



Lower Thames Crossing

5.4.1.2 Draft Agreed Statement of Common Ground between (1) National Highways and (2) the Forestry Commission (Tracked changes version)

APFP Regulation 5(2)(q)

Infrastructure Planning (Applications: Prescribed Forms and Procedure) Regulations 2009

Volume 5

DATE: September ~~2023~~
DEADLINE: 4

Planning Inspectorate Scheme Ref: TR010032
Application Document Ref: TR010032/APP/5.4.1.2

VERSION: ~~2.0~~

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Revision history

<u>Version</u>	<u>Date</u>	<u>Submitted at</u>
<u>1.0</u>	<u>31 October 2022</u>	<u>DCO Application</u>
<u>2.0</u>	<u>19 September 2023</u>	<u>Deadline 4</u>

Status of the Statement of Common Ground

This is an Agreed Draft Statement of Common Ground with matters outstanding.

National Highways and the Forestry Commission agree that this draft Statement of Common Ground is an accurate description of the matters raised and the current status of each matter.

Yes happy with the highlighted text, thank you for adding that in.

And thank you for adding the last minute changes.

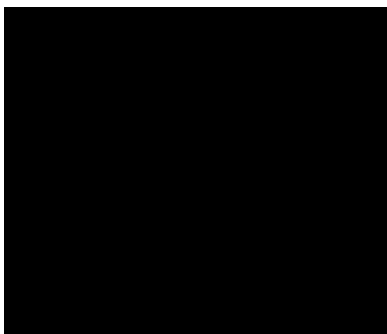


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Otherwise, I have made a few very minor tweaks like correcting typos.

Assuming you can include this, we are happy with the tracked changes in the attached draft.

Let me know if you would like to discuss.



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A high-level overview of the engagement undertaken since the DCO application was submitted on 31 October 2022 is summarised in Table A.1 in Appendix A.

Lower Thames Crossing

5.4.1.2 Draft Agreed Statement of Common Ground between (1) National Highways and (2) the Forestry Commission (Tracked changes version)

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1 Introduction

1.1 Purpose of the Statement of Common Ground

1.1.1 This Statement of Common Ground (SoCG) has been prepared in respect of the Development Consent Order (DCO) application for the proposed A122 Lower Thames Crossing (the Project) made by National Highways Limited (the Applicant) to the Secretary of State for Transport (Secretary of State) under section 37 of the Planning Act 2008 on 31 October 2022.

1.1.2 The SoCG has been produced to confirm to the Examining Authority where agreement has been reached between the Applicant and the Forestry Commission, and where agreement has not yet been reached. Where matters are yet to be agreed, the parties will continue to work proactively to reach agreement and will update the SoCG to reflect areas of further agreement.

1.1.3 This version of the SoCG has been submitted at Examination Deadline 4.

1.2 Principal Areas of Disagreement

1.2.1 On the 19 December 2022 the Examining Authority made some early procedural decisions to assist the Applicant, potential Interested Parties and themselves to prepare for the Examination of the DCO application.

1.2.2 One of these procedural decisions was to use a tracker recording Principal Areas of Disagreement in Summary (PADS).

1.2.3 The PADS Tracker would provide a record of those principal matters of disagreement emerging from the SoCG and should be updated alongside the SoCG as appropriate throughout the examination with the expectation that a revised PADS Tracker should be submitted at every Examination deadline.

1.2.4 The Forestry Commission elected not to produce a PADS Tracker at pre-examination stage, indicating to the Applicant that they were content that the number of outstanding matters within the SoCG was insufficient to warrant the exercise.

1.3 Terminology

1.3.1 In the matters table in section 2 of this SoCG, “Matter not agreed” indicates agreement on the matter could not be reached following significant engagement, and “Matter under discussion” where these points will be the subject of ongoing discussion wherever possible to resolve, or refine, the extent of disagreement between the parties. “Matter agreed” indicates where the issue has now been resolved.

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Deleted: <#>National Highways became the Government-owned Strategic Highways Company on 1 April 2015. It is the highway authority in England for the strategic road network and has the necessary powers and duties to operate, manage, maintain and enhance the network. Regulatory powers remain with the Secretary of State. The legislation establishing National Highways made provision for all legal rights and obligations of the Highways Agency, including in respect of the Project, to be conferred upon or assumed by National Highways.¶
The Forestry Commission is a non-ministerial government department responsible for the management of publicly owned forests, and the regulation of both public and private forestry, in England. The Forestry Commission comprises experts on forestry and woodland who support the protection, improvement and expansion of forests and woodland. Two Forestry Commission areas fall within the boundary of the Lower Thames Crossing: East of England, and South East and London.¶

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2 Matters

2.1 Movement of outstanding matters

2.1.1 ~~The Applicant continued to communicate with the Forestry Commission concerning procedural matters related to the examination and to offer meetings to discuss and potentially resolve outstanding SoCG matters. The Applicant received confirmation that the Forestry Commission did not wish to produce a PADS Tracker as they were content that the number of outstanding matters within the SoCG was insufficient to warrant the exercise.~~

2.1.2 ~~Following submission of the previous version of this Draft SoCG between the Applicant and the Forestry Commission, the Forestry Commission has attended group briefings and workshop sessions relating to outstanding matters. This engagement is summarised in Table A.1 in Appendix A.~~

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A summary of the meetings and correspondence undertaken...

