

A1 Birtley to Coal House

Scheme Number: TR010031

7.5E Statement of Common Ground: Natural England

Rule 8 (1) (e)

Planning Act 2008

The Infrastructure Planning (Examination Procedure
Rules) 2010

Volume 7

April 2020

Infrastructure Planning

Planning Act 2008

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

The A1 Birtley to Coal House
Development Consent Order 20[]


STATEMENT OF COMMON GROUND: NATURAL ENGLAND

Regulation Number:	Rule 8 (1) (e)
Planning Inspectorate Scheme Reference	TR010031
Application Document Reference	7.5E
Author:	A1 Birtley to Coal House Project Team, Highways England


Version	Date	Status of Version
Rev 0	February 2020	Deadline 2 submission
Rev 1	April 2020	Deadline 4 submission

STATEMENT OF COMMON GROUND

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

Signed  .

**Nicola Wilkes
Project Manager
on behalf of Highways England
Date: 30/03/2020**


Signed:
**Andrew Whitehead
Team Leader – Sustainable Development
and Marine on behalf of Natural England
Date: 12/03/2020**

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1 INTRODUCTION

1.1 Purpose of this Document

- 1.1.1 This Statement of Common Ground (this "SoCG") relates to an application made by Highways England (the "Applicant") to the Secretary of State via the Planning Inspectorate (the "Inspectorate") under the Planning Act 2008 (the "2008 Act") for a Development Consent Order (DCO). If made, the DCO would grant consent for the A1 Birtley to Coal House (the "Scheme"). A detailed description of the Scheme can be found in **Chapter 2** of the Environmental Statement (ES) (**Application Document Reference: TR010031/APP/6.1**).
- 1.1.2 This SoCG does not seek to replicate information which is available elsewhere within the Application documents. All documents are available on the Inspectorate website:
<https://infrastructure.planninginspectorate.gov.uk/projects/North%20East/A1-Birtley-to-Coal-House-Improvement-Scheme/>
- 1.1.3 The 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.
- 1.1.4 Guidance on the purpose and possible content of SoCGs is given in paragraphs 58 - 65 of the Department for Communities and Local Government's "Planning Act 2008: Guidance for the examination of applications for development consent" (March 2015). Paragraph 58 confirms the basic function of SoCGs as follows:
"A statement of common ground is a written statement prepared jointly by the applicant and another party or parties, setting out any matters on which they agree. As well as identifying matters which are not in real dispute, it is also useful if a statement identifies those areas where agreement has not been reached. The statement should include references to show where those matters are dealt with in the written representations or other documentary evidence."
- 1.1.5 SoCGs therefore are a useful and established means of ensuring that the evidence at the post-application examination focuses on the material differences between the main parties, and so aim to help facilitate a more efficient examination process.

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) **Natural England**.
- 1.2.2 The Applicant 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 the Applicant 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 the Applicant.

1.2.3 Natural England is the government's adviser for the natural environment in England, helping to protect England's nature and landscapes for people to enjoy and for the services they provide. Within England, they are responsible for:

- Promoting nature conservation and protecting biodiversity
- Conserving and enhancing the landscape
- Promoting access to the countryside and open spaces and encouraging open-air recreation
- Contributing in other ways to social and economic well-being through management of the natural environment, e.g. changes to wildlife licensing to improve flexibility for developers

1.3 Terminology

1.3.1 In **Table 3-1**, Issues, section 3 of this SoCG, "Not Agreed" indicates a final position, and "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. "Agreed" indicates where the issue has been resolved.

1.3.2 It can be taken that any matters not specifically referred to in the Issues section 3 of this SoCG are not of material interest or relevance to **Natural England**, and therefore have not been the 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 the Applicant and **Natural England** 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)
11/05/2018	Email (Appendix A) Delphine Pouget, Natural England Senior Wildlife Adviser.	<p>Key topics</p> <p>Suitability of the Scheme for the use of Licensing Policy 4 (Policy 4 - Appropriate and relevant surveys where the impacts of development can be confidently predicted), given the access restrictions encountered when surveying for great crested newt (GCN). Liaison with landowners to gain access to waterbodies WB 15, 16 and 17 was undertaken to allow completion of GCN surveys. However, access was not gained until mid-June 2018. During this timeframe full presence/likely absence surveys could not be completed on the waterbodies and environmental DNA surveys were completed (mid-June is an acceptable timeframe for completing these elements of works). Implementation of Licensing Policy 4 is at the discretion of Natural England.</p> <p>Key outcomes</p> <p>Natural England confirmed that access restrictions to waterbodies does not trigger Licensing Policy 4 and that the Applicant should document the access restrictions in the relevant mitigation licence application.</p>
07/03/2019	Meeting (Appendix B) Andy Whitehead, Natural England Team Leader, Carolyn Simpson, Natural England and the Applicant.	<p>Key Topics</p> <p>A meeting was held to discuss: an overview of the Scheme, specific biodiversity receptors, including GCN (results, survey effort and approach and use of a Precautionary Working Method Statement (PWMS), bat roost presence, bat use of an underpass as a crossing point (including discussions on mitigation), temporary loss of the Longacre Wood local wildlife site,</p>

Date	Form of correspondence	Key topics discussed and key outcomes (the topics should align with the Issues tables)
		<p>Allerdene bridge options, wintering bird assessment, River Team impacts, Habitat Regulations Assessment (HRA) and Biodiversity Net Gain (BNG) calculations. Natural England were informed that three iterations of the biodiversity net gain assessment have been undertaken using the Defra 2012 metric. Each assessment has been used to inform avoidance, mitigation and compensation measures.</p> <p>Key outcomes</p> <p>Natural England raised no objections with regard to the assessments discussed at the meeting including the wintering bird assessment (which confirmed the presence of lapwing on site).</p> <p>Natural England requested to see the most up to date version of the BNG assessment and HRA to allow comment to be made. These documents were issued to Natural England on 22 May and 25 July 2019, respectively. The latest version of the Biodiversity chapter of the Environmental Statement (ES) was issued to Natural England for comment on 5 March 2019, ahead of the meeting.</p> <p>It was agreed that further information was necessary before it could be determined whether a draft European Protected Species (EPS) licence application documents were required.</p>
12/03/2019	Email (Appendix C) Andy Whitehead, Natural England Team Leader.	<p>Key Topics</p> <p>Following on from the meeting on 7 March 2019, correspondence was sent to Natural England which set out:</p> <p>Given the low status of the bat roost present and that detailed design would provide much of the information required to inform the detail of the Scheme (bridge design/demolition/construction etc), the Applicant sought to clarify with Natural England whether the information in the</p>

Date	Form of correspondence	Key topics discussed and key outcomes (the topics should align with the Issues tables)
		<p>Biodiversity chapter of the ES would be sufficient to inform Natural England’s decision or whether a method statement or shadow licence application was required.</p> <p>Additionally, the Applicant sought to clarify whether Natural England would consider the use of GCN PWMS appropriate for the Scheme.</p> <p>Key outcomes No outcomes at this stage. Further correspondence is described below.</p>
05/04/2019	<p>Email (Appendix D) Dylan Poole, Natural England, Wildlife Adviser.</p>	<p>Key Topic Natural England’s response to the Applicant’s GCN PWMS question of 12 March 2019 .</p> <p>Key outcomes Natural England confirmed that they were unable to ‘agree’ to a PWMS and therefore unable to state whether or not a licence would be required to undertake the works. Natural England clarified that it is the responsibility of the developer (on the advice of a consultant ecologist) to make this decision on the basis of survey information, specialist knowledge of the species concerned, and the specific nature of the works and the habitats present. Natural England confirmed that given the negative eDNA survey results from 2018, a robust ecological justification should be able to be made for conducting the proposed works under a PWMS and Natural England would not object to this approach. The PWMS approach is therefore considered to be robust and would be taken to enable Scheme works within the vicinity of the GCN waterbodies.</p>
25/04/2019	<p>Email (Appendix E) Annie Ivison, Natural England, Wildlife Management Lead Adviser.</p>	<p>Key Topics Natural England’s response to the bat licensing question following the meeting of 7 March 2019.</p>

