

# M42 Junction 6 Development Consent Order

**Scheme Number TR010027**

## **8.12 (a) Statement of Common Ground with The Woodland Trust**

Planning Act 2008

Rule 8 (1)(e)

The Infrastructure Planning (Examination Procedure) Rules 2010

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Infrastructure Planning

Planning Act 2008

The Infrastructure Planning (Examination Procedure) Rules 2010

**M42 Junction 6 Development Consent Order**  
Development Consent Order 202[ ]

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**STATEMENT OF COMMON GROUND**  
**The Woodland Trust**

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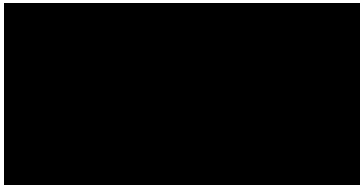
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8.12	June 2019	Deadline 2 ExA Submission
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## STATEMENT OF COMMON GROUND

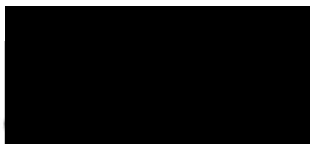
**This Statement of Common Ground has been prepared and agreed by (1) Highways England Company Limited and (2) The Woodland Trust.**

Signed:



Chris Harris  
Project Manager  
on behalf of Highways England  
Date:

Signed:



Jack Taylor  
Lead Campaigner – Ancient Woodland  
on behalf of The Woodland Trust  
Date:

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# 1 Introduction

## 1.1 Purpose of this document

- 1.1.1 This Statement of Common Ground ("SoCG") has been prepared in respect of the proposed M42 Junction 6 Development Consent Order ("the Application") made by Highways England Company Limited ("Highways England") to the Secretary of State for Transport ("Secretary of State") for a Development Consent Order ("the Order") under section 37 of the Planning Act 2008 ("PA 2008").
- 1.1.2 The order, if granted, would authorise Highways England to carry out the following works:
- a new dumbbell junction approximately 1.8 km south of the existing Junction 6 on the M42;
  - construction of a new 2.4 km dual carriageway link road between the new junction and Clock Interchange (an existing junction on the A45);
  - modifications to the existing Clock Interchange junction;
  - upgrades to the existing Junction 6; and
  - realignments and improvements to local roads to the west of the existing M42 in proximity to the proposed bypass.
- 1.1.3 This SoCG does not seek to replicate information which is available elsewhere within the Application documents. All documents are available in the deposit locations and/or the Planning Inspectorate website.
- 1.1.4 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 so 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 by (1) Highways England as the Applicant and (2) The Woodland Trust.
- 1.2.2 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 Highways England made provision for all legal rights and obligations of the Highways Agency, including in respect of the Application, to be conferred upon or assumed by Highways England.
- 1.2.3 The Woodland Trust oversee and manage a range of aspects associated with the preservation of woodlands within the United Kingdom. The Woodland Trust have been consulted in relation to the DCO process derives, under section 42(1)(d) of the PA 2008 as an environmental consultee and have made a relevant representation.
- 1.2.4 Collectively Highways England and The Woodland Trust are referred to as 'the parties'.

## 1.3 Terminology

1.3.1 In the table in the Issues chapter of this SoCG:

- a. “Agreed” indicates where the issue has been resolved.
- b. “Not Agreed” indicates a final position, and
- c. “Under discussion” where these points will be the subject of on-going discussion wherever possible to resolve, or refine, the extent of disagreement between the parties.

1.3.2 It can be taken that any matters not specifically referred to in the Issues chapter of this SoCG are not of material interest or relevance to The Woodland Trust’s representation and therefore have not been considered in this document. It is recognised however that engagement between both parties will need to continue due to their joint vested interest in the area of the M42 Junction 6 Scheme (“the Scheme”).

## 2 Record of engagement

2.1.1 The parties have been engaged in consultation since the beginning of the proposed development. A summary of the meetings and correspondence that has taken place between Highways England and The Woodland Trust in relation to the Application is outlined in **Table 2-1**.