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Engagement regarding publicly owned forests such as Jeskyns and Thames Chase, which took place prior to the Forestry Commission's restructure in April 2019, is included in Forestry England's SoCG (Application Document 5.4.5.2).¶

Status of the Statement of Common Ground¶
It is agreed that this statement is an accurate description of the matters raised by

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It is agreed that Appendix C is an accurate record of the key meetings and consultation undertaken between (1) National Highways and (2)

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2.1.4 Following submission of the previous version (version 1 for the DCO application) of this Draft SoCG between the Applicant and the Forestry Commission, the following matter has moved from 'Matter Under Discussion' to 'Matter Agreed':

a. Matter 2.1.2

2.1.5 Further to the matters raised in the original SoCG, the Forestry Commission raised new matters following a technical meeting with the Applicant on 10 July 2023. This has led to a new matter being included in Table 2.1. The new matter is Matter 2.1.16 (DL4).

2.1.6 Table 2.1 details and presents the matters which have been agreed, not agreed, or are under discussion between (1) the Applicant and (2) the Forestry Commission.

2.1.7 In the column 'Item No' in Table 2.1, 'RRE' indicates an existing SoCG matter that was also raised in the Relevant Representation, and 'DL4' indicates a new matter added during examination at/around that deadline.

2.1.8 At Examination Deadline 4 there are 16 matters in total, of which 11 are agreed, 2 are not agreed and 2 remain under discussion.

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Table 2.1 details

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Table 2.1 Matters

Topic	Item No.	Forestry Commission comment	The Applicant's Response	Application Document Reference	Status
Planning statement/policy					
Impact on ancient woodland					
Ancient woodland loss	2.1.1 RRE	Forestry Commission is strongly opposed to any loss of ancient woodland and therefore does not agree with the loss of ancient woodland resulting from the Project. They have referenced the high level of protection afforded to ancient woodland, for example National Planning Policy Framework Paragraph 180, which states 'development resulting in the loss or deterioration of irreplaceable habitats (such as ancient	<u>The Applicant</u> acknowledges that <u>the Forestry Commission</u> is opposed to the loss of ancient woodland which would result from the construction of the Project. In line with the National Policy Statement for National Networks (NPSNN), and the National Planning Policy Framework, <u>the Applicant has</u> followed the mitigation hierarchy of Avoid, Mitigate, Compensate. In accordance with this, impacts to ancient woodland and veteran trees have been avoided wherever	ES Chapter 8: Terrestrial Biodiversity [APP-146] <u>ES Appendix 2.2: Code of Construction Practice [REP1-157]</u> <u>Planning Statement [APP-495]</u>	Matter Not Agreed

Deleted: <#>It is acknowledged there are some matters where further discussion may take place during the detailed design stage of the Project to finalise detail, but the matter is agreed in principle. Matters to which this applies have an asterisk (*) next to them.

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Topic	Item No.	Forestry Commission comment	The Applicant's Response	Application Document Reference	Status
		<p>woodland and ancient or veteran trees) should be refused, unless there are wholly exceptional reasons and a suitable compensation strategy <i>exists</i>.</p> <p><u>During a technical meeting on 10.07.2023, the Forestry Commission again highlighted its position on being strongly opposed to any loss or damage to existing ancient woodland.</u></p>	<p>possible, and have significantly reduced since the Supplementary Consultation in 2020, for example through engagement with Statutory Undertakers on utilities proposals.</p> <p>Ancient woodland compensation planting has been proposed as part of the mitigation and compensation strategy, and to support improved habitat connectivity within the wider landscape in line with the Defra family advice 'Defra Family Potential Environmental Legacy Projects', provided in response to the Lower Thames Crossing Preliminary Environmental Information Report (PEIR).</p> <p>Impacts on ancient woodland are assessed within the Planning Statement as this relates to a test set out in the NPSNN. It is <u>the Applicant's</u> view that the NPSNN test has been met.</p>		
Route selection, modal alternatives and assessment of reasonable alternatives					

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Topic	Item No.	Forestry Commission comment	The Applicant's Response	Application Document Reference	Status
Utilities					
Utility diversion options at Shorne Wood/Brewers Road	2.1.2	<p>The Forestry Commission would like to see evidence of the other utility diversion options considered in the Shorne Woods and Brewers Road area.</p> <p><u>The Forestry Commission attended a technical meeting on 10.07.2023, where the Applicant provided this evidence.</u></p> <p><u>The Forestry Commission is now satisfied that an appropriate level of information has been shared, and confirmed that this matter can now be agreed, on the basis that the Applicant continues to engage with the Forestry Commission on the detailed design to avoid impacts as far as possible and to maximise the effectiveness of compensation measures (see item 2.1.16 (DL4))</u></p>	<p>The Applicant considers that the routing of utilities in this area is the best viable option and will continue to engage with the Forestry Commission to explain the options process and constraints. Earlier iterations of the utilities diversions and corridors were presented at Statutory Consultation, Supplementary Consultation and Design Refinement Consultation. The Applicant has worked to ascertain these alignments with the Statutory Undertakers, which have their own design standards for the medium pressure gas main and other required utility diversions that need to be applied. The current alignment and utilities working widths reflect the reviews and work undertaken to reduce the impacts of these diversions in this location.</p>		Matter Agreed

