

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

**Scheme Number: TR010059**

## **7.6E Statement of Common Ground with The Forestry Commission**

Rule 8 (1)(e)

Planning Act 2008

Infrastructure Planning (Examination Procedure) Rules 2010

July 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]

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#### **Statement of Common Ground with The Forestry Commission**

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

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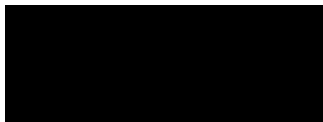
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## STATEMENT OF COMMON GROUND

**This Statement of Common Ground has been prepared and agreed by (1) Highways England Company Limited and (2) the Forestry Commission**

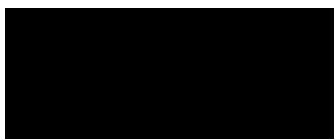
Signed

A black rectangular box redacting the signature of Mark Stoneman.

Mark Stoneman, Project Manager on behalf of Highways England

Date: 2<sup>nd</sup> July 2021

Signed

A black rectangular box redacting the signature of Richard Pow.

Richard Pow, Partnerships and Expertise Manager on behalf of the Forestry Commission

Date: 29th June 2021

# 1 INTRODUCTION

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- 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.

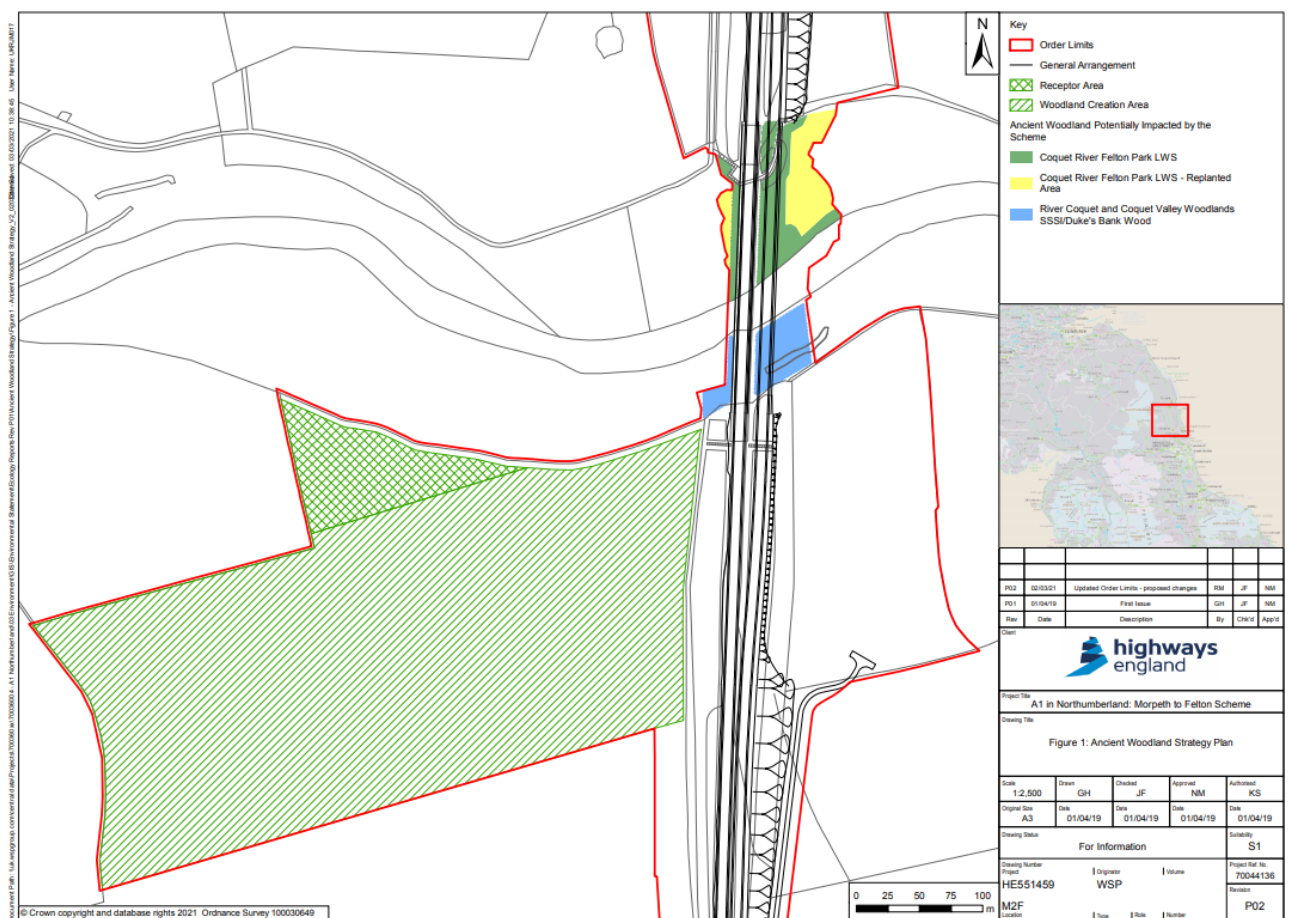
## 1.2 PARTIES TO THIS STATEMENT OF COMMON GROUND

