

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**

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

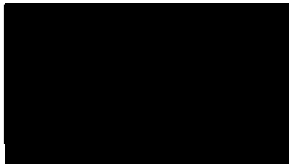
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STATUS OF STATEMENT OF COMMON GROUND

STATEMENT OF COMMON GROUND

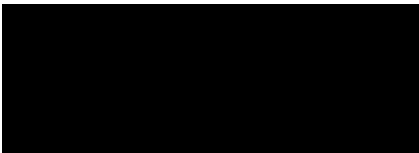
This final Statement of Common Ground has been prepared and agreed by (1) National Highways Limited and (2) Natural England.

Signed



NAME: Emma Winter
POSITION: Project Manager, National Highways
On behalf of National Highways Limited
Date: 09 September 2025

Signed




NAME: 
POSITION: Senior Officer, West Midlands Team
On behalf of Natural England
Date: 09 September 2025

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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	Telephone call between the Applicant and Natural England	Telephone call 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
		First draft of SoCG provided for review and input.
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.
14 April 2025	Email from Applicant to Natural England.	Provided meeting minutes, draft Relevant Representations responses, further information and details on bat survey and mitigation and an examination update.
17 April 2025	Email from Natural England to the Applicant	Acknowledging email of the 14/04/25 and noting current capacity to go through information.
22 April 2025	Email from the Applicant to Natural England	Confirmation of matters to be covered in call.
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.
15 May 2025	Email from the Applicant to Natural England	The Applicant requested a meeting to discuss applying a 'roost resource' approach to licensing for bats and referred Natural England to a previous project where this had been undertaken.
16 May 2025	Email from Natural England to the Applicant	Natural England responded to meeting request, advising of which case officer would be involved in the licensing process for the scheme.
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.

Date	Form of correspondence	Key topics discussed and key outcomes
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.
20 May 2025	Email from the Applicant to Natural England	The Applicant provided Natural England with a copy of the SoCG for Deadline 1 submission and requested response by 22 May 2025. The Applicant listed the changes made.
21 May 2025	Email from Natural England to the Applicant	Natural England identified missing emails from the record of engagement. Under the Issues Natural England noted two new issues and amended wording for some of the existing issues from the previous version. Confirmed not possible to confirm updated version within timeframe required.
21 May 2025	Email from the Applicant to Natural England	The Applicant confirmed that emails relating to setting up the DAS and arranging meetings have not been included in the record of engagement table. Applicant enquired if an email of agreement could be provided if more time was allowed.
21 May 2025	Email from Natural England to the Applicant	Natural England confirmed they would not be able to provide an email agreeing to the content of the SoCG due to limited availability to review changes since the meeting on the 15 May 2025.
22 May 2025	Email from the Applicant to Natural England	Applicant acknowledged Natural England's response and requested a copy of their written representation at the time of submission.
22 May 2025	Email from Natural England to the Applicant	Natural England provided a copy to the Applicant of their written representation submitted for Deadline 1.
27 May 2025	Microsoft Teams Meeting between the Applicant and Natural England.	Meeting to discuss proposed methodology and approach to bat surveys and potential mitigation following updated Bat Conservation Trust guidelines.
29 May 2025	Email from the Applicant to Natural England	The Applicant issued minutes from the bat surveying meeting on the 27 May 2025 and proposed outline methodology. Requested confirmation of when a response could be received.
29 May 2025	Email from the Applicant to Natural England	The Applicant issued minutes from the SoCG meeting on the 15 May 2025 and requested availability for a meeting in early June.
3 June 2025	Email from Natural England to the Applicant	Natural England provided availability for meeting.

