this destruction.

Whilst we understand that a compensation package will be provided for the destroyed ancient woodland, we have not seen the contents to comment in its appropriateness.

#### **Destruction of Local Wildlife Site Grassland**

The proposed scheme will destroy part of Castle Hill Farm Local Wildlife Site which is a grassland parcel that buffers the north western of the SSSI meadows. The Wildlife Trust objects to the loss of Local Wildlife Sites which are of county value for nature conservation.

#### **Loss of Landscape Connectivity for Wildlife**

There is currently no information about how connectivity for wildlife will be retained across the new road. We are concerned about the severance effect of the road, potentially isolating the land between it and the M42 for many species unless mitigation and crossing points are designed into the scheme.

#### **Unsatisfactory Assessment of Scheme Options at Selection Stage**

Warwickshire Wildlife Trust was not consulted on the 2016/17 consultation on scheme options. However, we would now like to highlight the lack of consideration for **avoiding** harm to ecological features. The Scheme Assessment Report doesn’t discuss the likely impact of each option and instead jumps straight to assuming that impacts will be mitigated during later stages.

It is clear however, that options 1 and 2 will have a greater impact on ecological sites as they directly harm ancient woodland and Local Wildlife Sites and lie adjacent to Bickenhill Meadows SSSI. Option 3 does not take land directly from any designated site for nature conservation and is further away from the SSSI meadows so that there is less chance of indirect impacts.

It is the opinion of the Wildlife Trust that option 3 would have significantly less impact on nature conservation and biodiversity than options 1 and 2, and this should have been better reported so as to inform decision making at this stage.

#### **Insufficient information to make an informed response regarding impacts on wildlife**

To date, the ecological survey reports have not been publically available so that the impact on our protected and notable wildlife species is unknown.

In conclusion, the Wildlife Trust is very concerned by impacts of the proposed scheme on ecology. We don't believe that there is sufficient evidence to inform decision making regarding mitigating impacts on Bickenhill Meadows SSSI and we are not happy with the proposed highly engineered solution to retain water supply to our nature reserve as we would be forever reliant on Highways England maintaining this system.

We do not believe that impacts on ecological features were adequately reported during decision making about the preferred route option and highlight that impacts on ecology could be reduced if an alternative route was selected.

We object to the destruction of ancient woodland and designated Local Wildlife Site.

Please contact me if you have any queries regarding this response.

Yours sincerely

*Annie Ottaway*

Annie Ottaway  
Planning & Biodiversity Officer  
[Annie.Ottaway@wkwt.org.uk](mailto:Annie.Ottaway@wkwt.org.uk)





Wainwright-Hicks, Marcus

---

From: Crawford, Andrew <[andrew.crawford@environment-agency.gov.uk](mailto:andrew.crawford@environment-agency.gov.uk)>  
Sent: 20 February 2018 11:53  
To: Wheeler, Valerie A.; Nargas, Noreen  
Subject: RE: M42 JUNCTION 6 SCHEME – ENVIRONMENTAL IMPACT ASSESSMENT –white-clawed crayfish, reptiles, water vole and otter records

I do not have any more data than I put in the earlier email.

I find signs of otters whenever I am out in the area but we have not noted records of otters in the area for some time because they are now so widely distributed. They are certainly present on the Hollywell Brook and I would expect them on the Shadow Brook. They should be considered as likely to be present on even small streams within the area and road crossings designed accordingly wherever possible. It is not necessary to carry out an otter survey.

The records we have for White Clawed Crayfish and Water Voles came originally from the Biological Records centre but were older than I thought so they may have dropped off their system

In the case of reptiles I was thinking of Grass Snakes for which there are records from the Blythe Valley but some distance away from the site. They are widely distributed in North Warwickshire so they should be considered as possibly within the working area.

The precautionary approach for White Clawed Crayfish, Water Voles and Grass Snakes would be to brief the contractors about what to do if they see them. I would not expect more than that.

Andrew

**Andrew Crawford**

Biodiversity Technical Specialist – West Midlands

Direct dial: 02030 252942

Mobile: 07802 327485

E-mail: [andrew.crawford@environment-agency.gov.uk](mailto:andrew.crawford@environment-agency.gov.uk)

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WS13 8RR

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From: Wheeler, Valerie A. [mailto:Valerie.Wheeler@aecom.com]

Sent: 20 February 2018 11:03

To: Nargas, Noreen <Noreen.Nargas1@environment-agency.gov.uk>; Crawford, Andrew <andrew.crawford@environment-agency.gov.uk>

Subject: RE: M42 JUNCTION 6 SCHEME – ENVIRONMENTAL IMPACT ASSESSMENT –white-clawed crayfish, reptiles, water vole and otter records

Hi Noreen,

Many thanks for your quick response. We have the records from Warwickshire Biological Record Centre.

