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Planning Inspectorate

**BY EMAIL ONLY**

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Dear Planning Inspectorate

**M25 Junction 10 / A3 Wisley Interchange Project – TR010030**

**The Secretary of State's request for comments on the response from the Applicant regarding the environmental effects of reduction in replacement land provision issued on 15 February 2021**

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. In addition, Natural England seeks to promote and encourage access to the countryside and open spaces for outdoor recreation, enjoyment and understanding.

Note that this response relates only to Natural England's view on the environmental effects of the proposed reduction in Replacement Land provision. It does not consider possible effects on other objectives of Replacement Land provision such as public access and the landscape.

Natural England is satisfied that the Applicant has carefully considered the potential environmental effects of the proposed reduction in Replacement Land provision. We note that the Applicant has expressed disagreement with the proposed reduction.

Natural England would also wish to re-state our position that we are disappointed in the proposed reduction in Replacement Land provision and the consequential effects on benefits for local people and public enjoyment of the countryside, and the landscape and biodiversity enhancements that could have been delivered through the scheme.

*Effects in relation to compliance with the Conservation of Habitats and Species Regulations 2017*  
The Habitats Regulations Assessment of the scheme does not rely upon biodiversity enhancements which were to be delivered in the originally proposed Replacement Land parcels offered by the Applicant. Therefore it follows that a reduction in provision of Replacement Land will not affect the conclusions of that assessment.

The proposed reduction in Replacement Land provision does not affect the delivery of compensatory measures. The compensatory measures proposed by the applicant in response to the conclusions of the Habitats Regulations Assessment will remain unaffected in both extent and distribution regardless of whether or not the area of Replacement Land is reduced.

Natural England is in agreement with the Applicant's conclusion that the proposed reduction in Replacement Land provision is unlikely to have a material effect on patterns of visitor behaviour and use of the area. We agree with the Applicant's comment that the reduction may reduce the

opportunity to draw visitor pressure away from the SPA. Nevertheless, the proposed reduction in Replacement Land provision in itself does not appear to Natural England to create a risk of adverse impacts on the SPA through increased recreational disturbance or other effects.

**Natural England is therefore satisfied that should the Secretary of State be minded to approve an amended DCO with reduced Replacement Land this would be compliant with the 2017 Regulations.**

#### *Effects on mitigation for loss of Ancient Woodland*

Natural England is concerned about the reduced ability of the scheme to mitigate for the irretrievable loss of Ancient Woodland should the Replacement Land provision be reduced as proposed. The removal of plots referred to as CF1-CF4 in the Chatley Wood area represents a significant reduction in the area proposed by the Applicant for woodland habitat restoration in mitigation for the permanent loss of Ancient Woodland. Although the total area of permanent loss of Ancient Woodland through the scheme is relatively small the loss is significant in the local context of a highly fragmented landscape. The inclusion of significant woodland habitat restoration at CF1-CF4 would have represented a major environmental enhancement, not to mention the associated benefits in terms of improving the landscape character of the area for the public and potentially providing a new valued area of accessible open space in the north east quadrant. We acknowledge that there are specific compensatory measures retained in the scheme. However, Natural England is concerned that the removal of CF1-CF4 and the package of woodland restoration and enhancement that was to be delivered there makes it less clear how the scheme meets the published guidance on compensating for unavoidable loss of Ancient Woodland. This states that '*Compensation measures should be appropriate for the site and for the scale and nature of the impacts on it.*'

#### *Effects on specially protected species*

Natural England is in agreement with the Applicant's assessment that the proposed reduction in Replacement Land provision has no material effect on the ability of the scheme to avoid adverse impacts on specially protected species.

#### *Effects on Ockham and Wisley Commons SSSI*

The scheme, should it be approved will result in the permanent loss of a substantial area of land currently within the area designated as Ockham and Wisley Commons SSSI. However, measures to fully compensate for the loss of habitat in the SSSI are included in the package of environmental enhancements and compensatory measures. There is no dependency on biodiversity enhancements in the Replacement Land provision to compensate for the loss of habitat within the SSSI. Therefore, Natural England agrees with the Applicant's conclusion that the proposed reduction in Replacement Land provision will have no material effect on the ability of the scheme to avoid adverse impacts on the features of special nature conservation interest at Ockham and Wisley Commons SSSI.

#### *Effects of removal of Hatchford End parcels*

It is our understanding that the proposed provision of HF1 and HF2 was intended to provide improved linkage between existing rights of way and to improve public safety (by allowing walkers to avoid walking along a busy and dangerous road to access Ockham Common) and did not impact on environmental aspects. Therefore, we agree with the Applicant's assessment that the removal of the Hatchford End parcels would have no material effect on the overall environmental impacts of the scheme.

I hope that these comments are helpful.

Yours sincerely,



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Thames Solent Team