

# **A46 Coventry Junctions (Walsgrave) Scheme Number: TR010066**

## **8.18 Applicant's Responses to Written Representations**

The Infrastructure Planning (Examination Procedure) Rules 2010  
Rule 17(1)

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

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

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**APPLICANT'S RESPONSES  
TO WRITTEN REPRESENTATIONS**

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# **1. Introduction**

## **1.1. Purpose of this document**

- 1.1.1. The Development Consent Order (DCO) application for the A46 Coventry Junctions (Walsgrave) Scheme (the “Scheme”) was submitted by National Highways (the “Applicant”) to the Secretary of State for Transport via the Planning Inspectorate on 14 November 2024 and accepted for Examination on 12 December 2024.
- 1.1.2. This document has been prepared by the Applicant to set out its comments on Written Representations received at Deadline 1 issued on 29 May 2025. This document is submitted at Deadline 2 of the Examination.
- 1.1.3. Only one Written Representation was received, this was from Natural England.

## 2. List of Written Representations

Ref No.	Representation By:	Submission:
<a href="#">REP1-034</a>	Natural England -	Summaries of WRs exceeding 1500 words
<a href="#">REP1-035</a>	Natural England	Natural England's Written Representations in respect of A46 Coventry Junctions (Walsgrave)

### 3. Applicant's responses to the Written Representations

Ref no.	Representation recorded comments	Applicant's Response
<b>Natural England's - Summaries of WRs exceeding 1500 words <a href="#">REP1-034</a></b>		
<a href="#">REP1-034</a>	<p>Submission ID: S6593286D</p> <p>Summary of Natural England's Written Representations advice in respect of A46 Coventry Junctions (Walsgrave)</p> <p>Overall, Natural England are satisfied that the proposals address the majority of potential impacts to the natural environment. The only areas of concern where we consider further assessment and/or information is required to enable to examining authority to make an informed decision are: Nationally Designated Sites and Soils &amp; Protected species.</p> <p>The key concerns we have regarding Nationally designated sites are:</p> <ul style="list-style-type: none"> <li>Impacts of noise and lighting on Combe Pool SSSI and mitigation to prevent impacts (NE4).</li> <li>Impacts from air quality (NOx, NH3, N dep) on Combe Pool SSSI and Herald Way Marsh SSSI (NE6).</li> <li>Impacts on water quality and water quantity on Combe Pool SSSI and Herald Way Marsh SSSI (NE7).</li> </ul> <p>The key concerns we have regarding Protected species are:</p> <ul style="list-style-type: none"> <li>Potential requirement for a bat licence (NE8).</li> </ul> <p>We are satisfied that the proposals will not have a likely significant effect on Internationally designated sites.</p> <p>Natural England's overall conclusions: Natural England are seeking clarification and further information on potential impacts and the mitigation measures proposed. If sufficient information/clarification is provided we believe this is likely to overcome our concerns. We shall continue to work with National Highways to resolve these issues.</p>	<p>Full responses to these comments are provided below in the Applicant's Response to <a href="#">REP1-035</a>.</p> <p>In relation to the key concerns (which are flagged as 'Amber' in Natural England's full Written Representation (<b>REP1-035</b>), the Applicant can summarise as follows:</p> <ul style="list-style-type: none"> <li>NE4 (Construction and operational noise, light and vibration impacts on Combe Pool SSSI) – in response to Natural England's representation the Applicant has undertaken further detailed assessment and is submitting a revised Chapter 8 (Biodiversity) (<b>APP-030</b>) and updated ES Appendix 8.16 (Noise impacts upon ecological receptors) (<b>APP-091</b>) to report the results at Deadline 3.</li> <li>NE6 (Operational air quality impacts on SSSIs) – in response to Natural England's representation the Applicant has updated its assessment of NOx impacts and is submitting an updated ES Appendix 8.15 (Air quality impacts upon ecological features) (<b>APP-090</b>) at Deadline 3.</li> <li>NE7 (Construction and operational water quality impacts on SSSIs) – A Water Monitoring and Management Plan will be produced as part of the Second iteration Environmental Management Plan (EMP) which will include specific mitigation measures for the SSSI (including the bund works) to prevent water pollution. This plan is named in the draft DCO (<b>REP1-002</b>) and secured through Requirement 4.</li> <li>NE8 (protected species licences) – the Applicant has started bat surveys (tree climbing and emergence) in spring 2025 in anticipation of construction (by 2026 the bat surveys used to inform the environmental impact assessment will be more than two years old and thus the surveys need to be repeated to ensure bat survey data is more recent to inform licence requirements for construction). The Applicant has begun discussions with Natural England through their Discretionary Advice Service to determine the scope of surveys and any mitigation required. At the present time no roosts have been confirmed and thus a bat licence is not anticipated to be required.</li> </ul>