Date	Form of correspondence	Key topics discussed and key outcomes
4 June 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.
9 June 2025	Email from the Applicant to Natural England	Applicant requested response from Natural England on proposed outline methodology for bat surveys issued on the 29 May 2025.
9 June 2025	Email from Natural England to the Applicant	Natural England provided comments on a bat mitigation flow chart.
10 June 2025	Email from the Applicant to Natural England	The Applicant notified Natural England that the Examiners Questions 1 had been published.
18 June 2025	Email from the Applicant to Natural England	Applicant provided response to Natural England's comments and further clarifications on the bat mitigation flowchart received from Natural England on the 9 June 2025.
18 June 2025	Email from the Applicant to Natural England	Applicant issued minutes from meeting on 4 June 2025 and a copy of the SoCG with comments added during meeting on 4 June 2025. Applicant offered a presentation style call to run through documents submitted at Deadline 3.
25 June 2025	Email from Natural England to the Applicant	Confirmation provided that no further comments on the bat mitigation flow chart.
25 June 2025	Email from the Applicant to Natural England	Applicant acknowledged that Natural England have no further comments on the bat mitigation flow chart and advised that should bats be recorded during surveys the Applicant will inform Natural England.
25 June 2025	Email from the Applicant to Natural England	File transfer of the following documents: <ul style="list-style-type: none"> 6.1 Environmental Statement - Chapter 5 (Air Quality) - Rev 1 - Tracked changes.pdf 6.1 Environmental Statement - Chapter 8 (Biodiversity) - Rev 1 - Tracked changes.pdf 6.2 Environmental Statement Figures - Figures 5.9 - 5.11 - Rev 1 - Tracked changes.pdf 6.2 Environmental Statement Figures - Figures 8.1 - 8.3 - Rev 1 - Tracked changes.pdf 6.3 Environmental Statement Appendices - Appendix 8.16 Assessment of Noise

Date	Form of correspondence	Key topics discussed and key outcomes
		<p>Impacts on Ecological Features - Rev 1 - Tracked changes.pdf</p> <ul style="list-style-type: none"> 6.3 Environmental Statement Appendix 5.3 Air Quality Receptor Results - Rev 1 - Tracked.pdf 6.5 First Iteration Environmental Management Plan - Appendix A Register of Environmental Actions and Commitments - Rev 1 - Tracked changes.pdf 6.5 First Iteration Environmental Management Plan - Rev 2 - Tracked Changes.pdf 8.20 Applicant's Responses to the Examining Authority's First Written Questions (ExQ1).pdf 8.21 Environmental Statement Addendum - Construction Noise Impacts at Coombe Pool SSSI.pdf 3.1 Draft Development Consent Order - Rev 3 - Tracked changes.pdf
25 June 2025	Email from the Applicant to Natural England	<p>Notification to Natural England that selected documents for Deadline 3 have been issued via file transfer link to Natural England.</p> <p>Applicant requested dates for a meeting in July.</p>
26 June 2025	Email from the Applicant to Natural England	<p>Applicant requested Natural England to provide copy of their Deadline 3 submission directly to the Applicant.</p>
26 June 2025	Email from Natural England to the Applicant	<p>Natural England provided copy of their Deadline 3 submission.</p>
26 June 2025	Email from the Applicant to Natural England	<p>The Applicant provided a response to Natural England email of 1 May 2025.</p> <p>Document attached with response related to operational noise impacts on birds at Coombe Pool SSSI. File transfer links to drawings included.</p>
27 June 2025	Email from Natural England to the Applicant	<p>Dates for meeting provided.</p> <p>SoCG related comments made:</p> <p>Ref 11 mitigation area planting: Natural England agreed they confirm that they agree to blackthorn not being included in the species mix.</p> <p>Ref 14 barn owls: Natural England confirmed that satisfied with the proposed planting</p>