**Table 2.1 - Record of Engagement**

Date	Form of correspondence	Key topics discussed and key outcomes (the topics should align with the Issues tables)
09.03.18	Email from The Woodland Trust	<p><u>Correspondence to Statutory Public Consultation</u></p> <p>The Woodland Trust objected to the Scheme on the grounds of the preferred Route impact on the irreplaceable habitat of Aspbury’s Copse ancient woodland.</p>
16.04.18	Email from Highways England to The Woodland Trust (response to the 09.03.18)	<p>A response was given noting the objection as per the 09.03.18.</p> <p>The response concluded that considerable work had been undertaken by Highways England in identifying and appraising potential design solutions for the scheme, which had taken account of environmental factors. This concluded that the general form and location of the preferred route announced in August 2017 would, on balance, best meet the project objectives.</p> <p>The response stated that the design and the subsequent potential environmental impacts were at the time ongoing.</p>
10.09.18	Email to AECOM from The Woodland Trust	Requested further information on the impact of the Scheme on Aspbury’s Copse due to the changes (reduction) in the extent of the ancient woodland.
02.10.18	Email from Highways England to The Woodland Trust (response to the 10.09.18)	<p>The response to the email of the 10.09.18.</p> <p>Summarised that a comprehensive strategy has been developed and agreed with Natural England to mitigate the permanent loss of Ancient Woodland resource at this location. This includes the translocation of soils from affected areas of Aspbury’s Copse, and the establishment of new planting contiguous to the copse which will be larger than the area of woodland lost to the Scheme.</p> <p>Detailed assessments to inform the applicable environmental impact assessment process are on-going and will be presented as part of the DCO application.</p>

Date	Form of correspondence	Key topics discussed and key outcomes (the topics should align with the Issues tables)
02.10.18	Email from The Woodland Trust to Highways England	<u>Response to the October 2018 consultation event</u>
12.10.18	Email from Highways England to The Woodland Trust	Highways England acknowledge the 02.10.18 consultation response.
19.03.19	Relevant Representation	The Woodland Trust objects to the proposed development on the grounds of impact to ancient woodland.
12.04.19	Email from AECOM to The Woodland Trust	The project contacted The Woodland Trust to offer to discuss the organisations intention to object (as per the relevant representation of the 12.03.19) to the Scheme on the grounds of the impacts to the ancient woodland.
23.04.19	Email from AECOM to The Woodland Trust	The project contacted The Woodland Trust to offer to discuss the organisations intention to object (as per the relevant representation of the 12.03.19) to the Scheme on the grounds of the impacts to the ancient woodland.
07.05.19	Email from The Woodland Trust to AECOM	The Woodland Trust confirmed the campaign officer for the M42.
08.05.19	Email from AECOM to The Woodland Trust	AECOM requested a discussion and / or meeting with the Woodland Trust.
13.05.19	Email from The Woodland Trust to AECOM	The Woodland Trust proposed a meeting for the 17.05.19.
14.05.19	Email from AECOM to The Woodland Trust	AECOM emailed The Woodland Trust to confirm meeting on the 17.05.19 to discuss a Statement of Common Ground.
17.05.19	Meeting between AECOM and The Woodland Trust	A summary of the impacts to Aspbury's Copse and a discussion around the topics of compensation, mitigation and monitoring of any replanting.
03.06.19	Written Representation	The Woodland Trust provided a written presentation to the Planning Inspectorate to outline its objection to the proposed scheme on the grounds of direct loss of ancient woodland.
05.06.19	Email from AECOM to the Woodland Trust	AECOM provided the draft Statement of Common Ground to the Trust for comment and to identify common ground between the Trust and Highways England.



Date	Form of correspondence	Key topics discussed and key outcomes (the topics should align with the Issues tables)
13.06.19	Email from the Woodland Trust to AECOM	The Woodland Trust provided comment and confirmed matters that are agreed, Not Agreed or under discussion.
05.07.19	Email from AECOM to the Woodland Trust	AECOM contacted the Trust to enquire if the Trust's ecologist could provide some more information to AECOM regarding how the metric has been used to calculate the proposed ratio of 30:1.
15.07.19	Email from the Woodland Trust to AECOM	The Trust responded the query from AECOM on the 05.06.19, <i>"I can confirm that our Ecologist viewed and provided comments on the metric as part of our edits to the draft Statement of Common Ground sent across on the 13th June. As the metric for 'replaceable' habitats at its highest is 24:1, the Trust took the position that for an 'irreplaceable' habitat the ratio should be higher to reflect this. The 30:1 metric was supported by Natural England in a report submitted in relation to compensation for Phase 1 of HS2."</i>
16.08.19	Email from AECOM to the Woodland Trust	AECOM issue final SoCG to the Woodland Trust for inclusion for Deadline 4 submission.
2.09.19	Email from the Woodland Trust to AECOM	The Trust confirm the are content with the final position as presented within the SoCG for Deadline 4.