Date	Form of correspondence	Key topics discussed and key outcomes (the topics should align with the Issues tables)
		<p>Natural England reviewed the biodiversity chapter of the ES with regard to the bat assessment and concluded that the bat assessment and survey effort would meet required standards and was sufficient to inform an EPS licence.</p> <p>Key outcomes Natural England confirmed they would expect the full EPS licence application to be submitted to inform the Letter of No Impediment (LoNI).</p>
20/05/2019	Email (Appendix F) Annie Ivison, Natural England, Wildlife Management Lead Adviser.	<p>Key Topic Follow up correspondence to discuss whether Natural England agree in principle with the survey, assessment and methods used to inform the assessment for protected species.</p> <p>Key outcomes Natural England confirmed that a full EPS licence application would be required to assess impacts to bats (see correspondence from 5/04/2019 at Appendix D of this SoCG regarding GCN). No further comments have been received from Natural England regarding protected species assessments.</p>
22/05/2019	Email (Appendix G) Sent to Andy Whitehead, Natural England Team Leader.	<p>Key Topic The BNG assessment was issued to Natural England to comment on, including a copy of the proposed landscape mitigation plan, as per requested during the meeting of 7 March 2019.</p> <p>In the correspondence from the Applicant, Natural England were made aware that every opportunity had been taken to increase planting areas and decrease loss where possible.</p> <p>Key outcomes Natural England confirmed that they had no comment regarding the BNG assessment. It was stated that the rationale and calculations</p>

Date	Form of correspondence	Key topics discussed and key outcomes (the topics should align with the Issues tables)
		are all clearly laid out. A copy of the response from Natural England can be found within Appendix H of this SoCG.
03/06/2019	Email (Appendix H) Andy Whitehead, Natural England Team Leader.	<p>Key Topic Natural England provided a response to the BNG assessment and Biodiversity chapter of the ES.</p> <p>Key outcomes Natural England confirmed they had no comments regarding the BNG assessment. Natural England confirmed that the rationale and calculations were clearly laid out. Natural England confirmed that their main discussion points regarding the biodiversity chapter of the ES would be in relation to the bat and GCN approach.</p>
20/06/2019	Email (Appendix I) Nicholas White, Natural England Lead Wildlife Adviser.	<p>Key Topic The Applicant sought advice on the format for review and assessment of the bat method statement in order to obtain a LoNI.</p> <p>Key outcomes Natural England confirmed that a full licence application would be required in order to provide a LoNI.</p>
25/07/2019	Email (Appendix J) Andy Whitehead, Natural England Team Leader.	<p>Key Topic The updated HRA was issued to Natural England for comment to ensure that an agreement was reached regarding the assessment.</p> <p>Key outcomes Confirmation received that Natural England agreed with the HRA conclusions that the Scheme will not be likely to have a significant effect upon any European designated site.</p>
11/10/2019 and 25/10/2019	Emails (Appendix K and L) Annie Ivison, Natural England, Wildlife Management Lead Adviser.	<p>Key Topic A follow up email was issued to Natural England to discuss timeframes associated with the EPS licence application.</p> <p>Key outcomes</p>

Date	Form of correspondence	Key topics discussed and key outcomes (the topics should align with the Issues tables)
		<p>Natural England requested further information and clarification on the named ecologist's experience. The named ecologist is unknown at present, which was confirmed with Natural England. Natural England confirmed that the required experience of the named ecologist would be included in the LoNI.</p> <p>Additionally, further information was requested regarding the buildings within the Scheme Footprint that were not subject to survey including the NGN land buildings. Further information was provided to Natural England. However, no response has been received.</p>
31/01/2020	Written Representatives - Natural England	<p>Key Topic</p> <p>Natural England's written representation [REP1-015] comprises an updated detailed statement of their views, as they have developed in view of the common ground discussions that have taken place with the Applicant to date.</p> <p>Key outcomes</p> <p>Natural England confirmed in their written representation that:</p> <ul style="list-style-type: none"> i. There are no international conservation designations that could be affected by the Scheme. ii. There are no national conservation designations that could be affected by the Scheme. iii. The Scheme has the potential to impact upon a European Protected Species (Common Pipistrelle) – and Natural England are working with the Applicant, to ensure that all necessary information is provided to enable a LoNI to be issued. There are no nationally protected species likely to be affected by the Scheme. iv. While there are woodlands adjacent to the Scheme that are listed in the Ancient Woodlands

Date	Form of correspondence	Key topics discussed and key outcomes (the topics should align with the Issues tables)
		<p>Inventory, these are not expected to be affected by the Scheme.</p> <p>v. There is the potential for locally designated sites, including Local Wildlife Sites, to be affected by the Scheme. Natural England considers the measures proposed within the Construction Environment Management Plan (CEMP) to address any impacts to be appropriate.</p> <p>The Applicant's response to Natural England's written representation can be found at https://infrastructure.planninginspectorate.gov.uk/wp-content/ipc/uploads/projects/TR010031/TR010031-000768-Applicant's%20Comments%20on%20Written%20Representations.pdf</p>

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

3 ISSUES

Table 3-1 - Issues related to Chapter 8: Biodiversity of the ES

ES Chapter	Paragraph Reference	Sub-section	Natural England Position	Applicant's Response	Status
Chapter 8: Biodiversity [APP-029]	8.4.18-8.4.22	Assessment methodology	Natural England have no comment regarding the assessment methodology.	No Comment	Agreed
	8.9.7 (o)	Design, mitigation and enhancement measures – Construction	Natural England agree with the approach taken to works undertaken adjacent to the GCN populations via the use of Precautionary Working Method Statement (PWMS), including the use of professional judgement.	No Comment	Agreed
	8.9.7 (n)	Design, mitigation and enhancement measures – Construction	<p>Natural England requested a full EPS application to be submitted to inform the assessment.</p> <p>The Applicant has submitted further information to supplement that previously provided, and Natural England is assessing all information provided.</p> <p>Natural England anticipates that a LoNI will be issued prior to completion of the Examination.</p>	A draft EPS licence application was issued in September 2019. Natural England requested the submission of a reasoned statement to support the draft licence on 13 February 2020. Agreement with the information to be secured through the LoNI.	Agreed

ES Chapter	Paragraph Reference	Sub-section	Natural England Position	Applicant's Response	Status
	Table 8-4 and section 8.9	Assessment methodology – Field Survey Methods and Design, mitigation and enhancement measures	<p>Natural England confirmed that the main discussion points in regard to the biodiversity chapter are in relation to the bat and GCN mitigation approach. Natural England agree to the approach for precautionary methods in relation to GCN and request a full EPS application in relation to bats.</p> <p>Natural England agree with the general approach to other protected and notable species surveys and mitigation.</p>	No Comment	Agreed
	Sections 8.8 to 8.10	Design, mitigation and enhancement measures – Construction and Operation. Residual Impacts	Based on the information provided to date, Natural England is satisfied that all environmental impacts resulting from the Scheme can be adequately addressed to ensure no residual impacts arise from the development.	No Comment	Agreed
	Appendix 8.13 Biodiversity Net Gain	Defra metric for habitat loss and net gain - Defra biodiversity metric (2012 version).	Natural England do not have any comments in regard to the BNG assessment and can confirm that the rationale and calculations are clearly laid out.	No Comment.	Agreed

ES Chapter	Paragraph Reference	Sub-section	Natural England Position	Applicant's Response	Status
	Appendix 8.2 Habitats Regulations Assessment	Appendix 8.2 Habitats Regulations Assessment	Natural England agree with the HRA conclusions that the Scheme will not have a significant effect upon any European designated sites.	No Comment.	Agreed

Table 3-2 - Issues related to Other Documents

Document Title	Paragraph Reference	Sub-section	Natural England Position	Highways England Response	Status
Outline Construction Environment Management Plan (Outline CEMP)	Outline CEMP [APP-174]	All	<p>Natural England has considered the detail within the Outline CEMP [App-174] and the Construction Traffic Management Plan (CTMP) (Appendix B of the Outline CEMP), and considers it to be appropriate.</p> <p>Natural England does not wish to propose any amendments or additions to the document.</p>	No Comment	Agreed

APPENDICES

Appendix A – Email Delphine Pouget, Natural England Senior Wildlife Adviser (11/05/2018)

Dear Sarah,

Andy asked me to get back to you on this.

