

Schedule of Additional Comments: Nature Conservation (Natural England)

Nature Conservation Chapter Section	Comment	Initial Response ¹	Additional Actions/ Addressed – Included within the Nature Conservation Chapter ²
	Marline Valley Woods SSSI:		
12.5.113 to 12.5.121	<p>Shading</p> <p>Natural England consider that the effect of the bridge over the southern tip of Marline Valley Woods SSSI is of sufficient impact to be considered land take as the habitat below the bridge will be permanently shaded and significantly altered. We note that shade tolerant planting will be used but this is considered to be of limited use for linking habitat and is unlikely to enhance the interest features of the site as these are due to its microclimate.</p> <p>We do not consider that the effects of shading on wider areas of Marline Valley Woods have been fully assessed. We welcome the lichen survey in Appendix I.4 of the addendum but this does not address the impacts of shading as no contour maps have been supplied with estimated areas of shading, what the potential effects are likely to be and how this will be mitigated.</p> <p>Natural England cannot find details regarding the mitigation for the loss of woodland within the SSSI. We would generally expect mitigation to include woodland planting adjacent to the designated site.</p>	<p>The area of concern, where the proposed road will pass over the London to Hastings railway line, is the tip of Marline Woods SSSI. This area is recorded as being NVC community W24, which is described as Bramble – Yorkshire Fog underscrub. Species of this vegetation community are relatively resilient to shade. The height of the bridge will also mean that the effect of oblique shading on the retained areas of the SSSI adjacent to the bridge will be minimal. Planting will include shade tolerant species which is in keeping with NVC W24.</p>	<p>Addressed.</p> <p>Additional field survey carried out by MM to identify plant communities present at Marline Valley Woods SSSI. Additional text added in sections 12.5.113 to 12.5.121.</p> <p>Figure 12.2 in Appendix I.2 has been produced, to illustrate the bridge with extent of shading in relation to Marline Valley Woods SSSI and the plant communities present.</p>

¹ Initial response prior to the meeting held 22.07.08 between NE, ESCC and MM. Please see Appendix B.1 for records of this meeting.

² Additional actions and responses to arise following the meeting held 22.07.08 between NE, ESCC and MM.

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12.5.52 to 12.5.54	<p>Run off</p> <p>There is likely to be a significant increase in run off from the existing Queensway road onto Marline Valley Woods due to the expected increase in traffic feeding through from the new link road. Natural England would expect the existing drainage measures to be upgraded or an assurance that the existing measures have sufficient capacity to deal with the increased levels of pollution. We would recommend that this is made a condition of planning.</p>	<p>There will not be significant increases in runoff from the existing Queensway road onto Marline Valley Woods as a result of the scheme; drainage will not be altered for this road. Issues in relation to potential additional pollution contained in runoff have not been modelled as the drainage system has not been checked for capacity or for the suitability of the pollution control measures. This query is in addition the original Regulation 19 issues raised in Natural England’s letter dated 31st July 2007.</p> <p>Additional detail for drainage mitigation and adequacy has however been added to the addendum. In addition, this information is present within Chapter 9 of the ES. The drainage design has been developed to EA flooding standards.</p>	<p>Outstanding issues relating to runoff and Queensway as discussed in the meeting of 22.07.08 to be addressed in a stand alone document to be submitted alongside the AES. Faber Maunsell will review the Spillage Risk Assessment (SRA) and surface water runoff pollution for Queensway using existing traffic data for this road.</p>