Date	Form of correspondence	Key topics discussed and key outcomes
		along/adjacent to road sections to deflect birds up and over rather than flying low.
2 July 2025	Email from the Applicant to Natural England	Applicant confirmed availability for proposed meeting date and queried if Natural England will have had sufficient time to read Deadline 3 submissions and have questions.
3 July 2025	Email from Natural England to the Applicant	Confirmed that Natural England should have enough time to look at air quality ahead of the meeting but not for the noise appendices. Advice has been received back in regard to licensing and badgers.
8 July 2025	Microsoft Teams Meeting between the Applicant and Natural England.	Meeting to discuss SoCG updates and Deadline 3 submissions (AQ appendix, noise appendix, ES chapter update, ES addendum).
9 July 2025	Email from the Applicant to Natural England	Issue of minutes from SoCG meeting held on 8 July 2025 and draft version of the SoCG discussed on the call.
09 July 2025	Email from Natural England to the Applicant	Natural England provided comments from their licensing team regarding species/licensing issues in the SoCG.
11 July 2025	Email from Natural England to the Applicant	Natural England confirmed that they are seeking internal guidance on AQ. Natural England sought clarification and asked questions on the information provided in the application in relation to impacts on SSSI birds and noise.
18 July 2025	Email from The Applicant to natural England	The Applicant confirms that the SoCG has been amended based on comments received on the 9 July 2025.
22 July 2025	Email from Natural England to the Applicant	Natural England sent over comments to the SoCG.
22 July 2025	Email from Natural England to the Applicant	Natural England sent over their copy of Natural England's Response to Deadline 3 submissions.
22 July 2025	Email from Natural England to the applicant	Natural England confirms they are working through responses for Deadline 4 and instructs the Applicant that issue 8 of the SoCG should be changed to under discussion.
28 July 2025	Email from Natural England to the Applicant	Natural England is seeking clarification on wording for issue 8 in the SoCG.

Date	Form of correspondence	Key topics discussed and key outcomes
31 July 2025	Email from the Applicant to Natural England	The Applicant notified Natural England about the reduced length of the examination and provided revised timetables. The Applicant also provided the latest copy of the SoCG.
01 August 2025	Email from the Applicant to Natural England	The Applicant sent Natural England information regarding the new Rule 17 letter to help further clarify what this is.
06 August 2025	Email from the Applicant to Natural England	Follow up email from the Applicant on email sent 1 August 2025 seeking Natural England's comments on Rule 17. The Applicant was also seeking Natural England's input on water quality.
06 August 2025	Email from Natural England to the Applicant	Natural England confirms they have no questions in relation to the Rule 17 letter, and that they have had a discussion with a Water Adviser colleague. They provided information on the further details they require on the water pollution issue. Natural England confirms that issue 8 in the SoCG can now be changed to agreed.
13 August 2025	Email from the Applicant to Natural England	Email sent for the Applicant seeking availability from Natural England for a call to discuss the SoCG.
13 August 2025	Email from Natural England to the Applicant	Natural England confirmed their availability for a meeting on Friday 15.08.2025.
13 August 2025	Email from the Applicant to Natural England	The applicant confirm wording in the SoCG has been amended. The Applicant provided Natural England with a draft note that summarises the methodology for working adjacent to the Combe Pool SSSI. In addition, the Applicant provided an amended ES Chapter 8 Biodiversity chapter to address Natural England's points regarding lighting impacts on the SSSI.
14 August 2025	Email from Natural England to the Applicant	Natural England is seeking clarification on the imported material and on earth works in relation to the methodology for working adjacent to the Combe Pool SSSI.
15 August 2025	Email from Natural England to the Applicant	Natural England accepted the amendments made to ES Chapter 8 Biodiversity to address their points on lighting and impacts on the SSSI.
15 August 2025	Email from Applicant to Natural England	Applicant queried if Natural England are happy to agree the lighting issue in the SOCG. The Applicant provided minutes for the meeting of the 15 August 2025.