Access restrictions to waterbodies does not trigger the use of Licensing Policy 4. We would recommend to do your best to secure access to these waterbodies in order to complete the surveys. If you cannot, make sure the refusal of access is evidenced and included as supporting documents in your EPS Licence application.

Regarding your assessment, and considering no ponds will be impacted by the scheme, you will need to use the data you have for the site combined with your professional judgement to complete the impact assessment and propose a mitigation strategy that is proportionate to the impacts.

Regards,

Delphine

Delphine Pouget CEcol CEnv MCIEEM

Senior Wildlife Adviser – Species Conservation and Regulation, Northern Area Teams
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Natural England offers two chargeable services – The Discretionary Advice Service ([DAS](#)) provides pre-application, pre-determination and post-consent advice on proposals to developers and consultants as well as pre-licensing species advice and pre-assent and consent advice. The Pre-submission Screening Service ([PSS](#)) provides advice for protected species mitigation licence applications.

These services help applicants take appropriate account of environmental considerations at an early stage of project development, reduce uncertainty, reduce the risk of delay and added cost at a later stage, whilst securing good results for the natural environment.

We are here to secure a healthy natural environment for people to enjoy, where wildlife is protected and England's traditional landscapes are safeguarded for future generations.

In an effort to reduce Natural England's carbon footprint, I will, wherever possible, avoid travelling to meetings and attend via audio, video or web conferencing.

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From: Proctor, Sarah [<mailto:sarah.proctor@wsp.com>]
Sent: 08 May 2018 09:11
To: Whitehead, Andrew (NE) <Andrew.Whitehead@naturalengland.org.uk>
Subject: DAS Agreement - 240416
Importance: High

Andrew

Your details have been provided in regard to Natural England consultation relating to the DAS Agreement for the A1 Birtley to Coal House scheme. There is a specific assessment (great crested newt) that I would like to raise and discuss with you.

Can we arrange a call to discuss this further? However, in order for you to have the background information prior to the call, please find a summary below.

A total of 17 waterbodies were identified within 500 m of the Scheme from a review of aerial imaging and a further two waterbodies were identified during subsequent visits to the Survey Area. A total of 11 waterbodies were scoped out from further surveys as they were either separated from the site by barriers to newt migration (such as main roads or water courses with flowing water) or were unsuitable for GCN. Habitat Suitability Index (HSI) assessments and environmental DNA (e-DNA) analysis was carried out at the eight remaining waterbodies.

Three of the eight waterbodies (14, 15 and B) returned positive e-DNA results for GCN. However, the positive result only returned a result of 1/12 positive replicates. Tests from all the waterbodies passed control tests indicating the samples were not degraded and the tests were not inhibited.

Owing to the close proximity of ponds returning both positive and negative e-DNA results, all eight ponds underwent further presence/likely absence / population assessment surveys for GCN using traditional methods. The surveys were completed between May and June 2017, using three of the following techniques: torching, bottle trapping, egg searching, netting and refuge searching in line with good practice (English Nature, 2001).

Full population assessment surveys of waterbody B was completed and no great crested newt were recorded. However, access permission to waterbody 14 was removed after the e-DNA visit and access permission to waterbodies 15, 16 and 17 were removed after the first presence/likely absence visit. As a result a full suite of surveys were not carried out at any of these waterbodies.

An attempt to gain access to waterbodies B, 14, 15, 16 and 17, has been made for the 2018 survey season, given the uncertainty of results from 2017. Access to waterbodies B and 14 has recently been gained and traditional presence/ absence surveys have been scheduled to commence as soon as possible to attempt to gain further information in regard to GCN populations present. Surveys of these waterbodies are scheduled for:

- 09th May;
- 14th May;
- 31st May; and
- 18th June.

It is acknowledged that these surveys are grouped tightly, however, given the access restrictions, an aim to undertake at least 2 within mid-April to mid-May was considered as a priority over an even

spread of data. Access to waterbodies 15, 16 and 17 has still not been gained and may not be gained in the near future.

None of the waterbodies will be impacted by the proposed scheme. However, the soft estate immediately adjacent to the residential property, which support waterbodies 15, 16 and 17 has potential to support great crested newt within their terrestrial phase. Final land take is yet to be confirmed, however, an estimate is c.1.71 Ha within 250 m of the closest waterbodies (including waterbody B).

Given the access restrictions, would Natural England consider this scheme to be suitable for the use of Planning Policy 4, as it is considered likely that sufficient survey effort will not be possible for the waterbodies (15, 16 and 17) closest to the terrestrial habitats due to be lost / impacted?

If you would like to discuss this further, please do not hesitate to call

Thank you and Kind Regards

Sarah

Sarah Proctor *BSc (Hons) MCIEEM*
Principal Ecologist



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Appendix B – Meeting Minutes [REDACTED], Natural England Team Leader and [REDACTED], Natural England (07/03/2019)



AGENDA & MEETING NOTES

PROJECT NUMBER	70041947	MEETING DATE	07 March 2019
PROJECT NAME	Birtley to Coal House Meeting with Natural England	VENUE	Meeting venue
CLIENT	Client	RECORDED BY	Initials
MEETING SUBJECT	Birtley to Coal House Meeting with Natural England		

PRESENT	██████████ Natural England ██████████, Natural England Team Leader, ██████████, WSP Biodiversity Specialist ██████████, WSP Environmental Assessment Lead ██████████, Highways England Assistant Project Manager
APOLOGIES	Apologies
DISTRIBUTION	As above plus: ██████████ – Highways England PM
CONFIDENTIALITY	Internal

ITEM	SUBJECT	ACTION	DUE
1.	██████████ presented an overview of the Scheme and discussed progress of the environmental impact assessment and when the DCO was due to be submitted (June).		
2.	██████████ discussed the following biodiversity aspects.		
3.	GCN ██████████ discussed detailed the GCN surveys that had been carried out: <ul style="list-style-type: none">• Access issues in first round of surveys 2017.• Additional surveys in 2018 to do presence / absence surveys & eDNA surveys (all eDNA surveys came back negative).• Minimal impact to GCN habitat (small areas of embankment / grassland impacted).• Method statement risk calculator comes out green.• Work under Precautionary Working Method Statement is proposed for these works. ██████████ discussed that he will consult internally for GCN. Licensing staff are one UK national team.		
4.	Bats <i>Bowes Railway Underpass</i>		

	<ul style="list-style-type: none"> • [REDACTED] detailed that a crossing point assessment under new DEFRA guidelines was carried out to identify if bats are using the underpass as a commuting route. • Found a number of common species (pipistrelle). • The underpass will be widened and lit. Mitigation for lighting in the form of sensitive lighting – vandal proof lights that will not turn on for bats (but do turn on for humans). (not a significant impact with mitigation). • In line with DEFRA guidelines monitoring has been identified both pre- and post- construction. <p><i>Underbridges at Eighton Lodge Roundabout</i></p> <p>[REDACTED] detailed that a single common pipistrelle species roost in one underbridge and only recorded on a single survey. A licence procedure would be followed to be applied for at detailed design when information available. Simple licence process.</p> <p>[REDACTED] detailed that standard mitigation was proposed – replacement of roost as close to existing and standard exclusion prior to construction.</p>		
5.	<p>Temporary intrusion into Longacre Wood LWS</p> <p>There would be temporary loss of habitat at Longacre Wood LWS to allow for construction which would be re-planted following construction.</p>		
6.	<p>Allerdene Bridge</p> <p>[REDACTED] detailed the following relating to Allerdene Bridge:</p> <ul style="list-style-type: none"> • Bat commuting and activity surveys around Allerdene Bridge so no significant impact. • There would be some loss of woodland. • Both options would have similar impacts. • Main disturbance would take place during vegetation clearance / moving out. 		
7.	<p>Wintering Birds</p> <p>[REDACTED] detailed that land south of Allerdene bridge was surveyed and lapwing were recorded in this area. This species is listed as present at Lamesley Pastures. Given the habitats in the surrounding areas do not see them as high impacts.</p>		
8.	<p>River Team</p> <p>[REDACTED] detailed that there would be temporary culverting of the river to allow plant to cross from one site of the roundabout to the other. Not seen as a significant impact due to heavily modified watercourse already and it will be a temporary impact. Presence of salmon up and downstream of this section of the river. No signs of otter or water vole.</p>		
9.	<p>HRA</p>	[REDACTED]	

