

Date: 29 January 2021
Our ref: 334610, Case 15676
Your ref: TR010059



The Planning Inspectorate
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BY EMAIL ONLY

Dear Sir/ Madam

**NSIP Reference Name / Code: A1 in Northumberland – Morpeth to Ellingham;
TR010059**

User Code: 2002693

Thank you for your consultation on the above dated 19 November 2020 which was received by Natural England on the same day.

Natural England is a non-departmental public body. Our statutory purpose is to ensure that the natural environment is conserved, enhanced, and managed for the benefit of present and future generations, thereby contributing to sustainable development.

Relevant Representation

PART I: Summary of Natural England's advice – Natural England is generally satisfied that there are no fundamental reasons in principle why the development should not proceed.

PART II: Natural England's detailed advice

- 1.1. Natural England's advice in these relevant representations is based on information submitted by Highways England in support of its application for a Development Consent Order ('DCO') in relation to A1 in Northumberland – Morpeth to Ellingham (the project). (update Draft DCO January 2021).
- 1.2. Natural England has been working closely with Highways England and their consultants to provide advice and guidance since 2017. This has included detailed discussions regarding the compensatory planting requirements for the ancient woodland losses within the River Coquet and Coquet Valley Woodlands Site of Special Scientific Interest (SSSI), and suitable mitigation measures to minimise

impacts on the SSSI from the construction of the southern pier. Discussions have also taken place regarding protected species impacts, and the information required to enable Letters of No Impediment to be issued. Progress has been made on a Statement of Common Ground for Part A of the project. Further work is required to agree a Statement of Common Ground for Part B.

- 1.3. These relevant representations contain a summary of what Natural England considers the main nature conservation issues¹ to be in relation to the DCO application, and indicate the principal submissions that it wishes to make at this point. Natural England will develop these points further as appropriate during the examination process. It may have further or additional points to make, particularly if further information about the project becomes available.
- 1.4. Part I of these representations provides an overview of the issues and a summary of Natural England's advice. Section 2 identifies the natural features relevant to this application. Section 3 summarises Natural England's overall view of the application and the main issues which it considers need to be addressed by the Secretary of State.
- 1.5. Part II of these representations sets out all the significant issues which remain outstanding, and which Natural England advises should be addressed by Highways England and the Examining Authority as part of the examination process in order to ensure that the project can properly be consented. These are primarily issues on which further information would be required in order to allow the Examining Authority properly to undertake its task or where further work is required to agree on the potential impacts of the development on designated sites and to provide a sufficient degree of confidence as to their efficacy.
- 1.6. Natural England will continue discussions with Highways England to seek to resolve these concerns and agree outstanding matters in a statement of common ground. Failing satisfactory agreement, Natural England advises that the matters set out in sections 4 to 7 will require consideration by the Examining Authority as part of the examination process.
- 1.7. The Examining Authority may wish to ensure that the matters set out in these relevant representations are addressed as part of the Examining Authority's first set of questions to ensure the provision of information early in the examination process.

2. The natural features potentially affected by this application

- 2.1. The designated sites relevant to this application are:
 - 2.1.1. the River Coquet and Coquet Valley Woodlands Site of Special Scientific Interest (SSSI).
- 2.2. The following European and Nationally protected species may be affected by the proposed project:
 - 2.2.1. Bats – Common pipistrelle; Soprano pipistrelle, Noctule and Natterer's;
 - 2.2.2. Great Crested Newts;
 - 2.2.3. Badgers.
- 2.3. The following areas of non-designated but valuable and sensitive habitat are affected:

¹ PINS NSIP Advice Note 11 Annex C sets out Natural England's role in infrastructure planning.

https://infrastructure.planninginspectorate.gov.uk/wp-content/uploads/2015/10/PINS-Advice-Note-11_AnnexC_20150928.pdf

- 2.3.1. Ancient semi- natural woodland;
- 2.3.2. Lowland meadows;
- 2.3.3. Ponds;
- 2.3.4. Lowland mixed deciduous woodland;
- 2.3.5. Hedgerows;
- 2.3.6. Rivers, and
- 2.3.7. Arable field margins, all of which are habitats of principle importance.

