

A1 in Northumberland: Morpeth to Ellingham

Scheme Number: TR010059

7.6E Statement of Common Ground with Forestry Commission

Rule 8 (1)(e)

Planning Act 2008

Infrastructure Planning (Examination Procedure) Rules 2010

March 2021

Infrastructure Planning

Planning Act 2008

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

**The A1 in Northumberland: Morpeth to
Ellingham**

Development Consent Order 20[xx]

Statement of Common Ground with Forestry Commission

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| Rule Reference: | 8(1)(e) |
| Planning Inspectorate Scheme Reference: | TR010059 |
| Doc Reference: | 7.6E |
| Author: | A1 in Northumberland: Morpeth to Ellingham Project Team, Highways England |

| Version | Date | Status of Version |
|----------------|-------------|--------------------------|
| Rev 2 | March 2021 | Deadline 4 Version |

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1 INTRODUCTION

1.1 PURPOSE OF THIS DOCUMENT

- 1.1.1. This Statement of Common Ground (SoCG) relates to an application made by Highways England (the Applicant) to 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 in Northumberland, Morpeth to Ellingham (the Scheme). A detailed description of the Scheme can be found in Chapter 2: The Scheme of the Environmental Statement (ES) [APP-037].
- 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-in-Northumberland---Morpeth-to-Ellingham/>
- 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.

1.2 PARTIES TO THIS STATEMENT OF COMMON GROUND

- 1.2.1. This SoCG has been prepared by (1) Highways England as the Applicant and (2) the Forestry Commission. It has been produced in response to the Rule 6 letter issued by the Examining Authority on 19 November 2020 [PD-006]. In Annex E of the letter the Examining Authority asked the Applicant to prepare a SoCG with the Forestry Commission to consider:
- a. The effect on trees and woodlands and in particular the effect on ancient woodland;
 - b. Proposed mitigation in respect of trees and woodlands.
- 1.2.2. Highways England became the Government-owned Strategic Highways Company on 1 April 2015. It is the highway authority in England for the strategic road network and has the necessary powers and duties to operate, manage, maintain and enhance the network. Regulatory powers remain with the Secretary of State. The legislation establishing Highways England made provision for all legal rights and obligations of the Highways Agency, including in respect of the Application, to be conferred upon or assumed by Highways England.
- 1.2.3. The Forestry Commission is the government department responsible for protecting, expanding and promoting the sustainable management of woodlands, and is a statutory consultee for nationally significant infrastructure projects that could affect forests and woodlands. The Forestry Commission is also a non-statutory consultee on development affecting or within 500 metres of ancient woodland.

1.3 TERMINOLOGY

- 1.3.1. In the tables in the Issues chapter 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 chapter of this SoCG are not of material interest or relevance to the Forestry Commission, and therefore have not been the subject of any discussions between the parties. As such, those matters can be read as agreed, to the extent that they are either not of material interest or relevance to the Forestry Commission.

2 RECORD OF ENGAGEMENT

- 2.1.1. A summary of the meetings and correspondence between Highways England and the Forestry Commission relating to the Application is set out in Table 2-1.
- 2.1.2. This engagement has primarily been to identify the impacts of the Scheme on ancient woodland around the River Coquet at the northernmost extent of Part A and to agree compensation measures for these impacts. There is no Ancient Woodland in close proximity to the remainder of Part A or any of Part B.

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Table 2-1 - Record of Engagement with the Forestry Commission

