

A1 in Northumberland: Morpeth to Ellingham

Scheme Number: TR010059

7.6 Statement of Commonality for Statements of Common Ground

Rule 8 (1)(e)

Planning Act 2008

Infrastructure Planning (Examination Procedure) Rules 2010

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 Commonality for Statements of
Common Ground**

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

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1 INTRODUCTION

1.1 PURPOSE OF THIS DOCUMENT

This Statement of Commonality for Statements of Common Ground (this 'Statement') relates to an application made by Highways England (the 'Applicant') on 7 July 2020 to the Secretary of State for Transport via the Planning Inspectorate (the 'Inspectorate') under section 37 of the Planning Act 2008 (the '2008 Act') for a Development Consent Order (DCO). If made, the DCO would grant consent for A1 in Northumberland, Morpeth to Ellingham (the 'Scheme'). The application was accepted for examination by the Inspectorate on 4 August 2020.

The Scheme is formed of two parts as follows: A1 Morpeth to Felton (Part A) and A1 Alnwick to Ellingham (Part B). A detailed description of the Scheme can be found in Chapter 2: The Scheme of the Environmental Statement (ES) [APP-037].

This Statement has been prepared to provide the Examining Authority (ExA) with the current position on Statements of Common Ground (SoCG) between the Applicant and prescribed consultees, statutory undertakers and interested parties ('other parties') in relation to the Scheme.

This Statement has been updated to reflect the further engagement that has taken place with Northumberland County Council, Historic England, Natural England, the Environment Agency and the Forestry Commission since Deadline 7. It sets out the position on the commonality of specific SoCGs at Deadline 8.

2 STRUCTURE OF STATEMENTS OF COMMON GROUND

To ensure consistency in the approach taken to documenting matters agreed, matters subject to further negotiation or matters not agreed, each of the SoCG adopted a standard format in order to provide clarity to other parties and ultimately the ExA.

Each SoCG has the following structure:

- a.** Section 1: introduces the SoCG and a description of its purpose;
- b.** Section 2: states the engagement that has occurred between the Applicant and other Party; and
- c.** Section 3: sets out any issues that have arisen, reporting on the status of each issue, i.e. whether it is agreed, still under discussion or not agreed, and any remaining actions.

3 LIST OF STATEMENTS OF COMMON GROUND

The Applicant has prepared SoCGs with a number of other parties that it considers beneficial to do so with during the preparation of the DCO application. These comprise:

- a.** Northumberland County Council (as the local authority for the area in which the Scheme is located);
- b.** Natural England;
- c.** The Environment Agency; and
- d.** Historic England.

In the Rule 6 letter dated 19th November 2020, the ExA requested that the Applicant enter into SoCG in relation to the effect of the Scheme on trees and woodlands, including ancient woodland, and the proposed mitigation measures in respect of trees and woodlands with the following bodies:

- a.** Forestry Commission; and
- b.** The Woodland Trust.

The Woodland Trust confirmed by an email dated 12/01/20 that: ‘the Trust is unable to participate in any Statement of Common Ground agreements for road schemes. As we are currently considering both our internal and external position on involvement with transport schemes, we have put in place a moratorium on partaking in any such agreements.’ As such, the Applicant has not progressed a draft SoCG with the Woodland Trust. Discussions with the Woodland Trust are however still ongoing.

The ExA also requested that the applicant enter into SoCGs with affected statutory undertakers, in relation to protective provisions.

The affected statutory undertakers are set out in Appendices CA.2 [REP1-038] and CA.3 [REP1-039] of the Applicant’s Response to ExA’s First Written Questions [REP1-032], submitted at Deadline 1. These appendices identify the extent to which each statutory undertaker would be affected, whether a relevant representation has been submitted and the extent of discussions (if any) with the Applicant as to protective provisions.

The Applicant has reviewed the statutory undertakers listed in appendices CA.2 [REP1-038] and CA.3 [REP1-039] to identify those statutory undertakers which have submitted a relevant representation or otherwise requested that the Applicant engage in discussions in relation to protective provisions. Through this process, the Applicant identified the below affected statutory undertakers. Draft SoCGs have been prepared for each of these statutory undertakers:

- a.** National Grid Gas;
- b.** Northern Powergrid;
- c.** Northern Gas Networks; and
- d.** Northumbrian Water.

