

A46 Coventry Junctions (Walsgrave) Scheme number: TR010066

8.11 Statement of Common Ground with Natural England

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**The Infrastructure Planning
(Examination Procedure)
Rules 2010**

**A46 Coventry Junctions (Walsgrave)
Development Consent Order 202[X]**

**STATEMENT OF COMMON GROUND WITH
NATURAL ENGLAND**

Rule Number	Rule 17(1)
Planning Inspectorate Scheme Reference	TR010066
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Author	A46 Coventry Junctions (Walsgrave) Project Team, National Highways

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Rev 0	27 May 2025	Deadline 1

STATUS OF STATEMENT OF COMMON GROUND

This Statement of Common Ground has been prepared by the Applicant with input from Natural England. The stakeholder has not had sufficient time to review all updates therefore it has not been signed or agreed via email. The Applicant considers that this Statement of Common Ground presents an accurate description of the matters raised and the status of each matter, based on the engagement that has taken place to date.

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1. Introduction

1.1. Purpose of this document

- 1.1.1. This Statement of Common Ground (SoCG) has been prepared in respect of the A46 Coventry junctions (Walsgrave) Scheme (the “Scheme”) following the application made by National Highways (the “Applicant”) to the Secretary of State for Transport, via the Planning Inspectorate (the “Inspectorate”) for a Development Consent Order (DCO) under section 37 of the Planning Act (the “2008 Act”). A detailed description of the Scheme can be found in Chapter 2 of the Environmental Statement (ES) (**APP-024**).
- 1.1.2. This SoCG does not seek to replicate information which is available elsewhere with the application documents. All application documents are available on the Planning Inspectorate website:

<https://infrastructure.planninginspectorate.gov.uk/projects/west-midlands/a46-coventry-junctions-walsgrave/>
- 1.1.3. This SoCG has been produced to confirm to the Examining Authority where agreement has been reached between the parties to it, and where agreement has not (yet) been reached. SoCGs are an established means in the planning process of allowing all parties to identify and focus on specific issues that may need to be addressed during the examination.

1.2. Parties to this Statement of Common Ground

- 1.2.1. This SoCG has been prepared between (1) National Highways as the Applicant and (2) Natural England.
- 1.2.2. National Highways (previously known as Highways England) became the Government-owned Strategic Highways Company on 1 April 2015. It is the highway authority in England for the strategic road network and has the necessary powers and duties to operate, manage, maintain, and enhance the network. Regulatory powers remain with the Secretary of State. The legislation establishing National Highways made provision for all legal rights and obligations, including in respect of the application, to be conferred upon or assumed by National Highways.
- 1.2.3. Natural England is a non-departmental public body established in 2006 and sponsored by the Department for Environment, Food and Rural Affairs (Defra). They are the government’s advisor for the natural environment in England and help to protect and restore the natural world. They have a role in the protection of statutory designated sites and are the authority for issuing wildlife licences, including those in relation to development projects.

1.2.4. Natural England is a prescribed consultee for the application under sections 42(1)(a) and 56(2)(a) of the 2008 Act.

1.2.5. Collectively National Highways and Natural England are referred to as 'the parties'.

1.3. Terminology

1.3.1. In Table 3-1 Issues in Section 3, Issues of this SoCG, the terminology is as follows:

- "Agreed" indicates area(s) of "agreement"
- "Under Discussion" indicates area(s) of current disagreement where resolution remains possible, and where parties continue discussing the issue(s) to determine whether they can reach agreement by the end of the "examination"; and
- "Not Agreed" indicates a final position for area(s) of disagreement where the resolution of the divergent positions will not be possible, and parties agree on this point

1.3.2. It can be assumed that any matters not specifically referred to "in Section 3, Issues, of the SOCG" are not of material interest or relevant to Natural England and therefore have not been subject of any discussions between the parties. As such, those matters can be read as agreed, only to the extent that they are either not of material interest or relevance to Natural England.

2. Record of Engagement

2.1.1. A summary of the meetings and correspondence that has taken place between National Highways and Natural England in relation to the application is outlined in **Table 2-1** below.

Table 2-1 : Record of Engagement

Date	Form of correspondence	Key topics discussed and key outcomes
12 August 2022 24 August 2022 14 September 2022	Email from the Applicant to Natural England	Introductory email and request for meeting.
29 September 2022	Microsoft Teams meeting between the Applicant and Natural England	The Applicant and Natural England had an initial meeting in advance of the commencement of the preliminary design stage to update Natural England on the Public Route Announcement and the Scheme and environmental assessment from the Options Selection Stage.
5 October 2022	Email from the Applicant to Natural England	Minutes and presentation from meeting (29 September 2022) issued.
22 June 2023	Email from the Applicant to Natural England	The Applicant advised Natural England that Scoping Report currently being produced. The Applicant made Natural England aware that the proposed wintering bird survey will be undertaken for one season from October 2023 through to March 2024 to inform the Environmental Statement. Confirmation sought that one season acceptable for the wintering bird survey. The Applicant requested information on the location of the heronry at Combe ¹ Pool Site of Special Scientific Interest (SSSI) that was discussed in the meeting.
28 June 2023	Email from Natural England to the Applicant	Natural England provided file note and map which covers details of the heronry from 2021. Form provided to set up a contract for Natural England's Discretionary Advice Service (DAS).
3 August 2023	Email from the Applicant to Natural England	Request for meeting with Applicants' ecology team following DAS set-up.
25 September 2023	Email from Natural England to the Applicant	Request to discuss the Scheme and ecological impacts.

¹ Coombe is also spelt as Combe in some databases and on the SSSI citation. For consistency the spelling of Combe has been used in this document.