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Topic	Item No.	Forestry Commission comment	The Applicant's Response	Application Document Reference	Status
Impact of utilities on Claylane Wood	2.1.3 <u>RRE</u>	<p>It would appear that there is increased impact on Claylane <u>Wood</u> since the Supplementary Consultation in <u>2020</u> and Design Refinement Consultation in 2020, and the Forestry Commission understood that further utilities would be routed through the wayleave beneath the existing power line. However, the maps now show a new route running north-west to south-east on the western side of the woodland. The area of ancient woodland affected within Claylane Wood is <u>4.24ha</u>.</p> <p>The Forestry Commission appreciates the logistical challenges presented by the proposed locations of utilities and would welcome trenchless installation as the preferred method.</p> <p>If felling is required, the Forestry Commission would support the translocation of the ancient woodland soils</p>	<p>The need for additional utilities diversions was identified as the design progressed.</p> <p>The additional unavoidable impact communicated at the Community Impacts Consultation in 2021 is to facilitate the diversion of a gas pipeline for <u>Southern Gas Networks (SGN)</u>, that cannot be located within the corridor of another asset in this location. Separate corridors are required for SGN, National Gas <u>Transmission</u>, National Grid Electricity Transmission, and UK Power Networks assets due to the proposed and existing alignments of their networks that have to be considered as part of the design for the construction of, and future operation and maintenance of, the networks, both in terms of the risk to the asset from each other, and the risk to the workforce completing the works.</p> <p>After discussion with <u>the</u> Forestry Commission, an</p>	<p><u>ES Figure 2.4: Environmental Masterplan, [APP-159 to APP-168]</u></p> <p><u>ES Chapter 8: Terrestrial Biodiversity [APP-146]</u></p> <p><u>ES Appendix 2.2: Code of Construction Practice [REP-157]</u></p> <p><u>ES Figure 8.1: Designated Sites [APP-262]</u></p>	Matter Under Discussion

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Topic	Item No.	Forestry Commission comment	The Applicant's Response	Application Document Reference	Status
		<p>back onto the site and replanting with native broadleaves in addition to the additional planting proposed to the north of Claylane Wood. The Forestry Commission advises that any translocation should occur to its final position as quickly and as locally as possible to minimise disturbance or damage in transit.</p> <p>The Forestry Commission requested at a technical meeting on 10.07.2023 for the SoCG to log that the Project proposals show that areas of ancient woodland and priority broadleaf woodland will be affected.</p> <p>The Forestry Commission wishes to continue to engage closely with the Applicant throughout detailed design on this matter. Following a technical meeting on 10.07.2023, the Forestry Commission set out the following principles that</p>	<p>additional 2ha of woodland planting has been proposed to offset the additional impact on Claylane Wood to facilitate the diversion of a gas pipe. This additional planting is shown in ES Figure 2.4. Environmental Masterplan, and detailed in ES Chapter 8: Terrestrial Biodiversity.</p> <p>REAC Commitment LV013 sets out a commitment to use trenchless installation methods to avoid the removal of ancient woodland where reasonably practicable, unless this would give rise to new or materially different environmental effects.</p> <p>REAC Commitment TB028 'Ancient Woodland Soil Translocation' states that areas identified on the Environmental Masterplan for compensatory ancient woodland planting to offset the loss of ancient woodland would be inoculated, where reasonably practicable, with soils from ancient woodland sites within the Order Limits (as identified on ES</p>		

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		<p><u>they recommend the Applicant follow:</u></p> <ul style="list-style-type: none"> <u>Avoid working within the ancient woodland wherever possible by considering ways of working;</u> <u>Use edge planting to support and bolster the native woodland;</u> <u>Use native shrubs and minor species near the pipeline where larger species are not appropriate.</u> <p><u>The Forestry Commission encourages further consideration of trenchless activities with a smaller footprint within the woodland.</u></p> <p><u>The area to the north of the second pylon does not appear to need ground disturbance as part of the scheme and we would welcome its removal from</u></p>	<p>Figure 8.1) that would be disturbed by construction activity. This includes the area to the north of Claylane Wood, which is immediately adjacent to the affected site.</p> <p><u>The Applicant notes the Forestry Commission's concerns around ancient woodland and priority broadleaf woodland. Discussions around this will continue throughout detailed design to identify additional measures which could potentially be undertaken to limit these effects.</u></p> <p><u>At a technical meeting on 23.07.2023, the Applicant explained and evidenced the physical and logistical challenges posed by trenchless installation in this location. The Applicant must ensure safety of the workforce working in proximity to the existing and proposed infrastructure, some of which are high pressure gas pipelines forming part of the national transmission gas network (Work Nos G2 and</u></p>		