- 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:
- The effect on trees and woodlands and in particular the effect on ancient woodland;
  - Proposed mitigation and compensation 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 a non-ministerial Government department responsible for protecting, expanding and promoting the sustainable management of woodlands. It is a statutory consultee for nationally significant infrastructure projects that could affect forests and woodland in England. The Forestry Commission is also a non-statutory consultee on development affecting 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.

**Figure 1-1 - Ancient Woodland Around the River Coquet**



## 2 RECORD OF ENGAGEMENT

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- 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 (see Figure 1, extracted from the Ancient Woodland Strategy [REP-054 and 055]) 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.

**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><b>Key Topics</b></p> <p>The Applicant presented the following points to the Forestry Commission:</p> <ul style="list-style-type: none"> <li>– Scheme overview as of October 2018 and key design elements;</li> <li>– Overview of arboricultural resource and key receptors; <ul style="list-style-type: none"> <li>• Duke’s Bank Wood.</li> <li>• High and Medium value features.</li> <li>• Coronation Avenue.</li> </ul> </li> <li>– Overview of arboricultural resource and key receptors;</li> <li>– Ancient woodland salvage and ancient woodland compensation;</li> <li>– Felling licences and other local Forestry Commission interests; and</li> <li>– Ash dieback impacts constraints and licencing.</li> </ul> <p><b>Key Outcomes</b></p> <p><b>Scheme overview and overview of arboricultural resource and receptors</b> - The Forestry Commission consider the partial loss of part of Duke’s Bank Wood as highly undesirable as per the Natural England and Forestry Commission Standing Advice on Ancient trees and veteran trees but do accept that some impact is unavoidable if the Scheme is to go ahead and that the developer has tried to identify ways to avoid negative effects on ancient woodland. The Forestry Commission emphasised that all unavoidable impacts should be kept to a minimum.</p> <p><b>Ancient woodland salvage and ancient woodland compensation</b> – The Forestry Commission discussed compensation measures. They set out the need for substantial compensation 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 compensation planting. The Applicant accepted this and has incorporated it into the Ancient Woodland Strategy [REP4-054 and 055].</p> <p><b>Felling Licence</b> – 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><b>Ash die back impacts, constraints and licencing</b> – 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 [REP4-054 and 055] 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.</p> |
| 20/11/20 | Exchange of Emails between Mark Stoneman (Highways England) and Jim Smith (the Forestry Commission).      | <p><b>Key Issue</b></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><b>Key Outcomes</b></p> <p>Jim Smith of the Forestry Commission responded to confirm that the Forestry Commissions no longer requires a SPHN to move soil on site.</p>   |

| Date                | Form of Correspondence   | Key Topics Discussed and Key Outcomes   |
|---------------------|--|---|
| 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><b>Key Topics</b></p> <p>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><b>Key Outcomes</b></p> <p>The suggested amendments have been incorporated into the draft SoCG, and dates suggested for a follow up meeting.</p>   |
| 08/03/21            | MS Teams 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><b>Key Topics</b></p> <p>Discussed the Scheme and the SoCG to date.</p> <p><b>Key Outcomes</b></p> <p>Richard Pow 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 15<sup>th</sup> 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> |
| 23/03/21            | Email from David Green (WSP on behalf of Highways England) to the Forestry Commission  | <p><b>Key Topic</b></p> <p>David Green submitted the updated SoCG to the Forestry Commission for review and comment.</p> <p><b>Key Outcome</b></p> <p>No response received. Further requests for comments were made on 13 April 2021 and 21 April 2021.</p>   |
| 27/04/21            | David Green WSP on behalf of Highways England) called Jim Smith of the Forestry Commission   | <p><b>Key Topic</b></p> <p>David Green requested comments and a follow up meeting to discuss the updated Forestry Commission SoCG.</p> <p><b>Key Outcome</b></p> <p>Updated comments from the Forestry Commission on the draft SoCG received. SoCG updated by the Applicant for Deadline 8 to address comments.</p>   |
| 28/06/21            | MS Teams Meeting between Jack Fenwick and David Green (WSP on behalf of Highways England) and Jim Smith and Richard Pow (the Forestry Commission)  | <p><b>Key Topic</b></p> <p>Discussion of any matters identified as “Under discussion” within the Forestry Commission SoCG.</p> <p><b>Key Outcome</b></p> <p>No significant matters of disagreement were raised by the Forestry Commission. The Forestry Commission requested to be consulted on the future iteration(s) of the Ancient Woodland Strategy alongside Natural England. It was agreed that the Draft DCO secures consultation with Natural England (Requirement 15) and that the Forestry Commission would liaise and provide comment through Natural England.</p>                                      |