Date	Form of correspondence	Key topics discussed and key outcomes
27 September 2023	Email from the Applicant to Natural England	Scope of DAS outlined. Link to Environmental Scoping Report and Scoping Opinion on the Planning Inspectorate website provided. Copy of previous correspondence provided.
28 September 2023	Microsoft Teams meeting between the Applicant and Natural England	Meeting to discuss setting up payment for Natural England's DAS. Confirmed breeding bird surveys undertaken summer 2023. Natural England offered to review wintering bird survey methodology.
6 October 2023	Email from the Applicant to Natural England	Proposed wintering bird survey methodology issued to Natural England.
11 October 2023	Email from Natural England to the Applicant	Confirmation received wintering bird survey methodology.
11 October 2023	Email from Natural England to the Applicant	Request for meeting with Natural England licencing team for protected species.
12 October 2023	Email from the Applicant to Natural England	Advising licencing requirements anticipated are for the closure of a subsidiary badger sett.
13 October 2023	Email from Natural England to the Applicant	Comments provided on wintering bird survey methodology and recommendations made for breeding bird survey.
23 October 2023	Email from the Applicant to Natural England	Acknowledgement of comments on wintering bird survey methodology.
24 October 2023	Letter from Applicant to Natural England	To notify Natural England of the statutory consultation and the Applicant's duty to consult Natural England under Section 42(1)(a) of the Planning Act 2008.
25 October 2023	Email from the Applicant to Natural England	Memo issued with responses to Natural England's comments on wintering bird survey methodology (received 13 October 2023).
3 November 2023	Email from the Applicant to Natural England	Seeking confirmation that responses regarding wintering bird survey methodology previously received. Advised date for November wintering bird survey and offered meeting to discuss methodology.

Date	Form of correspondence	Key topics discussed and key outcomes
6 November 2023	Email from Natural England to the Applicant	Confirmation of agreement on points 2, 4 and 5 of Wintering Bird Survey response by Applicant. Natural England confirmed (for points 1 and 3) that two monthly visits during the winter months are necessary to provide the information required to assess the impacts of the project.
6 November 2023	Microsoft Teams meeting between the Applicant and Natural England	Summary of findings of assessment as presented in the Preliminary Environmental Information Report (PEIR). Key topics: Designated Sites, Ancient Woodland and Priority Habitats; Biodiversity Net Gain; Badger; Bats; Barn owl; Breeding birds; Fish; Great crested newts; Otter; Reptiles; Water Vole; other notable species, invertebrates, plants and wintering birds Key outcomes: re-survey of the study area for great crested newt (GCN) required; the Applicant would be responsible for determining the requirement for a GCN licence; scoping in of designated sites due to air quality impacts.
9 November 2023	Email from the Applicant to Natural England	Issue of Minutes and presentation from meeting on 6 November 2023.
9 November 2023	Email from the Applicant to Natural England	Applicant confirmed intention to undertake two wintering bird surveys per month for the remainder of the season (November 2023 – March 2024 inclusive).
12 December 2023	Email from Natural England to the Applicant	Natural England commented and requested amendments to meeting minutes (6 November 2023) regarding wintering bird survey and GCN. This also included comments on air quality and the need to identify the Affected Road Network (ARN) to establish designated sites to be scoped into the air quality assessment.
13 December 2023	Email from the Applicant to Natural England	Re-issue of amended minutes (from 6 November 2023 meeting). Acknowledgement of the need to scope sites following identification of the ARN.
15 December 2023	Email from Natural England to the Applicant	Natural England provided comments on the presentation (6 November 2023): <ul style="list-style-type: none"> Acknowledgement of noise surveys to be undertaken. Nest boxes – may not be appropriate to the species impacted. Most woodland bird

Date	Form of correspondence	Key topics discussed and key outcomes
		<p>species would require scrub and understorey.</p> <ul style="list-style-type: none"> GCN advice cannot be provided based upon current survey results. Barn owl advice cannot be provided based upon current survey results. Comments on surveys provided in relation to access issues. Badger advice cannot be provided based upon current survey results. Recommended updated survey prior to licence application. Otter advice cannot be provided based upon current survey results. Recommended updated survey. Water vole – recommended updated surveys undertaken.
24 January 2024	Email from the Applicant to Natural England including attachment	<p>Applicant responded to Natural England comments received on 15 January 2024.</p> <p>Key outcomes: mitigation for barn owl mortality would include planting of vegetative screens; an update badger survey would be undertaken in January 2024 prior to the ghost licence application.</p>
12 February 2024	Email from Natural England to the Applicant	<p>Natural England acknowledged receipt of responses (24 January 2024).</p> <p>Query about what type of tall vegetation is being considered for mitigation for barn owls.</p>
21 February 2024	Email from the Applicant to Natural England	<p>Applicant advised that to mitigate for barn owl mortality trees will be planted along/adjacent to any new sections of road/junction to direct birds to fly up and over the new carriageways. Verge landscaping will be designed to prevent foraging ground for hunting raptors. If required scrub will be planted between the road and the planted tree line and where grass verges are required (i.e. for sight lines etc) these will be regularly managed to ensure they do not develop into lush, thick swards and become suitable foraging habitat.</p> <p>Applicant advised that a ghost badger licence for the Scheme will be submitted in April 2024 and requested timeframe in which response would be received.</p> <p>Request for further meeting between the Applicant and Natural England.</p>