Ref no.	Representation recorded comments	Applicant's Response
<b>Natural England's Written Representations in respect of A46 Coventry Junctions (Walsgrave) <a href="#">REP1-035</a></b>		
	<b>Part I: Summary and conclusions of Natural England's advice</b>	
<a href="#">REP1-035</a>	<p><b>Summary of Natural England's advice</b></p> <p>Overall, Natural England are satisfied that the proposals address the majority of potential impacts to the natural environment. The only areas of concern where we consider further assessment and/or information is required to enable to examining authority to make an informed decision are: Nationally Designated Sites and Soils &amp; Protected species.</p> <p><b>The key concerns we have regarding Nationally designated sites are:</b></p> <ul style="list-style-type: none"> <li>• Impacts of noise and lighting on Combe Pool SSSI and mitigation to prevent impacts (NE4).</li> <li>• Impacts from air quality (NOx, NH3, N dep) on Combe Pool SSSI and Herald Way Marsh SSSI (NE6).</li> <li>• Impacts on water quality and water quantity on Combe Pool SSSI and Herald Way Marsh SSSI (NE7).</li> </ul> <p><b>The key concerns we have regarding Protected species are:</b></p> <ul style="list-style-type: none"> <li>• Potential requirement for a bat licence (NE8).</li> </ul> <p>We are satisfied that the proposals will not have a likely significant effect on Internationally designated sites.</p> <p>Part I of these Written Representations provides a summary (above) and overall conclusions of Natural England's advice. This advice identifies whether any progress in resolving issues has been made since submission of our Relevant Representations (RR – 010). Our comments are set out against the following sub-headings which represent our key areas of remit as follows:</p> <ul style="list-style-type: none"> <li>• International designated sites</li> <li>• Nationally designated sites</li> <li>• Protected species</li> <li>• Biodiversity net gain</li> <li>• Soils and best and most versatile agricultural land</li> <li>• Ancient woodland and ancient/veteran trees</li> </ul>	<p>These comments are noted by the Applicant.</p> <p>The Applicant has provided a detailed response in Part II Table 1 of this document to each of the Natural England identified issues in <i>PART II: Natural England's detailed advice</i>, and <i>PART IV: Natural England's detailed comments on the Development Consent Order (DCO)</i>.</p>

Ref no.	Representation recorded comments	Applicant's Response
	<p>Our comments are flagged as red, amber or green:</p> <ul style="list-style-type: none"> <li>• <b>RED</b> are those where there are fundamental concerns which it may not be possible to overcome in their current form</li> <li>• <b>AMBER</b> are those where further information is required to determine the effects of the project and allow the Examining Authority to properly undertake its task and or advise that further information is required on mitigation/compensation proposals in order to provide a sufficient degree of confidence as to their efficacy.</li> <li>• <b>GREEN</b> are those which have been successfully resolved (subject always to the appropriate requirements being adequately secured)</li> <li>• Natural England have not identified any red concerns based on the documents reviewed to date.</li> </ul>	
	<p>Since submission of our Relevant Representations, Natural England has had a meeting (via Teams, 04/04/25) with the Applicant to discuss noise impacts on Combe Pool SSSI and the air quality assessment. Further clarification regarding concerns around noise were sent to the Applicant (via email, 01/05/25). The key issues we raised in our Relevant Representations and via email (14/02/25) on air quality were discussed and it is our understanding that the Applicant will be providing further information and clarification.</p>	<p>This comment is noted by the Applicant.</p> <p>The Applicant has provided a detailed response in Part II Table 1 of this document to Natural England's key issue NE6 with regards to air quality. The Applicant has updated Environmental Statement (ES) Appendix 8.15 (Assessment of Air Quality Impacts on Ecological Features) (<b>APP-090</b>) and updated ES Appendix 8.16 (Assessment of Noise Impacts on Ecological Features) (<b>APP-091</b>) and resubmitted these documents at Deadline 3.</p>
	<p>The latest version of the Statement of Common Ground (SoCG) received by Natural England on the 20 May 2025 is currently being reviewed and developed between National Highways and Natural England. An initial SoCG was discussed at a Teams meeting on the 15 May 2025.</p>	<p>A Statement of Common Ground with Natural England (<b>REP1-028</b>) was submitted at Deadline 1.</p>
	<p><b>Internationally designated sites</b></p> <p>Natural England's position regarding internationally designated sites <b>has not changed</b> since submission of our Relevant Representations (RR – 010). The comments made at the</p>	<p>This comment is noted by the Applicant.</p>