	<p>Natural England have commented and are in agreement with the HRA. An updated version of the HRA will be provided to Natural England once the final version has been completed.</p>		
<p>10.</p>	<p>Biodiversity Net Gain</p> <p>■ detailed the following with regards to Biodiversity Net Gain: Currently looking at a loss of priority habitat across the site</p> <ul style="list-style-type: none"> · Woodland loss <ul style="list-style-type: none"> ○ Broad-leaved woodland – c.6.5Ha ○ Mixed and Coniferous c. 1.8 Ha · Scrub losses c.1.2 Ha · Neutral grassland loss c2.7 Ha · Hedgerow loss c. 1,810m · Loss of scrub. · Loss of Neutral grassland. <p>Habitat creation:</p> <ul style="list-style-type: none"> · Woodland c. 7 Ha · Neutral grassland c. 0.2 Ha · Hedgerow c.2,700m <p>There would be an overall loss across the site (no no net loss or net gain). Final calculations are still to be undertaken. WSP will pass through updated calculations on BNG to Natural England when complete.</p> <p>Mitigation and planting:</p> <ul style="list-style-type: none"> · ■ discussed that the following approach would be taken to mitigation and planting: · Create woodland and tree lines where we can. Try to create connectivity / green corridor throughout the whole area. · Where there are temporary losses – replanting would be replaced with improved habitat. · Attenuation pond to be as biodiversity-focussed as possible. · Options for reinstatement of non-HE land are currently still in discussion. 	<p>■</p>	
<p>11.</p>	<p>■ discussed that NE would be looking for no-net loss as a minimum. Especially with regards to NPPF (2018) and would not be too keen on overall net loss on biodiversity.</p> <p>■ discussed that the Scheme would need to identify additional areas of land to purchase in order to off-set and to achieve no net loss.</p> <p>■ discussed that perhaps an application for designated funds could be used for this e.g. somewhere at a SSSI e.g. Gibside, to enhance priority habitat elsewhere. ■ also detailed that Natural England would not object to the project due to it not achieving no net loss / biodiversity net gain but would want the project to aim for as little loss as possible. ■ discussed that this would be raised in their response to the project in light of NPPF changing and Net Gain consultation which is much more high profile within Natural England currently.</p>		

MEETING NOTES

	<p><u>Post meeting note:</u> ■■■ stated that in relation to net gain – my understanding is that the recent biodiversity net gain proposals do not extend to NSIPs at this point, so it isn't mandatory, but we would still be looking for as little loss as possible.</p>		
12.	<p>■■■ discussed the requirement for A Letter of No Impediment was raised. ■■■ discussed that this would be provided during the examination and would form part of the Statement of Common Ground.</p>		
13.	<p>Clarification was requested by ■■■ as to whether a method statement would be required to inform Natural England comments regarding the bat European Protected Species licence application agreement. Would Natural England require a MS or would the information which is presented within the ES be sufficient?</p> <p>■■■ to contact relevant person in Natural England to provide a response.</p>	■■■	
14.	<p>■■■ will update SoCG following this meeting and reissue.</p>	■■■	
15.	<p>■■■ discussed that, overall, there is little difference between the options although there is a cost differential between them with the embankment option costing less.</p>		

NEXT MEETING

An invitation will be issued if an additional meeting is required.

Appendix C – Email Andy Whitehead, Natural England Team Leader (12/03/2019)

Proctor, Sarah

From: Proctor, Sarah
Sent: 12 March 2019 16:10
To: 'Whitehead, Andrew'
Cc: Ashworth, Nicola
Subject: Birtley to Coal House - EPS Licence Discussions
Attachments: Figure 2 - Pond Location Plan.pdf; Figure 2- Bat Survey Locations and Results.pdf; Figure 3 - Survey Results - Presence Absence.pdf; Figure 4 - Survey Results - eDNA Assessment.pdf

Andrew

Thank you for the meeting. As discussed below is a brief summary of the European Protected Species (EPS) summary for the Birtley to Coal House Scheme, with findings and approach summarised (Plans attached). The species in question are Bats (Common Pipistrelle) and great crested newt (GCN).

Bats – Common Pipistrelle

A single common pipistrelle *Pipistrellus pipistrellus* was confirmed in Eighton Lodge South underbridge (Central Grid Ref: xxxx and see Attached Figure 2). During the May 2018 dusk emergence surveys, a single common pipistrelle was recorded emerging from a crack on the eastern side of the underside of the bridge. Given that a single individual of a common and widespread species was recorded on a single occasion, the roost has been classified as Low status.

It is considered that an EPS licence will be required to allow works to legally commence. It is considered that the approach would be a standard application. The detail within the Biodiversity chapter states:

To comply with conservation legislation and protect roosting bat species (specifically common pipistrelle), at Eighton Lodge South underbridge:

- Given the presence of a confirmed bat roost within the bridge at Eighton Lodge South underbridge, a European protected species (EPS) licence application and associated mitigation and compensation requirements would be required in advance of the Scheme (Pre-construction).
- Timing of works - Subject to agreement with Natural England as part of the licence application, the capture and exclusion of bats and the removal of the roosts prior to proposed works on the bridge at Eighton Lodge South underbridge would be undertaken between mid-March and mid-November (inclusive). This timeframe avoids the core hibernation period, when bats are most at risk during demolition.
- A toolbox talk would be provided to the site contractor to outline the proposed works, actions to take if a bat is encountered and their legal responsibility regarding bats and their roosts.
- Capture and Exclusion - Upon receipt of the EPS licence, any licensable works would be directly supervised by the named ecologist (or their accredited agent), if safe to do so. All capture and exclusion methods would be detailed within the EPS licence application documents. These would include hand removal of suitable

roosting features (if possible) and exclusion using a one-way device and from all features which cannot be removed by hand. These methods could be supplemented by the use of dusk and/or dawn surveys (if considered safe to undertake).

- Prior to construction and start of works, the following permanent compensation features are considered necessary.
- Provision of four tree mounted (two per tree) or pole mounted 'woodcrete' bat boxes (Schwegler 1FF or similar), to provide roosting opportunities during the demolition and renovation of the bridge at Eighton Lodge South underbridge. These features would be installed prior to any works commencing and remain in place for a minimum of five years and can only be removed after this time should there be no evidence of use during this period. However, it is recommended that the features are permanent to provide ecological enhancement and opportunities for roosting bats over an extended period.
- Inclusion of suitable bat features within the retained bridge (or as near as practicably possible), such as installation of a 'bat tube' or mounted bat box.

Questions

1. Would a member of the Natural England licensing team like to discuss the EPS licence application further? If so, what would their availability be in the next two weeks? And I assume that this will all be covered under the existing DAS agreement?
2. Given the low status of the roost present and that detailed design would provide much of the information required to inform the detail of the Scheme (bridge design/demolition/construction etc), would the information in the Biodiversity chapter be sufficient to inform Natural England's decision? Or would a method statement or shadow licence application be required?

Great Crested Newt

The table below details the survey results of the waterbodies where GCN have been recorded within 500m of the Scheme Footprint (see the three attached plans for waterbody locations).

Waterbody	2017 Results			2018 Results		
	HSI	eDNA	Presence/Absence	HSI	eDNA	Presence/Absence
A	Ave.	Negative	None	N/A	N/A	N/A
B	Below Ave.	Positive	None	Good	N/A	None
7	Good	Negative	None	N/A	N/A	N/A
8	Good	Negative	None	N/A	N/A	N/A
14	Good	Positive	None	Poor	N/A	None
15	Below Ave.	Positive	None	Ave.	Negative	N/A
16	Ave.	Negative	None	Poor	Negative	N/A
17	Below Ave.	Negative	None	Below Ave.	Negative	N/A

The combined survey results indicate the likely absence of great crested newts within Ponds WB15, WB16 and WB17; as each pond sample provided negative great crested newt status. All samples were collected within the appropriate timeframe for eDNA testing and no degradation or inhibition of the samples was detected within the laboratory. Waterbodies WB15, WB16 and WB17 are all located within a small area of land bound by the surrounding road network and therefore unconnected to other ponds in the surrounding area (including waterbodies WBB and WB14).