Date	Form of correspondence	Key topics discussed and key outcomes
		The Applicant provided a response to the clarification and questions Natural England (sent in email 11/07/2025) in relation to noise impacts on the SSSI birds.
29 August 2025	Email from the Applicant to Natural England	Response to Natural England's questions on earth works and imported material.
02 September 2025	Microsoft Teams Meeting between the Applicant and Natural England	Meeting to discuss SoCG updates and submission for Deadline 6.
02 September 2025	Email from the Applicant to Natural England	The Applicant sent over the latest version of the SoCG for review and comments.
04 September 2025	Email from the Applicant to Natural England	The Applicant asked if they were any further queries on the SoCG following the call.
04 September 2025	Email from Natural England to the Applicant	Natural England provided an update on the lighting and water quality issues that are under discussion in the SoCG. Natural England stated they are happy to agree with the lighting issue in the SoCG following the Applicant's amended ES Chapter 8 Biodiversity. Natural England provided further clarification on what commitments / information was required to address water quality issue currently under discussion. They provided comment on required amendments to the Record of Engagement.
05 September 2025	Email from Natural England to the Applicant	Natural England detailed that the issue on the SSSI Assent issue will need to be marked as 'not agreed' and provided wording for the SoCG.
05 September 2025	Email from the Applicant to Natural England	In response to Natural England's email dated 04 September the Applicant amended the Register of Environmental Actions and Commitments to include further wording to address Natural England's points. This email provided the amended REAC commitments G5 and RD13 for Natural England's review.
05 September 2025	Email from Natural England to the Applicant	Natural England provided further advice on noise disturbance and an update on their position to be included in the SoCG.
05 September 2025	Email from the Applicant to Natural England	The Applicant emailed Natural England to acknowledge the email sent on the 05 September (on noise disturbance) and provided an update on the SoCG amendments.

Date	Form of correspondence	Key topics discussed and key outcomes
08 September 2025	Email from Natural England to the Applicant	Natural England confirmed the amended REAC wording sent by the Applicant on 05 September (on water quality) was appropriate and can be agreed in the SoCG if the amended REAC will be submitted at Deadline 6.
08 September 2025	Email from the Applicant to Natural England	The Applicant emailed to confirm to Natural England that the REAC has been amended and will be submitted for Deadline 6.

- 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 6 there are 19 matters in total, of which 17 are agreed and 2 that are not agreed.
- 3.1.3. An additional issue has been added since submission at Deadline 5 to separate the construction and operational noise issue out.

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)	Natural England does not agree with the disapplication of its powers under Sections 28E and H of the Wildlife and Countryside Act (WCA) 1981 and therefore advise that the wording in the draft DCO article 52 is revised accordingly.	The draft DCO (latest version REP3-004) includes works to the Combe Pool SSSI. Article 52 of the draft DCO disapplies sections 28E and 28H of the Wildlife and Countryside Act, which are the obligations to get consent from Natural England to carry out operations in a SSSI. Therefore, the Applicant confirms that SSSI assents are not required.	Not agreed	08 September 2025

Ref	Issue	Doc Ref	Natural England's Position	The Applicant's Position	Status	Date
				<p>The work in the SSSI is restricted by the draft DCO both geographically (to a narrow strip on its western edge) and in terms of what can be done (essentially just Work No. 3C – vegetation removal and replacement of timber fence – in compliance with the preliminary scheme design, where any variations must be within what has been assessed in the Environmental Statement). Planning permission is a reasonable excuse for works in a SSSI by virtue of section 28P of the Wildlife and Countryside Act 1981; this disapplication has the same effect for this DCO.</p>		
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	Agreed	31 January 2025

Ref	Issue	Doc Ref	Natural England's Position	The Applicant's Position	Status	Date
			Pool SAC and the River Mease SAC.	that neither site is notified for bats. 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	22 July 2025
4	Biodiversity - Air quality impacts on	ES Appendix 8.15 (Assessment of Air Quality Impacts on	Natural England did not support the DMRB LA 105 Air Quality as there are aspects	The Air Quality assessment has been undertaken in accordance with the Design	Agreed	15 May 2025

Ref	Issue	Doc Ref	Natural England's Position	The Applicant's Position	Status	Date
	ecological features (methodology to assess the impact of emissions)	Ecological Features) (APP-090)	<p>of it that Natural England does not agree with. (21 October 2024).</p> <p>Natural England reviewed the latest submission from the National Highways on Air Quality. Natural England can concur with their assessment and conclusions that there would be no significant effect on Combe Pool SSSI and Herald Way Marsh SSSI in regard to ammonia and NOx. In terms of nitrogen deposition, some of the reasoning behind the Applicant's conclusions is unconventional, however we do concur with their conclusions that there would be no significant effect on Combe Pool SSSI and Herald Way March SSSI for other reasons based on our professional experience.</p>	<p>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 has been undertaken and included within the ES.</p> <p>The Applicant confirms that the ES Appendix 8.15 (Assessment of Air Quality Impacts on Ecological Features) (APP-090) has been updated 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 were submitted for Deadline 3 and</p>		