Ref no.	Representation recorded comments	Applicant's Response
	<p>Relevant Representations stage regarding nationally designated sites (NE1) still stand and the status remains 'green'. Further information is provided in Part II of these Written Representations (see Table 1).</p>	
	<p><b>Nationally designated sites</b></p> <p>Natural England's position regarding nationally designated sites <b>has not changed</b> since submission of our Relevant Representations (RR – 010). Further information is provided in Part II of these Written Representations (see Table 1).</p>	<p>The Applicant has provided a detailed response in Part II Table 1 of this document to each of the Natural England identified issues. The Applicant has updated Environmental Statement (ES) Appendix 8.15 (Assessment of Air Quality Impacts on Ecological Features) (<b>APP-090</b>) and updated ES Appendix 8.16 (Assessment of Noise Impacts on Ecological Features) (<b>APP-091</b>) and will resubmit these documents at Deadline 3.</p>
	<p><b>Protected species</b></p> <p>Natural England's position regarding European protected species <b>has changed</b> since submission of our Relevant Representations (RR – 010). Our updated advice regarding impacts on protected species on the basis of further information submitted is set out below. Further detail on our reasoning for this is given against each impact pathway within Part II. We are currently engaging with the Applicant in regard to surveys and the requirement for a licence for bats. At this stage Natural England has not received submission of draft bat protected species licence for review. Ultimately the decision as to whether a licence is required for the proposed works, and the related need to apply for one, is wholly for the applicant to determine, not Natural England.</p>	<p>This comment is noted by the Applicant.</p> <p>The Applicant has provided a response in Part II Table 1 of this document to Natural England's key issue NE8 with regards to protected species licences.</p>
	<p><b>Biodiversity Net Gain Provision</b></p> <p>Natural England's position regarding provision of biodiversity net gain <b>has not changed</b> since submission of our Relevant Representations (RR – 010). Our position regarding biodiversity net gain provision is as set out in our Relevant Representations (RR – 010). Further information is provided in Part II of these Written</p>	<p>This comment is noted by the Applicant.</p> <p>The Applicant has provided a detailed response in Part II Table 1 of this document to Natural England's key issue NE10 with regards to biodiversity net gain.</p>

Ref no.	Representation recorded comments	Applicant's Response
	Representations (see Table 1).	
	<p><b>Nationally designated landscapes</b></p> <p>Natural England's position regarding nationally designated landscapes <b>has not changed</b> since submission of our Relevant Representations (RR – 010). Our position regarding nationally designated landscapes is as set out in our Relevant Representations (RR – 010). Further information is provided in Part II of these Written Representations (see Table 1).</p>	<p>There are no nationally designated landscapes in the vicinity of the proposed development.</p> <p>Paragraph 7.8.11 of ES Chapter 7 (Landscape and Visual Effects) (<b>APP-029</b>) references Natural England's National Character Areas (NCA) in relation to the Scheme (NCA 96: Dunsmore and Feldon (Natural England, 2013) and NCA 97: Arden (Natural England, 2012)). Paragraph 7.6.6 further explains that: 'A baseline description of the relevant National Character Area is provided for context only. The scale and nature of the works are considered diminutive within the broader regional character area, and therefore the LVIA has focused on the assessment of landscape character at a local level, where greater changes may be observed. As such, the assessment captures likely construction and operational impacts and effects on local landscape character.'</p>
	<p><b>Soils and best and most versatile agricultural land</b></p> <p>Natural England's position regarding soils and the best and most versatile agricultural land <b>has changed</b> since submission of our Relevant Representations (RR – 010). Further clarification has been provided by the Applicant on issue NE13 that has resolved our concerns, and the status has changed from 'amber' to 'green'. Further information is provided in Part II of these Written Representations (see Table 1).</p>	<p>This comment is noted by the Applicant.</p>
	<p><b>Ancient woodland and ancient/veteran trees</b></p> <p>Natural England's position regarding ancient woodland and ancient/veteran trees <b>has not changed</b> since submission of our Relevant Representations (RR – 010). Our position regarding ancient woodland and ancient/veteran trees is as set out in our Relevant Representations (RR – 010). Further information is provided in Part II of these Written Representations (see Table 1).</p>	<p>This comment is noted by the Applicant.</p> <p>The Applicant has provided a detailed response in Part II Table 1 of this document to Natural England's key issue NE15 with regards to ancient woodland and ancient/veteran trees.</p>
	<p><b>Natural England's overall conclusions</b></p> <p>Natural England are seeking clarification and further information on potential impacts and the mitigation measures proposed. If</p>	<p>This comment is noted by the Applicant. The Applicant will continue to work with Natural England to resolve any remaining issues.</p>

Ref no.	Representation recorded comments	Applicant's Response
	<p>sufficient information/clarification is provided we believe this is likely to overcome our concerns. We shall continue to work with National Highways to resolve these issues.</p>	
	<p><b>Part II: Natural England's detailed advice</b></p>	
	<p><b>Part II: Natural England's detailed advice</b></p> <p>Part II of these Representations updates and where necessary augments Part II of the Relevant Representations. It expands upon the detail of all the significant issues ('red' and 'amber' issues) which, in our view remain outstanding and includes our advice on pathways to their resolution where possible. Part II also shows 'green' issues which have been agreed since our Relevant Representations (RR – 010) (subject always to the appropriate requirements being secured adequately).</p> <p>Natural England will continue engaging with the applicant to seek to resolve these concerns throughout the examination. Natural England advises that the matters indicated as 'red' and 'amber' will require consideration by the Examining Authority during the examination.</p>	<p>The Applicant has provided a detailed response in Part II Table 1 of this document to each of the Natural England identified issues.</p> <p>The Applicant has worked collaboratively with Natural England during the pre-application, pre-examination and examination stage and continues to work with Natural England to resolve those matters indicated as 'amber'.</p>