There are no other statutory undertakers that have submitted relevant representations or otherwise requested that the Applicant engage in discussions in relation to protective

provisions. As such it is not proposed at this stage to enter into any further SoCGs with additional statutory undertakers.

The parties which the Applicant has prepared SoCG with are therefore listed in Table 3.1 below.

Table 3-1 - List of SoCGs

Stakeholder
Local Authorities
Northumberland County Council
Prescribed Consultees
Historic England
Environment Agency
Natural England
Forestry Commission
Statutory Undertakers
National Grid Gas
Northumbrian Water
Northern Powergrid
Northern Gas Networks

Further detail about the current position of each SoCG can be found at Chapter 4, Table 4.1 of this Statement.

4 SUMMARY OF CURRENT POSITION

This section provides the position of each SoCG at Deadline 8, Tuesday 25th 2021. As final versions of the SoCGs are agreed as the DCO Examination progresses, they will be submitted alongside this Statement.

Table 4.1 below provides a high level position and where necessary includes further detail to aid understanding of the ExA. The high level positions used in the table are:

- a.** Final Signed SoCG all matters agreed – The final SoCG has been signed by both parties and all matters are agreed.
- b.** Final Signed SoCG with matters outstanding – The final SoCG has been signed by both parties, and there remain matters outstanding that the Applicant and the other party agree will not be resolved during the Examination.
- c.** SoCG in draft – The SoCG has been drafted by the Applicant, it has been shared with the other party and comments have been provided. Discussion is ongoing to reach a ‘Final Signed SoCG all matters agreed’ or ‘Final Signed SoCG with matters outstanding’.

Table 4-1 - SoCGs High Level Position

Doc Ref	Party	Position Deadline 1	Position Deadline 2	Position Deadline 3	Position Deadline 4	Position Deadline 5	Position Deadline 6	Position Deadline 7	Position Deadline 8	Position Deadline 9	Position Deadline 10	Position Deadline 11
Local Authority												
7.6A	Northumberland County Council	Draft SoCG submitted at Deadline 1.	Updated SoCG not submitted at Deadline 2.	Updated draft SoCG submitted at Deadline 3.	Updated draft SoCG submitted at Deadline 4.	Updated draft SoCG submitted at Deadline 5.	Updated draft SoCG submitted at Deadline 6.	Updated draft SoCG submitted at Deadline 7.	Updated draft SoCG submitted at Deadline 8.			
Prescribed Consultees												
7.6B	Natural England	SoCG in draft and submitted at Deadline 1.	Updated SoCG not submitted at Deadline 2.	Updated draft SoCG submitted at Deadline 3.	Updated draft SoCG submitted at Deadline 4.	Updated draft SoCG submitted at Deadline 5.	Updated draft SoCG submitted at Deadline 6.	Updated SoCG not submitted at Deadline 7.	Updated draft SoCG submitted at Deadline 8.			
7.6C	Environment Agency (EA)	SoCG under preparation, to be submitted in draft at Deadline 2.	Draft SoCG submitted at Deadline 2.	The Applicant emailed the EA on 19 January 2021, 11 December 2020, and 13 October 2020 to arrange a meeting to discuss the draft SoCG. However, a response from the EA has not yet been received and, therefore, it has not been possible to arrange a meeting prior to Deadline 3. Revised SoCG therefore not submitted, and the Applicant intends to submit a revised version at Deadline 4.	Updated draft SoCG submitted at Deadline 4.	Updated draft SoCG submitted at Deadline 5.	Updated draft SoCG submitted at Deadline 6.	Updated draft SoCG submitted at Deadline 7.	Updated draft SoCG submitted at Deadline 8.			

Doc Ref	Party	Position Deadline 1	Position Deadline 2	Position Deadline 3	Position Deadline 4	Position Deadline 5	Position Deadline 6	Position Deadline 7	Position Deadline 8	Position Deadline 9	Position Deadline 10	Position Deadline 11
7.6D	Historic England	SoCG in draft and submitted at Deadline 1.	Updated SoCG not submitted at Deadline 2.	Updated draft SoCG submitted at Deadline 3.	Updated draft SoCG submitted at Deadline 4.	Updated SoCG not submitted at Deadline 5.	Updated draft SoCG submitted at Deadline 6.	Updated SoCG not submitted at Deadline 7.	Updated draft SoCG submitted at Deadline 8.			
7.6E	Forestry Commission	SoCG in draft and submitted at Deadline 1.	Updated SoCG not submitted at Deadline 2.	Updated draft SoCG submitted at Deadline 3.	Updated draft SoCG submitted at Deadline 4.	The Applicant had intended to hold a further meeting with the Forestry Commission ahead of Deadline 5. However, the Forestry Commission has not yet responded to an email from the Applicant dated 17 th March 2021 or a follow up email responding to a request for information from the Forestry Commission dated 23 rd	A draft SoCG was submitted to the Forestry Commission on 23 rd March 2021 for review and comment. Comments were again requested of the Forestry Commission on 13 th April and 21 st April. On 27 th April, it was agreed that a further meeting would be held to progress the SOCG, but that this would be after Deadline 6. The meeting	Updated SoCG not submitted at Deadline 7.	Updated draft SoCG submitted at Deadline 8.			