2.1.2 It is agreed that this is an accurate record of the key meetings and consultation undertaken between (1) Highways England and (2) The Woodland Trust in relation to the issues addressed in this SoCG.

## 2.2 Methods of environmental assessment and baseline information

2.2.1 Matters relating to the relevant methods of assessment, the collection of and quantum of data required to inform the applicable baselines have been agreed with Natural England and presented within the Environmental Statement for the Scheme.

### 3 Issues

#### 3.1 Issues Raised

**Table 3-1 – Record of Issues Raised**

Sub-topic	The Woodland Trust Comment	Highways England Response/Actions	Status/Agreement
<p><b>Aspbury’s Copse Ancient Woodland</b></p>	<p>The Woodland Trust accepts soil translocation as a last resort form of compensation in relation to ancient woodland loss within the DCO application, and for soils to be moved to a recipient site. However, such “translocation” is not considered as avoiding or minimising the loss; it can only be viewed as a “salvage” operation seeking to move components of a complex habitat, when loss of woodland is inevitable, as part of a compensation package.</p>	<p>Highways England agree that the use of soil translocation to an area of compensation planting for the loss of ancient woodland at Aspbury’s Copse in addition to a range of management and monitoring commitments.</p>	<p>Agreed</p>
	<p>The Woodland Trust stated that methodology regarding the siting of the compensation planting area and the soil translocation which have been previously agreed with Natural England would be acknowledged by the Woodland Trust given Natural England’s position as the statutory environmental body for such matters. However, we do not support ancient woodland translocation on principle that we are opposed to development which</p>	<p>Noted</p>	<p>Agreed</p>

Sub-topic	The Woodland Trust Comment	Highways England Response/Actions	Status/Agreement
	<p>results in the degradation or destruction of ancient woodland</p>		
	<p>The proposed improvements will result in direct loss of Aspbury's Copse, which is designated as a Plantation on Ancient Woodland Site (PAWS) on Natural England's Ancient Woodland Inventory.</p> <p>The woodland borders both sides of the existing M42, so the improvements will result in further loss to an irreplaceable habitat.</p> <p>In summary, the Woodland Trust objects to the proposed development on the grounds of impact to irreplaceable ancient woodland.</p>	<p>Highways England have sought to continually refine the design with the aim to minimise the overall environmental impacts of the Scheme. The impact to Aspbury's Copse would be 0.46 ha of a total 2.27ha of ancient woodland resource.</p> <p>The location for Junction 5A and the adjoining slip roads and changes to Solihull Road (B4428) overbridge have been influenced by Highways England's obligation to design and construct schemes with customer safety being a primary objective. As such, the slip roads and Junction 5A have been located to allow for safe entry and exit of the junction onto and off the mainline M42 whilst working within the acceptable parameters of weaving lengths between the existing junctions (Junction 5 to Junction 6) along this section of the M42.</p>	<p>Not agreed.</p>

Sub-topic	The Woodland Trust Comment	Highways England Response/Actions	Status/Agreement
<p><b>Compensatory planting</b></p>	<p>Ancient woodland is an irreplaceable habitat, so by definition it cannot be compensated for. For all developments resulting in ancient woodland loss, the Woodland Trust asks for a 30:1 planting ratio to reflect the biological importance that an area of ancient woodland provides to the wider landscape.</p>	<p>Highways England have committed to an approximate 1.9 ha parcel of land to the immediate south of the eastern parcel of the existing ancient woodland for the compensation planting associated with the loss of Aspbury's Copse ancient woodland.</p> <p>Within this 1.9 ha planting would be at a ratio of no less than 3:1, with the area being maximized to its fullest potential for compensation planting. Highways England consider that this ratio is proportionate for the impact identified.</p>	<p>Not agreed</p>
<p><b>Soil translocation monitoring</b></p>	<p>The Woodland Trust asks that for any soil translocation compensation, the site is monitored for a minimum of 50 years. This is in line with other Development for Transport projects such as High Speed 2.</p>	<p>Highways England has noted the duration of monitoring requested by the Woodland Trust and will consider it further when determining the monitoring requirements of the translocated soils with Natural England.</p>	<p>Noted</p>