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Topic	Item No.	Forestry Commission comment	The Applicant's Response,	Application Document Reference	Status
		<p>the proposed works. Some tree felling is part of woodland management and the Forestry Commission advise that coppicing could be acceptable if the soil is protected and retained along with coppice stumps to allow regrowth. Care should be taken to protect the soil and stumps of the coppiced trees to enable the line to be installed above ground. This should include avoiding driving and construction works within this area.</p>	<p>G3), and a large bore medium pressure gas pipeline that is an extremely important pipeline for the supply of gas from Grain to south east London (Work No G1b). The Applicant must adhere to strict gas industry standards and regulations, and those requirements of the asset owners and operators, which notably include requirements that pipelines must only cross parallel, and unless there is exceptional circumstances, they should cross with at least 0.6m separation.</p>		
			<p>The Applicant believes that the use of trenchless construction methodology within this region would not be viable for the construction of Work No G2, G3 and G1b due to the type and amount of existing and proposed utilities infrastructure in this location, the numerous changes in direction and the location and depths of connections proposed to the existing networks. It would however be pursued for sections of Work No MU17 in</p>		

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Topic	Item No.	Forestry Commission comment	The Applicant's Response	Application Document Reference	Status
			<p>accordance with REAC item LV001 and LV013 at the detailed design stage. The Applicant can not remove that section of Work No MU17 heading north beyond Pylon 4YN049 from within the location of Claylane Wood owing to an alternative location impeding or conflicting with other parts of the design, namely Work Nos G3, G1b, OH1, OHT1, 2I, 2N and 2R.</p> <p>The Applicant welcomes the constructive engagement on this matter to date and is confident that continued engagement will enable agreement to be reached by detailed design.</p>		
Pipe installation	2.1.4 RRE	Trenchless installation is preferred in order to meet the standing advice hierarchy for ancient woodlands: Avoid, Mitigate and Compensate.	<p>REAC Commitment LV013 sets out a commitment to use trenchless installation methods to avoid the removal of ancient woodland where reasonably practicable, unless this would give rise to new or materially different environmental effects. Trenchless installation was considered then discounted at</p>	<p>ES Appendix 2.2: Code of Construction Practice [REP1-157]</p> <p>Trenchless Study for A2 Enabling works</p>	Matter Agreed

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Topic	Item No.	Forestry Commission comment	The Applicant's Response	Application Document Reference	Status
			<p>Shorne and Ashenbank Woods, because the footprint required to facilitate this method of installation would have incurred a greater loss of ancient woodland.</p> <p>Significant woodland clearance to undertake the necessary ground investigations to inform the design would have been required, and there is a risk of further tree removal should the tunnelling machine become stuck.</p> <p>Concern has been raised by Natural England regarding trenchless installations beneath Sites of Special Scientific Interest and ancient woodland due to potential future environmental impact (e.g. emergency repairs/interventions).</p> <p>As a trenchless installation would not have resolved or reduced the issue of woodland removal, the proposal is instead to install the pipeline at Shorne and Ashenbank Woods, within an open cut trench, the working</p>		

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Topic	Item No.	Forestry Commission comment	The Applicant's Response	Application Document Reference	Status
			space for which would be shared with other Project construction works in this location. <u>While</u> this does not completely avoid woodland loss, the open cut proposal can be better managed, in terms of construction methods, associated risk and future operation and maintenance and can be continually developed to minimise the impacts.		
Terrestrial biodiversity					
Ancient woodland compensatory planting					
Compensatory planting strategy	2.1.5 <u>RRE</u>	Ancient woodland compensatory planting should link up areas of ancient woodland and Sites of Special Scientific Interest (SSSIs) to each other which is considered good practice for woodland creation at a landscape scale.	The ancient woodland compensation design follows Natural England's advice to strengthen existing ancient woodland and create links between retained woodland blocks.	ES Chapter 8: Terrestrial Biodiversity [<u>APP-146</u>]	Matter Agreed
Management of new woodland	2.1.6 <u>RRE</u>	More detail is required about who will manage the areas of ancient woodland	<u>The Applicant</u> is in the process of identifying and appointing suitably experienced and skilled partners to implement all ecological mitigation and	N/A	Matter Under Discussion

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		<p>compensatory planting and how this will be funded.</p> <p><u>There was not sufficient time to discuss this matter in detail at the technical meeting on 10.07.2023 between the Applicant and the Forestry Commission.</u></p> <p><u>The Forestry Commission outlined their main priority as to ensure an appropriate plan is in place for new woodland including long-term considerations for its access, management and establishment.</u></p>	<p>compensation areas (including ancient woodland compensation and nitrogen deposition compensation land) and manage them in the long term.</p> <p><u>The Applicant</u> will, however, be responsible for this management under the draft DCO, irrespective of who the appointed management bodies might be.</p> <p>There are a number of securing and funding mechanisms for appointing suitable bodies to carry out the management, including through Section 106 agreements. The long-term management may also be secured through a number of means: (1) direct ownership with direct management; (2) direct ownership with management contracted out; (3) lease to a suitable body with appropriate management prescriptions built in; or (4) a transfer of ownership to a third party subject to a section 253</p>		