Date	Form of correspondence	Key topics discussed and key outcomes
23 February 2024	Email from Natural England to the Applicant	Natural England acknowledged future submission of licence and Letter of no impediment (LONI) in response to Applicant advising of ghost badger licence submission (email dated 21 February 2024). Natural England to advise of timescales when availability known.
26 February 2024	Email from the Applicant to Natural England	The Applicant requested to discuss the following: <ul style="list-style-type: none"> • Design of a badger culvert • GCN surveys • Assessment of impacts upon Combe Pool SSSI • Biodiversity Net Gain (BNG) – Metric version • Noise survey methodology • Barn owl mitigation • Limitations to the baseline establishment with regards to bats and barn owl at Hungerley Hall Farm.
26 February 2024	Email from Natural England to the Applicant	Natural England questioned if the BNG query related to the metric version to be used or a technical query and whether the noise survey methodology query related to the Combe Pool SSSI or protected species in order to identify appropriate colleagues for meeting.
28 February 2024	Email from the Applicant to Natural England	Applicant confirmed query relates to the version of the BNG metric to use. Confirmed the noise survey data will be used to assess impacts upon both the Combe Pool SSSI and potential bat roosts at Hungerley Hall Farm.
1 March 2024	Email from Natural England to the Applicant	Natural England acknowledged BNG metric query.
14 March 2024	Microsoft Teams meeting between the Applicant and Natural England	Noise assessment, Assessment of impacts to Combe Pool SSSI, badger culvert / badger licence, GCN surveys, Biodiversity Net Gain, baseline limitations at Hungerley Hall Farm and barn owl
22 March 2024	Email from Natural England to the Applicant	Natural England advised as BNG is not mandatory for Nationally Significant Infrastructure Projects (NSIPs) any metric the Applicant and the consenting body agree on can be used. Internet link provided to recommended guidance for the design of mammal underpasses.

Date	Form of correspondence	Key topics discussed and key outcomes
22 March 2024	Email from the Applicant to Natural England	<p>Applicant confirmed the recommended guidance for the design of mammal underpasses has been used for the preliminary design.</p> <p>Minutes from meeting provided.</p> <p>Applicant requested confirmation of the SSSI assent process for DCO schemes and what mitigation requirements Natural England would expect for Combe Pool SSSI.</p>
7 May 2024	Email from the Applicant to Natural England	<p>Submission of ghost badger licence to Natural England.</p>
9 May 2024	Email from Natural England to the Applicant	<p>Natural England comments and responses to meeting minutes (22 March 2024) regarding protected species.</p> <p>Requested flood bund cross sections and location plan and replacement fencing locations.</p> <p>Natural England clarified they advise the number of badger crossings to be provided will, to an extent, depend upon the size of the territory, amount and nature of the territory severed, and the size of the resident social group. As a general rule, it is recommended that at least two crossings are provided per social group.</p> <p>Natural England confirmed to agree everything in regard to the SSSI as part of the Development Consent Order rather than having separate assent.</p> <p>Mitigation for wintering and breeding birds: any lost habitat (woodland) would need to be replaced, somewhere adjacent to the existing patch, ideally through natural regeneration rather than planting.</p> <p>Natural England advised that during the works, screening should be put in place to safeguard the SSSI as much as possible from the loud, sporadic or frequent, building noises, as the birds would be unfamiliar with them. This would be particularly relevant during cold periods when, for wintering ducks including Shoveler which is one of the SSSI features, feeding is even more crucial. The feeding and roosting behaviour of waterbirds can be compromised at noise levels as low as 50 dB, and high disturbance occurs at noise levels above 70 dB.</p> <p>Advised that the design of the concrete pipe for the mammal underpass should ideally be</p>

Date	Form of correspondence	Key topics discussed and key outcomes
		horizontal beneath the road or other structure above to prevent it flooding. There is no need for a 'flat bottom' to the pipe if it is roughly horizontal. Requested updates on the noise assessment, air quality assessment and the agricultural survey.
23 May 2024	Email from the Applicant to Natural England	<p>Applicant provided bund cross-sections and location plan.</p> <p>Badger crossing: badger baseline drawing showing fencing location and description of fencing type provided. Applicant provided reasoning for the Scheme not providing a second badger crossing.</p> <p>Applicant confirmed that the air quality assessment has been undertaken in accordance with the Design Manual for Roads and Bridges LA 105 Air Quality. Ecological features including designated sites, ancient woodland and veteran trees within 200m of the triggered links have been identified and N deposition, NOx and ammonia deposition has been modelled for the operational phase of the Scheme. An assessment of the effects of air quality changes during operation upon ecological features will be undertaken and included within ES Chapter 8 Biodiversity (APP-030) to be submitted at Deadline 3.</p>
4 June 2024	Email from the Applicant to Natural England	<p>Soil Resource Plan and Agricultural Land Classification report for the Scheme provided.</p> <p>Sheet 2 of the General Arrangement (GA) drawings for the Scheme provided showing location of replacement fencing in the Combe Pool SSSI.</p> <p>Confirmed DCO submission date of mid-November 2024.</p>