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12.5.31 to 12.5.50	<p>Air Quality</p> <p>Section 12.5.32 of the addendum states that the area to be affected by the significant increase in NO_x is marginal. Natural England would disagree with this; the areas to be affected are on the margins of Marline Valley Woods but are not marginal in terms of importance. This area includes neutral meadow which is mentioned on the SSSI citation and is particularly vulnerable to increased deposition.</p> <p>The nature of the science of air quality is such that there is uncertainty in the value of the critical load so a range is given rather than a value. Natural England would normally expect exceedence when the lower range is exceeded rather than the upper range as has been used in this instance. Page 11 of Appendix G of the Addendum show that the critical load is predicted to be 3.3% for Combe Haven and 5.4% for Marline Valley Woods. As 1% or more of exceedence is considered to be significant, this is a significant issue that has not been adequately addressed.</p>	<p>The Air Quality assessment and impact on Designated Sites has been re-assessed following NE and EA requests, and new DMRB guidance (May 07), which was published after the ES. A report titled "Assessment of Air Quality Effects on Designated Sites" (Appendix G.1 of the Addendum to the ES), has been produced. This assessment does not alter the significance of impact as "potentially significant" as detailed in the ES. Further assessment of this significance on the designated sites has been added to the Nature Conservation chapter. The threshold critical load that has been used in the Air Quality Assessment is the upper limit. If the precautionary principle is applied and the lower limits are used, then the exceedences remain the same for the same locations, but the % that the critical load is being exceeded by is greater, both with the Scheme and without the Scheme. The lower critical load is used within the Ecology assessment. If the "1%" significance threshold is applied (as required for EA IPPC Environmental Assessment for Designated Sites, but not for road schemes; there are no significance thresholds within the DMRB), then the likely impacts at the locations of Marline Woods and</p>	<p>Addressed.</p> <p>Lower critical load thresholds have been applied; assessment of the impact of this change on the communities present at the locations where an exceedence has been identified.</p>

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		<p>Combe Haven SSSI need to be assessed, with additional detail on the likely impact as a result of this % change at these locations. This work is currently being undertaken, based on the site designation information, NVC communities present and from the Lower Plants of Marline Woods survey.</p>	
	<p>Coombe Haven SSSI: Noise and visual effects Natural England can find no evidence that the impact of noise and visual disturbance to birds on the SSSI has been addressed. The addendum acknowledges that noise disturbance is likely to result in displacement but the northern edge of the SSSI is currently subject to less</p>	<p>The impact of noise on bird populations has been addressed for both the construction and operation stage of the scheme in the revised addendum. To date, accurate ornithological surveys have been completed along the route of the</p>	<p>Addressed. Additional and existing data has been re-summarised. Best practice in relation to construction noise control has been included.</p>

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12.5.92 to 12.5.107	<p>ongoing disturbance and may be seen as a refuge against the more disturbed southern side of the SSSI. Therefore noise and visual disturbance within the northern part of the site is significant</p> <p>.</p> <p>Chapter 11 of the ES assesses the impacts on noise on humans but the details appear irrelevant to the SSSI. The mitigation proposed for noise during the constructional stage is for works to take place outside of the bird breeding season but this does not mitigate for the impact on wintering birds within the SSSI. Natural England requires that specific mitigation is proposed for both construction and operational impacts on the SSSI.</p>	<p>proposed Scheme (2006 and 2007 survey seasons). These surveys have informed mitigation. In addition, bird surveys are currently being undertaken for the 2008 season. Breeding bird surveys were undertaken on the 17th April 2008 and 8th May 2008 by an experienced ornithologist. The purpose of the survey was to detect and identify all breeding birds within 100m of the Scheme footprint.</p> <p>The preliminary findings (May 2008) suggest that the study area contains common and widespread breeding birds indicative of open countryside and urban environments. In addition, a further two surveys are planned for June 2008, with the objective of recording all late migrant species. These surveys will include a single evening survey to record crepuscular and nocturnal birds.</p> <p>A phased construction programme that includes specific working restrictions will be required in order to avoid short-term displacement impacts to over-wintering birds identified within the Coombe Haven SSSI is referenced (as identified in paragraph 12.3.130 of the ES).</p>	