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Topic	Item No.	Forestry Commission comment	The Applicant's Response	Application Document Reference	Status
			(Highways Act 1980) agreement. <u>The Applicant will discuss this matter further with the Forestry Commission.</u>		
Claylane Wood compensatory planting justification	2.1.7 RRE	The Forestry Commission contests the premise that the landscape and cultural heritage value of the RAF Gravesend Airfield north of Claylane Wood overrides the need for significant woodland planting in this location.	The Applicant does not consider the cultural heritage and landscape value of the area north of Claylane Wood to override the value of ancient woodland and the need to ensure adequate compensatory planting to offset adverse effects. There are a number of factors to consider at each site, which need to be balanced. At Gravesend Airfield, cultural heritage and landscape requirements have been balanced against the need for ancient woodland compensatory planting. Substantial woodland planting has been included in the Claylane Wood area, including an additional 2ha as agreed with the Forestry Commission and detailed in item 2.1.8.	<u>ES Chapter 6: Cultural Heritage [AS-044]</u> <u>ES Chapter 7: Landscape and Visual [APP-145]</u>	Matter Not Agreed

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ES Chapter 7: Landscape and Visual (Application Document 6.1) ¶
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Claylane Wood compensatory planting design	2.1.8	Forestry Commission is pleased to see the addition of 2 hectares of additional woodland planting to the north of Claylane Wood and support this addition to the scheme. They appreciate the logistical challenges presented by the proposed locations of the utilities, and believe this is a reasonable compromise.	The Applicant has included 2ha of additional woodland compensatory planting in the Claylane Wood area in response to Forestry Commission's request.	ES Chapter 8: Terrestrial Biodiversity [APP-146]	Matter Agreed
Utilities					
General	2.1.9 <u>RRE</u>	Routes for the utilities, if permitted, will cause irreversible damage to and loss of valuable ancient woodland, some of which is also designated as Sites of Special Scientific Interest (SSSIs).	The Applicant recognises that utilities work may result in impacts on ancient woodland (some of which are designated SSSIs). The Applicant also acknowledges that it is not possible to replace ancient woodland. However, the project has been designed to avoid, and where this was not possible, minimise adverse effects on these habitats, and significant reductions in impacts have been made since the Supplementary Consultation in	ES Chapter 7: Landscape and Visual [APP-145] ES Chapter 8: Terrestrial Biodiversity [APP-146]	Matter Agreed

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Topic	Item No.	Forestry Commission comment	The Applicant's Response	Application Document Reference	Status
			2020. Ancient woodland compensation planting has been proposed as part of the mitigation strategy and supports improved habitat connectivity within the wider landscape.		
Mitigation					
Green bridges	2.1.10	The Forestry Commission asks for green bridges to be delivered to link woodland communities as part of mitigating ecological and landscape impacts from the Project. These should be delivered in accordance with Natural England and Landscape Institute Guidance on Green Bridges: <ul style="list-style-type: none"> Natural England Literature Review (2015) LI Guidance based on Natural England Literature Review (2016).	The Project proposals include seven green bridges. The green bridges form an integral part of the walking, cycling, and Horse riding (WCH) strategy.	ES Figure 2.4: Environmental Masterplan [APP-159 to APP-168] Design Principles [APP-516]	Matter Agreed
Soil Protection Zone	2.1.11	The Forestry Commission recommends implementing a Soil Protection Zone.	The Code of Construction Practice (COCP) requires that there will be topic management plans developed for environmental subjects that require further measures and	ES Appendix 2.2: Code of Construction Practice [REP1-157]	Matter Agreed

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Design Principles (Application Document 7.5)

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Topic	Item No.	Forestry Commission comment	The Applicant's Response	Application Document Reference	Status
			controls to be implemented during the construction phase, and this will include soils.		
Ancient woodland soil translocation	2.1.12 RRE	The Forestry Commission would like National Highways to carry out ancient woodland soil translocation and monitor its effectiveness	The Applicant has included a REAC commitment to translocate ancient woodland soils in some locations (REAC Commitment TB028 'Ancient Woodland Soil Translocation'). The Environmental Masterplan (ES Figure 2.4) identifies areas of ancient woodland compensatory planting, which would be inoculated, where reasonably practicable, with translocated ancient woodland soils from within the Order Limits. The outline Landscape and Ecology Management Plan (oLEMP) details monitoring requirements.	ES Figure 2.4: Environmental Masterplan [APP-159 to APP-168] ES Appendix 2.2: Code of Construction Practice [REP1-157] oLEMP [REP1-173]	Matter Agreed
Detailed design and engagement	2.1.16 (DL4)	The Forestry Commission wishes to engage closely with the Applicant throughout detailed design to reduce impacts on ancient woodland and to maximise the effectiveness and value of mitigation and compensation measures to	The Applicant welcomes and values the constructive engagement with the Forestry Commission to date, and agrees that this should continue throughout detailed design. The Applicant will make arrangements to discuss this further with the Forestry		Matter Under Discussion