## Natural England's Written Representations, Part II, Table 1

Table 1: Natural England's detailed advice							Applicant's Response
NE key issue ref	Topic	Issue summary (C) – construction phase (O) – operational phase	NE commentary and advice on further details about the project to enable assessment or further evidence/assessment work required	NE comment on mechanism for securing resolution, e.g. mitigation/compensation	Risk Red/Amber/Green	Any updates since Relevant Reps?	
NE1	<b>International designated sites</b> <ul style="list-style-type: none"> <li>• Ensor's Pool SAC</li> <li>• River Mease SAC</li> </ul>	Consideration of potential impacts (C), (O)	<p>Natural England's position remains unchanged since our Relevant Representations:</p> <p>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. Natural England agrees with this conclusion and is satisfied that the project is unlikely to have a significant impact on Ensor's Pool SAC and the River Mease SAC.</p>	No further information required.	Green	No	This comment is noted by the Applicant.

**Table 1: Natural England's detailed advice**

NE key issue ref	Topic	Issue summary (C) – construction phase (O) – operational phase	NE commentary and advice on further details about the project to enable assessment or further evidence/assessment work required	NE comment on mechanism for securing resolution, e.g. mitigation/compensation	Risk Red/Amber/Green	Any updates since Relevant Reps?	Applicant's Response
NE2	<b>National designated sites (biodiversity &amp; geodiversity)</b>	Combe Pool SSSI -Habitat loss (C)	<p>There will be some habitat loss within Combe Pool SSSI to enable replacement fencing along the SSSI and highway boundary fence line (pruning and felling of understorey shrubs) and potential loss from construction of the environmental bund.</p> <p>Natural England is mostly satisfied with the measures proposed to mitigate and the proposal for creation of 0.34ha of woodland to the north of the affected area.</p> <p>Since our Relevant Representations further information has been provided on the woodland creation proposals. We are mostly satisfied with these, though we advise that Holly and Blackthorn are included in the species mix.</p>	Secure mitigation and working practices to protect the SSSI from light and noise pollution impacts through Plans within the DCO (LEMP).	Green	Yes, see text.  Status changed from amber to green.	This comment is noted by the Applicant. The Applicant can confirm that Holly is already included in the species mix. Blackthorn has not been included in the species mix at the request of National Highways operation teams whom maintain the strategic road network as it can have a vigorous suckering and spreading habit, making it difficult to contain. The Applicant will continue to discuss the species mix with Natural England during the detailed design stage.
NE3	<b>National designated sites (biodiversity &amp; geodiversity)</b>	Combe Pool SSSI -Invasive Species (C)	<p>Natural England's position remains unchanged since our Relevant Representations:</p> <p>We are satisfied with the proposals for rhododendron and Himalayan balsam.</p>	Secure the following in the DCO: Invasive Non-native Species Management Plan.	Green	No	This comment is noted by the Applicant.

**Table 1: Natural England's detailed advice**

NE key issue ref	Topic	Issue summary (C) – construction phase (O) – operational phase	NE commentary and advice on further details about the project to enable assessment or further evidence/assessment work required	NE comment on mechanism for securing resolution, e.g. mitigation/compensation	Risk Red/Amber/Green	Any updates since Relevant Reps?	Applicant's Response
NE4	<b>National designated sites (biodiversity &amp; geodiversity)</b>	Noise, light, vibration impacts on Combe Pool SSSI  (C), (O)	<p>In our Relevant Representation, we raised concerns regarding potential impacts on the SSSI from noise both during construction and operation, and mitigation options. Natural England have discussed these concerns with the Applicant (via Teams, 04/04/25) and provided further advice (via email, 01/05/25) on assessment of impacts and measures to mitigate the impact. We are waiting for further information and clarification from the Applicant regarding measures that will be secured to mitigate noise and vibration during construction and operation.</p> <p>Natural England's position remains unchanged since our Relevant Representations in regard to lighting:</p> <p>Lighting was identified as a potential impact on the SSSI in the ES Chapter 8- Biodiversity. We note Commitment G3 in the REAC, Appendix A of the First Iteration Environmental Management Plan but this makes no reference to the SSSI. Vegetation clearance between the road and the SSSI is likely to increase potential impacts on the SSSI, it is unclear if this has been</p>	Further information required. Secure mitigation and working practices to protect the SSSI from light and noise pollution impacts through Plans within the DCO (LEMP/CEMP).	Amber	Yes, see text.	<p>Noise: ES Appendix 8.16 (Assessment of Noise Impacts on Ecological Features) (<b>APP-091</b>) has been updated as well as ES Chapter 8 Biodiversity (<b>APP-030</b>) and will be resubmitted at Deadline 3 to include further detailed assessment undertaken. An ES Addendum - Construction noise impacts at Coombe Pool SSSI (<b>TR010066/EXAM/8.21</b>) will also be submitted at Deadline 3 which details the mitigation measures proposed.</p> <p>Lighting: ES Chapter 8 (Biodiversity) (<b>APP-030</b>) has been updated to include an assessment of lighting impacts on Coombe Pool SSSI and will be resubmitted at Deadline 3. The assessment concludes a neutral (not significant) effect on birds using the pool from construction lighting. The effect of construction lighting on the woodland bird assemblage is assessed as slight adverse (not significant).</p>