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12.5.52 to 12.5.59 and Water Quality Chapter	<p>Run off</p> <p>Given the significance of the downstream aquatic and wetland biology and sensitivity, particularly dragonflies; Natural England would expect the applicant to demonstrate that water quality will be maintained in terms of chemistry and lack of pollutants. We can find no evidence to suggest that there has been an attempt to model or predict water quality or monitoring of existing water quality despite the number of watercourses the road will pass directly over which flow into the SSSI.</p> <p>The leaching of salt into watercourses still remains a concern as section 12.5.43 states that “the high dilution capacity and treatment of flows provided by the proposed drainage mitigation (Section 9.5 of the ES)...”. We are not aware of any drainage mitigation that would remove salt from solution in order to mitigate for this.</p> <p>There is no confirmation as to the placing and frequency of sediment traps, spillage tanks and petrol interceptors and the location of the detention ponds (this relates to both SSSI sites).</p>	<p>The Water Framework Directive identifies Combe Haven, Watermill Stream and Powdermill Stream as at High Risk (Highly Modified Water Bodies). This been included in the ES in Chapter 9 of the ES. In addition, Chapter 9 of the ES and ES Addendum assesses Water Quality and Drainage impacts as a result of the Scheme.</p> <p>Additional information regarding the leaching of salt into watercourses is to be added following consultation with Drainage specialists and Natural England.</p> <p>Precise locations of the placing and frequency of sediment traps, spillage tanks and petrol interceptors and the location of the detention ponds is shown on the Preliminary Drainage Design Figures. This query is in addition the original Regulation 19 issues raised in Natural England’s letter dated 31st July 2007.</p>	<p>Addressed.</p> <p>Statement within the AES to state that where possible, mitigation will be brought forward so that any ecological enhancement commences as early as possible has been included.</p> <p>Further information on potential methodologies for modelling salt impacts), and additional guidance for mitigating the long-term accumulation of salts has been included.</p> <p>Current codes of practice for the application of de-icer salts have been referenced in the AES. Recommendations for minimum applications, without compromising safety, have been made.</p>

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12.5.108 to 12.5.112	<p>Location, nature and feasibility of mitigation proposals.</p> <p>In particular, Natural England has previously raised the issue of securing land for mitigation. This was also included in the minutes of the meeting dated 12 June 2006 with some potential actions to address this. The original ES raised queries as enhancement works will require the co-operation of a number of landowners but no further information has been provided as to the feasibility of this.</p>	<p>This has been addressed in the revised Nature Conservation chapter, to provide a strategy for securing funding for management and monitoring of habitats following NE's concerns: To secure funding for the management and monitoring of habitats, there are areas within the Scheme which could use some degree of agricultural land resources as a means of meeting the wildlife management requirements. It would be the intention of the Highway Authority to retain ownership of all of this land and charge a rent for its agricultural use. This income would then be "ring fenced" for wildlife and landscape management of those areas which cannot be managed through agricultural uses. It would be the Highway Authority's intention to maximise income from land or property in its ownership, where this is compatible with the objectives of the Scheme or mitigation measures.</p>	<p>Addressed as per initial response.</p>
	<p>Several of the points raised in our previous letter dated 31 July 2007 have not yet been addressed. These points referred to statements made by the applicant in sections 12.4.9, 12.4.10 and 12.4.12 expressing uncertainty over the feasibility of the proposed mitigation as follows:</p> <ul style="list-style-type: none"> • Whether the areas would be sufficiently large enough to retain significant biodiversity; 	<p>For the fragmentations of habitats, we refer to the revised Environmental Design Figures, contained in Appendix J.3 Figures (Additional Habitat Continuity Plans, 13.23 to 13.23K). Additional text to support these Figures has been added. Reference has also been made to the ongoing</p>	<p>Addressed as per initial response.</p> <p>Outstanding issues relating to the suitability of the Powdermill borrow pit to support the creation of wetland habitats as discussed in the meeting of 22.07.08 to be addressed in a stand alone</p>