The 2017 eDNA assessment returned a positive result for waterbodies WB14 and WB15. However, as detailed above the 2018 presence/absence did not record the presence of any GCN. It is therefore possible that a small and remnant population was present in 2017 within waterbodies WB14 and WB15 and has been lost prior to the 2018 survey period. In addition, there is a chance that the 2017 results could have been a false positive result via contamination due to presence of waterfowl.

The 2017 eDNA results provided a positive result for waterbody WBB. However, no GCN were recorded during the 2017 population assessment and 2018 presence/absence surveys. For the purpose of the Biodiversity chapter assessment it is considered that a Low population is present within waterbody WBB.

The Biodiversity chapter recommends the approach detailed below:

To protect great crested newt from impacts on land within 500 m of waterbodies WB14, WB15, WB16, WB17 and WBB:

- As the impact to great crested newts as a result of habitat loss is considered minimal, all pre-construction and construction works within 500m of waterbodies WB14, WB15, WB16, WB17 and WBB would be conducted under a precautionary working method statement (PWMS).
- Habitat clearance within 500m of Ponds B and 14 would be undertaken during the optimal period of mid-April to mid-June, when the majority of newts will have returned to their breeding ponds. If these timings cannot be achieved, hand searching of areas of suitable habitat would be undertaken by a SEE.
- Whilst it is considered unlikely that operatives will encounter a great crested newt during works, all site operatives would receive a briefing from a SEE. The briefing would include details of the legal protection of great crested newts, the PWMS, tips on identification of great crested newts and the procedures to follow should the species be discovered during works.
- Immediately prior to the works commencing, the proposed works area would be thoroughly hand searched by a licenced ecologist (or accredited agent). The hand search must take place no earlier than 24 hours prior to works commencing and will concentrate on all suitable terrestrial vegetation within the works area (including access route(s)).
- All vehicles, plant and equipment on site must stick to predetermined access routes and must not encroach onto any habitats or areas which have not been hand searched prior to works taking place. If a great crested newt is encountered during the proposed works, all activities in the area would cease immediately. If not present on site at the time, the SEE would be contacted to make an assessment of the situation and to determine whether a EPS licence would be required before work in that area proceeds. If considered necessary, guidance would be sought from Natural England.

Questions

1. Would Natural England consider the use of PWMS appropriate for this Scheme?
2. Would a member of the Natural England licensing team like to discuss the PWMS approach further? If so, what would their availability be in the next two weeks? And I assume that this will all be covered under the existing DAS agreement?

If there are any questions regarding the above, please feel free for yourself or any members of your team to contact me directly

Kind Regards

Sarah

Sarah Proctor *BSc (Hons) MCIEEM*
Associate Ecologist



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Appendix D – Email Dylan Poole, Natural England, Wildlife Adviser (05/04/2019)

Proctor, Sarah

From: Poole, Dylan <dylan.poole@naturalengland.org.uk>
Sent: 05 April 2019 12:03
To: Proctor, Sarah
Cc: Ashworth, Nicola; Whitehead, Andrew
Subject: E: Birtley to Coal House - EPS Licence Discussions

Follow Up Flag: Follow up
Flag Status: Completed

Hi Sarah,

Please find below my advice with regard to the great crested newt (GCN) questions in the attached email.

1. Natural England is unable to 'agree' to a precautionary working method statement (PWMS) and therefore determine whether a licence is required to undertake the works you propose. It is the responsibility of the developer (on the advice of a consultant ecologist) to make this decision on the basis of survey information, specialist knowledge of the species concerned and the specific nature of the works and the habitats present. A licence is required if it is considered, on balance, that the proposed activity is reasonably likely to result in an offence under the legislation. Ecological consultants are expected to advise their clients on whether works can proceed in the absence of a licence. It is not Natural England's role to do this.

Having said that, given the negative eDNA survey results from 2018, it should be possible to make a robust ecological justification for conducting the proposed works under a PWMS – Natural England would not object to this approach. Please note however that, should any GCNs be found during the proposed hand searches of suitable habitat under the PWMS measures detailed, it would be illegal to move them out of the way of the development in the absence of a European Protected Species Licence (EPSL). The late discovery of GCNs could therefore lead to significant project delays should a EPSL application have to be submitted, and a licence be issued, to allow works to continue. It should also be noted that a significant proportion of the population (if present), particularly juveniles 2-4 years old, will be largely terrestrial and therefore likely to be utilizing terrestrial rather than aquatic habitat even during the highlighted optimal period mid-Apr to mid-May.

2. Please give me a call if you wish to discuss the above comments further.

I hope this helps.

Kind regards,

Dylan

Dylan Poole
Wildlife Adviser
Natural England Wildlife Licensing Service

Natural England
Foss House, Kings Pool
1-2 Peasholme Green
York YO1 7PX
Tel: 02080 266426

www.naturalengland.org.uk

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From: Proctor, Sarah [<mailto:sarah.proctor@wsp.com>]
Sent: 12 March 2019 16:10
To: Whitehead, Andrew <Andrew.Whitehead@naturalengland.org.uk>
Cc: Ashworth, Nicola <Nicola.Ashworth@wsp.com>
Subject: Birtley to Coal House - EPS Licence Discussions

Andrew

Thank you for the meeting. As discussed below is a brief summary of the European Protected Species (EPS) summary for the Birtley to Coal House Scheme, with findings and approach summarised (Plans attached). The species in question are Bats (Common Pipistrelle) and great crested newt (GCN).

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14 Good	Positive	None	Poor	N/A	None	
15 Below Ave.	Positive	None	Ave.	Negative	N/A	
16 Ave.	Negative	None	Poor	Negative	N/A	
17 Below Ave.	Negative	None	Below Ave.	Negative	N/A	

The combined survey results indicate the likely absence of great crested newts within Ponds WB15, WB16 and WB17; as each pond sample provided negative great crested newt status. All samples were collected within the appropriate timeframe for eDNA testing and no degradation or inhibition of the samples was detected within the laboratory. Waterbodies WB15, WB16 and WB17 are all located within a small area of land bound by the surrounding road network and therefore unconnected to other ponds in the surrounding area (including waterbodies WBB and WB14).

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Questions

1. Would Natural England consider the use of PWMS appropriate for this Scheme?
2. Would a member of the Natural England licensing team like to discuss the PWMS approach further? If so, what would their availability be in the next two weeks? And I assume that this will all be covered under the existing DAS agreement?

If there are any questions regarding the above, please feel free for yourself or any members of your team to contact me directly

Kind Regards

Sarah

Sarah Proctor *BSc (Hons) MCIEEM*
Associate Ecologist



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Appendix E – Email Annie Ivison, Natural England, Wildlife Management Lead Adviser (25/04/2019)

Proctor, Sarah

From: Ivison, Annie <Annie.Ivison@naturalengland.org.uk>
Sent: 25 April 2019 15:49
To: Proctor, Sarah
Subject: RE: Birtley to Coal House - EPS Licence Discussions

Hi Sarah,

Further to our conversation today I can confirm that after conferring with colleagues, we are in agreement that we would require a full application, with all supporting documents, including a method statement. I have noted that the Morpeth to Fenton section is undergoing the same process for a LoNI but with only a method statement. I will check with the project manager to ascertain who is undertaking this and how they are pre-screening without full documentation, I will get back to you as soon as I have clarity on this matter.

Please don't hesitate to get in touch if you have any further questions.