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REAC (Application Document 6.3)¶
oLEMP (Application Document 6.7)

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Topic	Item No.	Forestry Commission comment	The Applicant's Response	Application Document Reference	Status
		<p><u>protect, expand, enhance and connect woodland habitats, with appropriate management and maintenance to ensure these measures are delivered effectively.</u></p> <p><u>Ancient woodlands are an irreplaceable habitat and there should be no loss or deterioration of them. The Forestry Commission therefore encourages all efforts to remove the ancient woodland footprint from the detailed design as far as possible. If this is not possible and permission is granted then we encourage the detailed design phase to avoid impacts as far as possible by limiting the footprint of the works, retaining trees and soil in situ and planting an appropriate woodland edge that provides a variety of species, irregular shape and long-term maintenance. The Forestry Commission</u></p>	<p><u>Commission, in particular to outline how it plans to adopt the principles the Forestry Commission recommended at a technical meeting on 10 July 2023.</u></p>		

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Topic	Item No.	Forestry Commission comment	The Applicant's Response,	Application Document Reference	Status
		<p><u>encourages the use of underplanting with a mixed broadleaved hedge/scrub mix within the red line to provide a screening for the remaining woodland, which could offer biodiversity benefits as well as a buffer to capture/reduce the effects of noise and pollution to the existing woodland.</u></p> <p><u>With the replanting scheme it was highlighted, during the technical meeting on 10.07.2023 that the utilities corridors would be converted to grassland. The Forestry Commission welcomes consideration for a woodland glade mix to connect and support the existing ancient woodland such as LW8M or LW8P- Native Woodland and Heavy Shade Wildflower Mix.</u></p>			

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Topic	Item No.	Forestry Commission comment	The Applicant's Response	Application Document Reference	Status
		<p><u>As part of detailed design, the Forestry Commission requests that the proposed green bridges are designed and delivered in accordance with Natural England and Landscape Institute guidance (see SoCG Item 2.1.10).</u></p> <p><u>The Forestry Commission has outlined a number of additional measures and principles that they encourage to be considered and adopted in the detailed design, as far as possible, which they look forward to discussing with the Applicant in more detail (see Appendix C).</u></p>			
Nitrogen Deposition					
Methodology and Compensation Strategy	2.1.13	The Forestry Commission has been consulted on, and agrees with, the methodology and mitigation and compensation strategy.	The air quality assessment methodology has been updated following discussions with Natural England to include the impact of ammonia emitted from exhausts, as well as considering nitrogen oxides	<u>ES Chapter 5: Air Quality [APP-143]</u>	Matter Agreed

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			(NOx). The Project has identified an approach to offset the potential impact of nitrogen deposition by creating 250ha new compensatory habitats at a landscape scale. These areas would provide additional benefits, including public access, enhancing local landscape and improving biodiversity.		
Air Modelling	2.1.14	The Forestry Commission has been consulted on, and agrees with, the changes to the air quality model inputs and assessment methodology.	There have been a number of changes to the air quality model inputs to the assessment methodology which include the following: traffic data, the change in opening year from 2027 to 2030, the emission factors have been updated from Emission Factor Toolkit (EFT) version 9 to EFTv11, background air quality maps and the NOx to NO2 tool have been updated, the model verification against monitoring data has changed as a result of the updates above, and the Ammonia component to Nitrogen Deposition has been included in the assessment.	ES Chapter 8: Terrestrial Biodiversity [APP-146]	Matter Agreed

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Topic	Item No.	Forestry Commission comment	The Applicant's Response	Application Document Reference	Status
Biodiversity – Net Gain	2.1.15 <u>RRE</u>	Forestry Commission appreciates the project's commitment to net gain. However, as an irreplaceable habitat, ancient woodland cannot be used in any net gain metric, as there is no way to replace it via any compensatory or mitigation scheme.	In line with <u>Natural England's</u> latest metric guidance, ancient woodland has not formed any part of the <u>Project</u> baseline calculation or <u>the</u> project design calculation.	<u>ES Appendix 8.14: Designated Sites Air Quality Assessment [APP-403 to APP-406]</u>	Matter Agreed

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Appendix A Engagement activity

Engagement activities between the Applicant and the Forestry Commission since the DCO application was submitted on 31 October 2022

Date	Overview of engagement activities
16 November 2022	DCO walkthrough presentation to provide stakeholders a summary of where to find relevant DCO Application Documents.
25 November 2022	Forestry Commission attended the Applicant's Biodiversity and Ecology Briefing.
09 January 2023	Email to notify Forestry Commission of Relevant Representations opening, and to offer 1:1 meeting between the Forestry Commission and the Applicant if required.
16 February 2023	Email to remind Forestry Commission of closing date for Relevant Representations, and to offer to set up a regular monthly meeting between Forestry Commission and the Applicant.
06 March 2023	Email about PADS and to offer 1:1 meeting between Forestry Commission and the Applicant if required.
10 March 2023	Email to notify Forestry Commission about Ministerial Statement of 09 October 2023
23 March 2023	Email to Forestry Commission in response to request for more information about proposed changes in the Minor Refinements Consultation.
02 May 2023	Forestry Commission attended Stakeholder Landscape and Ecology Working Group workshop session.
17 May 2023	Stakeholder briefing on the Minor Refinements Consultation material.
10 July 2023	Meeting between Forestry Commission and the Applicant to discuss SoCG matters, and to present GIS and other technical drawings.