Hi Andrew,

Do you have any more information on the distribution of otter, water vole, white-clawed crayfish or reptiles?

Kind regards,

Valerie

**Valerie Wheeler**, BSc(Hons), MSc, MCIEEM

Senior Ecologist, Environment and Ground Engineering, UK & Ireland

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From: Nargas, Noreen [<mailto:Noreen.Nargas1@environment-agency.gov.uk>]

Sent: 20 February 2018 08:56

To: Wheeler, Valerie A.

Subject: RE: M42 JUNCTION 6 SCHEME – ENVIRONMENTAL IMPACT ASSESSMENT –white-clawed crayfish, reptiles, water vole and otter records

Hi Valerie,

Thank you for your email query. Please find below our comments.

It is difficult to give exact records.

Otters will certainly be present on tributaries of the River Blythe within the working area. Otters have been well distributed on the R. Blythe for about 20 years. Their presence on the main R. Blythe was reported in both the 4<sup>th</sup> Otter Survey of England (2000-02) and in the 5<sup>th</sup> Otter Survey of England (2009-10). They are now relatively common on the Blythe and tributaries so we no longer record their presence. However we found signs on the Hollywell Brook at SP 20747 83544 in 2016 and there are unconfirmed (but probable) reports of them on Pendigo Lake. If they are not at present using the Shadow Brook it is certain that they will use it within the lifetime of the proposed infrastructure.

The EA records we have for Water Vole and white Clawed Crayfish are older than I thought, dating back to the 1990s and are in paper files and reports. Any more recent records will have come from Warwickshire Biological Records Centre – run by Warwickshire County Council – who will have to be contacted for these records. The distribution of both these species is contracting rapidly but their presence is still possible within the working area. It is unlikely that the work will impact upon them but a precautionary approach is required and methods of working should be undertaken to minimise the possibility of damage to these species.

If you have any further queries regarding the above please contact my colleague: **Andrew Crawford**, Biodiversity Technical Specialist – West Midlands

E-mail: [andrew.crawford@environment-agency.gov.uk](mailto:andrew.crawford@environment-agency.gov.uk)

Kind regards

Noreen

---

From: Wheeler, Valerie A. [<mailto:Valerie.Wheeler@aecom.com>]

Sent: 19 February 2018 13:57

To: Nargas, Noreen <[Noreen.Nargas1@environment-agency.gov.uk](mailto:Noreen.Nargas1@environment-agency.gov.uk)>

Subject: RE: M42 JUNCTION 6 SCHEME – ENVIRONMENTAL IMPACT ASSESSMENT –white-clawed crayfish, reptiles, water vole and otter records

Dear Ms Noreen Nargas,

I tried calling you this morning and was given your direct email address.

Thank you for your comments in response to the EIA scoping consultation letter for the M42 Junction 6 improvement scheme. I have copied them below for easy reference.

I note that you mention very recent records of white-clawed crayfish, reptiles, water vole and otter. Please could you provide the records to take account of in our assessment?

I look forward to hearing from you.

Kind regards,

Valerie

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From: Wheeler, Valerie A.  
Sent: 15 February 2018 16:36  
To: 'swwmplanning@environment-agency.gov.uk'  
Subject: M42 JUNCTION 6 SCHEME – ENVIRONMENTAL IMPACT ASSESSMENT –white-clawed crayfish, reptiles, water vole and otter records

Dear Ms Noreen Nargas,

Thank you for your comments in response to the EIA scoping consultation letter for the M42 Junction 6 improvement scheme. I have copied them below for easy reference.

I note that you mention very recent records of white-clawed crayfish, reptiles, water vole and otter. Please could you provide the records to take account of in our assessment?

The Planning Inspectorate

3D Eagle Way

Temple Quay House

2 The Square

Bristol

BS1 6PN

**Our ref:** UT/2017/116702/01-L01

**Your ref:** TR010027-000008

**Date:** 16 November 2017

Dear Sir/Madam

**M42 JUNCTION 6 SCHEME – ENVIRONMENTAL IMPACT ASSESSMENT –  
SCOPING REPORT**

**M42 JUNCTION 6**

Thank you for consulting us on the above your EIA Scoping consultation letter which was received on 25 October 2017.

We have reviewed the information submitted and wish to make the following comments to ensure that the Environmental Statement will appropriately address the environmental issues we consider are of most importance for this proposal.