Kind regards,

Annie

From: Proctor, Sarah [mailto:sarah.proctor@wsp.com]
Sent: 17 April 2019 13:10
To: Ivison, Annie <Annie.Ivison@naturalengland.org.uk>
Cc: Whitehead, Andrew <Andrew.Whitehead@naturalengland.org.uk>
Subject: RE: Birtley to Coal House - EPS Licence Discussions

Annie

Thank you for the comments. In regard to the licence documents, these questions were specifically in relation to the DCO submission (outline stage) rather than the actual licence application (which would come at a later stage of detailed design). This information would feed in to the letter of no impediment and the licence application would come later, which we would assume all standard NE documents would be required.

Would you require a methods statement for this stage and the letter of no impediment?

Kind Regards

Sarah

Sarah Proctor BSc (Hons) MCIEEM
Associate Ecologist



T +44(0)113 395 6462

From: Ivison, Annie [<mailto:Annie.Ivison@naturalengland.org.uk>]
Sent: 17 April 2019 12:43
To: Proctor, Sarah <sarah.proctor@wsp.com>
Cc: Whitehead, Andrew <Andrew.Whitehead@naturalengland.org.uk>
Subject: Birtley to Coal House - EPS Licence Discussions

Good afternoon, Sarah,

I have looked at your request regarding the A1 BIRTLEY TO COAL HOUSESCHEME6.1. In response to your questions regarding bats:

1. Would a member of the Natural England licensing team like to discuss the EPS licence application further? If so, what would their availability be in the next two weeks? And I assume that this will all be covered under the existing DAS agreement? **It would be beneficial for us fully appraise your application – we could offer a pre-screening service, under your current DAS agreement (see the application form here: <https://www.gov.uk/government/publications/bats-licence-to-interfere-with-bat-roosts-cl21>). Please send your full, completed application with corresponding documentation directly to me and I will have it screened for you.**
2. Given the low status of the roost present and that detailed design would provide much of the information required to inform the detail of the Scheme (bridge design/demolition/construction etc), would the information in the Biodiversity chapter be sufficient to inform Natural England's decision? Or would a method statement or shadow licence application be required? **Yes, a separate method statement would still be required, this provides the wildlife Adviser with the specific information needed to assess your licence application and forms an essential part of our licencing documentation.**

If you have any further questions please do not hesitate to get in touch.

Kind regards,

Annie

Annie Ivison
Wildlife Management Lead Adviser
Natural England Wildlife Licensing Service
Natural England
Lancaster House
Hampshire Court
Newcastle Upon Tyne
NE4 7YH

annie.ivison@naturalengland.org.uk

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02080268612 (external)



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- the [Pre-submission Screening Service](#) (PSS) for European Protected Species mitigation licence applications.

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**Appendix F – Annie Ivison, Natural England, Wildlife Management Lead Adviser
Email (20/05/2019)**

Proctor, Sarah

From: Proctor, Sarah
Sent: 20 May 2019 16:47
To: Ivison, Annie
Subject: RE: Birtley to Coal House - EPS Licence Discussions

Annie

Nick White and I have spoken since this email and he also confirmed that to inform the letter of no impediment a full licence application will be required. Thank you both for the confirmation.

It was also discussed that baseline reports can be issued for you to consider the approach and make comment as to whether you agree with the approach in principle, obviously caveated accordingly? If you require the baseline reports, please do confirm and these can be issued.

Thank you and Kind Regards

Sarah

Sarah Proctor *BSc (Hons) MCIEEM*
Associate Ecologist



T +44(0)113 395 6462

From: Ivison, Annie [mailto:Annie.Ivison@naturalengland.org.uk]
Sent: 30 April 2019 14:23
To: Proctor, Sarah <sarah.proctor@wsp.com>
Subject: RE: Birtley to Coal House - EPS Licence Discussions

Hi Sarah,

I have been unable to find out why different advice was provided for the Morpeth to Felton section of the development but I have referred to our internal guidance and can confirm that a full draft application should be submitted.

As we discussed you are not yet registered for BLICL, you will therefore be applying for an EPS-MIT as you suggested.

A full application will require all licensable documents including the method statement.

I hope this helps?

Best wishes,

Annie

From: Ivison, Annie
Sent: 25 April 2019 15:49
To: Proctor, Sarah <sarah.proctor@wsp.com>
Subject: RE: Birtley to Coal House - EPS Licence Discussions

Hi Sarah,

Further to our conversation today I can confirm that after conferring with colleagues, we are in agreement that we would require a full application, with all supporting documents, including a method statement. I have noted that the Morpeth to Fenton section is undergoing the same process for a LoNI but with only a method statement. I will check with the project manager to ascertain who is undertaking this and how they are pre-screening without full documentation, I will get back to you as soon as I have clarity on this matter.

Please don't hesitate to get in touch if you have any further questions.

Kind regards,

Annie

From: Proctor, Sarah [<mailto:sarah.proctor@wsp.com>]
Sent: 17 April 2019 13:10
To: Ivison, Annie <Annie.Ivison@naturalengland.org.uk>
Cc: Whitehead, Andrew <Andrew.Whitehead@naturalengland.org.uk>
Subject: RE: Birtley to Coal House - EPS Licence Discussions

Annie

Thank you for the comments. In regard to the licence documents, these questions were specifically in relation to the DCO submission (outline stage) rather than the actual licence application (which would come at a later stage of detailed design). This information would feed in to the letter of no impediment and the licence application would come later, which we would assume all standard NE documents would be required.

Would you require a methods statement for this stage and the letter of no impediment?

Kind Regards

Sarah

Sarah Proctor BSc (Hons) MCIEEM
Associate Ecologist



T +44(0)113 395 6462

From: Ivison, Annie [<mailto:Annie.Ivison@naturalengland.org.uk>]
Sent: 17 April 2019 12:43
To: Proctor, Sarah <sarah.proctor@wsp.com>
Cc: Whitehead, Andrew <Andrew.Whitehead@naturalengland.org.uk>
Subject: Birtley to Coal House - EPS Licence Discussions

Good afternoon, Sarah,

I have looked at your request regarding the A1 BIRTLEY TO COAL HOUSESCHEME6.1. In response to your questions regarding bats:

1. Would a member of the Natural England licensing team like to discuss the EPS licence application further? If so, what would their availability be in the next two weeks? And I assume that this will all be covered under the existing DAS agreement? **It would be beneficial for us fully appraise your application – we could offer a pre-screening service, under your current DAS agreement (see the application form here: <https://www.gov.uk/government/publications/bats-licence-to-interfere-with-bat-roosts-cl21>). Please send your full, completed application with corresponding documentation directly to me and I will have it screened for you.**

- Given the low status of the roost present and that detailed design would provide much of the information required to inform the detail of the Scheme (bridge design/demolition/construction etc), would the information in the Biodiversity chapter be sufficient to inform Natural England's decision? Or would a method statement or shadow licence application be required? **Yes, a separate method statement would still be required, this provides the wildlife Adviser with the specific information needed to assess your licence application and forms an essential part of our licencing documentation.**

If you have any further questions please do not hesitate to get in touch.

Kind regards,

Annie

Annie Ivison
Wildlife Management Lead Adviser
Natural England Wildlife Licensing Service
Natural England
Lancaster House
Hampshire Court
Newcastle Upon Tyne
NE4 7YH

annie.ivison@naturalengland.org.uk

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**Appendix G – Email sent to Email (Appendix G)
Sent to Andy Whitehead, Natural England Team Leader (22/05/2019)**

Proctor, Sarah

From: Proctor, Sarah
Sent: 22 May 2019 09:47
To: Whitehead, Andrew
Cc: Ashworth, Nicola
Subject: Birtley to Coal House BNG Assessment
Attachments: B2CH Biodiversity Net Gain Report_260419.pdf; Figure 7.6 Sheet 1-5 - Landscape Mitigation Design.pdf

Andrew

Please find attached the Biodiversity Net Gain assessment for the Birtley to Coal House Scheme and the Landscape plan of the designed habitat planting. As you can see from the landscape every effort has been to maximise the areas of planting and minimise loss. However, there are restrictions in regard to the area of land available.