Table 1: Natural England's detailed advice							Applicant's Response
NE key issue ref	Topic	Issue summary (C) – construction phase (O) – operational phase	NE commentary and advice on further details about the project to enable assessment or further evidence/assessment work required	NE comment on mechanism for securing resolution, e.g. mitigation/compensation	Risk Red/Amber/Green	Any updates since Relevant Reps?	
			considered. Further clarification should be provided on measures to prevent lighting impacts on the SSSI.				<p>The Scheme does not include any lighting of the A46 mainline and as such no impacts to the SSSI from operational lighting are anticipated.</p> <p>ES Chapter 8 Biodiversity (<b>APP-030</b>) has been updated and will be submitted at Deadline 3.</p>
NE5	<b>National designated sites (biodiversity &amp; geodiversity)</b>	Potential air quality impacts (dust) on Combe Pool SSSI (C), (O)	Natural England's position remains unchanged since our Relevant Representations: We are satisfied that dust is unlikely to have a significant impact subject to best practice mitigation measures being employed.	Secure the following in the DCO: Construction Air Quality and Dust Management Plan.	Green	No	This comment is noted by the Applicant.
NE6	<b>National designated sites (biodiversity &amp; geodiversity)</b>	Potential air quality impacts (NO <sub>x</sub> , NH <sub>3</sub> , N dep) on Combe Pool SSSI and Herald Way Marsh SSSI (O)	In our Relevant Representations (RR – 010), Natural England advised that additional clarification was required regarding potential impacts of air quality on Combe Pool SSSI and Herald Way Marsh SSSI. Natural England have since discussed this matter with the Applicant (via Teams, 04/04/25) and understand that additional clarification from the Applicant, will be provided via an Air Quality Appendix which will address this matter.	Further information required.	Amber	Yes, see text.	ES Appendix 8.15 (Assessment of Air Quality Impacts on Ecological Features) ( <b>APP-090</b> ) has been updated following liaison with Natural England and will be resubmitted at Deadline 3. The assessment has been updated to include a full assessment of NO <sub>x</sub> impacts in accordance with <i>Natural England's approach to advising competent authorities on the assessment of road traffic</i>



Table 1: Natural England's detailed advice							Applicant's Response
NE key issue ref	Topic	Issue summary (C) – construction phase (O) – operational phase	NE commentary and advice on further details about the project to enable assessment or further evidence/assessment work required	NE comment on mechanism for securing resolution, e.g. mitigation/compensation	Risk Red/Amber/Green	Any updates since Relevant Reps?	
							<p><i>emissions under the Habitats Regulations (2018) and assessment of nitrogen deposition impacts using deposition background data from APIS for forest or moorland (short vegetation) dependent on the qualifying interests of the ecological feature.</i></p> <p>ES Chapter 5 Air Quality (<b>APP-027</b>) and ES Chapter 8 Biodiversity (<b>APP-030</b>) have also been updated and will be submitted at Deadline 3.</p>
NE7	<b>National designated sites (biodiversity &amp; geodiversity)</b>	Potential impacts in water quality and water quantity on Combe Pool SSSI and Herald Way Marsh SSSI (C), (O)	<p>Natural England's position remains unchanged since our Relevant Representations:</p> <p>Pathways have been identified between the site and the SSSIs. We are unclear about the specific measures that will be used to prevent impacts on the water quality and quantity of the SSSIs. This includes measures in relation to the environmental flood bund works on the SSSI. Furthermore, we have not seen or found any reference to a construction environmental management plan.</p>	Further information required. Secure mitigation and working practices to protect the SSSI from water quality/quantity impacts though Plans within the DCO (LEMP/CEMP).	Amber	No.	<p>The First Iteration Environmental Management Plan (EMP) (<b>REP1-010</b>) (including Appendix A register of Environmental Actions and Commitments (REAC) (<b>APP-110</b>) submitted with the DCO Application is the Applicant's construction environmental management plan. This will be further developed during the detailed design stage to be the Second iteration EMP. Both the First and Second Iteration EMPs include the construction and operation stage requirements to protect the</p>