| Date | Form of Correspondence | Key Topics Discussed and Key Outcomes |
|----------|---|--|
| 31/10/18 | Joint meeting between WSP (on behalf of Highways England) and Natural England and the Forestry Commission | <p>Key Topics</p> <p>The Applicant presented the following points to the Forestry Commission:</p> <ul style="list-style-type: none"> – Scheme overview as of October 2018 and key design elements; – Overview of arboricultural resource and key receptors; <ul style="list-style-type: none"> • Duke’s Bank Wood. • High and Medium value features. • Coronation Avenue. – Overview of arboricultural resource and key receptors; – Ancient woodland salvage and ancient woodland compensation; – Felling licences and other local Forestry Commission interests; and – Ash dieback impacts constraints and licencing. <p>Key Outcomes</p> <p>Scheme overview and overview of arboricultural resource and receptors - The Forestry Commission consider the partial loss of part of Duke’s Bank Wood undesirable but do accept that some impact is unavoidable if the Scheme is to go ahead. The Forestry Commission emphasised that any impacts should be kept to a minimum.</p> <p>Ancient woodland salvage and ancient woodland compensation – The Forestry Commission discussed compensation measures. They set out the need for a suitable ratio for replacement planting and that this should be captured in the Ancient Woodland Strategy (see Table 2.2, below). The Forestry Commission also highlighted the need for a management plan for these areas of replanting. The Applicant accepted this and has incorporated it into the Ancient Woodland Strategy [APP-247].</p> <p>Felling Licence – It was not anticipated that a felling licence would be required for the works as they would be covered by the DCO. The likely requirement for a felling licence for the River Coquet Ground Investigation works was discussed and was also considered unlikely. This was to be confirmed in writing by FC, although no record that a response has been received.</p> <p>Ash die back impacts, constraints and licencing - Although ash dieback typically presents a significant constraint to soil translocation, the Forestry Commission agreed that in this instance translocation is desirable as the risks were assessed to be low. It was agreed that the Ancient Woodland Strategy [APP-247] should include a translocation method statement and agreement for a Statutory Plant Health Notice (SPHN) to ensure that the controlled and biosecure processing and transportation of ash material is agreed at the detailed design stage. Part 4.3 of the submitted AWS [APP-247] sets out the principles of a strategy for Ancient Woodland Component Salvage, including an outline of how the soil translocation be carried out, and a confirmation that the translocation of materials from the ancient woodland to the designated receptor area would only be undertaken following further consultation with Plant Health England, Natural England and the Forestry Commission. The AWS also includes an acknowledgement of the requirement for a SPHN (see entry dated 20/11/20, below) and a commitment to produce a Biosecurity Method Statement at the detailed design stage.</p> |
| 20/11/20 | Exchange of Emails between Mark Stoneman (Highways England) and Jim Smith (the Forestry Commission). | <p>Key Issue</p> <p>Mark Stoneman emailed the Forestry Commission to ask if, in light of updates to the UK Tree Health regulations, the Forestry Commission wanted to make any changes in relation to section 3.3 of the Ancient Woodland Strategy and the Statutory Plant Health Notice for movement of Ash trees and associated materials.</p> <p>Key Outcomes</p> |

| Date | Form of Correspondence | Key Topics Discussed and Key Outcomes |
|---------------------|---|--|
| | | Jim Smith of the Forestry Commission responded to confirm that the Forestry Commissions no longer requires a SPHN to move soil on site. |
| 08/02/21 – 25/02/21 | Exchange of emails between Callum Throw (WSP, on behalf of Highways England) and Jim Smith and Richard Pow of the Forestry Commission. | <p>Key Topics Callum Throw issued a copy of the draft Forestry Commission SoCG [REP3-021] by email 08/02/21. Jim Smith of the Forestry Commission responded suggesting some amendments to the SoCG and requesting a further meeting with the Applicant.</p> <p>Key Outcomes The suggested amendments have been incorporated into the draft SoCG, and dates suggested for a follow up meeting.</p> |
| 08/03/21 | Skype Meeting between Jack Fenwick, Callum Throw and David Green (all WSP on behalf of Highways England) and Jim Smith, Richard Pow, Lisa Kerslake and Victoria Bankes-Price (the Forestry Commission). | <p>Key Topics Discussed the Scheme and the SoCG to date.</p> <p>Key Outcomes Richard Prow suggested a couple of amendments be made to the draft version of the SoCG. It was agreed that WSP would re-issue the draft SoCG in an editable format and that the Forestry Commission would review and respond with further comments by week commencing Monday 15th March. Also noted that Richard Pow and Lisa Kerslake are due to visit the site in the next week. Agreed that a further meeting would be held once the Forestry Commission had commented on the draft SoCG.</p> |