Please review the attached and come back to me with any questions

Kind Regards

Sarah

Sarah Proctor BSc (Hons) MCIEEM
Associate Ecologist



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Appendix H – Email Andy Whitehead, Natural England Team Leader (03/06/2019)

Proctor, Sarah

From: Whitehead, Andrew <Andrew.Whitehead@naturalengland.org.uk>
Sent: 03 June 2019 14:15
To: Proctor, Sarah
Subject: RE: Birtley to Coal House Natural England Meeting Minutes - 07th March 2019

Hi Sarah

Sorry for not getting back to you sooner – I've had a chance to have a look at the BNG report now, and don't have any comments to make on it. The rationale and calculations are all clearly laid out.

I've not looked at the biodiversity chapter, but I understand you've been in contact with licensing colleagues separately in relation to GCN and bats., and I think these would be our main concerns from a biodiversity perspective.

Regards

Andrew

From: Proctor, Sarah [mailto:sarah.proctor@wsp.com]
Sent: 31 May 2019 17:12
To: Whitehead, Andrew <Andrew.Whitehead@naturalengland.org.uk>
Cc: Ashworth, Nicola <Nicola.Ashworth@wsp.com>
Subject: RE: Birtley to Coal House Natural England Meeting Minutes - 07th March 2019

Andrew

Please find attached the updated meeting notes. Following on from my email on 22nd May. Have yourself and your team managed to review the Biodiversity Net Gain report? Additionally, are there any comments following the review of the Biodiversity chapter?

Thank you and Kind Regards

Sarah

Sarah Proctor BSc (Hons) MCIEEM

Associate Ecologist



T +44(0)113 395 6462



From: Whitehead, Andrew [<mailto:Andrew.Whitehead@naturalengland.org.uk>]
Sent: 07 May 2019 09:09
To: Proctor, Sarah <sarah.proctor@wsp.com>
Cc: Ashworth, Nicola <Nicola.Ashworth@wsp.com>
Subject: RE: Birtley to Coal House Natural England Meeting Minutes - 07th March 2019

Hi Sarah

A couple of minor comments from me in relation to these:

In section 11 – I think it should be designated funds not designed funds;

In relation to net gain – my understanding is that the recent biodiversity net gain proposals do not extend to NSIPs at this point, so it isn't mandatory, but we would still be looking for as little loss as possible

In section 12 – A Letter of No Impediment rather than letter of impediment;

Other than that I don't have any further comments.

I understand that licensing colleagues have been in touch in regard to your queries around GCN and bats, so hopefully you've been able to progress this too.

If you need anything further please let me know.

Regards

Andy

Andy Whitehead
Team Leader – Sustainable Development & Marine

Northumbria Area Team,
Natural England,
Lancaster House,
Hampshire Court,
Newcastle upon Tyne, NE4 7YH

Tel: 0208 0265533 [REDACTED]

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- the [Pre-submission Screening Service \(PSS\)](#) for European Protected Species mitigation licence applications.

From: Proctor, Sarah [<mailto:sarah.proctor@wsp.com>]

Sent: 29 April 2019 18:25

To: Whitehead, Andrew <Andrew.Whitehead@naturalengland.org.uk>

Cc: Ashworth, Nicola <Nicola.Ashworth@wsp.com>

Subject: Birtley to Coal House Natural England Meeting Minutes - 07th March 2019

Andrew

Please find attached the meeting minutes from the meeting held on 7th March 2019. If you have any comments to add please do not hesitate to contact myself or Nicola

Kind Regards

Sarah

Sarah Proctor *BSc (Hons) MCIEEM*
Associate Ecologist



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**Appendix I – Email Nicholas White, Natural England Lead Wildlife Adviser
(20/06/2019)**

Proctor, Sarah

From: White, Nicholas <Nicholas.White@naturalengland.org.uk>
Sent: 20 June 2019 11:43
To: Proctor, Sarah; Nicolaou, Despina; Whitehead, Andrew; Southwood, Lisa
Cc: Ashworth, Nicola; Ivison, Annie
Subject: RE: Birtley to Coal House - EPS Licence Discussions - DAS Agreement - 240416

Hi Sarah

Having had several discussions and conversations with colleagues I have to inform you that to obtain a Letter of No Impediment a full licence application (with the relevant box(es) ticked towards the end of Section 4 of the Application Form).

Apologies that this might not be the answer you or your client hoped for, however we are bound by procedure in this instance. Please feel free to give me a call if you wish to discuss.

Kind regards

Nick

Nicholas White
Lead Wildlife Adviser
Natural England Wildlife Licensing Service (DT2)
Natural England
Tel: 0208 225 6252

Home based – Nearest Office - Leeds

Post should be directed to;
Nicholas White, Mail Hub, Natural England, County Hall, Spetchley Road, Worcester, WR5 2NP.

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From: Proctor, Sarah [mailto:sarah.proctor@wsp.com]

Sent: 14 June 2019 11:10

To: Nicolaou, Despina <Despina.Nicolaou@naturalengland.org.uk>; Lisa.Southward@naturalengland.org.uk; White, Nicholas <Nicholas.White@naturalengland.org.uk>; Whitehead, Andrew <Andrew.Whitehead@naturalengland.org.uk>

Cc: Ashworth, Nicola <Nicola.Ashworth@wsp.com>; Ivison, Annie <Annie.Ivison@naturalengland.org.uk>

Subject: RE: Birtley to Coal House - EPS Licence Discussions - DAS Agreement - 240416

Importance: High

All

In Annie's absence is there another member of the team that can provide comment (please see email below)?

Thank you and Kind Regards

Sarah

Sarah Proctor BSc (Hons) MCIEEM
Associate Ecologist



T +44(0)113 395 6462

From: Proctor, Sarah

Sent: 14 June 2019 11:08

To: Ivison, Annie <Annie.Ivison@naturalengland.org.uk>

Cc: White, Nicholas (NE) <Nicholas.White@naturalengland.org.uk>; Whitehead, Andrew <Andrew.Whitehead@naturalengland.org.uk>; Ashworth, Nicola <Nicola.Ashworth@wsp.com>

Subject: RE: Birtley to Coal House - EPS Licence Discussions

Importance: High

Annie

In an attempt to move this forward in the required DCO timeframes, our registered consultant (Emma Hatchett), has verified the data in regard to the bat roost recorded on site and has confirmed that the works can be completed under a mitigation class licence during detailed design.

Would Natural England be happy assessing the impacts associated with the Scheme based on this approach and the impact assessment detailed within the biodiversity chapter?

Thank you and Kind Regards

Sarah

Sarah Proctor *BSc (Hons) MCIEEM*
Associate Ecologist



T +44(0)113 395 6462



From: Proctor, Sarah
Sent: 20 May 2019 16:47
To: Ivison, Annie <Annie.Ivison@naturalengland.org.uk>
Subject: RE: Birtley to Coal House - EPS Licence Discussions

Annie

Nick White and I have spoken since this email and he also confirmed that to inform the letter of no impediment a full licence application will be required. Thank you both for the confirmation.

It was also discussed that baseline reports can be issued for you to consider the approach and make comment as to whether you agree with the approach in principle, obviously caveated accordingly? If you require the baseline reports, please do confirm and these can be issued.

Thank you and Kind Regards

Sarah

Sarah Proctor BSc (Hons) MCIEEM
Associate Ecologist



T +44(0)113 395 6462



From: Ivison, Annie [<mailto:Annie.Ivison@naturalengland.org.uk>]

Sent: 30 April 2019 14:23

To: Proctor, Sarah <sarah.proctor@wsp.com>

Subject: RE: Birtley to Coal House - EPS Licence Discussions

Hi Sarah,

I have been unable to find out why different advice was provided for the Morpeth to Felton section of the development but I have referred to our internal guidance and can confirm that a full draft application should be submitted.

As we discussed you are not yet registered for BLICL, you will therefore be applying for an EPS-MIT as you suggested.

A full application will require all licensable documents including the method statement.

I hope this helps?

Best wishes,

Annie

From: Ivison, Annie

Sent: 25 April 2019 15:49

To: Proctor, Sarah <sarah.proctor@wsp.com>

Subject: RE: Birtley to Coal House - EPS Licence Discussions

Hi Sarah,

Further to our conversation today I can confirm that after conferring with colleagues, we are in agreement that we would require a full application, with all supporting documents, including a method statement. I have noted that the Morpeth to Fenton section is undergoing the same process for a LoNI but with only a method statement. I will check with the project manager to ascertain who is undertaking this and how they are pre-screening without full documentation, I will get back to you as soon as I have clarity on this matter.