Ref	Issue	Doc Ref	Natural England's Position	The Applicant's Position	Status	Date
				the Applicant has discussed the amendments to the Air Quality Appendix with Natural England and this item is now agreed.		
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	15 May 2025
6	Biodiversity – noise disturbance during construction	ES Appendix 8.16 (Noise Impacts on Ecological Features) (APP-091). ES Chapter 8	Natural England have raised concerns regarding the construction noise impacts on the SSSI, as detailed in the Natural England's Comments on any further information	The Applicant has provided detailed responses to the Natural England's point in the Applicant's Comments on Submissions Received at Deadline 4 (REP5-020)	Not Agreed	08 September 2025

Ref	Issue	Doc Ref	Natural England's Position	The Applicant's Position	Status	Date
		(Biodiversity) (APP-030)	<p>/submissions received by Deadline 3 (REP4-027). Natural England state that the construction noise impacts will not be fully mitigated, and residual impact remains. Natural England advised that the scheme should include the provision of a permanent noise barrier to mitigate for residual operational noise impacts on breeding and wintering birds.</p> <p>Natural England's email dated 05 September 2025 detailed that during construction there will be noise levels above 3dB for parts of the Combe Pool SSSI even with the proposed temporary 2m high noise mitigation barrier in place. This will affect 9.41ha of the lake plus non lake parts of the SSSI. The proposed monthly monitoring during the construction phase is unlikely to be practical, and does not mitigate the impact. A residual impact therefore remains and on this basis, Natural England advised at</p>	<p>responses Ref 2 and 3. This evidences that the Scheme would have no significant residual effects on the SSSI during construction.</p>		

Ref	Issue	Doc Ref	Natural England's Position	The Applicant's Position	Status	Date
			<p>D4 (REP4-027) that the proposal should include the provision of a permanent noise barrier to mitigate for residual operational noise impacts on breeding and wintering birds.</p> <p>Natural England note the Applicant's response at D5 (REP5-020) providing the reasons this permanent noise barrier is not possible.</p> <p>With a view to resolving this issue, Natural England suggest an alternative measure to ameliorate the construction impact should be considered, this could be i) to reduce any existing disturbance in other areas of the SSSI ii) create a refuge zone with no access (if practicable) so that overall levels of disturbance at the site were reduced which could mitigate for the periods of high noise levels during construction.</p>			

Ref	Issue	Doc Ref	Natural England's Position	The Applicant's Position	Status	Date
7	Biodiversity – noise disturbance during operation	ES Chapter 8 (Biodiversity) (APP-030)	Natural England is satisfied that the impact during operation is not significant – i.e. overall, with changes to the road surface and traffic calming only a very small proportion of the SSSI (lake and woodland) would experience an increase in noise over and above the current baseline situation. The proposal to increase woodland cover also mitigates this as the woodland fringe habitat on the edge of the SSSI abutting the road is affected the most.	<p>The Applicant has consulted with Natural England and provided further information with regards to operational impacts.</p> <p>The Applicant Responses at Deadline 5 (REP5-020) outlines that no significant effects are reported on the SSSI during operation.</p>	Agreed	08 September 2025
8	Biodiversity - Lighting impacts	ES Chapter 8 (Biodiversity) (APP-030)	Natural England raised in their Relevant and Written representations (RR-010 and PD1-018) concerns regarding vegetation clearance between the road and potential to increase light disturbance impacts as a result on the	The Applicant confirms that amendments have been made to ES Chapter 8 (Biodiversity) (REP3-012) submitted at Deadline 5 to address concerns and provide further clarity.	Agreed	02 September 2025