Date	Form of correspondence	Key topics discussed and key outcomes
26 June 2024	Email from Natural England to the Applicant	<p>Natural England issued the LONI following the Applicants submission of the ghost badger licence on 7 May 2024. Natural England provided suggested points to amend prior to the formal application.</p> <p>Advice provided regarding the badger passage to the overpass. Suggested that a gap in the fence preferred, as it won't require any long-term maintenance or checks to ensure it continues to open and close freely. If a gate is preferred to act as a barrier and potentially discourage human access, then it is suggested that the gate is set in one position, baited and cameras installed to check badgers have found it. Once the badgers have found the gate it can then be set in the two-way position.</p> <p>Flood bund and fencing queries raised by Natural England.</p> <p>Requested updates on the noise assessment and air quality assessment.</p>
13 August 2024	Email from Natural England to the Applicant	<p>Natural England requested update on noise and air quality assessments and responses to flood bund queries raised previously.</p> <p>Natural England provided comments on the Soil Resource Plan and Agricultural Land Classification report.</p>
25 September 2024	Email from the Applicant to Natural England	<p>The Applicant provided an update on ecological assessments that support the Biodiversity ES chapter.</p> <p>The Applicant made Natural England aware that the assessments had identified some noise impacts upon the Combe Pool SSSI during construction. During operation a reduction in noise levels for the SSSI has been identified this is in part due to slower speeds, changes in traffic flows and improvements in the road surfacing.</p> <p>The Applicant advised that drawings of the bunds were being updated and that an arboricultural assessment has been undertaken which can be provided.</p>
25 September 2024	Email from Natural England to the Applicant	Acknowledgement of email.
26 September 2024	Email from the Applicant to Natural England	Applicant provided responses to queries previously raised (26 June 2024) related to the environmental bund and where water drains to,

Date	Form of correspondence	Key topics discussed and key outcomes
		the design of the bund and an explanation of technical terms used to explain flood risk
2 October 2024	Microsoft Teams Meeting between the Applicant and Natural England.	<p>Applicant provided details of updated scheme and drawings.</p> <p>Environmental masterplan discussed. Concerns raised on removal of trees at edge of SSSI. Natural England to provide view on removing understorey and trimming.</p> <p>Air Quality impacts and assessment: assessment undertaken concludes no significant effect.</p> <p>Noise assessment: Applicant noted significant effect and presented result of assessment during construction. Mitigation options to be considered.</p> <p>Applicant confirmed not removing any trees within the SSSI.</p> <p>Natural England queried dust mitigation measures. Applicant has provided these in the air quality ES chapter.</p> <p>Water pollution and the environmental bund: Concerns raised over potential risk for pollution of SSSI during works to the bund. Applicant referred to the First Iteration Environmental Management Plan (EMP).</p> <p>Natural England requested further information on plans for the environmental mitigation area and suggested changes may be required for birds.</p>
21 October 2024	Email from Natural England to the Applicant	<p>Natural England made the Applicant aware that there are aspects of the DMRB methodology (Design Manual for Roads and Bridges) LA 105 - Air quality, used for the air quality assessment that Natural England do not support. Natural England has not seen the AQ report yet, but understand from the previous meeting that increases above 1% within the two SSSIs (Combe Pool SSSI and Herald Way Marsh SSSI) have been ruled out as not being significant by the Applicant in the AQ appendix to the ES. Natural England may not agree with the conclusions of the air quality assessment.</p> <p>Natural England advised the Applicant to refer to Natural England's guidance on Natural England's approach to advising competent authorities on the assessment of road traffic emissions under the Habitats Regulations - NEA001. Though this is primarily aimed at assessing impacts on Habitat sites the advice applies equally to SSSIs.</p> <p>Natural England raised a concern regarding the use of clay on the environmental bund and the</p>

Date	Form of correspondence	Key topics discussed and key outcomes
		potential risk for water pollution of the SSSI from runoff. Natural England expect measures to be put in place to prevent any runoff /pollution getting into the SSSI.
23 October 2024	Email from the Applicant to Natural England	Minutes from meeting (2 October 2024) issued. Wintering bird survey report and the Arboricultural Impact Assessment sent via file transfer. Acknowledged other comments.
22 November 2024	Email from Natural England to the Applicant	Acknowledgement of meeting minutes. Requested timeframe for noise assessment, environmental masterplan and protected species reports. Natural England confirmed review of wintering bird report and Arboricultural Impact Assessment and tree plans. Query raised on inclusion of Cirl Bunting on Figure 1 of the wintering bird survey report. Uncommon species so sighting queried. Comment on proposed woodland planting in the wedge area adjacent to the SSSI. Ornithologist has advised that the proposed woodland planting could be harmful to open-farmland species; (i.e. Lapwings). At some point the woodland planting would likely increase the predator shadow, harming any ground-nesting species. Instead, we suggest that this area is turned into permanent pasture grassland, and that the Applicant ask the Combe Country Park if they would like any woodland planted within the Country Park.
25 November 2024	Email from the Applicant to Natural England	Confirmation the following sent via file transfer to Natural England: <ul style="list-style-type: none"> • General Arrangement • Works Plans • Drainage and Surface Water Plans • DCO (draft) • Environmental Management Plan (EMP), EMP Appendix A – Register of Environmental Actions and Commitments (REAC) and Pre-commencement plan • ES Chapters: (The Scheme, Assessment of Alternatives, Environmental Assessment Methodology, Landscape and Visual Effects, Biodiversity, Geology and Soils, Road Drainage and the Water Environment, and Combined and Cumulative Effects) ES Figures – to accompany the chapters above