**Table 1: Natural England's detailed advice**

NE key issue ref	Topic	Issue summary (C) – construction phase (O) – operational phase	NE commentary and advice on further details about the project to enable assessment or further evidence/assessment work required	NE comment on mechanism for securing resolution, e.g. mitigation/compensation	Risk Red/Amber/Green	Any updates since Relevant Reps?	Applicant's Response
			Further clarification and information should be provided.				<p>environment. Supporting plans that will be produced are stated in the First Iteration EMP. These will form part of the Second iteration EMP. This includes the Water Monitoring and Management Plan which will include specific mitigation measures for the Coombe Pool SSSI (including the bund works) to prevent water pollution. These plans are also named in the draft DCO and secured through Requirement 4.</p> <p>Herald Way Marsh SSSI has been identified as a groundwater dependent terrestrial ecosystem (GWDTE) and is considered in ES Appendix 13.4 (Groundwater Assessment) (<b>APP-104</b>).</p> <p>The simple GWDTE assessment, undertaken in ES Appendix 13.4 (Groundwater Assessment) (<b>APP-104</b>), considered potential hydraulic links between the Scheme and Herald Way Marsh SSSI, to the south. The assessment concluded negligible risk to the site in terms of groundwater quality and quantity due to significant distance from construction and operational activities, and embedded mitigation in the form of lined</p>

Table 1: Natural England's detailed advice							Applicant's Response
NE key issue ref	Topic	Issue summary (C) – construction phase (O) – operational phase	NE commentary and advice on further details about the project to enable assessment or further evidence/assessment work required	NE comment on mechanism for securing resolution, e.g. mitigation/compensation	Risk Red/Amber/Green	Any updates since Relevant Reps?	
							<p>drains south of the Smite Brook culvert.</p> <p>The First Iteration Environmental Management Plan (EMP) (<b>REP1-010</b>) (including Appendix A REAC (<b>APP-110</b>) submitted with the DCO Application presents the mitigation measures (commitments RD1, RD4 and RD9) during construction to minimise the risk of contamination.</p> <p>ES Chapter 13 (Road Drainage and the Water Environment) (<b>APP-035</b>) concludes no significant effect upon the Herald Way Marsh SSSI GWDTE.</p>

**Table 1: Natural England's detailed advice**

NE key issue ref	Topic	Issue summary (C) – construction phase (O) – operational phase	NE commentary and advice on further details about the project to enable assessment or further evidence/assessment work required	NE comment on mechanism for securing resolution, e.g. mitigation/ compensation	Risk Red/Amber /Green	Any updates since Relevant Reps?	Applicant's Response
NE8	<b>Protected species</b>	Protected species licenses (C)	<p>In our Relevant Representations, we noted that there is a requirement for a protected species licence to be obtained from Natural England for badgers (ES 8.10.23). Natural England has provided a Letter of no Impediment for badgers and a copy of this can be found in Appendix 8.14. A badger license will be required if the DCO is granted.</p> <p>Since our Relevant representations response, the Applicant has approached NE with a query regarding bat tree surveys and the potential for a bat licence. NE and the Applicant are engaging over this matter, with NE providing input on the bat licence requirements and approach which would be required in order to provide a Letter of No Impediment for the scheme with respect to bat licensing.</p> <p>Further information relating to wildlife licensing and NSIPs is provided within the Planning Inspectorate's <a href="#">Nationally Significant Infrastructure Projects (NSIP): Advice on working with public bodies in the infrastructure planning process, Annex C: Natural England and the Planning Inspectorate</a>. Specifically, Appendix I: NSIPs and Protected European Species</p>		Amber	<p>Yes, see text.</p> <p>Status changed from green to amber.</p>	<p>This comment is noted by the Applicant. The Applicant will continue to liaise with the Natural England licensing team regarding the approach to bat survey and licensing and whether a Letter of No Impediment will be required, should a bat roost be discovered during surveys. A meeting was held on 27 May 2025 to discuss the scope for Natural England input through Natural England Discretionary Advice Service (DAS) with regards to bat survey methodology and licensing.</p>

Table 1: Natural England's detailed advice							Applicant's Response
NE key issue ref	Topic	Issue summary (C) – construction phase (O) – operational phase	NE commentary and advice on further details about the project to enable assessment or further evidence/assessment work required	NE comment on mechanism for securing resolution, e.g. mitigation/compensation	Risk Red/Amber/Green	Any updates since Relevant Reps?	
			Licensing Issues. See also Natural England's <a href="#">Standing Advice</a> .				