Ref	Issue	Doc Ref	Natural England's Position	The Applicant's Position	Status	Date
			<p>notified features of Combe Pool SSSI.</p> <p>Natural England welcome the amended sections of the Biodiversity ES chapter which now include the lighting impacts on the SSSI which Natural England have previously raised. It is the Applicant's responsibility to ensure that the mitigation to prevent light spill from the construction phase and the road/traffic is effective and appropriate.</p>			
9	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	15 May 2025
Environmental Assessment Methodology (including surveys)						
10	Biodiversity – great crested newts	ES Appendix 8.9 (Great Crested Newt Report) (APP-084)	At the time of the proposed start date (August 2026) the survey data will be 3 breeding	The Applicant agreed and undertook updated GCN surveys in 2024. This	Agreed	06 August 2025

Ref	Issue	Doc Ref	Natural England's Position	The Applicant's Position	Status	Date
	additional surveys		<p>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>As per our previous response we will not agree that a licence is not required. We recommend that the Applicant amend their response to acknowledge that based on their current survey data they do not consider a GCN EPS MIT (Great Crested Newt European Protected Species Mitigation) Licence</p>	<p>included re-visits to all ponds previously dry and one pond which previously returned an inconclusive result.</p> <p>In accordance with Commitment BD2 in the First Iteration Environmental Management Plan - Appendix A Register of Environmental Actions and Commitments (REP3-034) GCN surveys have been undertaken in the 2025 survey season.</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) and in accordance with the Commitment BD2 in the First Iteration Environmental Management Plan - Appendix A Register of Environmental Actions and Commitments (REP3-034) which requires the Applicant to obtain any</p>		

Ref	Issue	Doc Ref	Natural England's Position	The Applicant's Position	Status	Date
			<p>necessary, but that any additional surveys conducted as part of any routine preconstruction surveys or because of any delays to construction may change the GCN status of the site and the need for a licence will be reassessed.</p> <p>Based on the above Natural England consider this matter can be resolved.</p>	<p>protected species licences required.</p> <p>Compliance with the Register of Environmental Actions and Commitments is secured through Requirement 4 of the DCO.</p> <p>On the basis of current survey data the applicant does not consider a GCN EPS MIT License necessary, but that any additional surveys conducted as part of any routine preconstruction surveys or because of any delays to construction may change the GCN status of the site and the need for a licence will be reassessed.</p>		
11	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 construction).	The Applicant agrees to undertake further surveys prior to construction. Protected species surveys to be undertaken are detailed in the First Iteration EMP (APP-109).	Agreed	15 May 2025

Ref	Issue	Doc Ref	Natural England's Position	The Applicant's Position	Status	Date
12	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	15 May 2025
Environmental design and mitigation						
13	Biodiversity – mitigation area planting	ES Chapter 8 (Biodiversity) (APP-030) ES Figure 2.4 (Environmental Masterplan) (APP-043).	<p>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.</p> <p>Natural England confirmed it is not critical for blackthorn to be included in the mitigation planting and therefore agree to it not being included in the species mix.</p>	<p>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.</p> <p>The Applicant has confirmed that Holly is already included in the planting species mix as shown on ES Figure 2.4 (Environmental Masterplan) (APP-043). The Applicant has discussed the unsuitability of including Blackthorn in the species mix due to</p>	Agreed	27 June 2025

Ref	Issue	Doc Ref	Natural England's Position	The Applicant's Position	Status	Date
				maintenance and the nature of the species.		
14	Biodiversity – Combe Pool SSSI/bird mitigation for fencing	ES Chapter 8 (Biodiversity) (APP-030) ES Figure 2.4 (Environmental Masterplan) (APP-043).	Any lost habitat (woodland) would need to be replaced, somewhere adjacent to the existing patch, ideally through natural regeneration rather than planting.	The Applicant agrees with the approach. Within the Combe Pool SSSI 0.19ha will be directly impacted. Mitigation proposals include for planting of 0.34ha of woodland connected to the area of impact within the environmental mitigation area.	Agreed	08 July 2025
15	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).	As Natural England have issued a LONI based upon maintaining the existing Hungerley Hall Farm overbridge and one additional crossing beneath the B4082, Natural England suggests that this matter is resolved. 26 June 2024 Natural England provided a Letter of no impediment (with caveats) for badger based upon the design proposed (one badger crossing).	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. The existing Hungerley Hall Farm overbridge will be retained with badger fencing and gates included to	Agreed	08 July 2025