Date	Form of correspondence	Key topics discussed and key outcomes
		<p>ES Appendices:</p> <ul style="list-style-type: none"> o 4.1 – Scoping Opinion Response o 4.2 – Major Accidents and Disasters o 7.2 – Landscape Character o 7.3 – Representative Viewpoints o 7.5 – Lighting Assessment o 8.1 – Biodiversity Net Gain Report o 8.3 – Breeding Bird And Barn Owl Report o 8.4 - Barn Owl Survey Report o 8.5 – Bat Roost Report o 8.6 – Bat Activity Report o 8.7 – Bat Crossing Report o 8.8 – Bat Hibernation Report o 8.9 – Great Crested Newt Report o 8.10 – Otter And Water Vole Report o 8.12 - Habitats Regulations Assessment Report o 13.2 – Water Framework Directive Compliance Assessment o 13.3 – Water Quality Assessment o 13.4 - Groundwater Assessment o 13.5 – Hydromorphological Report o 13.6 – Drainage Strategy Report o 15.1 – Cumulative Effects Long List and Short List <p>Applicant advised Natural England that during previous discussions with Combe Abbey Park Estate managers in 2023, woodland planting within the park areas was not welcome as this would impact the parkland landscape/heritage qualities of the landscape.</p>
2 December 2024	Email from Natural England to the Applicant	Requested noise assessment appendix.
4 December 2024	Email from the Applicant to Natural England	Applicant requested a meeting to discuss the environmental mitigation area.
11 December 2024	Microsoft Teams Meeting between the Applicant and Natural England.	<p>The Applicant provided an update on programme for the DCO and examination.</p> <p>The Applicant explained the approach to be taken for the Statement of Common Ground (SoCG).</p>

Date	Form of correspondence	Key topics discussed and key outcomes
		Local developments in relation to the Scheme and environmental mitigation area discussed in relation to Lapwing habitat.
13 December 2024	Email from Natural England to the Applicant	Request for information related to the noise assessment including absolute background noise pre-construction work, map of location of noise detectors and post construction noise figures. Query of whether bird surveys undertaken by a person or with the use of technological aids. Meeting suggested to discuss the environmental mitigation area.
18 December 2024	Email from the Applicant to Natural England	Issued minutes from meeting (11 December 2024). Provided presentation given by the Applicants legal team to the three local authorities for the scheme for information.
18 December 2024	Email from the Applicant to Natural England	Acknowledged comments of email 13 December. Referred to some documents on PINS website in relation to noise assessment and figures. Confirmation of error in figure for bird survey. Request for meeting with bird specialist ideally to discuss noise assessment.
19 December 2024	Email from Natural England to the Applicant	Acknowledgement of receipt of minutes, further info on the noise assessment and the updated wintering bird figure.
24 December 2024	Email from Natural England to the Applicant	Natural England notified the Applicant of potential change in staff related to ornithology and discussions about the Environmental mitigation area.
7 January 2025	Email from the Applicant to Natural England	Enquiry to establish if Natural England have reviewed the air quality assessment and have any comments.
9 January 2025	Email from the Applicant to Natural England	Request for meeting with bird specialist to discuss environmental mitigation area.
13 January 2025	Email from Natural England to the Applicant	Advising of future resourcing.
16 January 2025	Email from the Applicant to Natural England	Applicant advised Natural England of the programme for commencing detailed design and a desire to be aware of Natural England requirements for the environmental mitigation area prior to this.

Date	Form of correspondence	Key topics discussed and key outcomes
16 January 2025	Email from the Applicant to Natural England with attachment	The Applicant provided further explanation to Natural England's comments received on 13 December 2024 regarding noise impacts on Combe Pool SSSI.
17 January 2025	Email from Natural England to the Applicant	Natural England provided further comment on the air quality assessment and noted to the Applicant that the critical loads for nutrient nitrogen in APIS has been updated. A query was raised regarding baseline deposition levels used for Combe Pool SSSI.
31 January 2025	Email from Natural England to the Applicant	Update regarding queries with bird specialist on noise assessment and environmental mitigation area. Update on Air Quality – still progressing. Habitats Regulation Assessment report- Natural England confirm that they agree with conclusions that this Scheme is unlikely to have any likely significant effects on any European sites including RAMSARs.
14 February 2025	Email from Natural England to the Applicant	Natural England provided comments on the noise assessment, environmental mitigation area, air quality assessment on ecological features and a few other comments in regard to the ES and the appendices.
20 February 2025	Email from the Applicant to Natural England	Acknowledgement of emails from Natural England dated 14 February and 31 January. Applicant proposed to provide detailed response to Natural England's questions. Applicant will provide draft SOCG for discussion and propose future meeting to discuss. Applicant requested for Natural England to send their Relevant Representation (RR) once issued,
21 February 2025	Email from the Applicant to Natural England	Acknowledging email of the 21 February.
27 February 2025	Email from Natural England to the Applicant	Natural England provided a copy of their submitted RR.
27 February 2025	Email from the Applicant to Natural England	Applicant acknowledged receipt of RRs submitted.
14 March 2025	Email from the Applicant to Natural England	The Applicant provided a detailed response back to Natural England's comments that they provided in the emails dates the 17 January and the 14 February 2025.

Date	Form of correspondence	Key topics discussed and key outcomes
4 April 2025	Microsoft Teams Meeting between the Applicant and Natural England.	The Applicant provided response to Natural England's questions concerning consultation comments, especially concerning habituation of birds in the SSSI to noise changes. Natural England provided clarity on their comments about the air quality appendix. Bat surveying methodology was also discussed.
1 May 2025	Email from Natural England to the Applicant	Natural England provided detailed responses to the information provided by the Applicant on the 14 March 2025. This outlined what additional information would be needed to agree that there is no significant impact on birds within the SSSI.
15 May 2025	Email from Natural England to the Applicant	Natural England provided comments on the draft SoCG.
15 May 2025	Microsoft Teams Meeting between the Applicant and Natural England.	Meeting between the Applicant and Natural England to discuss the issues in the SoCG and identify those to be stated as agreed and those under discussion.
16 May 2025	Email from the Applicant to Natural England	Meeting minutes from 15 May shared and copies of emails that were discussed during the meeting. The Applicant summarised updates to the SoCG and signposted to information within the DCO application documents.
19 May 2025	Email from Natural England to the Applicant	Natural England provided comments on the minutes and provided comments in relation to GCN surveys, mitigation planting, barn owl verge mitigation and soil handling.