2.4. The main issues raised by this application are:

- 2.4.1. The proposal will result in the loss of SSSI habitat from the River Coquet and Coquet Valley Woodlands SSSI as a result of the new bridge to be constructed – these impacts will be both temporary during construction, and permanent from the presence of new infrastructure, and increased shadowing of vegetation. This will include the loss of irreplaceable ancient semi-natural woodland from within the SSSI;
- 2.4.2. The proposal will result in the permanent loss of Habitats of Principal Importance including lowland mixed deciduous woodland, lowland meadows, hedgerows, ponds, rivers and arable field margins;
- 2.4.3. The proposals will directly and indirectly impacts habitats and structures that support European and nationally protected species.

Part II:

NATURAL ENGLAND'S RELEVANT REPRESENTATIONS IN RESPECT OF THE A1 IN NORTHUMBERLAND – MORPETH TO ELLINGHAM

3. Planning Inspectorate Reference: TR010059

- 3.1. Natural England's advice is that in relation to identified nature conservation issues within its remit there is no fundamental reason of principle why the project should not be permitted but further discussions with Highways England and their consultants in relation to the air quality impact assessment on the River Coquet and Coquet Valley Woodlands SSSI are required. It should be noted that should further alterations to the development be proposed, Natural England reserve the right to change this view should this be the case.
- 3.2. Natural England's headline points are that on the basis of the information submitted:
- 3.2.1. Natural England is satisfied that the proposal will not be likely to have a significant effect on European designated sites, as we have confirmed directly with the applicants and their consultants previously, and included as Appendices C and F of the submitted Habitats Regulations Assessment. This was subsequently confirmed again in our response to the Examiner's first round of questions, which was submitted on 12 January 2021.
 - 3.2.2. Natural England is satisfied that while the proposals will directly impact on the River Coquet and Coquet Valley Woodlands Site of Special Scientific Interest both permanently and temporarily, acceptable compensation for the loss of irreplaceable habitats has been identified and will be delivered through the scheme.
 - 3.2.3. Natural England is also satisfied that impacts on protected species have been identified, and sufficient information which has enabled Letters of No Impediment to be issued.
 - 3.2.4. Natural England and Highways England do not agree on the approach to air quality assessment detailed in the updated DMRB, and so will continue discussions to reach agreement on the air quality impacts on the River Coquet and Coquet Valley Woodlands SSSI.
 - 3.2.5. Natural England advises that, if approved, the project must be subject to all necessary and appropriate requirements which ensure that unacceptable environmental impacts either do not occur or are significantly mitigated.
- 3.3. Natural England's advice is that the potential impacts on the River Coquet and Coquet Valley Woodlands SSSI from air quality as a result of increased traffic movement require further discussion during the Examination process with Highways England and their consultants. These impacts require agreement before development consent can be granted. However, Natural England's advice is that this matter is capable of being overcome.
- 3.4. Natural England is satisfied that all other environmental impacts arising from the proposal have been adequately identified and suitable mitigation and compensation identified to minimise these impacts as far as possible.

PART II: OUTSTANDING MATTERS REQUIRING ATTENTION

- 4. Further details about the project in order to enable assessment**
 - 4.1. Natural England intends to continue discussions with Highways England to reach agreement on the approach to air quality impacts on the River Coquet and Coquet Valley Woodlands SSSI, and to agree a Statement of Common Ground for Part B of the Scheme.
 - 4.2. Natural England are aware that potential changes have been submitted and have concerns about the impact on the SSSI should they be accepted. Natural England reserve the right to provide further comments and change our view in light of this.
- 5. Matters that must be secured by requirements in the DCO**
 - 5.1. The DCO must ensure that a detailed CEMP, which includes all necessary mitigation and compensation measures is completed and agreed prior to works starting.
- 6. Comments on the draft DCO.**
 - 6.1. Natural England notes the updated draft DCO now correctly references the Conservation of Habitats and Species Regulations 2017 (as amended).
 - 6.2. Natural England is satisfied that the requirements of the DCO will ensure that habitats and species are given due consideration during works, and that appropriate measures are in place to ensure no harm or damage to protected sites and species occurs.

Natural England
29 January 2021