Doc Ref	Party	Position Deadline 1	Position Deadline 2	Position Deadline 3	Position Deadline 4	Position Deadline 5	Position Deadline 6	Position Deadline 7	Position Deadline 8	Position Deadline 9	Position Deadline 10	Position Deadline 11
						March 2021. As such an updated SOCG is not submitted at Deadline 5.	has been arranged for Week Commencing Monday 10 May 2021. As such an updated SoCG is not submitted at Deadline 6.					
7.6F	National Grid Gas	SoCG under preparation, to be submitted in draft at Deadline 2.	SoCG in draft and submitted at Deadline 2.	Not submitted at Deadline 3.	Not submitted at Deadline 4.	Not submitted at Deadline 5.	Discussions with National Grid Gas are ongoing. However, an updated SoCG is not submitted at Deadline 6.	Updated SoCG not submitted at Deadline 7.	Updated SoCG not submitted at Deadline 8.			
7.6G	Northern Powergrid	SoCG under preparation, to be submitted in draft at Deadline 2.	SoCG in draft and submitted at Deadline 2.	Not submitted at Deadline 3.	Not submitted at Deadline 4.	Updated draft SoCG submitted at Deadline 5.	A holding response was received from Northern Powergrid on 30 April 2021. As such, an updated SoCG is not submitted at Deadline 6.	Updated SoCG not submitted at Deadline 7.	Updated SoCG not submitted at Deadline 8.			

Doc Ref	Party	Position Deadline 1	Position Deadline 2	Position Deadline 3	Position Deadline 4	Position Deadline 5	Position Deadline 6	Position Deadline 7	Position Deadline 8	Position Deadline 9	Position Deadline 10	Position Deadline 11
7.6H	Northern Gas Networks	SoCG under preparation, to be submitted in draft at Deadline 2.	SoCG in draft and submitted at Deadline 2.	Not submitted at Deadline 3.	Not submitted at Deadline 4.	Not submitted at Deadline 5.	Discussions with Northern Gas Networks are ongoing. However, an updated SoCG is not submitted at Deadline 6.	Updated SoCG not submitted at Deadline 7.	Updated SoCG not submitted at Deadline 8.			
7.6I	Northumbrian Water	SoCG under preparation, to be submitted in draft at Deadline 2.	SoCG in draft and submitted at Deadline 2.	Not submitted at Deadline 3.	Updated draft SoCG submitted at Deadline 4.	Updated draft SoCG submitted at Deadline 5.	The Applicant awaits a response to its emails of 14 and 28 April 2021. As such, an updated SoCG is not submitted at Deadline 6.	Updated SoCG not submitted at Deadline 7.	Updated SoCG not submitted at Deadline 8.			

5 CURRENT POSITION

This section of the Statement provides a summary of principal issues covered in the SoCG and demonstrates where there is commonality in the topics or matters. The table is presented in such a way to show topics covered within the various SoCG and how these are relevant to each other party and a position for each topic as follows:

	Matter agreed
	Matter subject to further discussion
	Matter not agreed

Where a matter is not relevant to the other party, it is not included within the SoCG and therefore not covered in Table 5.1 and shown as a blank.

Updated versions of the SoCGs with Northumberland County Council, Historic England, the Environment Agency, Natural England and the Forestry Commission are submitted at Deadline 8.