Table 1: Natural England's detailed advice							Applicant's Response
NE key issue ref	Topic	Issue summary (C) – construction phase (O) – operational phase	NE commentary and advice on further details about the project to enable assessment or further evidence/assessment work required	NE comment on mechanism for securing resolution, e.g. mitigation/compensation	Risk Red/Amber/Green	Any updates since Relevant Reps?	
NE10	Biodiversity net gain	Biodiversity net gain (O)	<p>Natural England's position remains unchanged since our Relevant Representations:</p> <p>Biodiversity Net Gain (BNG) is not mandatory for NSIPs until November 2025, therefore, the following comments are advisory.</p> <p>Appendix 8.1 Biodiversity Net Gain Report. Natural England welcomes the inclusion of the Biodiversity Net Gain report. We note the increases outlined for area based and linear hedgerow habitats of +11.87% and +15.38% and the decreases of broadleaved woodland and linear hedgerow associated with bank or ditch of -21.30 and - 3.31 units (5.1.2).</p>	We would suggest a commitment via requirement to deliver a minimum of 10% BNG and that the gains outlined are secured along with a Habitat Management and Monitoring Plan via a requirement in the DCO.	N/A	No.	<p>As detailed within ES Appendix 8.1 (Biodiversity Net Gain Report) (<b>APP-076</b>), as a Nationally Significant Infrastructure Project (NSIP) submitting a DCO Application in late 2024, the Scheme is not subject to mandatory Biodiversity Net Gain (BNG) under the Environment Act 2021, which is due to come into force for NSIPs in November 2025. The Scheme is a transition scheme sitting within the Road Investment Strategy 2 (RIS2) period (2020 – 2025) and as such National Highways has set a +10% BNG target for both area-based habitats and linear-hedgerow habitats.</p> <p>ES Appendix 8.1 (Biodiversity Net Gain Report) (<b>APP-076</b>) details post-construction BNG calculations based on the ES Figure 2.4 (Environmental Masterplan) (<b>APP-043</b>) which have identified a +11.87% and +15.38% net gain for area-based and linear hedgerow habitats respectively.</p> <p>The Applicant is of the opinion a requirement to secure a</p>

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NE key issue ref	Topic	Issue summary (C) – construction phase (O) – operational phase	NE commentary and advice on further details about the project to enable assessment or further evidence/assessment work required	NE comment on mechanism for securing resolution, e.g. mitigation/compensation	Risk Red/Amber/Green	Any updates since Relevant Reps?	Applicant's Response
							minimum BNG of 10% would not be appropriate as there is no basis for this in legislation to do so, due to the fact BNG is not yet a statutory requirement for National Significant Infrastructure Projects.
NE11	<b>National designated landscapes</b>	Location of site in relation to nationally designated landscapes (C), (O)	<p>Natural England's position remains unchanged since our Relevant Representations:</p> <p>The site is not located within, or within the setting of, any nationally designated landscapes. As a result, Natural England has no specific comments to make on the landscape implications of this development. The examining authority should have regard for the landscape character of the area; we welcome the reference to Natural England's National Character Areas within ES Chapter 7: Landscape and Visual Effects.</p>	No further information required.	Green	No	Paragraph 7.8.11 of ES Chapter 7 (Landscape and Visual Effects) ( <b>APP-029</b> ) references Natural England's National Character Areas (NCA) in relation to the Scheme (NCA 96: Dunsmore and Feldon (Natural England, 2013) and NCA 97: Arden (Natural England, 2012)). Paragraph 7.6.6 further explains that: ' <i>A baseline description of the relevant National Character Area is provided for context only. The scale and nature of the works are considered diminutive within the broader regional character area, and therefore the LVIA has focused on the assessment of landscape character at a local level, where greater changes may be observed. As such, the assessment captures likely construction and operational impacts and effects on local landscape character.</i> '

**Table 1: Natural England's detailed advice**

NE key issue ref	Topic	Issue summary (C) – construction phase (O) – operational phase	NE commentary and advice on further details about the project to enable assessment or further evidence/assessment work required	NE comment on mechanism for securing resolution, e.g. mitigation/compensation	Risk Red/Amber/Green	Any updates since Relevant Reps?	Applicant's Response
NE12	<b>Soils and best and most versatile agricultural land</b>	Permanent loss of BMV land <20ha (C), (O)	<p>Natural England's position remains unchanged since our Relevant Representations:</p> <p>It is stated in Table 9-13 of ES Chapter 9: Geology and Soils that permanent loss of best and most versatile (BMV) agricultural land totals up to 11.1 ha (7.8 ha of Grade 1 and 3.3ha of Grade 3a agricultural land). The total permanent loss of BMV is below 20ha and falls outside the scope of the Development Management Procedure Order (as amended) consultation arrangements.</p> <p>If there is a change to the amount of BMV agricultural land to be lost, it is requested that Natural England be re-consulted.</p>	No further information required.	Green	No	This comment is noted by the Applicant.
NE13	<b>Soils and best and most versatile agricultural land</b>	Temporary loss and reinstatement of BMV land <20ha (C), (O)	In our Relevant Representations, we raised concerns regarding lack of information on monitoring and reporting, where soils are to be re-instated and returned to agriculture. The Applicant has provided further clarification (via email, 16/05/25) that the Soil Handling Management Plan will include this information.	Secure the following in the DCO: Soil Handling Management Plan.	Green	<p>Yes, see text.</p> <p>Status changed from amber to green.</p>	This comment is noted by the Applicant.