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	<ul style="list-style-type: none"> • Whether the whole of the borrow pit in the Powdermill Valley is sufficiently shallow; • Uncertainty over whether the measures proposed would fully compensate or mitigate the impact on the actual and potential biodiversity of the floodplain. 	<p>survey works that will inform protected species licensing and the Ecological Masterplan. This work is being carried out by EPR consultants and is separate to the Planning Application. Surveys are currently being undertaken which will fully ascertain the extent and nature of this mitigation; additional specific species mitigation measures will be incorporated in to a mitigation strategy for the Scheme. A detailed ecological Master Plan is in production. Outline mitigation for protected species would include the measures described in Table 12.1.</p>	<p>document to be submitted alongside the AES.</p>
<p>12.5.72 to 12.5.82</p>	<p>Dormice</p> <p>As discussed in previous meetings, our concerns regarding dormice relate specifically to the potential for small populations south of the road that may be isolated from wider habitat by the proposed road scheme in combination with waterways. We are satisfied in principle with the proposals to mitigation for this by providing habitat connectivity alongside waterways and other underpasses and in respect of shrub and tree planting close to these areas as detailed in section 12.5.64 of the addendum. We are however concerned that the finer detail for this has not yet been provided as dormice isolation is a particular issue with this development. We would require assurances that this will be submitted and adhered to.</p>	<p>The Dormouse Strategy has been developed following additional consultation with NE and by employing a Dormouse specialist (Dr. Paul Chanin). For the finer details on dormouse mitigation, we refer to Section 13.5.70 and the Environmental Design, which details dormouse underpass locations, planting and scrub planting extensions. Additional information to inform the Ecological Masterplan is also being collated through the ongoing surveys (which will inform the licensing and Ecological Masterplan),</p>	<p>Addressed.</p> <p>Additional information from ongoing surveys has been added to the AES. In addition, MM will provide a survey and mitigation update report at the end of the first week in September 2008.</p>

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		Statement Addendum to be published alongside the Addendum to the ES.	
12.5.83 to 12.5.87	Great Crested Newts We are pleased that the surveys are being updated and are unable to fully comment on the mitigation proposals until the results of these surveys become available.	Additional surveys to inform the licence process and Ecological Masterplan are currently being undertaken. Best Practice methodology has been referenced in the Addendum to the ES.	Addressed. Additional information from ongoing surveys has been added to the AES. In addition, MM will provide a survey and mitigation update report at the end of the first week in September 2008.
12.5.88 to 12.5.91	Reptiles We are satisfied in principle with the reptile translocation methodology as long as this is undertaken in accordance with the HGBI guidelines but are concerned that the location of the reptile receptor sites has still not been finalised. Please note that selection of suitable receptor sites would generally require surveys to ensure that the areas do not already contain a high population of reptiles. We look forward to the results of the updated surveys so we may comment further.	Best practice methodology (HGBI) has been referenced and will be adhered to. Surveys to inform licences and the Ecological Masterplan are also ongoing. Additional text with regards to the translocation sites has been added: Selection of receptor sites local to the proposed Scheme	Addressed.
		have been identified so that animals may colonise the road embankments once complete. Suitable areas under consideration include: the grassland along the disused Crowhurst, Sidley and Bexhill Branch railway line; the	

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		<p>All potential receptor would be surveyed to identify existing reptile populations. Receptor sites will be protected during the proposed Scheme construction.</p>	<p>Additional information from ongoing surveys has been added to the AES. In addition, MM will provide a survey and mitigation update report at the end of the first week in September 2008.</p>

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12.5.60 to 12.5.71	<p>Bats</p> <p>We note that further survey work is being undertaken during 2008 in order to survey those buildings where access was previously denied. One of the buildings that could not be accessed previously was “The Kennels” but this has not been mentioned in the addendum as one that is due to be surveyed. If an impact is likely on this building then a survey will be required in order to determine any suitable mitigation.</p> <p>We would like to reiterate that Natural England consider that the use of bat boxes to mitigate for a brown long eared bat maternity roost is not acceptable and is not in accordance with the Bat Mitigation guidelines (English Nature 2004). Mitigation for a roost of this type would require like for like replacement roost with good linkages to surrounding foraging habitat.</p> <p>We note that it is proposed to survey those trees with high potential for bats before felling but would like the applicant to be aware that if roosts are found then a licence may be required from Natural England. In order to take account of bats at an early stage, we would recommend that these surveys are undertaken in advance so that time is allowed to obtain any necessary licences</p> <p>We welcome the proposals to provide cavities within some of the bridges, adjacent planting to guide bats to these areas and to provide mature planting adjacent to where commuting lines have been severed.</p>	<p>Further surveys are currently being undertaken to inform the licence process and Ecological Masterplan. Additional detail following these surveys, with reference to the Kennels and Brown Long Eared bats at NE's request will be added once a summary report for surveys has been complete. Potential sites for a replacement roost will then be discussed to mitigate for the potential loss of brown Long Eared Bat roost.</p>	