- 2.1.2. It is agreed that this is an accurate record of key meetings and other forms of consultation and engagement undertaken between (1) National Highways and (2) Natural England in relation to issues addressed in this SoCG.

3. Issues

3.1. Issues agreed, not agreed or under discussion

3.1.1. **Table 3-1** below details the issues which have been agreed, not agreed or are under discussion between (1) National Highways and (2) Natural England.

3.1.2. At Examination Deadline 1 there are 17 matters in total, of which 9 are agreed and 8 that remain under discussion.

Table 3-1: Issues

Ref	Issue	Doc Ref	Natural England's Position	The Applicant's Position	Status	Date
Draft DCO and other consents and agreements						
1	Biodiversity – Combe Pool SSSI consent	ES Chapter 8 (Biodiversity) (APP-030)	We are happy to agree everything in regard to the Combe Pool SSSI as part of the Development Consent Order rather than having separate assent. (email dated 9 May 2024).	The draft DCO (PD1-003) includes works to the Combe Pool SSSI. The Applicant welcomes Natural England's position and discussions are continuing.	Under discussion	
2	Habitats Regulation Assessment/ Report on the Implications for European Sites (RIES)	Habitats Regulation Assessment (APP-087)	Natural England's Relevant Representation (RR-010) stated in relation to ES Appendix 8.12 Habitats Regulation Assessment Report, that Natural England agrees with this conclusion and is satisfied that the project is unlikely to have a significant impact on Ensor's	ES Appendix 8.12 Habitats Regulation Assessment Report has ruled out likely significant impacts on Ensor's Pool SAC and River Mease SAC due to distance (10.1km and 29.5km) and no hydrologically or hydrogeologically linkage and that neither site is notified for bats.	Agreed	

Ref	Issue	Doc Ref	Natural England's Position	The Applicant's Position	Status	Date
			Pool SAC and the River Mease SAC.	The Applicant welcomes Natural England's confirmation in its relevant representation that it agrees with the Applicant's conclusion.		
Biodiversity						
3	Biodiversity - Air quality impacts on ecological features (ammonia emissions)	ES Appendix 8.15 (Assessment of Air quality impacts on ecological features) (APP-090)	Natural England require ammonia to be included in the assessment for impacts on ecological receptors. Ammonia emissions from road traffic could make a significant difference to nitrogen deposition close to roads. As traffic composition transitions toward more petrol and electric cars (i.e., fewer diesel cars on the road) – catalytic converters may aid in reducing NOx emissions but result in increased ammonia emissions – therefore consideration is needed.	The Applicant agrees with including ammonia within the air quality assessment upon ecological receptors. Ammonia deposition has been modelled for the operational phase of the Scheme (23 May 2024). An assessment of the effects of air quality changes during operation has been undertaken and included within the ES.	Agreed	
4	Biodiversity - Air quality impacts on ecological features	ES Appendix 8.15 (Assessment of Air Quality Impacts on Ecological Features) (APP-090)	Natural England do not support the DMRB LA 105 Air Quality as there are aspects of it that Natural England	The air quality assessment has been undertaken in accordance with the Design Manual for Roads and Bridges LA 105 Air Quality. Ecological features including	Under discussion	

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	(methodology to assess the impact of emissions)		<p>does not agree with. (21 October 2024).</p> <p>Natural England does not agree with the Air Quality assessment based on the current reasoning as outlined in the meeting on the 04.04.2025. Natural England highlight that some of the conclusions are valid but the reasoning requires amendments.</p> <p>In addition, Natural England raised that there is an issue with the background nitrogen deposition used. This issue is the fact that the assessment uses the grid average, as opposed to either the forest or moorland (short vegetation) background as appropriate. As such Natural England believe that the background levels (and where required the deposition rate used, which I believe should match the applied background rate) require amendment to the most appropriate for the ecological feature in question</p>	<p>designated sites, ancient woodland and veteran trees within 200m of the triggered links have been identified and N deposition, NOx and ammonia deposition has been modelled for the operational phase of the Scheme. An assessment of the effects of air quality changes during operation has been undertaken and included within the ES.</p> <p>The Applicant confirms it is updating the ES Appendix 8.15 (Assessment of Air Quality Impacts on Ecological Features) (APP-090) in line with the comments and clarifications provided by Natural England on the online meeting held on 4 April 2025.</p> <p>The Applicant confirms the amendments to the Air Quality Appendix will be submitted for Deadline 3 and further consultation will be undertaken with Natural England on the amendments.</p>		

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5	Biodiversity - Air quality impacts on ecological features (construction dust)	ES Chapter 8 (Biodiversity) (APP-030) and ES Chapter 5 (Air Quality) (APP-027) First Iteration Environmental Management Plan (EMP) (APP-109).	Natural England note that a preliminary construction dust assessment has been undertaken. In Natural England's Relevant Representation (RR-010) it was stated "We are satisfied that dust is unlikely to have a significant impact subject to best practice mitigation measures being employed".	The air quality assessment has been undertaken in accordance with the Design Manual for Roads and Bridges LA 105 Air Quality and this considers the impact of dust during construction. Mitigation measures are also proposed, and these are outlined in the First Iteration EMP (APP-109) Annex B.1 Outline Air Quality and Dust Management Plan and a detailed Air Quality and Dust Management Plan will be produced as part of the Second Iteration EMP and will be secured by Requirement 4 of the draft DCO (PD1-003).	Agreed	
6	Biodiversity – noise disturbance during construction	ES Appendix 8.16 (Noise Impacts on Ecological Features) (APP-091). ES Chapter 8 (Biodiversity) (APP-030)	Natural England's response provided on the 1 May.2025 requests a detailed justification of why significant impacts are not expected. Specifically a further assessment of the potential impact of noise on the SSSI bird interest is required.	Short-term operational noise changes which would impact the SSSI as a result of the Scheme have been assessed as not significant, as they are largely below the noticeable threshold of 3dB. 3dB has been used as a threshold at which noise changes would be noticeable (from existing levels), with reference to the	Under discussion	