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Detailed record

A.1.1 of engagement activities between the Applicant and the Forestry Commission which took place prior to DCO application submission on 31 October 2022

Date	Form of contact/ correspondence	Key topics discussed and key outcomes
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This Statement of Common Ground has been prepared

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Glossary¶

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A summary of the meetings and correspondence undertaken

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Engagement activities between National Highways and the Forestry Commission.¶

July 2018-April 2022	Teams and progress meetings	Regular technical meetings to discuss the programme, SoCG topics and compensatory enhancements. Held as required, typically quarterly to monthly.
Oct 2018-Sept 2021	Public consultations	Forestry Commission has been consulted on all of the Applicant's public consultations.
Sept 2018-June 2020	Workshops	Technical workshops to discuss project identification, design development, utilities diversions, DCO, impacts and mitigation.
11 July 2018	Meeting	Introductory meeting between Forestry Commission and the Lower Thames Crossing Project,
12 July 2018	Email	Notification of updated Order Limits.
5 September 2018	Meeting	Project Identification Workshop
6 September 2018	Meeting	Project updates including environmental surveys and Order Limits update. Forestry Commission suggested providing strategic connections to existing open access areas and woodlands.
October – December 2018	Statutory Consultation	Statutory public consultation on the Project's design in the Preferred Route Announcement. Consultation response received from the Forestry Commission.
19 October 2018	Email	Green Infrastructure Study Opportunities Plan. Comments requested on projects identified
23 October 2018	Meeting	Briefing to the Forestry Commission on vision, strategic goals, legacy and benefits.
18 December 2018	Email	Forestry Commission enquired about impact on woodland utilities. The Applicant provided an overview of works.
24 April 2019	Meeting	Design Development Workshop South of the River Thames. The Applicant presented the latest thinking on the Project's design development and sought initial feedback and suggestions for improving the design.
26 September 2019	Meeting	Environment and Community Group Forum. Update on ecology surveys and environmental mitigation approach after Statutory Consultation.
7 November 2019	Meeting	Design Development Workshop with key Local Authorities and Statutory Environmental Bodies to update on supplementary consultation delivery, pre-

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A detailed record of all engagement between (1) National Highways and (2) the Forestry Commission in relation to the issues addressed in this SoCG is outlined in Table C.2 below.¶

It is agreed that this is an accurate record of the key meetings and consultation undertaken between (1) National Highways and (2) the Forestry Commission in relation to the issues addressed in this SoCG.¶

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Detailed Record of Engagement¶
Table D.1 Detailed record of engagement activities between National Highways and the Forestry Commission.¶
 Date

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		enabling works, design refinement and development boundary.
4 December 2019	Utilities Diversion Workshops (north and south)	<u>Utilities</u> , Diversion Workshop to update on utilities design and <u>the</u> potential impact on environmental designations and Order Limits
January – March 2020	Supplementary Consultation	Non-statutory public consultation on Project changes and development of the Project. Consultation response received from the Forestry Commission.
22 April 2020	Meeting	Preliminary Environmental Impact and Mitigation & Code of Construction Practice Review South.
15 May 2020	Meeting	<u>The Applicant</u> explained the current utilities design including areas which were awaiting input from Statutory Undertakers.
21 May 2020	Meeting	Key elements of the DCO workshop.
3 June 2020	Email	Shared draft CoCP, comments requested
10 June 2020	Meeting	Design Development Workshop South. Update on supplementary consultation delivery, pre-enabling works, design refinement and development boundary.
23 & 25 June 2020	Meeting	Environmental Impact & Mitigation and REAC Review workshop
26 June 2020	Meeting	Bilateral meeting <u>on</u> woodland loss figures
29 June 2020	Email	<u>The Applicant</u> shared the draft <u>DCO</u> , noting to the Forestry Commission that it disapplies the need for a tree felling licence under the Forestry Act 1967. Major or substantive comments were welcomed.
1 July 2020	Meeting	Environmental Impact Update and discussions on ancient woodland compensatory planting.
14 July 2020	Email	Shared draft Environmental Masterplan
July – August 2020	Design Refinement Consultation	Non-statutory public consultation on design refinements of the Project. Consultation response received from the Forestry Commission.
7 August 2020	Meeting	Progress meeting