Ref	Issue	Doc Ref	Natural England's Position	The Applicant's Position	Status	Date
				<p>encourage badger's continued use of this bridge to cross the A46.</p> <p>A badger crossing beneath the B4082 is also included in 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>		
16	Verge planting and barn owl mitigation	<p>ES Chapter 8 (Biodiversity) (APP-030)</p> <p>ES Figure 2.4 (Environmental Masterplan) (APP-043).</p>	<p>Mitigation for barn owl mortality required.</p> <p>Natural England confirmed they are satisfied with the proposed planting along/adjacent to road sections to deflect birds up and over rather than flying low.</p>	<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</p>	Agreed	08 July 2025

Ref	Issue	Doc Ref	Natural England's Position	The Applicant's Position	Status	Date
				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.		
Road drainage and the water environment						
17	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)	<p>Natural England raised a concern regarding the use of clay on the environmental bund and the potential risk of water pollution at Combe Pool SSSI from runoff. They expect measures to be put in place to prevent any runoff or pollution from entering the SSSI.</p> <p>Details should be provided on suitable measures to prevent and control runoff, sediment, silt, and pollution from entering Combe Pool SSSI during construction and during the removal and construction of the environmental bund.</p>	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.	Agreed	08 September 2025

Ref	Issue	Doc Ref	Natural England's Position	The Applicant's Position	Status	Date
			<p>Natural England has received a technical note from the Applicant, and in their email dated 04 September 2025, requested two additional points to be addressed and wording added to the REAC to cover the following:</p> <ul style="list-style-type: none"> The Applicant should ensure baseline data is available to inform water quality monitoring. The Applicant should consult with Severn Trent prior to construction because there is a nitrate investigation currently taking place at Combe Pool between 2025 and 2027 under the WINEP programme, and works by National Highways on the A46 Walsgrave Junction could impact this work. <p>Natural England reviewed the amended REAC commitments G5 and RD13 and, in their email on 08</p>	<p>The Applicant has produced and shared with Natural England a technical note outlining the draft working methodology for works adjacent to the SSSI. This technical note is appendix A of the Applicant's Comments on Submissions Received at Deadline 4 (REP5-020).</p> <p>In response to Natural England's email dated 04 September 2025, the REAC commitments G5 and RD13 were amended and sent to Natural England on 05 September. Natural England confirmed the amended REAC was appropriate. The Applicant will submit the amended REAC at Deadline 6.</p>		

Ref	Issue	Doc Ref	Natural England's Position	The Applicant's Position	Status	Date
			September 2025, and stated that this matter is agreed if the amended REAC is submitted by Deadline 6.			
Geology and soils						
18	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.	ES Appendix 9.2 (Soil Resource Plan and Agricultural Land Classification) (APP-093) includes outline soil handling measures proposed based upon best practice guidance. For the Second iteration EMP a Soil handling management plan will be produced that will detail specific site measures to be undertaken.	Agreed	23 July 2025
19	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>	Natural England Relevant Representation (RR-010). 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	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	Agreed	23 July 2025

Ref	Issue	Doc Ref	Natural England's Position	The Applicant's Position	Status	Date
		First Iteration EMP (APP-109).	<p>will be restored to agricultural land following construction. Natural England welcomes the measures set out in the section - Restoration of Land of ES Appendix 9.2 Soil Resource Plan and Agricultural Land Classification (ALC). However, we requested information on monitoring and reporting, where soils are to be re-instated and returned to agriculture.</p> <p>The Applicant provided further information to Natural England in an email dated 16 May 2025. We welcome this information which included outstanding information to be secured in the Soil Handling Plan. We confirmed in an email dated 19 May 2025 that our soils specialist had confirmed that the details provided were acceptable. We have confirmed to the Applicant in a meeting on the 23 July 2025 that this matter has been agreed. We therefore consider this matter</p>	Strategy and will be secured via commitment GS3 in the First Iteration EMP (APP-019).		

Ref	Issue	Doc Ref	Natural England's Position	The Applicant's Position	Status	Date
			agreed and that no further information will be required on this matter. .			