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			<p>Natural England asked for the following:</p> <ol style="list-style-type: none"> 1. A spatial representation of noise level changes and the areas of the SSSI impacted if long-term levels substantially differ from the baseline. 2. Noise contour maps showing areas affected by changes exceeding 3dB, alongside any mitigation measures considered. 3. Evidence-based analysis rather than assuming birds will habituate to noise, as habituation varies by species and context. 4. Exploration of mitigation options if cumulative noise impacts are significant. <p>Natural England highlights existing research showing reduced species richness and</p>	<p>Institute of Environmental Management and Assessments' (IEMAs) Guidelines for Environmental Noise Impact Assessment as detailed in ES Appendix 8.16 (Assessment of Noise Impacts on Ecological Features) (APP-091).</p> <p>ES Appendix 8.16 (Assessment of Noise Impacts of Ecological Features) (APP-091) details the noise modelling for the operational phase of the Scheme has identified short term change noise levels (i.e. a change between DMOY and DSOY), including both reductions in noise impacting some areas of Coombe Pool and increases in noise impacting other areas, impacting the Coombe Pool between +3.5dB and -1.0dB. However, the area of the Coombe Pool impacted by increases in noise >3dB is less than 0.01ha in size, and as such this increase beyond the recognised identifiable</p>		

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			<p>breeding productivity near roads, implying similar effects could occur at Combe Pool SSSI. They suggest the Scheme should enhance the environment by reducing road noise, supporting both construction phase and long-term mitigation.</p> <p>The condition of Combe Pool SSSI, as assessed in 2009, is noted to be outdated. Recent shoveler counts are below the conservation threshold, but the reasons for this decline are currently unknown.</p>	<p>change threshold (i.e. 3dB) is considered to result in an insignificant impact. As a significant impact during operation is not reported, mitigation is not required.</p> <p>As outlined within ES Chapter 8 (Biodiversity) (APP-030) Section 8, at detailed design further options for mitigating the construction noise impacts on Coombe Pool SSSI are being explored.</p> <p>The Applicant acknowledges Natural England's position and is currently undertaking further assessment. The Applicant welcomes continued discussion with Natural England on this issue.</p>		
7	Biodiversity – Biodiversity net gain	<p>ES Chapter 8 (Biodiversity) (APP-030).</p> <p>ES Appendix 8.1 (Biodiversity Net Gain Report) (APP-076)</p>	As BNG is not mandatory for NSIPs yet, any metric can be used that is agreed between the Applicant and the consenting body.	The Scheme uses the latest version of Defra's Statutory Biodiversity Metric (2024)	Agreed	
Environmental Assessment Methodology (including surveys)						

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8	Biodiversity – great crested newts additional surveys	ES Appendix 8.9 (Great Crested Newt Report) (APP-084)	<p>At the time of the proposed start date (August 2026) the survey data will be 3 breeding seasons old and, depending on the impact type and location, may be too old to reliably inform GCN licencing requirements for the Scheme.</p> <p>Natural England recommends that any currently dry ponds which become suitable for breeding between now and the start of construction are surveyed (in accordance with the methodology recommended in the Great Crested Newt Mitigation Guidelines 2001). A further survey of the pond with inconclusive eDNA result is also recommended.</p>	<p>The Applicant agreed and undertook updated GCN surveys in 2024. This included re-visits to all ponds previously dry and one pond which previously returned an inconclusive result, A GCN licence will not be needed for the Scheme.</p> <p>Mitigation for GCN is in accordance with the mitigation hierarchy and is appropriate and proportionate to the impacts identified. Impacts and mitigation for protected species are identified within ES Chapter 8 (Biodiversity) (APP-030).</p> <p>This matter is under discussion following correspondence from Natural England on 19 May 2025.</p>	Under discussion	
9	Biodiversity – additional surveys prior to construction	First Iteration EMP (APP-109).	Natural England advised additional surveys would be required of otter and water vole prior to construction (due to the length between previous surveys undertaken and proposed start of	The Applicant agrees to undertake further surveys prior to construction. Protected species surveys to be undertaken are detailed in	Agreed	

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			construction).	the First Iteration EMP (APP-109).		
10	Biodiversity – wintering bird surveys	ES Appendix 8.11 (Wintering Bird Survey Report) (APP-086)	Natural England recommended that wintering bird surveys should be two visits per month October to March. Natural England acknowledge and accept that only one survey in October 2023 is possible due to the timing of responses.	The Applicant agreed and two surveys were undertaken per month from November 2023 to March 2024, in accordance with the agreed survey methodology.	Agreed	
Environmental design and mitigation						
11	Biodiversity – mitigation area planting	ES Chapter 8 (Biodiversity) (APP-030) ES Figure 2.4 (Environmental Masterplan) (APP-043).	Further to our previous advice and having received further information and details on the project and potential impacts. We now advise that creation of additional woodland habitat as suggested in the arable land to the north of the lake would also mitigate the negative impacts of the proposal.	The proposed planting in the environmental mitigation area comprises of native woodland to mitigate for the impacts to the woodland indirectly impacted by the works in the Combe Pool SSSI and the woodland lost elsewhere on the Scheme. This matter is under discussion following correspondence from Natural England on 19 May 2025.	Under discussion	
12	Biodiversity – Combe Pool SSSI/bird	ES Chapter 8 (Biodiversity) (APP-030)	Any lost habitat (woodland) would need to be replaced, somewhere adjacent to the	The Applicant agrees with the approach. Within the Combe Pool SSSI 0.19ha will be	Agreed	