Table 5-1 - Table of Commonality at Deadline 8

SoCG Ref	Party	Topics																
		Development Consent Order	Environmental Impact Assessment	Air Quality and emissions	Biodiversity, ecology and nature conservation	Economic and social effects	Historic Environment	Landscape and visual effects	Noise and vibration	Traffic and transportation	Green Belt Considerations	Outline Construction Environmental Management Plan	Water Environment Effects	Water Framework Directive compliance	Drainage and Flooding	Environmental permits	Effects on heritage assets	License applications
7.6A	Northumberland County Council	Yellow	Green	Green	Yellow	Green	Green	Green	Green	Yellow	Green	Yellow	Green	Green	Green	Yellow	Green	Green
7.6B	Natural England	Green	Yellow	Yellow	Yellow							Green	Yellow			Green		Yellow
7.6C	Environment Agency	Green	Yellow		Yellow							Yellow	Yellow	Yellow				Yellow
7.6D	Historic England	Green	Yellow				Yellow					Green	Green			Green	Green	Green
7.6E	Forestry Commission	Yellow	Yellow		Yellow							Yellow						Yellow
7.6F	National Grid Gas	Yellow																
7.6G	Northern Powergrid	Yellow																
7.6H	Northern Gas Networks	Yellow																
7.6I	Northumbrian Water	Yellow																

6 POSITION AT DEADLINE 8

This section provides a summary of the position between the Applicant and each party at Deadline 8. This section provides the ExA with a summary. The individual SoCGs should be referred to for the full detail on specific matters.

NORTHUMBERLAND COUNTY COUNCIL

Substantive progress has been made in a number of areas, and, subject to the topics listed at 6.1.3 below, the Applicant considers that the following topics are now substantially 'agreed':

- a.** Air Quality and emissions;
- b.** Economic and social effects;
- c.** Historic Environment;
- d.** Landscape and visual effects;
- e.** Noise and vibration;
- f.** Green Belt Considerations;
- g.** Effects on heritage assets;
- h.** Water Framework Directive compliance;
- i.** Water Environment Effects; and
- j.** Drainage and Flooding.

A meeting was held with NCC on Wednesday 19th May and a number of highway issues were discussed. At Deadline 8, there are still a number of issues which are 'subject to on-going discussion', as set out below:

- k.** Development Consent Order;
- l.** Biodiversity, ecology and nature conservation;
- m.** Traffic and transportation;
- n.** Scheme design, particularly in relation the maintenance boundaries;
- o.** Outline Construction Environment Management Plan; and
- p.** Environmental permits.

Since Deadline 7, there has been a further exchange of emails regarding Water Vole and Otter, and a strategy to mitigate the effects of the Scheme on each species has now been agreed with NCC. Discussions are ongoing over potential opportunities for mitigation and compensation at Borough Woods LNR/ancient woodland and Well Wood ancient woodland in relation to potential significant effects identified as a result of air quality. There has also been some progress over highway matters, and this is recorded in the updated SoCG submitted at Deadline 8.

HISTORIC ENGLAND

There are at present no principal matters outstanding between Historic England and the Applicant.

The Applicant received an email from Historic England asking that the SoCG be revised to provide further clarity on several issues. The SoCG was updated at Deadline 6 to reflect these comments and was returned to Historic England for agreement ahead of Deadline 6. A response is still awaited at Deadline 8.

At Deadline 8 the remaining matters that are still 'under discussion' are a clarification in the naming of two affected Scheduled Ancient Monuments and also details of the built heritage assets in the Outer Study Area that were scoped out of further assessment.

ENVIRONMENT AGENCY

There have been a number of meetings between the Applicant and the Environment Agency (EA) the most recent of which took place the 18th, 19th and 20th May 2021 at which measures to mitigate the impact of the Scheme on Otters were discussed and agreed, and revisions to the Outline CEMP [REP7-008] discussed.

As at Deadline 8, the primary areas of discussion are over the Culvert Mitigation Strategy [REP1-066]. The EA considers that additional mitigation / compensation / offsetting is required for the impacts on the watercourses caused by the Scheme. The Applicant is of the view that the impacts of culverting are relatively minor and localised and do not need to be compensated for, especially as the Applicant considers that the Scheme will not cause a deterioration in the overall waterbody status for any waterbody, nor will it prevent them from achieving their WFD objectives. However, notwithstanding that the Applicant is of the view that their mitigation proposals are satisfactory, the Applicant is prepared to make a contribution towards offsite works as requested by the Environment Agency. The details of the contribution and associated offsite works are currently under discussion with the Environment Agency