Please don't hesitate to get in touch if you have any further questions.

Kind regards,

Annie

From: Proctor, Sarah [<mailto:sarah.proctor@wsp.com>]
Sent: 17 April 2019 13:10
To: Ivison, Annie <Annie.Ivison@naturalengland.org.uk>
Cc: Whitehead, Andrew <Andrew.Whitehead@naturalengland.org.uk>
Subject: RE: Birtley to Coal House - EPS Licence Discussions

Annie

Thank you for the comments. In regard to the licence documents, these questions were specifically in relation to the DCO submission (outline stage) rather than the actual licence application (which would come at a later stage of detailed design). This information would feed in to the letter of no impediment and the licence application would come later, which we would assume all standard NE documents would be required.

Would you require a methods statement for this stage and the letter of no impediment?

Kind Regards

Sarah

Sarah Proctor *BSc (Hons) MCIEEM*
Associate Ecologist



T +44(0)113 395 6462

From: Ivison, Annie [<mailto:Annie.Ivison@naturalengland.org.uk>]
Sent: 17 April 2019 12:43
To: Proctor, Sarah <sarah.proctor@wsp.com>
Cc: Whitehead, Andrew <Andrew.Whitehead@naturalengland.org.uk>
Subject: Birtley to Coal House - EPS Licence Discussions

Good afternoon, Sarah,

I have looked at your request regarding the A1 BIRTLEY TO COAL HOUSESCHEME6.1. In response to your questions regarding bats:

1. Would a member of the Natural England licensing team like to discuss the EPS licence application further? If so, what would their availability be in the next two weeks? And I assume that this will all be covered under the existing DAS agreement? **It would be beneficial for us fully appraise your application – we could offer a pre-screening service, under your current DAS agreement (see the application form here: <https://www.gov.uk/government/publications/bats-licence-to-interfere-with-bat-roosts-cl21>). Please send your full, completed application with corresponding documentation directly to me and I will have it screened for you.**
2. Given the low status of the roost present and that detailed design would provide much of the information required to inform the detail of the Scheme (bridge design/demolition/construction etc), would the information in the Biodiversity chapter be sufficient to inform Natural England's decision? Or would a method statement or shadow licence application be required? **Yes, a separate method statement would still be required, this provides the wildlife Adviser with the specific information needed to assess your licence application and forms an essential part of our licencing documentation.**

If you have any further questions please do not hesitate to get in touch.

Kind regards,

Annie

Annie Ivison
Wildlife Management Lead Adviser
Natural England Wildlife Licensing Service
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Appendix J – Email Andy Whitehead, Natural England Team Leader (25/07/2019)

Proctor, Sarah

From: Whitehead, Andrew <Andrew.Whitehead@naturalengland.org.uk>
Sent: 25 July 2019 14:08
To: Proctor, Sarah
Subject: RE: Birtley to Coal House HRA: DAS Agreement - 240416

Hi Sarah

Thank you for sending this through. I've read through the document, and don't have any comments or amendments to suggest.

I can therefore confirm that Natural England agrees with the HRA conclusions that the project will not be likely to have a significant effect upon any European designated sites.

Regards

Andy

Andy Whitehead
Team Leader – Sustainable Development & Marine
Northumbria Area Team,
Natural England,
Lancaster House,
Hampshire Court,
Newcastle upon Tyne, NE4 7YH

Tel: 0208 0265533 

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From: Proctor, Sarah [mailto:sarah.proctor@wsp.com]

Sent: 25 July 2019 11:14

To: Whitehead, Andrew <Andrew.Whitehead@naturalengland.org.uk>

Cc: Ashworth, Nicola <Nicola.Ashworth@wsp.com>; Bascombe, Andy <Andy.Bascombe@wsp.com>

Subject: Birtley to Coal House HRA: DAS Agreement - 240416

Andy

Please find attached the most recent version of the Birtley to Coal House HRA. Please come back to us and confirm if you have any comment on the document.

If you have any questions, please do not hesitate to get in touch

Kind Regards

Sarah

Sarah Proctor BSc (Hons) MCIEEM
Associate Ecologist



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**Appendix K – Email Annie Ivison, Natural England, Wildlife Management Lead
Adviser (11/10/2019)**

Proctor, Sarah

From: Ivison, Annie <Annie.lvison@naturalengland.org.uk>
Sent: 11 October 2019 14:50
To: Proctor, Sarah
Subject: RE: A1 Birtley to Coal House PSS assessment

Thanks Anna,

Part of the assessment is to establish the ecologists experience – I will assume the named ecologist will have experience as it is just for common pipistrelle day roost – this may need to be written as a condition on the LoNI but shouldn't be a problem.

Thanks again,

Annie

From: Proctor, Sarah [mailto:sarah.proctor@wsp.com]
Sent: 11 October 2019 14:46
To: Ivison, Annie <Annie.lvison@naturalengland.org.uk>
Subject: RE: A1 Birtley to Coal House PSS assessment

Annie

It is me for this section of the DCO but I will not be the named ecologist on the licence. The licence will be applied for at Stage 4 and this will be covered by Jacobs. At this point I am not aware of the name of the ecologist that will take this forward. If it is required for now, my NE number is C179386

Kind Regards

Sarah

Sarah Proctor *BSc (Hons) MCIEEM*
Associate Ecologist



T +44(0)113 395 6462

From: Ivison, Annie [<mailto:Annie.Ivison@naturalengland.org.uk>]

Sent: 11 October 2019 14:28

To: Proctor, Sarah <sarah.proctor@wsp.com>

Subject: A1 Birtley to Coal House PSS assessment

Hi Sarah,

Will it be yourself working with the bats on this case? If so could you provide your NE customer number please? If not, do you know who it will be and their NE customer number?

Thanks,

Annie

Annie Ivison

Wildlife Lead Adviser

Natural England Wildlife Licensing Service (DT2)

(68612 (internal extension)

(02080268612 (external)

annie.ivison@naturalengland.org.uk

My associated office is:

Lancaster House, Hampshire Court, Newcastle Upon Tyne, NE4 7YH

Please mark correspondence for my attention.



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**Appendix L – Email Annie Ivison, Natural England, Wildlife Management Lead
Adviser (25/10/2019)**

Proctor, Sarah

From: Ivison, Annie <Annie.Ivison@naturalengland.org.uk>
Sent: 25 October 2019 14:32
To: Proctor, Sarah
Cc: Whitehead, Andrew
Subject: A1 Coal House to Birtley

Follow Up Flag: Follow up
Flag Status: Completed

Good Afternoon Sarah,

I have had chance to assess your PSS under your current DAS contract and feel that an application may be FIR'd regarding the surveys.
In order to reduce the risk of FIR the following issues should be addressed:-

- Regarding the buildings shown within the red line boundary but not mentioned in the MS, what type of surveys were carried out on them?
- Provide a rationale regarding how/why the buildings were ruled out of the criteria for bat roost potential, or say whether or not there will be any impact caused by the works to potential bat roosts in the unmentioned buildings.
- Explain the buffer zone i.e will there be bat disturbance in the buffer or not.

Kind regards,

Annie

Annie Ivison

Wildlife Lead Adviser

Natural England Wildlife Licensing Service (DT2)

(68612 (internal extension)

(02080268612 (external)

annie.ivison@naturalengland.org.uk

My associated office is:

Lancaster House, Hampshire Court, Newcastle Upon Tyne, NE4 7YH

Please mark correspondence for my attention.



Please consider the environment before printing this email

www.gov.uk/natural-england

We are here to secure a healthy natural environment for people to enjoy, where wildlife is protected and England's traditional landscapes are safeguarded for future generations.

In an effort to reduce Natural England's carbon footprint, I will, wherever possible, avoid travelling to meetings and attend via audio, video or web conferencing.

To help developers consider the environment Natural England offers two chargeable services

- the [Discretionary Advice Service](#) (DAS), which can provide advice on planning/licensing proposals
- the [Pre-submission Screening Service](#) (PSS) for European Protected Species mitigation licence applications.

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