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26 August 2020	Email	Shared draft Design Principles and cross sections of key structures.
18 September 2020	Meeting	Progress meeting
16 October 2020	Meeting	Review issues log ahead of initial DCO submission.
24 November 2020	Meeting	Update on DCO application post withdrawal
3 December 2020	Email	<u>The Applicant</u> shared all <u>of its</u> DCO documents with the Forestry Commission.
4 December 2020	Meeting	Update meeting to brief the Forestry Commission on scope changes expected to be incorporated between withdrawal and resubmission of the DCO.
8 December 2020	Meeting	Walkthrough of DCO documents.
8 December 2020	Email	Shared <u>Forest Research's</u> Forest Concept Report
22 January 2021	Meeting	Project updates and <u>issues</u> revisited <u>after reviewing</u> DCO documents.
26 January 2021	Meeting	Inaugural Environment Working Group Legacy meeting
22 February 2021	Email	<u>Shared</u> new DCO documents including the outline Landscape and Ecology Management Plan, outline Site Waste Management Plan. Any major or substantive comments were welcomed.
12 March 2021	Meeting	Present utilities design refinements which reduce the Project's impacts on Claylane Wood and <u>Ashenbank</u> Wood. Review of associated issues.
7 May 2021	Meeting	Forestry Commission shared new feedback on the ancient woodland compensatory design at Claylane <u>Wood</u> .
16 June 2021	Meeting	<u>The Applicant</u> presented a draft proposal for additional ancient woodland compensatory planting at Claylane <u>Wood</u> .

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14 July – 8 September 2021	Community Impacts Consultation	Consultation response received from the Forestry Commission.
20 April 2022	Meeting	To provide Forestry Commission with update on the changes to the order limits, Nitrogen Deposition, air quality modelling and Hole Farm.

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Appendix B Glossary

Term	Abbreviation	Explanation
Code of Construction Practice	CoCP	Contains control measures and standards to be implemented by the Project, including those to avoid or reduce environmental effects.
Development Consent Order	DCO	Means of obtaining permission for developments categorised as Nationally Significant Infrastructure Projects (NSIP) under the Planning Act 2008.
Environmental Management Plan	EMP / EMP2	For the Project, a plan setting out the conclusions and actions needed to manage environmental effects as defined by the Design Manual for Roads and Bridges standard LA 120. The CoCP is the equivalent of the first iteration of the EMP (EMP1). The contractor's EMP would be EMP2 and the end of construction EMP would be EMP3.
Nitrogen oxides	NOx	A group of seven gases and compounds composed of nitrogen and oxygen, sometimes collectively known as NOx gases.
National Policy Statement for National Networks	NPSNN	The NPSNN sets out the need for, and Government's policies to deliver, development of Nationally Significant Infrastructure Projects on the national road and rail networks in England. It provides planning guidance for promoters of Nationally Significant Infrastructure Projects on the road and rail networks, and the basis for the examination by the Examining Authority and decisions by the Secretary of State.
outline Landscape and Ecology Management Plan	oLEMP	A document which provides details on the delivery and management of the landscape and ecology elements identified in the Environmental Masterplan for the Project, including their success criteria.
Register of Environmental Actions and Commitments	REAC	The REAC identifies the environmental commitments that would be implemented during the construction and operational phases of the Project if the Development Consent Order is granted, and forms part of the Code of Construction Practice.
Site of Special Scientific Interest	SSSI	A conservation designation denoting an area of particular ecological or geological importance.
Statutory Undertaker	SU	Bodies carrying out functions of a public character under a statutory power. They may either be in public or private ownership, for example the Post Office, Civil Aviation Authority, the Environment Agency, or any water undertaker, public gas transporter or supplier of electricity.
Walkers, cyclists and horse riders	WCH	Walkers, cyclists and horse riders, in the context of their use and interaction with the road network.

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Appendix C Forestry Commission advice for detailed design

- C.1.1** The Forestry Commission encourage exhausting efforts to adopt the below measures as part of mitigation and compensation measures in the detailed design, which reiterate what we raised in the LTC Working group meeting on the 2nd of May:
- a. Continue to proactively engage with Forestry Commission on creation/managements proposals
 - b. Exhaust opportunities to improve condition of existing woodland
 - c. Implement mitigation/compensation as early as possible to help establish them quickly and effectively, while ensuring measures are truly additional
 - d. Urban planting to create and enhance tree and woodland cover where people live and work in local communities and the many benefits this can have in addition to biodiversity (eg health and wellbeing)
 - e. Provide clear and concise updates to changes in design/proposals
 - f. Robust commitments relating to:
 - i. Climate resilience measures for habitat creation and management eg using species and provenance resilient to changing climate. The Forestry Commission can advise further on this.
 - ii. Management and monitoring
 - iii. Deer and squirrel management with input from Forestry Commission Deer Officer
 - iv. Plant Health measures to avoid spread of pests/disease. The Forestry Commission can advise further on this.
 - g. Management in line with UK Forestry Standard
 - h. Work with LNRS responsible authorities to align with and deliver landscape-scale recovery
 - i. Design for multi-functional benefits eg nature based solutions to flood management, public access, shade/cooling
 - j. Engagement/involvement with communities eg planting with local community

Consider using metrics/KPIs to monitor progress eg Natural England's Green Infrastructure Standards, Urban Green factor, tree canopy cover, latest BNG guidance/metric

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