| Date     | Form of Correspondence   | Key Topics Discussed and Key Outcomes   |
|----------|--|---|
|          |  | The Forestry Commission confirmed they would undertake a final review of the Ancient Woodland Strategy [REP9-012 and 013] and also the latest SoCG with Natural England (as prepared for Deadline 10) to ensure that there are no differences in the positions/advice between the two parties. Following the meeting, Highways England provided a courtesy email containing the latest Natural England SoCG and a copy of the Ancient Woodland Strategy [REP9-012 and 013] (see below).   |
| 28/06/21 | Email from Jack Fenwick (WSP on behalf of Highways England) to Jim Smith and Richard Pow (the Forestry Commission) | <p><b>Key Topic</b></p> <p>Following the meeting on 28/06/21 (see above), Highways England issued the latest Natural England SoCG and a copy of the Ancient Woodland Strategy [REP9-012 and 013] for the Forestry Commission's review. Highways England also provided a copy of the latest Forestry Commission SoCG for comment and edit.</p> <p><b>Key Outcome</b></p> <p>The Forestry Commission provided comments and proposed amendments to the Forestry Commission SoCG on 29/06/21 (see below) within a signed version of the SoCG.</p> |
| 29/06/21 | Email from Jim Smith (the Forestry Commission) to Highways England   | <p><b>Key Topic</b></p> <p>Issue of an edited Forestry Commission SoCG with minor amendments to clarify the Forestry Commission's position. The SoCG was also returned with a signature.</p> <p><b>Key Outcome</b></p> <p>Highways England reviewed and accepted the amendments made by the Forestry Commission within the final SoCG issued at Deadline 11.</p>  |

### 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 have had an opportunity to assess the scope, level of detail and assessment, and the overall conclusions, of the Arboricultural Assessments and concur with its findings.  | Agree.  | Agreed |
| 2.   | Environmental Statement Appendix 7.5 (Arboricultural Report Part A) [APP-220]   | <p>The main issue for the Forestry Commission is the impacts of the Scheme on ancient woodland habitat (including Duke's Bank Wood Ancient Woodland (designated as ancient semi-natural woodland) and Coquet River Felton Park LWS (not designated as ancient woodland but treated as ancient woodland for the purpose of mitigation and compensation). These are discussed in detail below.</p> <p>In addition, the remainder of the Scheme involves the loss of approximately 20 hectares of woodland (including broadleaved/coniferous semi-natural/plantation) and the creation of approximately 39 hectares of woodland.</p> <p>Based on the information currently available, the Forestry Commission agrees that the proposed mitigation and compensation measures are appropriate and acceptable.</p> | Agree.  | Agreed |
| 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 and of national significance.   | The Applicant accepts this.   | Agreed |
| 4.   |   | Whilst it is accepted that some impacts on ancient woodland 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 accepts this.   | Agreed |
| 5.   |   | <p>Ancient woodland is irreplaceable. It is not possible to mitigate for the loss and damage of ancient woodland, and an Ancient Woodland Strategy is required to set out how the Scheme will minimise the loss of and damage to ancient woodland and compensate for the loss of ancient woodland.</p> <p>Further comments on the Ancient Woodland Strategy [REP9-012 and 013] are detailed separately below.</p>  | The Applicant accepts the need to compensate for the impacts of the Scheme on ancient woodland. The Applicant has developed an Ancient Woodland Strategy [REP9-012 and 013], which details mitigation and compensation for the impacts to ancient woodland habitat. | Agreed |