Table 1: Natural England's detailed advice							Applicant's Response
NE key issue ref	Topic	Issue summary (C) – construction phase (O) – operational phase	NE commentary and advice on further details about the project to enable assessment or further evidence/assessment work required	NE comment on mechanism for securing resolution, e.g. mitigation/compensation	Risk Red/Amber/Green	Any updates since Relevant Reps?	
NE14	<b>Soils and best and most versatile agricultural land</b>	Soil storage and handling (C), (O)	<p>Natural England's position remains unchanged since our Relevant Representations:</p> <p>Appendix 9.2 Soil Resource Plan and Agricultural Land Classification. We are mostly satisfied and we welcome the proposal for the Soil Handling Management Plan. We have provided advice to National Highway's consultants and expect to see this reflected in the Soil Handling Management Plan.</p>	Secure the following in the DCO: Materials Management Plan and Soil Handling Management Plan.	Green	No.	This comment is noted by the Applicant.



**Table 1: Natural England's detailed advice**

NE key issue ref	Topic	Issue summary (C) – construction phase (O) – operational phase	NE commentary and advice on further details about the project to enable assessment or further evidence/assessment work required	NE comment on mechanism for securing resolution, e.g. mitigation/compensation	Risk Red/Amber/Green	Any updates since Relevant Reps?	Applicant's Response
NE15	<b>Ancient woodland and ancient/veteran trees</b>	Potential air quality impacts on ancient woodland and veteran trees (O)	<p>Natural England's position remains unchanged since our Relevant Representations:</p> <p>As noted in ES Chapter 8: Biodiversity, there are several ancient woodlands (Binley Common Farm Wood, Willenhall Wood LNR, LWS and Piles Coppice LWS) located within 200m of the affected road network (Table 5-27). There are also several veteran trees located within 200m of the affected road network. Given their proximity, these receptors may experience changes to air quality due to the project.</p> <p>Where Ancient Woodland and Ancient/Veteran Trees do not form part of a SSSI, Natural England will only provide bespoke advice in exceptional circumstances. As a result, our advice in this instance is limited to the Natural England and Forestry Commission '<a href="#">Standing Advice</a>' for ancient woodland, ancient trees and veteran trees.</p>	No further information required.	Green	No.	ES Appendix 8.15 (Assessment of Air Quality Impacts on Ecological Features) ( <b>APP-090</b> ) includes assessment of ancient woodland and veteran trees. The impact assessment within ES Chapter 8 (Biodiversity) ( <b>APP-030</b> ) includes assessment of construction and operational effects, considers indirect and direct effects and applies the mitigation hierarchy in accordance with Natural England's standing advice. This assessment concluded no significant effects on veteran trees and ancient woodland.

## PART IV: Natural England's detailed comments on the Development Consent Order (DCO) and associated documents

Part IV of these Representations provides Natural England's detailed comments on the Development Consent Order and detailed comments on issues not addressed in the DCO (omission comments).

Page	DCO/DML or Omission ref	Natural England's comments	Risk (Red/Amber/Green)	Applicant's Response
47	Requirement 4 Second Iteration EMP	<p>We welcome the commitment within the Second Iteration Environmental Management Plan to include the following plans listed below. We have provided comments and additional advice to the applicant on matters regarding impacts to the Combe Pool SSSI via water quality/quantity, light and noise impact pathways, and Herald Way Marsh SSSI via water quality/quantity impact pathways. We advise that this should be secured in appropriate Plans (LEMP/CEMP) which are contained within the DCO in order to ensure that potential impacts to the SSSIs are clearly cited and mitigation secured. In addition planting requirements with respect to Combe Pool SSSI (NE2) should be clearly secured through the LEMP.</p> <p>(b) Construction Air Quality and Dust Management Plan, (d) Construction Noise and Vibration Management Plan; (f) Invasive Non-native Species Management Plan; (g) Landscape and Ecology Management Plan; (h) Materials Management Plan; (j) Site Waste Management Plan; (k) Soil Handling Management Plan; (l) Water Monitoring and Management Plan</p>	Green	This comment is noted by the Applicant.
48	Requirement 8 Protected species	We welcome the inclusion of this requirement. We also welcome the wording specifying that work must cease if any protected species are found beyond those identified in the environmental statement or nesting birds, and work must not re-commence until any necessary licences are obtained.	Green	This comment is noted by the Applicant.

Page	DCO/DML or Omission ref	Natural England's comments	Risk (Red/Amber/Green)	Applicant's Response
49	Requirement 9 Surface water drainage	We welcome the inclusion of this requirement.	Green	This comment is noted by the Applicant.