**Contamination:**

We have no objections or specific observations to make on this EIA Scoping Report. The potential impacts to the water environment (e.g. suspended solids and chemicals from surface water runoff, drainage waters from cuttings, road pollution incidents, contaminated soils, etc) can all be managed or mitigated through the design process. Chapter 9 correctly sets out the hydrogeology of the area and the possible pollution linkages if any contamination gets encountered. It also states that an intrusive ground investigation will still be undertaken along the alignment of the proposed scheme in order to obtain actual details of the prevailing ground conditions, which we can only

welcome.

Chapter 13 outlines the mitigation measures (e.g. SUDS) to achieve prevention of pollution of controlled waters, either from existing ground contamination where found, from the construction works or the actual operation of the road, with particular reference to the water environment that replenishes Bickenhill Meadows SSSI and River Blythe SSSI. It also states that further water quality monitoring will take place to augment the baseline data presented to date and to keep an eye on any possible impacts, if any.

Cont/d..

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The proposal should ensure satisfactory outcomes.

**Pollution Prevention:**

The proposed scheme is situated within close proximity to the River Blythe, a designated Site of Special Scientific Interest (SSSI). This waterbody is not meeting “Good” ecological status as required under the Water Framework Directive (WFD) and as detailed in the EIA. The proposed scheme should not lead to any further deterioration in the WFD status of this waterbody.

Activities at the site both during and after construction must not cause a pollution which includes polluting emissions to air, land or water resulting from actions by the developer or by its sub-contractors. A management plan highlighting all pollution risks and detailing all site specific pollution control measures should be implemented and followed for the duration of the construction phase. Pollution prevention guidance is available on our website. <https://www.gov.uk/guidance/pollution-prevention-for-businesses>

Surface water run-off should be controlled as near to its source as possible through a sustainable drainage approach to surface water management (SUDS). SUDS offer significant advantages over conventional piped drainage systems in reducing flood risk by attenuating the rate and quantity of surface water run-off from a site, promoting groundwater recharge absorbing diffuse pollutants and improving water quality. We encourage the use of above ground SuDS as these provide greater water quality benefits.

The variety of SUDS techniques available means that virtually any development should be able to include a scheme based around these principles and provide multiple benefits, reducing costs and maintenance needs.

**Flood Risk:**

With the exception of the following comments the Scoping EIA is acceptable: -

With reference to paragraphs 13.9.2 and 13.11.2, the Flood Risk Assessment (FRA) also need to include the findings of the assessments detailed under 13.10.6.

In addition any fluvial flood risk assessments (13.4.29 to 30 and 13.5.1 to 2) and the design of watercourse crossings (13.7.10, 13.8.5 and 13.9.2) need to include for the increase in peak river flow allowances detailed in the 2016 Climate Change Guidance.

**Biodiversity:**

The Scoping EIA is largely fine but we wish to make the following comments:

**2.6.2 (p12)** It is essential that balancing/settling pools are incorporated into the drainage systems to protect the River Blythe SSSI. If permanently wet pools are unacceptable to the airport then consideration should be given to creating balancing areas which are largely dry but incorporate small wet ponds.

**Table 8.1 (p71) River Blythe SSSI - Relationship to the site** The Blythe is in hydrological continuity with the site via the Shadow Brook and tributaries as well as via the Holywell Brook.

**8.4.9 (p72)** The assumption that White Clawed Crayfish, Water Voles and reptiles are not present is not acceptable. They are all known to have been present in the very recent past. Any work undertaken needs to take the possibility of their presence into account. This is especially true of reptiles for which we have very poor distribution data.

**8.4.10 (p73) and Table 8.3 (p79)** Otters are known to use the Holywell Brook within or End

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close to the site and parts of the Shadow Brook. It is likely that they use the headwaters of the Shadow Brook and tributaries as far upstream as the line of the proposed road. There is no need for otter surveys but the working area should be surveyed for potential holts and their occasional presence assumed.

**8.8.1 (p83)** Otters should be added to the list. There is the potential to cause loss of habitat and/or interruption to otter movement paths.

The comments we set out above are without prejudice to future decisions we make regarding any applications subsequently made to us for our permits or consents for operations at the site.

Yours sincerely

**Ms Noreen Nargas**

**Senior Planning Advisor**

Direct dial 020 8474 5004

Direct fax

Direct e-mail [swwmp planning@environment-agency.gov.uk](mailto:swwmp planning@environment-agency.gov.uk)

Kind regards,



Valerie

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