| Item | Document | Forestry Commission Comment   | Highways England Response   | Status |
|------|----------|---|---|--------|
| 6    |          | <p>The 12:1 replacement planting ratio that has been agreed with Natural England is sufficient to compensate for the lost ancient woodland only. The Forestry Commission accept this could be an appropriate ratio if the planting is sited appropriately close to the location where the woodland is to be lost and is well designed, delivered and maintained as detailed in the Ancient Woodland Strategy [REP9-012 and 013]. Given that there is currently public access to the edge of the woodland that is to be lost we would expect that public access is granted to the area of woodland being planted in compensation. We would also strongly encourage Highways England to dedicate the area of woodland creation under the CROW Act to secure public access in perpetuity.</p>  | <p>The Applicant accepts the proposed 12:1 replacement planting ratio. This ratio has been incorporated into the submitted Ancient Woodland Strategy [REP9-012 and 013]. The siting of the compensatory planting has been considered and located to the southwest of the area impacted. This location has been chosen as it is contiguous with the impacted ancient woodland habitat, outside of the area that may be impacted by increased nitrogen deposition from vehicle emissions due to the Scheme and also provides a large area of new woodland that enhances and protects the existing ancient woodland at a landscape scale.</p> <p>Public access into the Woodland Creation Area has not been raised as an issue or matter for discussion during the examination by other parties. As such, there is currently no design to incorporate public access into the Woodland Creation Area. However, this factor can be considered during the detailed design phase in consultation with Northumberland County Council.</p>   | Agreed |
| 7.   |          | <p>The Forestry Commission is satisfied that the proposed Ancient Woodland Strategy is appropriate and consider that it appropriately compensates for the impacts of the Scheme on ancient woodland. The Forestry Commission requires that all planting in compensation and ongoing management is carried out in accordance with the UK Forestry Standard. Also that existing woodlands and other habitats in the local landscape of the proposed development are well considered when developing the proposed compensation.</p> <p>The total loss of woodland for the Scheme as a whole (including 0.96 hectares of ancient woodland as defined in the Ancient Woodland Strategy [REP9-012 and 013]) is approximately 21 hectares. The proposed woodland creation to compensate for this loss is approximately 50 hectares (including the area of ancient woodland compensation planting). Whilst the planting done in compensation for the loss of ancient woodland should be composed of native species well adapted to the site with a view to creating a woodland that is as natural in character as possible, it is necessary to consider current tree disease issues and future resilience in the face of climate change. For the other woodland that is to be planted there is more flexibility in the design. This should be informed by the objectives to be achieved, such as rapid growth to achieve adequate screening in a reasonable timescale, minimising air pollution and sound and other planning considerations.</p> <p>But the same tree diseases and resilience issues also apply here. We expect to be consulted (via NCC and / or Natural England) on the detailed aspects of scheme design and delivery in due course.</p> | <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 [REP9-022] (and as update at Deadline 10) and is captured in the Ancient Woodland Strategy [REP9-012 and 013] submitted with the DCO application.</p> <p>The submitted Ancient Woodland Strategy would be secured through measures A-L6, A-B3, A-B42, A-B43, A-B44, SW-L1, and SW-B6 of the Register of Environmental Actions and Commitments contained within the Outline Construction Environmental Management Plan (Outline CEMP) [REP9-016 and 017] and Requirement 5 of the draft DCO [REP9-004 and 005].</p> <p>The Applicant has considered the proposed planting mixes within the Ancient Woodland Strategy [REP9-012 and 013] in consultation with Natural England, to ensure these are appropriate to the location and potential tree disease issues present (such as the omission of ash due to ash dieback).</p> <p>The planting mixes for other woodland creation would be confirmed at detailed design and, as best practice, the Applicant would avoid using species that may incur problems within current or likely future tree/plant diseases.</p> | Agreed |

| Item | Document | Forestry Commission Comment   | Highways England Response   | Status |
|------|----------|---|---|--------|
|      |          |   | In the event that consent is granted, the Applicant has asked that NCC consult the Forestry Commission on the detailed aspects of scheme design and delivery when discharging requirements.   |        |
| 8.   |          | There is also a requirement for a management plan for the replacement planting. The submitted Ancient Woodland Strategy [REP9-012 and 013] 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 CEMP [REP9-016 and 017] and Requirement 5 of the draft DCO [REP9-004 and 005].   | Agreed |
| 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 of ancient woodland soil.  | Agreed |
| 10   |          | Appropriate biosecurity measures should be taken to protect both the remaining ancient woodland and the woodland to be created from pests and diseases. After the deer and rabbit fences are removed from the area of new planting at year 10, damage by deer, grey squirrels and other species should be monitored and addressed through control measures as necessary to secure the long-term success of the newly created woodland. (Highways England may need to consider the need deer fencing of the Highway to reduce the risk of deer collisions and road traffic accidents).   | <p>The Applicant agrees that appropriate biosecurity measures are required in relation to the Woodland Creation Area and a Biosecurity Method Statement is to be developed at detailed design (as detailed in paragraphs 3.2.11 and 3.2.12 of the Ancient Woodland Strategy [REP9-012 and 013]).</p> <p>The need for deer fencing along the highways has not been identified as necessary for the Scheme. However, the Applicant monitors road traffic collisions along its network and would take appropriate action in the event of increased collisions with deer and the associated health and safety implications to road users.</p> | Agreed |
| 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.  | Agreed |

| 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 Scheme is compatible and consistent with Paragraph 5.32 of the NPS NN. | Agreed                    | Agreed |

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