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3 ISSUES

Table 3-1 - Issues Related to the Whole Scheme

| Item | Document | Forestry Commission Comment | Highways England Response | Status |
|------|---|---|---|-------------------|
| 1. | Environmental Statement Appendix 7.5 (Arboricultural Report Part A) [APP-220] and Appendix 7.1 (Arboricultural Report Part B) [APP-286] | The Forestry Commission do not object to the scope, level of detail and assessment, and the overall conclusions, of the Arboricultural Assessments. | Agree. | Under discussion. |
| 2. | Environmental Statement Appendix 7.5 (Arboricultural Report Part A) [APP-220] | The main issue for the Forestry Commission is the impacts of the Scheme on Duke's Bank Wood Ancient Woodland. These are discussed in detail below. The total loss of woodland for the Scheme as a whole (including 0.68 hectares of ancient woodland) is approximately 21 hectares. The proposed woodland creation to compensate for this loss is approximately 47 hectares. Based on these figures, the Forestry Commission does not object to the effects on trees and woodlands and agrees that the proposed mitigation measures are appropriate and acceptable. | Agree. | Under discussion. |
| 3. | | In relation to Duke's Bank Wood Ancient Woodland both the Forestry Commission and Natural England consider the partial loss of part of Duke's Bank Wood is undesirable. | The Applicant accepts this. | Under discussion. |
| 4. | | Whilst it is accepted that some impacts on the wood are an unavoidable feature of the Scheme, it is important that these impacts are minimised. It is acknowledged that the Applicant has sought to minimise the loss of ancient woodland as far as it is practical to do so through the design of the bridge footings and construction working areas the Applicant. | The Applicant accepts this. | Under discussion. |
| 5. | | Whilst it is not possible to fully mitigate the loss of ancient woodland, an Ancient Woodland Strategy is required to set out how the Scheme will compensate for the loss of ancient woodland. | The Applicant accepts the need to compensate for the impacts of the Scheme on Duke's Bank Wood. | Under discussion. |
| 6 | | The 12:1 replacement planting ratio that has been agreed with Natural England is sufficient to compensate for the lost ancient woodland. The Forestry Commission accept this as an appropriate ratio. | The Applicant accepts the proposed 12:1 replacement planting ratio. This ratio has been incorporated into the submitted Ancient Woodland Strategy [APP247]. | Under discussion. |

| Item | Document | Forestry Commission Comment | Highways England Response | Status |
|------|----------|---|--|-------------------|
| 7. | | The Forestry Commission is satisfied with the proposed Ancient Woodland Strategy is appropriate and consider that it appropriately compensates for the impacts of the Scheme on ancient woodland. | <p>During a meeting on 1 March 2019, Natural England agreed to the approach taken within the Ancient Woodland Strategy. This is recorded in the Natural England SoCG [REP1-029] and is captured in the Ancient Woodland Strategy [APP-247] submitted with the DCO application.</p> <p>The submitted Ancient Woodland Strategy would be secured through measure A-L6 of the Register of Environmental Actions and Commitments contained within the Outline Construction Environmental Management Plan (Outline CEMP) [APP-346] and Requirement 5 of the draft DCO [REP3-004].</p> | Under discussion. |
| 8. | | There is also a requirement for a management plan for the replacement planting. The submitted Ancient Woodland Strategy [APP247] sets out the requirements of indicative management plan for this replacement planting and is an acceptable means of achieving this. | The submission of a detailed management plan is secured through the Commitments contained within the Outline Construction Environmental Management Plan (Outline CEMP) [APP-346] and Requirement 5 of the draft DCO [REP3-004]. | Under discussion. |
| 9 | | The Forestry Commission and Natural England agreed that translocation of ancient woodland soils is desirable as a matter of principle. Emphasised that the approach needs to be pragmatic and should contain enough flexibility to make sure that what is proposed will be practically achievable . | The Applicant acknowledges the desirability of translocation ancient woodland soil. | Under discussion. |
| 10 | | The Ancient Woodland Strategy [APP-247] sets out that suitable biosecurity measures to control the risk of Ash dieback. As stated above there is no longer a requirement for a SPHN. | Agreed. | Under discussion. |
| 11 | | <p>Relevant text from Paragraph 5.32 the National Policy Statement of National Networks (NPS NN) should be incorporated into this SoCG:</p> <p><i>“Ancient woodland is a valuable biodiversity resource both for its diversity of species and for its longevity as woodland. Once lost it cannot be recreated. The Secretary of State should not grant development consent for any development that would result in the loss or deterioration of irreplaceable habitats including ancient woodland and the loss of aged or veteran trees found outside ancient woodland, unless the national need for and benefits of the development, in that location, clearly outweigh the loss. Aged or veteran trees found outside ancient woodland are also particularly valuable for biodiversity and their loss should be avoided. Where such trees would be affected by development proposals, the applicant should set out proposals for their conservation or, where their loss is unavoidable, the reasons for this.”</i></p> | The Applicant accepts that this is the correct and appropriate test for assessing nationally significant infrastructure projects that will have an impact upon ancient woodland. The Applicant considers that the loss of ancient woodland is unavoidable and that the Scheme will meet a national need, and also that the benefits of the development outweigh the loss of ancient woodland. | Under discussion. |

| Item | Document | Forestry Commission Comment | Highways England Response | Status |
|------|----------|---|---------------------------|-------------------|
| 12 | | The impacts of the Scheme on ancient woodland are minimised as far as it is possible to do so. The replacement planting ratios are agreed and the proposed management plan acceptable. The Scheme is compatible and consistent with Paragraph 5.32 of the NPS NN. | Agreed | Under Discussion. |

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Registered office Bridge House, 1 Walnut Tree Close, Guildford GU1 4LZ

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