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	mitigation for fencing	ES Figure 2.4 (Environmental Masterplan) (APP-043).	existing patch, ideally through natural regeneration rather than planting.	directly impacted. Mitigation proposals include for planting of 0.34ha of woodland connected to the area of impact within the environmental mitigation area.		
13	Biodiversity – Badger crossing	ES Appendix 8.13 (Draft Badger Mitigation Licence) (APP-088) and ES Appendix 8.14 (Natural England Letter of No Impediment) (APP-089).	<p>Natural England advised that the number of crossings provided will, to an extent, depend upon the size of the territory, amount and nature of the territory severed, and the size of the resident social group. As a general rule, it is recommended that <u>at least two crossings are provided per social group</u>.</p> <p>26 June 2024 Natural England provided a Letter of no impediment (with caveats) for badger based upon the design proposed (one badger crossing).</p>	<p>Although badgers currently have setts on both sides of the A46, the majority of the setts and activity were recorded on the east side of the A46. The sett within the study area on the west side of the A46 will be permanently closed as part of works. This sett is currently only partially used and its closure is anticipated to result in fewer badgers using this area to the east.</p> <p>The existing Hungerley Hall Farm overbridge will be retained with badger fencing and gates included to encourage badger's continued use of this bridge to cross the A46.</p> <p>A badger crossing beneath the B4082 is also included in</p>	Agreed	

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				<p>the Scheme.</p> <p>The Applicant does not consider it feasible to include a second crossing of the A46 or the B4082 within an area likely to be used by badger. A Ghost Licence application has been submitted for the proposed badger crossing of the B4082 and sett closure. Natural England provided a Letter of No Impediment based upon the DCO design.</p>		
14	Verge planting and barn owl mitigation	<p>ES Chapter 8 (Biodiversity) o (APP-030)</p> <p>ES Figure 2.4 (Environmental Masterplan) (APP-043).</p>	Mitigation for barn owl mortality required.	<p>Applicant advised that to mitigate for barn owl mortality trees will be planted along/adjacent to any new sections of road/junction to direct birds to fly up and over the new carriageways. Verge landscaping will be designed to prevent foraging ground for hunting raptors. If required scrub will be planted between the road and the planted tree line and where grass verges are required (i.e. for sight lines etc) these will be regularly managed to ensure they do not develop into lush,</p>	Under discussion	

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				thick swards and become suitable foraging habitat. The Applicant will continue to liaise with Natural England in relation to this issue.		
Road drainage and the water environment						
15	Water pollution risk – risk of silt pollution from bund works and mitigation measures	First Iteration EMP (APP-109). ES Chapter 13 (Road Drainage and the Water Environment) (APP-035)	Natural England raised a concern regarding the use of clay on the environmental bund and the potential risk for water pollution of the Combe Pool SSSI from runoff. Natural England expect measures to be put in place to prevent any run off /pollution getting into the SSSI.	Water pollution risk during construction has been assessed and is included in the ES Chapter 13 (Road Drainage and the Water Environment) (APP-035). Mitigation measures have been identified and are outline in the First Iteration EMP (APP-109). For the Second iteration EMP a Water monitoring and management plan will be produced that will detail specific site measures to be undertaken to prevent water pollution and specifically silt pollution during the bund works. It should be noted that the Combe Pool SSSI is located immediately upstream of the proposed bund works.	Under discussion	

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				The Applicant will continue to liaise with Natural England in relation to this issue.		
Geology and soils						
16	Soil handling	<p>ES Chapter 9 (Geology and Soils) (APP-031).</p> <p>ES Appendix 9.2 (Soil Resource Plan and Agricultural Land Classification) (APP-093).</p> <p>First Iteration EMP (APP-109).</p>	Recommendations for soil handling provided.	<p>ES Appendix 9.2 (Soil Resource Plan and Agricultural Land Classification) (APP-093) includes outline soil handling measures proposed based upon best practice guidance.</p> <p>For the Second iteration EMP a Soil handling management plan will be produced that will detail specific site measures to be undertaken.</p>	Agreed	
17	Soils and best and most versatile agricultural land	<p>ES Chapter 9 (Geology and Soils) (APP-031).</p> <p>ES Appendix 9.2 (Soil Resource Plan and Agricultural Land Classification) (APP-093).</p> <p>First Iteration EMP (APP-109).</p>	<p>Natural England Relevant Representation (REFXXXX). It is stated in Table 9-13 of ES Chapter 9: Geology and Soils that temporary loss of best and most versatile (BMV) agricultural land totals up to 0.4ha (0.2ha of Grade 1 and 0.2 ha of Grade 3a agricultural land). The temporary loss of BMV land will be restored to agricultural land following construction. Natural England welcomes</p>	<p>Information on monitoring and reporting, where soils are to be re-instated and returned to agriculture will be provided as part of the Soil Handling Management Plan to be provided with the Second Iteration EMP. The Soil Handling Management Plan will include a Soil Resource Plan and a Soil Handling Strategy and will be secured via commitment GS3 in the</p>	Under discussion	

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			the measures set out in the section - Restoration of Land of the Appendix 9.2 Soil Resource Plan and Agricultural Land Classification (ALC). However there is no information provided on monitoring and reporting, where soils are to be re-instated and returned to agriculture. This information should be provided.	First Iteration EMP (APP-019).		