The Environment Agency also consider that the proposed activities outlined in 6.38 Environmental Statement Addendum: Stabilisation Works for Change Request [REP4-063] and 6.40 Environmental Statement Addendum: Southern Access Works for Change Request [REP4-064] are a significant variation to the original proposals. The Environment Agency do not agree with the suggestion in 6.44 Water Framework Directive Addendum for Change Request [REP4-068] that rock armour will provide adequate and suitable mitigation for the loss of 62m of riparian marginal habitat. All these matters are currently 'under discussion'. The parties are now agreed that compensation is required for loss of Habitat of Principal Importance (HoPI) and habitat of a SSSI and that there are no suitable sites for providing compensation in the vicinity of the bridge. The Applicant is prepared to make a contribution towards offsite works as requested by the Environment Agency. The details of the contribution and associated offsite works are currently under discussion with the Environment Agency

The Environment Agency has highlighted that the Scheme would result in a net loss of 11.69% of watercourse and a gain of 7.21% of area-based units and a failure of 4 out of 10 Net Gain Principles. As such the Environment Agency encourages the Applicant to examine opportunities to compensate for this loss with equivalent river-based units. The

Applicant remains of the view that Biodiversity no net loss or net gain is not a legal requirement under current planning law for Nationally Significant Infrastructure Projects (NSIPs) (such as the Scheme) and is also currently not mandatory at a local policy level. As explained above, notwithstanding the Applicant's position, discussions are continuing on a contribution to offsite works which it is hoped will resolve matters between the parties. The following Scheme wide documents are now all 'agreed':

- a. Flood Risk Addendum - Rev 0 [REP1-067];
- b. Environmental Impact Assessment - Flood Risk Outside Order Limits [REP3-007];
and
- c. Environmental Impact Assessment - Surface Water Outfall Strategy [REP3-011].

As set out above, the Applicant will arrange further meetings with the EA to progress these issues.

NATURAL ENGLAND

The position of the Natural England at Deadline 8 is currently Under Discussion. There are broad areas of common ground for Part A and Part B. Matter relating to the recent change request are still '*under discussion*'.

The Applicant has agreed Letters of No Impediment (LoNI) for all the species that the Scheme will have an impact on, with the exception of bats, for which a LoNI is anticipated in the near future. The applicant to continues to engage with NE regarding the Air Quality Assessment on Biodiversity in relation to the DMRB sensitivity test.

FORESTRY COMMISSION

The position of the Forestry Commission at Deadline 8 is currently Under Discussion.

A meeting was held with the Forestry Commission 8 March 2021 and comments on the draft SoCG submitted at Deadline 4 [REP4-020] have now been received by the Applicant from the Forestry Commission. As such the submitted SoCG has been revised to address these comments, and a further meeting will be held between the Applicant and the Forestry Commission after Deadline 8.

NATIONAL GRID GAS

Work on this SoCG and discussions as to protective provisions are ongoing.

National Grid Gas' legal team requested that the following text be included in the Statement of Commonality:

"Negotiations on the protective provisions are continuing between the parties. Given that the two parties have agreed template documentation recently, NGG do not anticipate that it should be unduly time consuming to agree final protective provisions for this scheme for inclusion in the DCO. The parties are willing to provide the ExA with a further update as to the status of negotiations at Deadline 9."

NORTHUMBRIAN WATER

Work on this SoCG and discussions as to protective provisions are ongoing.

Northumbrian Water's legal team requested that the letter appended to this Statement of Commonality be submitted to the Examination. This confirms that discussions are ongoing.

NORTHERN POWERGRID

Work on this SoCG and discussions as to protective provisions are ongoing.

NORTHERN GAS NETWORKS

Work on this SoCG and discussions as to protective provisions are ongoing.

Appendix A: Letter from Northumbrian Water

Our Ref: CAG/LJW/306056.0004
Your Ref:
Date: 24 May 2021

The Examining Authority
in relation to The A1 in Northumberland - Morpeth to
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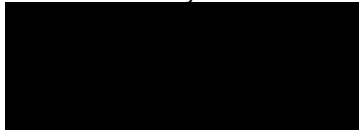
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Dear Sirs

Statement of Common Ground with Northumbrian Water Limited

We act for Northumbrian Water Limited in relation to the above. While we have agreed with the Applicant's legal representatives not to submit a draft Statement of Common Ground at Deadline 8, we can confirm that discussions are ongoing in order to address the matters set out at Table 3-1 of the draft Statement of Common Ground [REP5-019].

Yours faithfully



Chloe Glason
Senior Associate
For and on behalf of Birketts LLP

Direct Line: 
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